



# Oregon State Sheriffs' Association

*Conservators of the Peace*

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March 22, 2016

To: Multnomah County Charter Review Committee  
c/o: Chair Kirsten Leonard

The Oregon State Sheriff's Association strongly believes that the office of County Sheriff should be an independently elected position, and not a political appointee. Our founding fathers created a system of government that consists of three branches of government; the judicial branch, the legislative branch, and the executive branch. Each of those three branches has checks and balances on the other branches, which was designed so that no branch could become overly powerful. The three-branch system of government has been replicated in states and local governments, including Oregon counties.

In a county, an elected Board of Commissioners acts as the legislative body, enacting laws that bind the entire county, in the form of ordinances. The legislative branch also traditionally has the "power of the purse" as they are in charge of making policy decisions about how the county budget should be allocated in order to best meet the needs of the county residents. Control over the budget is the primary check and balance that the Commissioners can exercise over the other two branches, and in most counties the legislative branch is by far the most powerful branch. Many counties charters delegate broad authority to the Commissioners over nearly every aspect of county government.

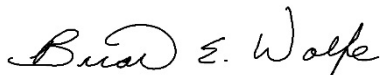
Oregon counties also have a judicial branch, which interprets ordinances, determines whether ordinances have been violated, and imposes sentences on those who do not comply with ordinances. The judicial branch acts as a check on the power of the legislature because it can strike down an ordinance that does not comply with the law. In practice, this power is rarely if ever used. The judicial branch also has the power to suppress evidence improperly gathered by the executive branch, and can also issue orders or warrants. The judicial branch acts as an effective check and balance on the executive branch, but in Oregon counties it has little practical ability to act as a check and balance on the legislative branch. The executive branch is charged with enforcement of laws. The Sheriff has historically been the chief executive officer of the county, and this remains true in Oregon statute. ORS 206.010. Some county charters have made the Sheriff an appointed official, answering to the legislative branch (Board of Commissioners). This effectively eliminates the Sheriff's ability to act as a check and balance on the legislative branch, because in such a situation the Sheriff can be terminated by the Board. At this time no Sheriff in Oregon is appointed. An elected Sheriff answers only to the voters, and as such can act as an effective voice of the people in the event of a disagreement with the policy or direction of the Board of Commissioners. An appointed Sheriff cannot disagree with the Board – for fear of losing his/ her job.

Multnomah County has previously experimented with an appointed Sheriff, and ultimately determined the same thing that the founding fathers clearly knew: when too much power is concentrated in one branch of government, it is the people who suffer.

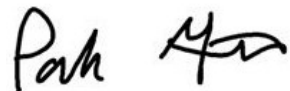
If an appointed Sheriff is asked to investigate serious criminal wrongdoing by the legislative branch, it takes little imagination to see the problems that arise when that Sheriff also answers to that same legislative branch. Quite simply in the era of "Transparency" this does not work. Law enforcement agencies should be in a position to conduct independent investigations of those they believe violate the law, and that independence cannot exist if the Sheriff is a political appointee.

Our founding fathers knew the value of having three separate branches of government, each of which could keep the other in check. There is a very real danger to our democratic system of government if one of those three branches becomes too powerful. Allowing the legislative branch to take over the executive branch is a dangerous precedent. The Sheriff should be elected by the people he or she serves and then should be held accountable by those same people who have elected them.

Sincerely,



Brian Wolfe - OSSA President  
Sheriff Malheur County



Pat Garrett - OSSA Vice President  
Sheriff Washington County



Matt English - OSSA Secretary  
Sheriff Hood River County

CC: Marco Circosta  
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