



NORTH CAROLINA SHERIFFS' ASSOCIATION

The Office of Sheriff is NOT a Department

“The Office of Sheriff is the most important of all the executive offices of the county.”
– Thomas Jefferson, “The Value of Constitutions” (1816)

— The term “sheriff’s department” is a common misnomer - no such entity exists in North Carolina. Instead, “Sheriff’s Office” is the correct term, and the distinction between “office” and “department” is an important one.

— The term “office” implies official duties, responsibilities, and authority, while the term “department” refers to a subunit of government which is delegated authority from county government.

— A sheriff is an independent, constitutionally mandated officer, elected by the voters. North Carolina’s Constitution provides:

In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law. No person is eligible to serve as Sheriff if that person has been convicted of a felony against this State, the United States, or another state, whether or not that person has been restored to the rights of citizenship in the manner prescribed by law. Convicted of a felony includes the entry of a plea of guilty; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent.¹

— Our General Assembly recognizes that “[t]he sheriff is the only officer of local government required by the Constitution. The sheriff, in addition to his criminal justice responsibilities, is also the only officer who is also responsible for the courts of the State, and for acting as their bailiff and marshal. The sheriff administers and executes criminal and civil justice and acts as the *ex officio* detention officer.”²

¹ N.C. Const. art. VII, § 2.

² G.S. § 17E-1

— “[A] sheriff’s office is not a program or department of a county[.]” as our Supreme Court has observed.³ County governments are responsible for providing funding to the sheriff’s office, which then operates autonomously.⁴ While the duties and responsibilities of the Office of Sheriff cannot be handled by one person alone, the internal operation of the sheriff’s office is the sole responsibility of the elected sheriff.

— In county government, the heads of departments (such as Finance, Information Technology, Health, Social Services, and Parks and Recreation) are not elected officials but are appointed employees of the county, hired by and supervised by the county manager.⁵

— A key distinguishing quality of the Office of Sheriff is its direct accountability to citizens through the election of the sheriff. No individual or small group hires or fires the sheriff, or has the authority to interfere with the operations of the office.

— Just like the Governor, Chief Justice of the Supreme Court, Attorney General and many other office holders, the sheriff, as an elected officer, reports solely to the citizens within their jurisdiction - in the case of sheriffs, to the citizens of their counties.

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³ *Young v. Bailey*, 368 N.C. 665, 669-670, 781 S.E.2d 277, 280 (2016).

⁴ G.S. § 153A-101; *Hubbard v. County of Cumberland*, 143 N.C. App. 149, 154 (2001).

⁵ G.S. § 153A-82