



## FREQUENTLY ASKED QUESTIONS

### **Can the County charge Denver for the Sheriff's services?**

No. On the NC Sheriff's website there is a document "The Office of Sheriff":

[https://ncsheriffs.org/wp-content/uploads/2015/01/The\\_Office\\_of\\_Sheriff\\_in\\_North\\_Carolina-Sept152014.pdf](https://ncsheriffs.org/wp-content/uploads/2015/01/The_Office_of_Sheriff_in_North_Carolina-Sept152014.pdf) excerpted--

"The sheriff is the chief law enforcement officer of the county. Dawson v. Radewicz and Southern Railway Co. v. Mecklenburg County (Attachment 15). An opinion from Attorney General Lacy H. Thornburg, dated October 24, 1985, interprets this to mean that the sheriff may leave local enforcement in local hands only as long as reasonable efforts in good faith are made by the local police authorities to enforce the law (Attachment 16). Another meaning often assigned to the term "chief law enforcement officer of the county" is that the sheriff and he alone has jurisdiction throughout the county. "

"Please see the following excerpt from 70 Am. Jur. 2d Sheriffs §30 (2208):

Where sheriffs are constitutional officers whose powers and duties are not expressly enumerated in the constitution [as is the case in North Carolina], such powers and duties are proscribed by the common law as modified by the acts of the legislature. ... Common law duties are many and varied and encompass more than traditional law enforcement. Thus, the sheriff is generally the chief law enforcement officer of the county, and, as a general rule, sheriffs, within the scope of their respective jurisdictions, are given power, and have the duty, to preserve the peace and public order, enforce the criminal laws, prevent and detect crime, provide security for courts, serve criminal warrants and other writs and summonses, and transport prisoners."

"Periodically, other government officials will tell a sheriff that the sheriff is required to take certain action or refrain from taking a certain action. Generally, such statements do not include any reference to a particular law that compels the sheriff to take or refrain from taking the

action. Frequently, sheriffs who are confronted with these situations will ask the person making the statement to provide the sheriff with a copy of the law that requires the action described. Usually the person who made the statement cannot provide a copy of any such law, because no such law exists and because there is no such requirement on the sheriff.”

This seems to say that the Sheriff is prohibited from withdrawing coverage. County Commissioners can only legislate the overall size of the Sheriff’s budget, and lack legal ability to tell him where and how to spend it.

Another opinion, this one from the UNC School of Government, says that there is no statute that permits County Commissioners to levy a charge to a municipality, absent an agreement between the County and the municipality. At the same time, the Sheriff is NOT required to supply extra coverage without an agreement.

#### **CONTACT US**



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