

1953

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Recommended Citation

T. C. Esselstyn, The Social Role of a County Sheriff, 44 J. Crim. L. Criminology & Police Sci. 177 (1953-1954)

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THE SOCIAL ROLE OF A COUNTY SHERIFF

T. C. Esselstyn

The author of this article did his postgraduate studies in New York University. Since 1948 he has been with the Department of Sociology and Anthropology in the Illinois State University. Prior to World War II he spent seven years in case work with juvenile delinquents and youthful offenders. What is published here is an abbreviation of the author's complete report.—EDITOR.

Rural crime is a neglected field in criminology. Standard texts devote scant space to it. Few research projects have focused upon it. Rural sociologists are concerned with other matters. Pertinent tables in the *Uniform Crime Reports* are sometimes based on data from communities as large as 25,000 inhabitants.¹

For these and for many other reasons, it would seem that some idea of space and function should be substituted for the term rural in criminology. The substitute offered in this present article is the *open country*. It would be defined as the region beyond the metropolis as measured by daily commuting and marketing. Agriculture and other extractive industries are prominent features of its economy and these enterprises play an important part in the attitudes and social organization of all the people who live there. It includes the towns, villages, and small cities—the trade and service centers of varying size that stud it. This is the composite region on which the relevant tables in the *Uniform Crime Reports* are actually based. It has not been studied systematically by criminologists. This area is what we probably have in mind when we say “rural.”

An open country crime would be any crime on which an open country law enforcement officer takes action. One way to study such crime would be to see how that officer acts. Several types of officers could be selected but the one recommended is the county sheriff because for many parts of the United States he is still important in open country crime control. A convenient method for this purpose would be to follow Znaniecki's concept of a social role, breaking it down into its four components: the social circle, the social person, the social status or office, and the social function.²

What follows is a summary of a larger study in which this method was used.³ The region selected was “Star County,” Illinois, a fictitious

1. See REPORTING HANDBOOK, May 1947, p. 28. See also Table 34, “Rural Crime Rates”, ANNUAL BULLETIN for 1951, where 10,000 is taken as the working population base.

2. ZNANIECKI, FLORIAN W.; THE SOCIAL ROLE OF THE MAN OF KNOWLEDGE, New York, Columbia University Press, 1940.

3. ESSELSTYN, T. C.; *Crime and Its Control in the Hinterland*, unpublished dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, New York University, February 1952.

name for an actual county which lies in the open country as defined earlier. The sheriff whose role was analysed served there between 1946 and 1950. No pretense is made that what obtains in Star County obtains in all open country areas, for a sufficient body of inductive studies executed along similar lines is not at hand. What is offered here is a method by which such studies might proceed and an indication of some of the results that can be expected if it were applied.

STAR COUNTY, ILLINOIS

The principal city of Star County is Hopkins, the county seat with some 37,000 inhabitants. Hopkins is an independent police district. Apart from operating the county jail there, the sheriff carries on none of his peace-keeping functions within its limits. The remaining 50,000 persons in the population are dispersed among twenty-two minor civil divisions and eighteen towns including the rural areas. A little over twelve percent of the employed population is engaged in agriculture. This is the largest single field of employment.

The historical development of Star County can not be traced here. It may be characterized briefly as a wealthy corn belt county with a cash-grain economy in which corn and livestock are the principal features. Money, volume output, quick turnover, and high profits from farm produce mark the worthy man. The pattern setter in the social order of Star County is the successful farmer. There is a continual drift from his ranks to the villages and small cities where he takes up residence in his declining years. He brings with him the values and attitudes of responsibility, individualism, initiative, and the outward evidences of success and favor by which these are shown. His influence thus permeates all levels of Star County life and he is perhaps the chief referent in the "social circle" whom the sheriff serves.

The class structure discernible here appears to follow in general the four-way split discovered in other regions in Illinois.⁴ This comes to bear on the sheriff because law breaking often involves class-linked behavior patterns. As to the adult, the social and recreational outlets available to Classes I and II are seldom policed. The counterparts for Classes III and IV are usually taverns and these the sheriff watches closely, not only on his own initiative but also on demand of the proprietors. Trouble is expected and trouble happens. The result is that adult crime in Star County, like crime elsewhere, is preponderantly associated with the less privileged.

4. WARNER, W. LLOYD, *et al*; DEMOCRACY IN JONESVILLE, New York, Harper and Brothers, 1949.

As to the juvenile, the reaction pattern of the parent shows a generally stable connection with class position. Parents from Classes I and II characteristically rally to the side of the juvenile or express a readiness to take remedial action. Parents from Classes III and IV are usually overwhelmed or are resigned in the face of the child's delinquency to the point of relative inaction. The result is an overloading of court cases and juveniles in the county jail from the latter two classes. Popularly, this result is attributed to favoritism. Functionally, the consequence flows from patterns acquired by the parent largely through class membership.

Social groups are perhaps of greater importance to law enforcement in Star County than social class. The number and kinds of groups are legion. Some, like the churches, certain occupational groups, service clubs, school boards, fraternal orders, and the like, are important agents for transmitting the value scheme. Open country life is channeled, controlled, and structured by their activities. Where the sheriff fails to take cognizance of their activities, he risks his strength.

Other groups are important because they exert a measure of strategic dominance over open country law enforcement. There are several groups of this kind but the only one that will be mentioned here is the political party. This is a kind of closed corporation wherein assignments and duties are distributed with an eye to group victory on election day. Obligations incurred during the campaign are discharged by appointments as deputies or jailers, court house jobs, and other types of patronage. Yet curiously, the spoils system is self-limiting. There is a recognized point beyond which these preferential agreements violate the central values of personal worth and individualism, and thus constitute a threat to party survival. Short of that, the effect of the political party can be seen in the constituency of the sheriff's force.

THE SHERIFF AS A SOCIAL TYPE

Before the spring primaries in 1950, an effort was made to learn something of the voting habits of Star County. Informants were asked what kind of a man they felt would best fill the office of sheriff. The replies stressed a reputation for "fairness and good judgment." He should know the county intimately and should be fairly mature. He should know "how to get along with people." A candidate would present evidence of this by prosperity and success in business or farming.

The incumbent sheriff replied independently and in quite the same way. Looking back upon his own victory in 1946, he felt that the candidate should symbolize success in life first of all, for this aroused

the voter's confidence and was an index of reliability. He should be mature and, of course, free of scandal. Beyond these—

Experience in law enforcement would come last. The people assume your ability to be a good sheriff if they check you off on the other three things. If you can show you have got along with people all your life, that you are moral and are old enough to be a little wise about things, they will be able to judge whether you will be a sheriff who is stern and mean and hard on people, or whether you will be kind and decent and treat people right, yet all the time honest and doing the job the best way you can. You can say what you would do if you were sheriff, but usually in Star County the candidates never have had experience in law enforcement and the public doesn't expect it.⁵

The social type that the voters have in mind as an ideal construct is thus almost identical to the construct which the sheriff had derived. He himself conformed to the desired social type. When he went before the people in 1946, he had thirty years' experience in the wholesale and retail meat trades, had prospered also as a handler of bulk petroleum products, and had held minor public offices by which he had established himself with the political party. He was well-known in the county, was equipped with many of the criteria on which Star County judges the worthy man, and could point to his business success as proof that he knew "how to get along with people." The "social person" in large measure reflected the values of the "social circle" by these means.

THE OFFICE OF SHERIFF

Sheriffs throughout the nation have been criticized so often in the popular press and in learned journals that a restatement would serve no purpose. Yet it should be clear by now that in many parts of the country, the office is almost impregnable.

In Illinois, the powers and duties of the sheriff are set forth in Chapter 125 of the revised statutes but these are extended and modified by other provisions liberally sprinkled elsewhere in the law. The resulting confusion places the sheriff in a position where he can interpret his job however he will. This means that he must exercise discretion, and in the process both the favored and the disaffected tend to regard him as both arbitrary and corrupt at one and the same time. The dilemma is especially marked over such issues as gambling and prostitution. Complaints are made to the sheriff ". . . but no one will swear out a warrant. We can't just go in there on suspicion. This is

5. Elsewhere in Illinois the political tradition is for the sheriff and his chief deputy or the sheriff and the county treasurer to alternate in office. In those counties prior experience in law enforcement is part of voter appeal. These regularities have not been established in Star County and, hence, prior experience is not demanded. It might even be a detriment.

a free country. You can't search without a warrant and if no one will sign a complaint we can't do anything." Whatever the merits of this position, the point is that it prevails among sheriffs in Illinois and will persist until relevant statutes are codified. In the meanwhile, the sheriff is immune from attack on this score because this interpretation has the backing of both custom and court decisions.

From another point of view, the office is impregnable in Illinois because of the vital part it plays in the system of county government. The reference here is not to the way in which it controls crime, but to the jobs and moneys involved in its share of the local bureaucracy. In Star County, twenty-two persons were awarded jobs on the deputy force, in the jail, and in the court house in partial recognition of support to the sheriff during the 1946 campaign. As to finance, the annual reports of the county auditor, on at least one interpretation, suggest that the sheriff directed the income and outgo of about \$100,000 a year during his term. Some of this went to salaries and allowed fees. About sixty percent of the income was applied to expenses incurred in court house and jail maintenance. The implication is not that these payments were improper or excessive. The only inference is that many middlemen participate in the sheriff's affairs. They have an understandable stake in the perpetuation of the office as a fixture and can be relied upon to support it regardless of how well or how poorly it controls crime.

A third support to the office can be found in open country attitudes. Here the sheriff is seen as symbolizing local control over local problems—another bulwark against the encroachments of centralized state power. A fourth support grows out of the associations, both local and statewide, which the sheriff sets up while in office. In the discharge of duty, he maintains local contacts which can be depended upon to further whatever other political hopes he may have. Formal contacts beyond the county line with other sheriffs and informal contacts through the Illinois Sheriff's Association help entrench the office. By these means it becomes the repository for specialized police crafts with exclusive dominance over open country crime control. Coupled with the legal chaos which surrounds it and the control it holds over jobs and finances, these factors make the sheriff's office one of the most powerful links in the system of county government. Against these defenses, the assaults of critics avail but little.

CONSERVING THE PEACE

The social function of conserving the peace is influenced by the three broad components just reviewed. It is influenced also by the actual

experience of peace-keeping. Within the sheriff's ranks a body of knowledge significant for open country law enforcement is gradually built up by trial and error. Prominent in this lore are the following six elements: terrain features and climatic changes; shifting public demand; the amenability of deputies to superior orders; their individual initiative; their knowledge of typical habit patterns; and a general guide for conduct in all trouble-cases.

The first five are self-explanatory. The last is more complex. In order to guard against the needless dissipation of energies, every sheriff must devise some effective principle to show him when to act. The Star County sheriff developed the following solution:

Public safety is our rule. If you were driving sixty miles an hour through a zoned area late at night with no traffic in the road, it would be against the law, but it's not morally wrong and you wouldn't be hurting the public safety. So we don't arrest you. But if you did that in day time when a lot of cars are on the highway, you would be a menace to yourself and everyone else. We would have to pull you in not only for the public's safety but for yours too. That's how we decide all these things.

This is another word for discretion. As stated earlier, its exercise becomes extremely involved when the conflict of interest is more subtle.

The dynamics of crime control in Star County are traceable to these six factors. Their product is what the *Uniform Crime Reports* call "offenses known." What of offenses not known? Informants who had reported offenses were interviewed and in almost every case they disclosed other offenses which they had not reported. As a general practice, the rule of silence is invoked in four circumstances: where the theft or offense "didn't amount to much," or where it was felt that a report "won't do any good"; where the threat of a report is countered by an apology, an offer of marriage, or restitution; where there is fear of reprisal, real or imagined; and where a report might threaten community harmony. This last involves extreme cases such as unexplained deaths, suspected incest, fires or explosions of unknown origin, and the like. It is impossible to get specific facts in these instances. However, accounts of these events are transmitted to the young and to the objective investigator in a context designed to show the limits beyond which it is regarded as unwise to resort to formal legal sanctions—unwise because it is felt that ultimate justice has or will be done, or because of the fear that group life will be shattered if neighbor must testify against neighbor.

In these "offenses not known" there is the suggestion that the open country has a fairly high tolerance for lawlessness. A further issue remains. Offenses associated with the conduct of agriculture are often

reported in the local press and in various local farm journals. These take many forms and many are embraced by the criminal code.⁶ None was ever reported to the sheriff and he made no arrests for these offenses between 1946 and 1950. When committed, such offenses are handled by administrative agencies. The effect is to so condition local attitudes as to regard offenses running with agriculture as something other than crimes. There is an important extension here of Sutherland's earlier views on white collar crime.⁷

CONCLUSIONS—TENTATIVE CHARACTERISTICS OF OPEN COUNTRY CRIME

An analysis of 5,700 offenders arrested by the sheriff in Star County between 1945 and 1949 shows many things, a few of which are these:

1. The annual arrest rate for persons from Hopkins (population 37,000) who committed offenses beyond the city limits was 1373.62 per 100,000. The comparable rate for all other Star County residents was 448.43.

It is doubtful whether these figures by themselves confirm older views on the excessive criminality of the urban dweller. The rate may be normal for an open country town like Hopkins. Then too, factors such as class status and the pattern of leisure time behavior need to be considered before the excess can be established generally.

2. Rates for reported offenses occurring in the open country vary according to the characteristics of each community. Communities in Star County outside of Hopkins varied in their average annual reported rates from 691.0 to 8,000.0.
3. The relatively high proportion of offenses against the person, long cited for rural areas, seems to hold for Star County viewed as an open country region. Thirteen percent of all arrests were for offenses against the person, the rest were for offenses against property. This would probably change if the reporting habits of the open country were considered. The inclusion of offenses against property not now reported would reduce the ratio.
4. Persons engaged in agriculture are represented among known offenders in about one half their chance share. However, a whole

6. SEE HANNAH, H.W.: *Law For the Illinois Farmer*, Circular No. 632, College of Agriculture, University of Illinois, Urbana, 1948.

7. SUTHERLAND, E. H.: *WHITE COLLAR CRIME*, New York, Dryden Press, 1950.

host of offenses associated with agriculture are eliminated from the sheriff's function by custom. If these were included, the crime rate of the agricultural class would go up.

5. Offenders arrested by the Star County sheriff appear to be from three to five years younger on the average than for the country as a whole. This seems to be due chiefly to the jail confinement of juveniles, whose inclusion in this study depressed the mean. Any sheriff in Illinois can probably refuse to receive juveniles in his jail on the grounds that the intent of the "Dependent, Neglected, and Delinquent Children's Act" makes it unlawful. However, such refusals are unknown.
6. The preponderant tendency is for all offenders to leave the jail at the end of the second day. Seventy-five percent leave within ten days. About three percent of all offenders are sentenced to jail as punishment. An additional five percent are sentenced to the state penal farm for periods of less than one year. Thus eight percent of all offenders receive a jail or like sentence.

In the main, offenders are disposed of in routine fashion. There is little concern over the causes of their crimes or the conditions surrounding their occurrence. As is true everywhere else, the administration of criminal justice in Star County is trapped by ritual. This is a commentary, not upon the sheriff nor upon the county judge nor the local state's attorney. It is a commentary upon the system of which they are parts.

These findings from Star County suggest that open country crime does not conform in all particulars to general ideas of crime beyond the metropolis thus far advanced. However, generalizations can hardly be made until further studies have been conducted along similar lines. Important by-products of such studies will probably be a fresh understanding of the law and of law enforcement. These may be even more important than the actual delineation of open country crime.⁸

8. LLEWELLYN, KARL N.; *Law and the Social Sciences*, AMERICAN SOCIOLOGICAL REVIEW, Vol. 14, No. 4, August 1949, pp. 451-462.