

SHERIFF DUTIES:

The Sheriff serves as conservator of the peace. {IC 36-2-13-5}

- Takes care of the county jail and the prisoners confined in the county. {IC 36-2-13-5}
- Feeds prisoners, from which an amount is fixed annually by the State Board of Accounts {IC 36-8-10-7}
- Administers work release programs. {IC 11-12-5-3}
- Serves as an officer of the courts in the county to deliver service of warrants, subpoenas, and other forms of process. {IC 36-2-13-5}
- Collects delinquent state income tax or levying on the property of taxpayers for the amount due when a warrant is issued by the Indiana Department of Revenue commanding him or her to do so, and transmitting to the Department of Revenue the amount collected. For the sheriff's services in collecting and remitting otherwise uncollectible state tax delinquencies, the sheriff is entitled to ten percent {IC 6-8.1-8-3}
- Sells mortgaged property under foreclosures proceedings and executing real estate deeds of property sold under execution. {IC 34-55-6}

Any sheriff has the authority to request the aid of any other sheriff and/or deputies and assistants in the state in an emergency situation or for specific assignments that require specialized personnel. The sheriff has complete hiring authority over the positions of chief deputy and prison matron. The sheriff may hire other deputies only from a list of candidates prepared jointly by the sheriff and merit board. {IC 36-8-10-10}

Sheriff's Merit Board: Each county is required to have a five-member bipartisan Sheriff's Merit Board created by ordinance or resolution of the County Council. In all counties in which boards are established, three members are appointed by the sheriff and 2 members are elected by the county police officers. The Board has the responsibility of administering under a merit system certain personnel functions with respect to the appointment of a county police force and setting up a pension and insurance plan for members of such force.

A sheriff may appoint a person as special deputy if the person is employed by a governmental entity or a private employer, if the nature of the person's employments requires the person to have the powers of a law enforcement officer. The sheriff shall fix the training, education and experience requirements for a special deputy, and the special deputy must meet the minimum requirements of IC 36-8-10-10.6(b). The sheriff may also appoint reserve deputies, if the county commissioners have enacted an ordinance specifying an authorized number of reserve deputies. {IC 36-8-3-20}

If requested by the county commissioners or county council, the sheriff or a county police officer must attend the meetings of those respective bodies. {IC 36-2-2-15(d) and IC 36-2-3-6}

There are various ways a county may set the compensation of the county sheriff. Under IC 36-1-13-2.8, the county may pay a sheriff from the general fund as it does other county officials. Under this method of compensation, there is a maximum salary that is paid from the county general fund. The level of the maximum salary depends on the population of the county. Under this provision, in addition to the compensation paid from the county general fund, the sheriff may retain the sheriff's tax warrant collection fees under IC 6-8-1-8-3.

Under IC 36-1-13-2.5, the county and the sheriff may negotiate a contract. Under this provision, the sheriff may not retain the sheriff's tax warrant collection fees under IC 6-8.1-8-3, or a profit from the feeding of prisoners. Prisoner meals must be paid from an appropriation from the county general fund or an allowance under IC 36-8-10-7. If the sheriff pays for prisoner meals from an allowance under IC 36-8-10-7, the sheriff must transfer any excess funds to the county general fund. In addition, some sheriff expenditures from the commissary fund must be reviewed by the county council under IC 38-8-10-21.

If a county elects to compensate a sheriff in a manner other than the methods provided for under IC 36-2-13-2.5 or IC 36-2-13-2.8, it should be aware that there might be unintended pension contribution and income tax consequences. However, under legislation adopted in 1997, the county may limit the pension consequences by adopting an ordinance limiting the definition of average monthly income for pension purposes. {IC 36-8-10-12.1} (Generally see IC 36-2-13, for duties of the county sheriff)