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Kansas Sheriff's Preservation Constitutional Amendment FAQ

"The Sheriff is the most important of all executive offices in the county. The Sheriff's power and authority is from the people who elect him (or her). The citizens should control the office of Sheriff." -Thomas Jefferson

Question: Has this been a problem? Is the Office of Sheriff in jeopardy of not being an elected position?

Answer: You can look at it one way, where every county except Riley County elects a sheriff. Riley County consolidated its law enforcement among the county and cities in the 1970s, and it is exempt from this proposed amendment. However, over the last few decades, there have been discussions in a handful of other counties either about consolidation or dissolving the Office of Sheriff there, including in Lyon, Sedgwick, Bourbon, Shawnee and Reno counties.

The two most recent threats to an elected Sheriff have come in Phillips County and Johnson County. In 2020, in Phillips County there was a primary election where the family member of a county commissioner was running for the Office of Sheriff. After the relative lost the primary election, the county commissioner was instrumental in discussions about consolidating the City of Phillipsburg and county law enforcement and doing away completely with the Office of Sheriff for an appointed Director of Public Safety, of which this commissioner would have a say on who would be appointed. This effort was not successful after a legal opinion found Phillips County was not eligible to consolidate due its population and tax valuation.

The second and most recent and public threat to the Office of Sheriff was in Johnson County in 2020 and 2021. The abbreviated version is that Johnson County has a 25-member Charter Commission that reviews its Home Rule Charter and recommends any revisions every 10 years to the county commission. The Charter Commission members are appointed by either a government entity (State Senator, State Representative, County Commissioner, City Council or Mayor), a political party or the JoCo Chamber Presidents Council. In recent years, there were comments at the county commission level in Johnson County about looking at models in other states where the sheriff was appointed. Though it was expected, none of the 2021 proposals of the Charter Commission considered making the Sheriff appointed – one proposal looked at making the Sheriff election non-partisan but it was withdrawn after a they received a legal opinion on the matter. We can see the idea for appointing a Sheriff is out there, though, and when the Charter Commission meets again in 2031, it's very possible it could resurface.

Neither of these two situations worked to change or dissolve the Office of Sheriff in these counties, but the threat was and is real and these are just the two most recent incidents.

It also should be pointed out Kansas is one of 11 remaining States who do NOT have the Office of Sheriff enshrined in their Constitution.

Question: What is the difference between a Sheriff (elected) and a Chief of Police (appointed)?

Answer: Very simply, the Sheriff runs for office, and the candidate that receives the most votes is installed as the Sheriff. From an executive standpoint, the Sheriff has no "boss" and answers ONLY to the voters. This is no different than ANY elected office. A Police Chief is different in that that person must apply for and interview for the job. And then the city commission/council and the City Administrator/Manager will decide who will be the next Chief, and they will install them. The Chief then works at the pleasure of the City Administrator/Manager and the Commission. The Chief can be removed at any time and is at the mercy of these people and their agendas.

A little saying used to explain it is, "A Sheriff is elected every four years; A Police Chief is re-elected every day."

Question: Can a city and county government still consolidate if this passes?

Answer: The short answer is yes, but when it comes to consolidating law enforcement specifically, it would have to be consolidated under an elected Sheriff. Even if the new form of government is called something different, at the very least the Sheriff's Office will remain as top local law enforcement entity, and the Sheriff will continue to be elected.

Question: Why would a Sheriff want to be open to an ouster proceeding by the Attorney General? Why was the local District Attorney removed from this process?

Answer: The Sheriff is already open to the ouster process by the AG. This simply removes the local County Attorney or District Attorney from filing a Quo Warranto (Ouster) against the Sheriff and only allows the AG to do so. The reason is because the Sheriff and County or District Attorney work very closely together and personal feelings or relationships may affect this process to either be filed when it should not or not filed when it should. It should also be noted that the Kansas County & District Attorneys Association had no opposition to this change.

It must also not be confused with Criminal conduct or investigations. The DA is ONLY removed from the Ouster Process, but if a Sheriff is accused of criminal misconduct, the DA will still have authority to investigate and charge those cases if necessary.

Question: If the AG refuses or declines to begin ouster proceedings against a Sheriff, how can a Sheriff be removed?

Answer: A citizen will ALWAYS have the right and the ability to file what is called a Recall Petition. This simply means you file a petition with the County Clerk and then you must get a certain number of signatures on the petition to bring the recall question to the next ballot. If enough signatures are obtained, the question would appear on the next ballot as to whether the Sheriff (or any other local elected official) shall be retained for the remainder of their term. And if the simple majority chooses for removal, that official is removed from office.

Question: Couldn't a hyper-political Attorney General use the Ouster Process for political gain or simply to try and remove a Sheriff they do not agree with or a Sheriff from the opposing political party?

Answer: Yes, they could, but let's look at this more deeply. Even if an AG filed a flimsy Ouster Petition, there is still a process in place where the AG would have to present evidence to a Judge as to what misconduct has been committed and why it warrants removal from office. And the Sheriff would also have the opportunity to present his or her own case against any false accusations. And if an AG simply wanted to remove a Sheriff because they belong to an opposing political party, that wouldn't really gain anything either. When a Sheriff is officially removed from office, the party with which that Sheriff is affiliated gets to choose his or her replacement.


What is your PERSONAL gain if this passes? And if it fails to pass?

Not a damn thing. Nothing really changes when it comes to my job and future. I see these changes as simply protecting the people's right to always elect their Sheriff. This also means the people have the right to also NOT re-elect an incumbent Sheriff if the majority of the voters decide to do so. I also have to mention that this initiative to enshrine the office of Sheriff into the Kansas Constitution has been an ongoing effort for decades. It just finally happened to gain traction while I was in office, so it fell to me to stand with the Kansas Sheriff's Association to fight to protect the people's rights to choose their Sheriff.

If it does not pass, it will be tried again. And as for me personally and professionally, it also changes nothing. I am currently your Sheriff and plan to remain so as long as it is good for this community, is good for this agency, is good for my family and my health, but also as long as the community wishes for me to continue by voting for me.

I urge all voters to be educated on what the State is doing in all matters, but when it comes to this particular Amendment, I simply want you to be an educated voter. Even if you do not support this Amendment, my hope is that you have come to that conclusion based on the facts instead of conjecture or inaccuracies.

Much Love,


Sheriff Jay T. Armbrister #S203