



## TRINITY COUNTY SHERIFF'S OFFICE

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**BRUCE HANEY, Sheriff/Coroner**  
**KEN LANGSTON, Undersheriff**

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December 21, 2011

Dear Mr. Guenette,

I apologize for the delay in responding to your request. I had passed this information on and apparently it had been ignored. I'm sure you are aware of our staffing shortages and Governor Brown's public safety realignment plan. These are definitely challenging times and keeping us very busy.

From reading your letter it is quite obvious that you have spent a fair amount of time researching and studying the issue(s) of which you are inquiring. I appreciate you taking the time to inform and educate me regarding constitutional issues. I have become quite concerned with what some federal and state agencies are doing in not only our county but in other counties, our state and our country. I hope you will provide me some leeway as I know I am not an expert of the U.S. Constitution or the California State Constitution and will forever be a student in all aspects of my job.

I will start with the California Constitution, Article 11, Section 1(b), first line, *the legislature shall provide for county powers, an elected county sheriff, etc.* This section refers to local government and refers to county powers. A county has a defined geographic area which can also be defined as jurisdiction. This reference is also found in Section 24000 of the Government Code, *The officers of a county are: (a) A district attorney, (b) A county sheriff, etc.* Again, a county has a defined geographic area or jurisdiction that is the law enforcement responsibility and authority of the sheriff. Section 26600 thru 26608 explains how the sheriff is to keep the peace, arrest those who have or attempt to commit a public offense, maintain a jail, serve civil process, etc. Then there is Section 830.1(a) of the California Penal Code, which states, *Any sheriff, undersheriff or deputy sheriff* (it goes on to describe various law enforcement officials). The final sentence in that section says, *The authority of these peace officers extends to anyplace in the state, as follows:*. The proceeding subsections reference the description of a peace officer. You may already be aware of these sections.

On the first page of your letter you also attached Article II of the Articles of Confederation. *"Each state retains its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.* The 10<sup>th</sup> Amendment also says, *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.* My understanding of this is that any duties or functions that are not *specifically* assigned to the federal government are therefore under the authority of state or local jurisdiction.