March 9, 2009

The Honorable Jessica A. Little
Brown County Prosecuting Attorney
200 East Cherry Street
Georgetown, Ohio 45121

SYLLABUS: 2009-008

The county sheriff's office and a municipal corporation police department are required to respond to calls for law enforcement assistance on county property that is located within the municipal corporation.

RICHARD CORDRAY
OHIO ATTORNEY GENERAL

March 9, 2009

OPINION NO. 2009-008

The Honorable Jessica A. Little
Brown County Prosecuting Attorney
200 East Cherry Street
Georgetown, Ohio 45121

Dear Prosecutor Little:

You have requested an opinion whether the county sheriff's office or a municipal corporation police department is required to respond to a call for law enforcement assistance on county property that is located within the municipal corporation. Based on the following, the county sheriff's office and a municipal corporation police department are required to respond to calls for law enforcement assistance on county property that is located within the municipal corporation.

The territorial jurisdiction of the law enforcement officers of a county sheriff's office and municipal corporation police department is established by statute. R.C. 2935.03(A)(1) states that a county sheriff, deputy sheriff, and an officer of a municipal corporation police department "shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the political subdivision…, in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township." Thus, the law enforcement officers of a county sheriff's office and municipal corporation police department are statutorily required to provide law enforcement assistance throughout the entire territory of the county and municipal corporation, respectively. *See* R.C. 311.07; R.C. 737.19(C); *City of Fairborn v. Munkus*, 28 Ohio St. 2d 207, 209, 277 N.E.2d 227 (1971); *In re Sulzmann*, 125 Ohio St. 594, 597, 183 N.E. 531 (1932); *State v. Rouse*, 53 Ohio App. 3d 48, 52, 557 N.E.2d 1227 (Franklin County 1988); 1994 Op. Att'y Gen. No. 94-081 at 2-403; 1989 Op. Att'y Gen. No. 89-074 at 2-343; 1960 Op. Att'y Gen. No. 1309, p. 310, at 312; 1920 Op. Att'y Gen. No. 1451, vol. I, p. 782 (syllabus, paragraph two).

This means that the law enforcement officers of a county sheriff's office are required to respond to calls for law enforcement assistance on county property notwithstanding the fact that the property is located within the territorial boundaries of a municipal corporation. *See* R.C. 2935.03(A)(1); *In re Sulzmann*, at 597; *State v. Rouse*, at 52. *See generally* 1963 Op. Att'y Gen. No. 113, p. 194, at 197 ("[a]lthough, a sheriff's department may normally take cognizance of only certain restricted matters within a municipal corporation that lies within the county of its jurisdiction, such department is empowered and charged to enforce the law in all its aspects throughout the entire county. In Franklin County, these powers and duties would include the preservation of peace at the Ohio State Fairgrounds," which is located in the City of Columbus). In addition, the law enforcement officers of a municipal corporation police department have a duty to respond to all calls for law enforcement assistance within the municipal corporation, including ones for assistance on county property. *See* R.C. 2935.03(A)(1); 1920 Op. Att'y Gen. No. 1451, vol. I, p. 782 (syllabus, paragraph two). *See generally* 1963 Op. Att'y Gen. No. 113, p. 194, at 196 ("[i]nasmuch as the Ohio State Fairgrounds are entirely within the municipal limits of the City of Columbus, the Columbus Police department has jurisdiction to preserve the peace on the grounds"). Accordingly, both the county sheriff's office and a municipal corporation police department are required to respond to calls for law enforcement assistance on county property that is located within the municipal corporation. *See generally* 1963 Op. Att'y Gen. No. 113, p. 194 (syllabus, paragraph three) ("[t]he Ohio State Highway Patrol, the Franklin County Sheriff's Department, and the Columbus City Police Department have concurrent jurisdiction for the preservation of peace at the Ohio State Fairgrounds throughout the entire year and each of these organizations has equal duty to respond to requests for police protection at the fairgrounds").

Although the county sheriff's office and a municipal corporation police department are each required to respond to calls for law enforcement assistance on county property that is located within the municipal corporation, the county sheriff's office and municipal corporation police department may determine between themselves which entity should initially respond to such calls. By doing this, law enforcement officers and equipment may be utilized more efficiently and effectively within the county. *See generally* 1994 Op. Att'y Gen. No. 94-081 at 2-405 ("a county sheriff and municipal corporation police department should strive to reach a mutually agreeable arrangement whereby the sheriff and police department will function cooperatively in executing their respective law enforcement duties").

In conclusion, it is my opinion, and you are hereby advised that the county sheriff's office and a municipal corporation police department are required to respond to calls for law enforcement assistance on county property that is located within the municipal corporation.

Respectfully,

RICHARD CORDRAY
Ohio Attorney General