

OPINION NO. 93-068**Syllabus:**

R.C. 505.43 authorizes a township to enter into a contract with a municipal corporation or county sheriff for a law enforcement officer to implement within a local school district that serves the township a program designed to educate children with respect to the dangers associated with the use of illicit drugs.

To: Robert D. Horowitz, Stark County Prosecuting Attorney, Canton, Ohio
By: Lee Fisher, Attorney General, December 21, 1993

You have requested an opinion regarding the implementation of a drug awareness program in a local school district. Specifically, you ask whether R.C. 505.43 authorizes a township to enter into a contract with a municipal corporation or county sheriff for the services of a police officer or deputy sheriff to implement within a local school district that serves the township a program designed to educate children with respect to the dangers associated with the use of illicit drugs.

R.C. 505.43

R.C. 505.43, which empowers a township to contract for police protection services, provides, in pertinent part, as follows:

In order to obtain police protection, or to obtain additional police protection in times of emergency, any township may enter into a contract with one or more townships, municipal corporations, park districts created pursuant to section 511.18 or 1545.01 of the Revised Code, or county sheriffs or with a governmental entity of an adjoining state upon any terms that are agreed to by them, for services of police departments or use of police equipment, or the interchange of the service of police departments or use of police equipment within the several territories of the contracting subdivisions, if the contract is first authorized by respective boards of township trustees or other legislative bodies. The cost of the contract may be paid for from the township general fund or from funds received pursuant to the passage of a levy authorized pursuant to division (J) of section 5705.19 and section 5705.25 of the Revised Code. (Emphasis added.)

Thus, a township may, in order to obtain police protection, enter into a contract with a municipal corporation or county sheriff for the services of police officers or deputy sheriffs. Accordingly, if the implementation of a program designed to educate children with respect to

the dangers associated with the use of illicit drugs constitutes "police protection," as that term is used in R.C. 505.43, a township may enter into a contract with a municipal corporation or county sheriff for a law enforcement officer to implement that drug awareness program.

"Police Protection" Includes Programs Designed to Educate Children with Respect to the Dangers Associated with the Use of Illicit Drugs

The term "police protection" is not defined for purposes of R.C. 505.43. It is a fundamental rule of statutory interpretation that a word that is not specifically defined for purposes of a statute must be accorded its natural, literal, common, or plain meaning. R.C. 1.42; *State v. Dorso*, 4 Ohio St. 3d 60, 62, 446 N.E.2d 449, 451 (1983). *Black's Law Dictionary* 1156 (6th ed. 1990) defines "police" to mean the "[b]ranch of the government which is charged with the preservation of public order and tranquillity, the promotion of the public health, safety, and morals, and the prevention, detection, and punishment of crimes." *Accord Webster's New World Dictionary* 1044 (3d college ed. 1988). According to *Webster's New World Dictionary* 1081 (3d college ed. 1988), the word "protection" denotes "a person or thing that protects." Thus, the term "police protection," as used in R.C. 505.43, includes, *inter alia*, services and programs that protect the public by preventing crimes.

It is axiomatic that a program designed to educate children with respect to the dangers associated with the use of illicit drugs is a program that protects the public by preventing crimes. See R.C. 2933.43(D) (the proceeds and forfeited monies in a law enforcement trust fund may be used in connection with community preventive education programs, which include DARE programs and other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse).¹ In addition, these programs promote the public health, safety, and morals. Accordingly, a program designed to educate children with respect to the dangers associated with the use of illicit drugs constitutes "police protection" for purposes of R.C. 505.43. A township, therefore, may enter into a contract with a municipal corporation or county sheriff for a law enforcement officer to implement within a local school district that serves the township a program designed to educate children with respect to the dangers associated with the use of illicit drugs.²

Conclusion

Based upon the foregoing, it is my opinion, and you are hereby advised that R.C. 505.43 authorizes a township to enter into a contract with a municipal corporation or county sheriff for a law enforcement officer to implement within a local school district that serves the township a program designed to educate children with respect to the dangers associated with the use of illicit drugs.

¹ Although R.C. 2933.43(D) authorizes a township to expend monies from its law enforcement trust fund to pay the costs associated with programs designed to educate children with respect to the dangers associated with the use of illicit drugs, such section does not foreclose the township from funding such programs pursuant to the provisions of R.C. 505.43.

² Insofar as R.C. 505.43 authorizes the township to contract with a municipal corporation or county sheriff for police protection, it is within the township's discretion to choose whether a municipal corporation or the county sheriff is to provide the services discussed in this opinion.