

**Note from the Attorney General's Office:**

1978 Op. Att'y Gen. No. 78-067 was overruled by  
1980 Op. Att'y Gen. No. 80-084.

**OPINION NO. 78-067****Syllabus:**

The Adult Parole Authority is responsible for hospital expenses of a probationer under its supervision and control when such costs are incurred when the probationer has been arrested and detained by a county sheriff pursuant to R.C. 2951.08.

---

**To: Donald J. Johnson, Van Wert County Prosecutor, Van Wert, Ohio**  
**By: William J. Brown, Attorney General, December 20, 1978**

I have before me your request for my opinion which may be summarized as follows:

A Van Wert County deputy sheriff arrested a probationer for a violation of his probation on the order of an officer of the Adult Parole Authority (APA) pursuant to R.C. 2951.08. While the probationer was being held in the county jail, he became ill and had to be taken to the hospital. Upon discovering the probationer's illness, the Adult Parole Authority withdrew its "hold" on the probationer. Is the county sheriff or the APA liable for the hospital expenses incurred?

A county sheriff is required by R.C. 2935.03 to arrest persons in violation of state statutes and municipal ordinances. However, he is not obligated to pay for the hospital costs of all such persons. 1976 Op. Att'y Gen. No. 76-012. He is only liable for costs incurred when such person was arrested for a violation of a state statute.

In the facts set forth in your letter, the probationer was detained by a deputy sheriff pursuant to R.C. 2951.08, which provides as follows:

During a period of probation, any field officer or probation officer may arrest the defendant without a warrant and bring him before the judge or magistrate before whom the cause was pending. Such arrest may also be made by any sheriff, deputy sheriff, marshal, deputy marshal, watchman or police officer upon the written order of the chief probation officer, if the defendant is under the supervision of a county department of probation, or on the warrant of the judge or magistrate, or on the order of the adult parole authority created by section 5149.02 of the Revised Code, if the defendant is under its supervision. (Emphasis added)

Based upon the facts you have provided, it must be assumed that the probationer in question was under the supervision of the APA. Otherwise, the APA officer would not have had the authority to order the sheriff to effect his arrest. See, R.C. 2951.06.

As previously noted, a county sheriff does not necessarily become responsible for the payment of hospitalization costs of a person he has arrested simply because he made the arrest. Other factors must be considered in order to determine upon whom liability for such costs must be placed. In the situation you pose, the arrest was accomplished by the sheriff in compliance with an order issued by an agent of the APA pursuant to R.C. 2951.08. The probationer was, at the time of his arrest, under the control and supervision of the APA, R.C. 2951.06. The APA, as the instrumentality of the state lodged with such responsibility over the probationer, is properly chargeable with the duty to pay hospitalization costs incurred during the detention of a probationer by a county sheriff pursuant to its order.

Accordingly, it is my opinion, and you are so advised, that the Adult Parole Authority is responsible for hospital expenses of a probationer under its supervision and control when such costs are incurred when the probationer has been arrested and detained by a county sheriff pursuant to R.C. 2951.08.