

2873.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN
FRANKLIN, COSHOCTON, CRAWFORD, GREENE, LORAIN AND
SENECA COUNTIES.

COLUMBUS, OHIO, February 17, 1922.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2874.

OFFICES INCOMPATIBLE—CHIEF OF POLICE—PROBATION OFFICER.

The duties of the office of Chief of Police are incompatible with those of a probation officer, and the same person is not entitled to receive compensation for services rendered relative to both offices.

COLUMBUS, OHIO, February 20, 1922.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Receipt is acknowledged of your recent communication which reads as follows:

“May a chief of police of a city legally be appointed and receive salary as a probation officer of the probate or juvenile court?”

The common law rule of incompatibility of offices as stated by the Circuit Court, in the case of *State ex rel. vs. Gebert*, 12 C. C., n. s., page 274, is as follows:

“Offices are considered incompatible when one is subordinate to, or in any way a check upon the other; or when it is physically impossible for one person to discharge the duties of both.”

The duties of a probation officer are defined by the provisions of section 1663 G. C.; and briefly may be summarized as follows: Such an officer is charged with the duty of investigating complaints filed against minors; of inquiring into the facts and circumstances surrounding alleged cases of delinquency, neglect, or dependency; his presence in court is required upon the hearing of cases by the juvenile judge, and he is required to supply in such cases any information which the court may request; such an officer is also charged with the duty of serving warrants issuing from such court, and generally to perform all duties relative to said office and incident to the proper functioning of said juvenile court.

The duties of a chief of police of a city are defined by provisions of sections 4372, 4378 and 4379 of the General Code, under the provisions of which the chief of police is made the chief executive officer over the police department, subject to the