

**OPINION NO. 70-032**

**Syllabus:**

A township police constable who has not been awarded a certificate of completion of an approved police basic training pro-

gram serves at the pleasure of the township trustees and may be removed from office at their pleasure and discretion.

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**To: J. Warren Bettis, Columbiana County Pros. Atty., Lisbon, Ohio**  
**By: Paul W. Brown, Attorney General, March 19, 1970**

I have your request for my opinion which reads as follows:

"May a police constable, appointed prior to November 24, 1967 the effective date of Revised Code 505.49, and having served as police constable for a number of years prior thereto and continuously up to January, 1970, be removed from office at the pleasure of the township trustees."

You state in your letter that the township constable in question has not been awarded a certificate attesting to satisfactory completion of an approved state, county, or municipal police basic training program.

Section 505.49, Revised Code, reads in part as follows:

"\* \* \* The township trustees may include in the township police district and under the direction and control of the chief of police, any constable appointed pursuant to section 509.01 of the Revised Code, or designate the chief of police or any patrolman appointed by him as a constable, as provided for in section 509.01 of the Revised Code, for the township police district.

"A patrolman, other police district employee, or police constable, who has been awarded a certificate attesting to satisfactory completion of an approved state, county, or municipal police basic training program, as required by section 109.77 of the Revised Code, may be removed or suspended only under the conditions and by the procedures in sections 505.491 to 505.495, inclusive, of the Revised Code. Any other patrolman, police district employee, or police constable shall serve at the pleasure of the township trustees. In case of removal or suspension of any appointee an appeal may be had from the decision of the board to the court of common pleas of the county in which the district is situated, to determine the sufficiency of the cause of removal or suspension. Such appeal shall be taken within ten days of written notice to the appointee of the decision of the board."  
(Emphasis added.)

A township police constable, as distinguished from a township patrolman or other police district employee, is appointed pursuant to Section 509.01, Revised Code. Section 109.77, Revised Code, provides that after January 1, 1966, no person shall be appointed as a township peace officer on a permanent basis unless such person has previously been awarded a certificate

attesting to satisfactory completion of an approved police basic training program. The term "township peace officer" includes within its meaning a township police constable appointed under the provisions of Section 509.01, supra. See Opinion No. 137, Opinions of the Attorney General for 1966. A township police constable receiving his permanent appointment prior to January 1, 1966, is not required to take and complete the police basic training program as a condition of employment. It appears from your statement of the facts that the township police constable in question received his permanent appointment prior to January 1, 1966, and, therefore, was not obliged to nor did he proceed to take an approved police basic training program.

Under the provisions of Section 505.49, supra, the legislature has seen fit to provide that a police constable who has been awarded a certificate attesting to satisfactory completion of an approved police basic training program may not be removed or suspended from office except for cause and pursuant to charges preferred against him which are heard in keeping with the statutory procedures set out in Sections 505.491 to 505.495, inclusive, of the Revised Code. In addition, he is provided an appeal to the court of common pleas. On the other hand, Section 505.49, supra, specifically provides, as quoted above, that any other police constable, that is, one who has not completed an approved police basic training program, shall serve at the pleasure of the township trustees.

I am of the opinion, therefore, and you are so advised that a township police constable who has not been awarded a certificate of completion of an approved police basic training program serves at the pleasure of the township trustees and may be removed from office at their pleasure and discretion.