

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

1970 Op. Att'y Gen. No. 70-073 was overruled by  
1984 Op. Att'y Gen. No. 84-008.

## OPINION NO. 70-073

**Syllabus:**

1. Park District Rangers and Patrolmen have police powers entitling them to make arrests, execute warrants, and preserve the peace upon park lands and lands under the control of a board of park commissioners.
2. Park District Rangers and Patrolmen shall attend the Ohio Peace Officers' Training Institute and obtain certification upon satisfactory completion of the course.
3. The Board of Park Commissioners may pay for the training of its Rangers and Patrolmen.

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To: Joseph R. Grunda, Lorain County Pros. Atty., Elyria, Ohio  
By: Paul W. Brown, Attorney General, June 30, 1970

I have before me your request for my opinion which asks the following questions:

- "1. Do Park Rangers and Patrolmen have police powers entitling them to make arrests, execute warrants, and preserve the peace upon park lands and lands under the control of the Board of Park Commissioners?
- "2. May Lorain County Metropolitan Park District Park Rangers and Patrolmen attend the Ohio Peace Officers' Training Institute and obtain certification upon satisfactory completion?
- "3. May the Board of Park Commissioners pay for said training of its rangers and patrolmen if same is authorized by State statute?"

Section 1545.01 et seq., Revised Code, establishes guidelines for the operation of park districts in Ohio. Section 1545.07, Revised Code, empowers the board of park commissioners to:

"\* \* \* employ \* \* \* such other employees as are necessary in the performance of the powers conferred \* \* \*."

The board also is given power to promulgate rules for the preservation of good order on lands within and adjacent to the park districts. Section 1545.09, Revised Code. These rules and the laws of the State are enforced by employees of the park district specified in Section 1545.13, Revised Code, which provides:

"Such employees as the board of park commis-

sioners designates for that purpose may exercise all the powers of police officers within and adjacent to the lands under the jurisdiction and control of such board \* \* \*

An Opinion of one of my predecessors indicated that employees so designated by the board of park commissioners have powers equal to other police officers within this State, their jurisdiction and power being limited only geographically to the land within and adjacent to the park district. Opinion No. 2998, Opinions of the Attorney General for 1931. The above section, together with the aforementioned opinion, establishes that such designated employees are entitled to make arrests, execute warrants, and preserve the peace within and adjacent to the lands under the jurisdiction and control of such boards.

The Ohio Peace Officer Training Council is established by Section 109.71 et seq., Revised Code. Section 109.77, Revised Code, provides in part, as follows:

"\* \* \* no person shall, after January 1, 1966, receive an original appointment on a permanent basis as a peace officer of any county, township, or municipal corporation unless such person has previously been awarded a certificate by the executive director of the Ohio peace officer training council, attesting to his satisfactory completion of an approved state, county, or municipal police basic training program; \* \* \*

For the purposes of Sections 109.71 through 109.77, supra, "peace officer" is defined by Section 109.71, supra, to mean:

"\* \* \* a deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of Ohio, ordinances of a municipal corporation, or regulations of a board of county commissioners or board of township trustees, or any such laws, ordinances or regulations."

For the purposes of the Rules and Regulations and Procedures of the Ohio Peace Officer Training Council, as provided in Section 109.74, supra, peace officer is defined by PC-1-02 (E) as follows:

"The term 'Peace Officer' means a member of a police force or other organization, employed or commissioned by a township, a county, or municipal corporation, who is responsible for the enforcement of general criminal laws of the state, and empowered to carry firearms, but shall not include any person

serving as such solely by virtue of his occupying other office or position, nor shall such term include a sheriff, or any person having an equivalent title who is appointed or employed by a county to exercise equivalent supervisory authority."

The Rules and Regulations and Procedures of the Ohio Peace Officer Training Council defined that the purpose of the program is to "provide the State of Ohio with coordinated uniform minimum basic course of law enforcement training."

The foregoing definitions and purpose statement indicate that any person, other than a sheriff or any person having an equivalent title, who is appointed or employed by a county to exercise equivalent supervisory authority, or any person serving as an officer solely by virtue of his occupying an office or position, who may exercise all powers of a police officer, and who is commissioned by a political subdivision of this state and whose primary duties are to preserve the peace and to protect life and property and to enforce the laws of Ohio and such regulations as his governing authority establishes are "peace officers" for the purposes of Sections 109.71 through 109.77, supra.

The employees of the board of park commissioners empowered to exercise police power fit this definition. First, as discussed previously, they have powers of police officers within a limited geographic area. Second, they are commissioned by the board of park commissioners representing the park district, a political subdivision of the state. Willoughby Hills v. Board of Park Commissioner, 3 Ohio St. 2d 49 (1965). Finally, such employees are hired to exercise the power of police officers pursuant to Section 1545.13, supra, and particularly to enforce the bylaws, rules and regulations adopted by the board of park commissioners pursuant to Section 1545.09, supra.

It should also be noted that for the purposes of Sections 109.71 through 109.77, supra, the employees of a park district empowered to exercise police powers are peace officers of a county. The park district is geographically confined to one county by Section 1545.01, Revised Code, and is formed after submission of an application signed by a majority of residents of the intended district or a submission of an authorizing resolution by the local legislative authority to the county probate judge after which a hearing is held thereon. Sections 1545.02 through 1545.04, supra. Since the probate judge is an officer of the county (Section 325.27, Revised Code), and is the one finally responsible for appointment and removal of park commissioners, the peace officers appointed by such commissioners are deemed county peace officers for the purposes of Sections 109.71 through 109.77, supra.

The board of park commissioners is empowered by Section 1545.07, supra, to employ such persons as are necessary in the performance of the powers conferred upon them. Inferentially,

the section permits the board of park commissioners to pay all reasonable expenses necessary to operate the park district. Since the training of peace officers is required by statute the board of park commissioners is statutorily authorized to pay for their training.

It therefore is my opinion and you are advised:

1. Park District Rangers and Patrolmen have police powers entitling them to make arrests, execute warrants, and preserve the peace upon park lands and lands under the control of a board of park commissioners.
2. Park District Rangers and Patrolmen shall attend the Ohio Peace Officers' Training Institute and obtain certification upon satisfactory completion of the course.
3. The Board of Park Commissioners may pay for the training of its Rangers and Patrolmen.