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SYLLABUS:

1. The Ohio State Expositions Commission is given authority under Section 1711.35, Revised Code, to request, in writing, from a judge of the Municipal Court of Columbus, Ohio, that there be appointed an adequate number of special constables to maintain peace at the Ohio State Fairgrounds for the duration of the annual fair.

2. Under Section 991.04, Revised Code, the Ohio State Expositions Commission is given authority to expend monies from the rotary fund created by this statute for payment of constables appointed under Section 1711.35, Revised Code.

3. The Ohio State Highway Patrol, the Franklin County Sheriff's Department, and the Columbus City Police Department have concurrent jurisdiction for the preservation of peace at the Ohio State Fairgrounds throughout the entire year and each of these organizations has equal duty to respond to requests for police protection at the fairgrounds.

Columbus, Ohio, March 27, 1963

Hon. E. J. Keirns
Manager
The Ohio Expositions Commission
State Fair Grounds
Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

"We would like to have an opinion as to who has the legal responsibility of furnishing police protection at the Ohio Expositions Center. The question has been raised on numerous occasions as to whether it is the responsibility of Ohio Highway Patrol, Columbus City Police or the Franklin County Sheriff Department. We would also like an opinion as to the financial obligation of the Ohio Expositions Commission, to the to be determined agency, at the time of our annual Fair. If someone is legally responsible for us throughout the year is there any change in responsibility at Fair time?"

I believe the various questions raised in your request may be answered by consideration of the statutes involved and the interpretation thereof.

Section 1711.35, Revised Code, as amended effective January 10, 1961, is quoted as follows:

"On the application of a state, county, township, or independent agricultural society, of an industrial association, or of any other association or meeting of citizens for the purpose of promoting social or literary intercourse, a judge of a county court or judge of a municipal court having jurisdiction may appoint a suitable number of special constables to assist in keeping the peace during the time when such society or assembly is holding its annual fair or meeting. He shall make an entry in his docket of the number and names of all persons so appointed.

"Constables so appointed have all the power of constables to suppress riots, disturbances, and breaches of the peace. Upon view they may arrest any person guilty of any law of the state, and pursue and arrest any person fleeing from justice in any part of the state. They may apprehend any person in the act of committing an offense; on reasonable information, supported by affidavit, they may procure process for the arrest of any person charged with a breach of the peace and forthwith bring him before a competent authority; and they may enforce all laws for the preservation of order." (Emphasis Added)

It is apparent that, preceding the annual fair, it will be necessary for the Ohio Expositions Commission to submit a written application to a judge of the Municipal Court of Columbus, Ohio, requesting that he appoint a sufficient number of constables to insure the preservation of peace for the duration of the fair. The power and authority of such appointed constable is clearly set forth in the statute.

With regard to the responsibility for payment for services of constables appointed under authority of Section 1711.35, I refer you to Section 991.04, Revised Code:

"There is hereby established a permanent special fund known as 'the Ohio Expositions rotary fund.' All moneys collected by the Ohio expositions commission pursuant to sections 991.01 to 991.08, inclusive, of the Revised Code, shall be paid into such fund and may be used for the defrayment of the costs of administration and carrying out the purposes of sections 991.01 to 991.08, inclusive, of the Revised Code."

"Moneys in 'the Ohio state fair rotary fund' established under former section 901.20 of the Revised Code shall be transferred to 'the Ohio expositions rotary fund' and may be expended for defrayment of the costs of administration and carrying out the purposes of sections 991.01 to 991.08, inclusive, of the Revised Code."

It is my belief that the engagement of special police for the duration of the fair falls clearly within the purview of the statutory provisions that funds accumulated in the Ohio Exposition Rotary Fund may be used for the defrayment of the costs of administration and carrying out the purposes of Sections 991.01 to 991.08, inclusive, of the Revised Code.

As to your question regarding responsibility of the Ohio State Highway Patrol, the Columbus City Police and the Franklin County Sheriff Department to police the Ohio State Fairgrounds, I refer you to the following statute:

Section 5503.02, Revised Code, reads in part:

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“* * * The superintendent or any patrolman may enforce the criminal laws of all state properties and state institutions, owned or leased by the state.

“Any person arrested by the superintendent or a patrolman shall be taken before any court or magistrate having jurisdiction of the offense with which such person is charged. Any person arrested or apprehended within the municipal corporation limits shall be brought before the municipal court or other tribunal of the municipal corporation.

* * * * *

It will be readily seen from the above quoted section that the Ohio State Highway Patrol is invested with power to police the Ohio State Fairgrounds inasmuch as the fairgrounds fall within the category of “all state properties.”

43 Ohio Jurisprudence 2d, Sec. 3, at page 466, states that “a municipal police department derives its authority from the state” and cites *State ex rel. Doerfler v. Price*, 101 Ohio St., 50, in support of this position. Inasmuch as the Ohio State Fairgrounds are entirely within the municipal limits of the City of Columbus, the Columbus Police department has jurisdiction to preserve the peace on the grounds.

49 Ohio Jurisprudence 2d, Sec. 2, at page 18, reads in part as follows:

“In Ohio, the office of sheriff is created by legislative enactment, and a sheriff is a public and county office of

the law. He is the chief law enforcement officer of the county and serves as the executive officer of the courts.

“* * *

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Although, a sheriff's department may normally take cognizance of only certain restricted matters within a municipal corporation that lies within the county of its jurisdiction, such department is empowered and charged to enforce the law in all its aspects throughout the entire county. In Franklin County, these powers and duties would include the preservation of peace at the Ohio State Fairgrounds.

I therefore conclude and you are so advised that:

1. The Ohio State Expositions Commission is given authority under Section 1711.35, Revised Code, to request, in writing, from a judge of the Municipal Court of Columbus, Ohio, that there be appointed an adequate number of special constables to maintain peace at the Ohio State Fairgrounds for the duration of the annual fair.

2. Under Section 991.04, Revised Code, the Ohio State Expositions Commission is given authority to expend monies from the rotary fund created by this statute for payment of constables appointed under Section 1711.35, Revised Code.

3. The Ohio State Highway Patrol, the Franklin County Sheriff's Department, and the Columbus City Police Department have concurrent jurisdiction for the preservation of peace at the Ohio State Fairgrounds throughout the entire year and each of these organizations has equal duty to respond to requests for police protection at the fairgrounds.

Respectfully,
WILLIAM B. SAXBE
Attorney General