

suance of an agreement with the county commissioners to keep the prisoners of the municipality, of course the sheriff should be allowed the cost of keeping such prisoners, but I know of no other way that prisoners could be in the county jail charged with "suspicion."

It has become a practice prevalent among some arresting officers to detain persons without first securing a warrant for their arrest and without making any reasonable effort to take such prisoners before a magistrate and place some definite charge against them as the law requires. They take them to the county jail, turn them over to the jailer for safekeeping and get a warrant at their convenience. In the meantime the prisoners are charged on the jail register with the general and comprehensive term of "suspicion," for the reason that no one has yet determined what particular crime or offense they may be suspected of. Such confinement is unlawful and if it continues for a longer time than is reasonably necessary for the arresting officer to take the person before a magistrate, place some definite charge against him and secure a lawful commitment for the prisoner, the county commissioners are not authorized to make allowances to the sheriff for the keeping and feeding of such prisoners after such reasonable time has elapsed.

From what has been said it is my opinion that :

1. It is unlawful to arrest a person "on suspicion," that is, because it is suspected that such person may have committed a crime or offense, and imprison such person in the county jail for a longer period of time than is reasonably necessary under the circumstances for a charge to be filed before the proper court or magistrate and a legal warrant and commitment obtained. Where one is so arrested and held for a longer period without such writ or other authority from a competent court or magistrate, he has a right of action for false imprisonment against the officer or person who made the arrest and those by whom he has been so unlawfully held in custody.

2. A board of county commissioners is without authority to make allowances to sheriffs for the keeping and feeding of persons confined in the jail at the instance of arresting officers and other persons lawfully making arrests, for a longer period than is reasonably necessary for such person making the arrest to take the prisoner before a proper magistrate and procure a lawful commitment for him.

Respectfully,
EDWARD C. TURNER,
Attorney General.

973.

APPROVAL, BONDS OF THE VILLAGE OF HUBBARD, TRUMBULL
COUNTY, OHIO—\$100,000.00.

COLUMBUS, OHIO, September 9, 1927.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.