

OPINION
48-61

September 13, 1948 (OPINION)

FEES

RE: Chief of Police

Your letter of September 11, 1948, regarding the matter of your fees for serving warrants of arrest and witness fees, received this morning and sent to my desk.

Generally, the salary, fees, or other compensation, of all city officers is fixed by city ordinance. If your city has no such ordinance, it should proceed to enact one.

Policemen are not only the peace officers of a city, but they are also peace officers of the state and have all the duties and powers as such peace officers. See sections 12-0104 (13), 29-0510, and 40-2005 of the 1943 Revised Code.

The city under the law above referred to would have the power to fix the fees of police officers of the city when performing duties with reference to the enforcement of a city ordinance.

When the policeman is acting as a police officer of the state in the matter of enforcing state law instead of a city ordinance, he would, in my opinion, be entitled to the same fees as prescribed by law for the sheriff when performing like services. These fees are fixed by section 11-1507 of the 1943 Revised Code. If a policeman serves a warrant issued out of any justice court upon a complaint charging the violation of a state law, he would, in my opinion, be entitled to the same fees as the sheriff would be entitled to had the arrest been made by the sheriff.

If it becomes necessary for the policeman to appear in either the justice or district court to testify in any criminal prosecution under the state law, he would, in my opinion, be entitled to the same fees as any state witness would be entitled to under like circumstances.

P.O. SATHRE

Attorney General