



HENRY McMASTER  
ATTORNEY GENERAL

July 10, 2009

James A. Preacher, Jr., Chief of Police  
Ehrhardt Police Department  
P. O. Box 185  
Ehrhardt, South Carolina 29801

Dear Chief Preacher:

In a letter to this office you questioned whether a Class III police officer can issue a summons if directed by their sheriff or chief of police while performing limited powers of arrest or special duties. You referenced that you were not referring to code enforcement, litter control or animal control officers who consistent with a prior opinion of this office to you dated May 6, 2009 typically have limited powers consistent with their recognized duties as these specific types of officers. That opinion concluded that generally a Class III officer "...does not have full police custodial powers and is limited in his law enforcement authority with limited duties consistent with the Regulations and statutory law." Another prior opinion of this office dated January 25, 2005 concluded that as to Class III officers used at sporting events, handling traffic at fairs and football games, and who deal with courtroom security and the transportation of prisoners, these Class III officers have the duty and authority to perform such functions when they are commissioned by their local chief.

The May 6, 2009 opinion noted previously referenced that the Department of Public Safety promulgated regulations regarding training requirements for Class III officers. As to Class III officers, subsection (C) of such regulation states that

[c]andidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Department and will be certified as Class 3-SLE. (emphasis added).

In reviewing your question, I spoke with individuals at the Department of Public Safety and we all concurred that consistent with the referenced regulation, a Class III officer can issue a summons if directed by their sheriff or chief of police while performing limited powers of arrest or special duties. As I indicated above, such authority extends only to officers who do not perform code enforcement, litter control or animal control officers as these officers typically have limited powers consistent with these specific duties.

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With kind regards, I am,

Very truly yours,

Henry McMaster  
Attorney General

A handwritten signature in cursive script, reading "Charles H. Richardson".

By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

A handwritten signature in cursive script, reading "Robert D. Cook".

Robert D. Cook  
Deputy Attorney General