



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

January 15, 1998

The Honorable Sidney L. DuPree
Sheriff, Hampton County
Post Office Box 633
Hampton, South Carolina 29924

Re: Informal Opinion

Dear Sheriff DuPree:

You note that the Hampton County Sheriff's Office "has a subject that has applied for a reserve officer." You state that the individual has worked approximately fifteen years as a law enforcement officer. In February of 1998, the individual will have been out of law enforcement for three years. At that time, he will lose his certification and be required to attend the Criminal Justice Academy for eight weeks. If he is accepted as a reserve officer before February of 1998, he can become recertified by taking a challenge test or taking a three week legal update. You wish to know what the requirements are for this officer to become a reserve officer with your department.

Law / Analysis

The position of reserve police officer is established pursuant to S.C. Code Ann. Sec. 23-28-10 et seq. Section 23-28-20(A) states that

(A) [t]he chief with the approval of the governing body or its chief operating officer or sheriff may appoint the number of reserve police officers as may be needed but not exceeding the number of regular full-time officers of his department. The number of full-time officers may not be decreased because of the institution or expansion of a reserve force. Each period of time reserves serve must be determined and specified by the chief or sheriff in writing. The powers and duties of reserves must be prescribed by the chief or sheriff and they are subject to removal by him at any time.

*Respectfully,
Charles Molony Condon*

January 15, 1998

Subsection (B) further provides that

[t]he chief or sheriff, with the approval of the governing body, also shall allow for the compensation of reserve police officers for work done pursuant to Section 23-24-10 when compensation for approved public activities would be paid by a party other than the municipality or county. Reserve officers must be paid for approved public activities the same as off-duty police officers. Work performed for compensation must be in excess of the minimum logged service time required of Section 23-28-70. No additional training, beyond what is required for reserve police officers is required for reserve police officers who receive compensation.

Subsection (C) of § 23-28-20 sets forth the basic requirements for becoming a reserve police officer. Such Section provides that

- (C) Before assuming their duties reserves must:
- (1) take the oath of office required by law;
 - (2) be bonded in an amount determined by the governing body of the county, municipality, or other political entity which may not be less than one thousand five hundred dollars;
 - (3) successfully complete a course of training specified pursuant to Title 23, Chapter 6 and endorsed by the chief or sheriff who appoints them.

Section 23-28-30 also provides for the training of reserve officers. Such Section states as follows:

[n]o reserve shall assume any police function until he has successfully completed a course of training of at least sixty hours and passed a comprehensive test prepared by the South Carolina Criminal Justice Academy and administered by the local law enforcement agency. This sixty hours of training shall be promulgated by the South Carolina Criminal Justice Academy Division of the Department of Public Safety,

endorsed by the appointing official and shall include, but not be limited to:

- (A) Firearms training twelve hours
- (B) Laws of arrest three hours
- (C) Searches and Seizures three hours
- (D) Evidence six hours
- (E) Crisis Intervention three hours
- (F) Officer survival two hours
- (G) Ethics two hours
- (H) Constitutional law two hours
- (I) Local ordinances and policies ten hours
- (J) Radio communications one hour
- (K) Handling prisoners one hour
- (L) Handling juveniles one hour
- (M) Human relations two hours

I am advised that the Academy deems the sixty hour course referenced in § 23-28-30 as the training that is necessary where an individual is out of law enforcement for more than three years and seeks to come back as a reserve officer. The courts will, of course, defer to the administrative agency required by law to administer a particular statute. Thus, I would suggest that you contact the Academy for further information regarding the specifics of these requirements.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General