

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11548  
COLUMBIA, S.C. 29211  
TELEPHONE 803-734-3710

August 4, 1987

Chief J. P. Strom  
State Law Enforcement Division  
4400 Broad River Road  
P. O. Box 21398  
Columbia, SC 29221

RE: Hot Pursuit for Private Security Officers

Dear Chief Strom:

Attorney General Medlock has referred your letter of June 10, with attachments, to me for inquiry and reply. As you stated, I had discussed this matter at length with Lt. Murphy of your Regulatory Department.

The question presented concerned the authority and power of private security guards to engage in "hot pursuit" of offenders away from the property they are assigned to protect. Lt. Murphy located a letter to her predecessor, Paul Moran, dated August 5, 1982, from an attorney in this office indicating that private security officers licensed by the State Law Enforcement Division have the power to engage in hot pursuit of offenders.

This matter is under reconsideration by this office, and I so notified Lt. Murphy the week of June 8.

Based upon the following, it would be the opinion of this office that absent specific statutory authority, private security guards, licensed by the State Law Enforcement Division, probably do not have the power to engage in hot pursuit of an offender away from the private property they are assigned to patrol or guard.

The licensing provisions, and the source of authority for private security guards, are found in the South Carolina Detective and Private Security Agencies Act, §§40-17-10 et seq., S. C. CODE OF LAWS (1976), as amended, and the regulations relating thereto. It is required therein that private security guards must be licensed by the State Law Enforcement Division, and there are certain standards and qualifications set forth in

2833 Library

ALMOR 7-10-87-73

P 187

Chief Strom  
Page 2  
August 4, 1987

§40-17-50, relating to age, citizenship, character, prior record, and necessary experience. Private security guards may be authorized to carry firearms, provided they meet the requirements of §40-17-120; in addition, a second firearms permit may be issued when circumstances require, to the satisfaction of SLED, for the carrying of a concealed weapon when a private security guard is not in uniform. §40-17-120(c).

The key provision relevant to your letter would be §40-17-130, which provides as follows:

Any person covered by the provisions of §40-17-90 or properly registered or licensed under this chapter who is hired or employed to patrol, guard or render a similar service on certain property shall be granted the authority and power which sheriffs have to make arrest of persons violating or charged with violating any of the criminal statutes of this State, but shall have such powers of arrest only on the aforementioned property. (emphasis added)

In prior opinions, this office has ruled that private security guards, having the power of arrest of sheriffs, are allowed to make arrests for traffic violations, but only on property they are hired to patrol or guard. See 1976-77 OP ATTY GEN, #77-234, page 175. Further, we have held that private security guards must deliver persons arrested on the particular premises to the proper authorities without leaving the assigned property. 1976-77 OP ATTY GEN #77357, page 284. Finally, this office has held that there appears to be no authority for private security guards to provide security for a moving individual; a licensed private security guard has only the arrest powers of a private citizen away from the property he is assigned to guard. 1984 OP ATTY GEN #84-80, page 199.

While it is true that commissioned law enforcement officers have the power to engage in hot pursuit for certain distances beyond their jurisdiction, there does not appear to be a similar provision contained in the Detective and Private Security Agencies Act. That act is a special statute, relating to the regulation of a profession, and the powers of the State granted to certain licensed members of that profession must be viewed strictly, and within the limitations of the statute.

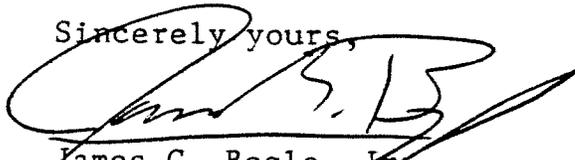
Accordingly, absent specific authorization in the Act granting private security guards the authority to engage in hot pursuit away from the property they are assigned to guard, and consistent with the tone of the prior opinions I have listed, it would appear that such licensed security guards probably do not possess the authority to engage in hot pursuit. While we cannot say with absolute certainty that the letter of August 5, 1982, is

Chief Strom  
Page 3  
August 4, 1987

clearly erroneous, we, nevertheless, believe that the better rule is that such authority is not present, absent express statutory authorization. To resolve the matter with finality, legislation specifically addressing this issue should be considered.

If further information is required, please do not hesitate to contact me.

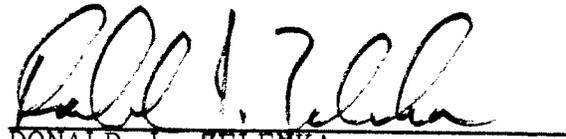
Sincerely yours,



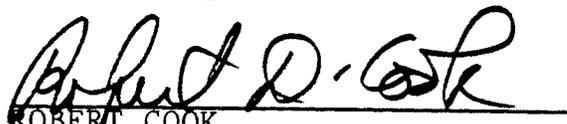
James G. Bogle, Jr.  
Assistant Attorney General

JGBjr/add

APPROVED BY:



DONALD J. ZELENKA  
Chief Deputy Attorney General



ROBERT COOK  
Executive Assistant, Opinions