

Library 2073

# The State of South Carolina



Opinion No 86-38 P. 119

## Office of the Attorney General

**T. TRAVIS MEDLOCK**  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE 803-758-3970

March 19, 1986

Henry R. Wengrow, Esquire  
Legal Counsel, South Carolina  
Criminal Justice Academy  
5400 Broad River Road  
Columbia, South Carolina 29210-4088

Dear Henry:

In a letter to this Office you questioned the scope of the arrest power of a jail employee as to citizens on and off jail property. You particularly referenced prior situations with which you were familiar where an individual who was intoxicated entered the public area of a jail facility and became disorderly and where a visitor to a local jail attempted to pass contraband to a prisoner. As to such situations the question was raised as to whether the jail employee was authorized to arrest such individuals. You also raised the question as to whether a jail employee while transporting prisoners from one location to another could arrest an individual who interfered with such process. You indicated that for purposes of your request, the assumption should be made that in each case adequate probable cause to believe that a crime had been committed exists and is within the jail employee's direct knowledge.

Section 23-1-145 of the Code states:

(e)employees of any county or municipal jail, prison, work camp or overnight lockup facility, while performing their officially assigned duties relating to the custody, control, transportation or recapture of any inmate or prisoner of this State, shall have the status of peace officers anywhere in the State in any matter relating to the custody, control, transportation or recapture of such inmate or prisoner.

Mr. Wengrow  
Page 2  
March 19, 1986

By having the status of peace officers, jail employees have the authority to make arrests without a warrant of individuals reasonably suspected of having committed a felony or when the facts and circumstances which are observed by such employees provide probable cause to believe that a crime has been freshly committed. State v. Retford, 276 S.C. 657, 281 S.E.2d 471 (1981); Prosser v. Parsons, 245 S.C. 493, 141 S.E.2d 342 (1965); State v. Martin, 275 S.C. 141, 268 S.E.2d 105 (1980).

As provided in Section 23-1-145, jail employees are granted the law enforcement authority of peace officers while performing their official duties "... anywhere in the State in any matter relating to the custody, control, transportation, or recapture of such inmate or prisoner...." Obviously, such law enforcement authority is quite broad. As to the situations referenced by you involving the disorderly conduct of an intoxicated visitor to the public area of a jail, the actions of a visitor at the jail who attempted to pass contraband, and where an individual interferes with the transportation of a prisoner from one location to another, it appears that pursuant to Section 23-1-145, arrests could be made by a jail employee where there is adequate probable cause to believe a crime has been committed and where such probable cause is within the direct knowledge of such employee.

If there is anything further, please advise.

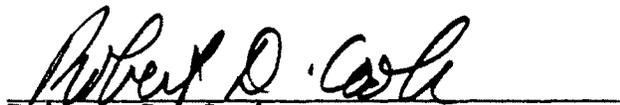
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:

  
\_\_\_\_\_  
Robert D. Cook  
Executive Assistant for Opinions