

1984 S.C. Op. Atty. Gen. 55 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-19, 1984 WL 159827

Office of the Attorney General

State of South Carolina

Opinion No. 84-19

February 17, 1984

\*1 Sergeant Thomas E. Atkins  
Uniform Division Supervisor  
Summerville Police Department  
100 East Doty Avenue  
Summerville, South Carolina 29483

Dear Sergeant Atkins:

Attorney General Medlock has referred your letter of February 2, 1984, to me for reply. You have requested an opinion concerning whether or not a police officer may act as security in an apartment complex in exchange for rent free accommodations.

[Sections 23-24-10](#) through [23-24-50](#), [South Carolina Code](#) of Laws, answers your inquiry specifically. A reading of these sections makes it clear that the situation you describe would be permissible, providing the following conditions are met.

1. A determination by the Agency head of the agency that employs the law enforcement officer (example: Police Chief), that such employment would not have any adverse effects on the agency, officer or profession, and that such employment would be in the public interest.

2. Permission of the law enforcement agency that employs the officer.

3. Permission of the governing body by which they are employed (example: City Council) if the official uniforms, weapons, or like equipment is to be utilized by a uniformed officer while off-duty.

4. Notice is given by the officer to the law enforcement agency of the place of employment, of the hours to be worked and the type of employment.

For a full understanding of these requirements as well as liability issues, we have enclosed a copy of the pertinent statutes concerning this matter. A prior Opinion of the Attorney General, dated February 10, 1983, construing these statutes, is also enclosed.

I trust that this will answer your question about employment of off-duty police officers fully and accurately and that you no longer require an answer concerning powers of arresting or detaining subjects by such an off-duty police officer outside his professional jurisdiction. Should you have any additional questions concerning this matter, please do not hesitate to contact me.  
Sincerely yours,

Robert D. Cook  
Executive Assistant for Opinions

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