

1983 WL 181896 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1983

\*1 John A. O'Leary  
Executive Director  
S.C. Law Enforcement Training Counsel  
Criminal Justice Academy  
5400 Broad River Road  
Columbia, SC 29210

Dear Mr. O'Leary:

In a letter to this Office you referenced a situation in the resort areas of the State where several law enforcement agencies hire extra personnel for a limited time to work as police officers during the season. In your opinion, these men and women are clearly within the definition of 'law enforcement officers' for purposes of the training act, [Section 23-23-10, et seq., Code of Laws of South Carolina](#), 1976. However, since the act requires training only within one year of the initial hiring date, they are terminated before such training can be performed. You indicated in your letter that you have been requested to train such short-term officers pursuant to the provisions dealing with reserve police officers, namely, [Section 23-28-10, et seq., Code of Laws of South Carolina](#), 1976, as amended.

As referenced in your letter, reserve police officers are defined as

' . . . persons given part-time police powers without being regularly assigned to full-time law enforcement duties.' [Section 23-28-10\(A\)](#), supra.

Enclosed please find copies of earlier correspondence from this Office, letters dated March 24, 1981, and April 28, 1981, concerning the training required of reserve police officers. I would particularly call your attention to the April 28th letter. Such letter states in part that

' . . . as to any regular law enforcement officer appointed pursuant to [Section 23-23-40, Code of Laws of South Carolina](#), 1976, as amended, such officers must complete the training required by such referenced provisions. This would include those regular law enforcement officers who may actually work on only a part-time basis.' <sup>1</sup>

Therefore, for purposes of the matter addressed in your letter, I agree with your construction of the statutes dealing with reserve officers and your determination that the referenced law enforcement personnel hired only on a short-term basis do not meet the definition of a reserve officer. Consequently, they should not undergo the training offered by the Academy for reserve officers. Therefore, any training undertaken by such officers must be pursuant to the provisions of [Section 23-23-10, et seq., supra](#).

If there are any questions, please advise me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

Footnotes

<sup>1</sup> Attention is called to 17A [Words and Phrases](#) 'Full Time', p. 523, and the cases cited thereunder.

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