

1983 S.C. Op. Atty. Gen. 33 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-18, 1983 WL 142689

Office of the Attorney General

State of South Carolina

Opinion No. 83-18

June 3, 1983

*1 Mr. John A. O'Leary
Executive Director
Criminal Justice Academy
5400 Broad River Road
Columbia, SC 29210

Dear Sir:

You have asked for clarification of an opinion, dated March 24, 1983, to Commissioner of Corrections Leeke, where it was concluded that employees of a jail or county detention center were granted the status of peace officers when performing certain functions. Those functions were 'any matter relating to custody, control, transportation or recapture' of an inmate or prisoner, while performing officially assigned duties. [Section 23-1-145 Code of Laws of South Carolina \(1976\)](#).

As peace officers, those individuals therefore fall within the definition of 'law enforcement officer' contained in Section 23-23-10(d)(1), since they possessed by statute, authority to enforce at least 'some' of the criminal or penal laws of the State, and the power to affect arrest for violation of such laws.

It follows, then, that their training was mandated upon the Law Enforcement Training Council in accordance with Sections 23-23-10 and 23-23-40.

In order to be certified by the Council under Section 23-23-50(a), such persons must complete the training required by Article 23 of the Code. Candidates for such certification must have filed with the Council on their behalf by their employers certain information set forth in detail at Section 23-23-50(b)(1) through (7). That information includes, among other things, a satisfactory background check and that examination of the 'candidate's fingerprint records as received from F.B.I. and S.L.E.D. indicates no record of felony convictions.' 23-23-50(B)(4)(a) and (d). A copy of that statute with its 1976 amendment, is attached.

The conclusion, then, is that the training of security personnel at jails and county detention facilities is mandated upon the Council. These individuals, to be certified by Council, must satisfy the requirements of Section 23-23-50, as amended. If an individual fails to become certified, he would be prohibited from, among other things, exercising the power of arrest or employment as a law enforcement officer. Section 23-23-40.

I hope this adequately responds to your inquiry.

With best regards, I am
Sincerely yours,

T. Travis Medlock
Attorney General

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