

1981 WL 158027 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1981

*1 The Honorable Frank Powell
Sheriff of Richland County
Post Office Box 143
Columbia, South Carolina 29201

Dear Sheriff Powell:

Attorney General McLeod has referred your letter of October 21, 1981, to me for reply. Your first question concerns the authority of a private security agency to enforce traffic laws on private streets within a subdivision where they are contracted to provide security services. Under the proper circumstances, such an agency would have the authority to enforce the traffic laws, as the employees of the agencies would have the same power to arrest as do sheriffs. I am enclosing two previous opinions of this office, one dated August 1, 1978, and one dated July 25, 1977, which outline those proper circumstances. It should be kept in mind that as long as the sheriff has the power to arrest an individual, that same power applies to security guards, with the only proviso being that the security guards' authority extends only on the property they are hired to patrol, guard or render such similar service.

Your second question concerns whether or not security guards would be authorized to accept cash bonds from citizens cited for traffic violations. Again, as security guards only have such power to arrest as do sheriffs, and sheriffs do not have the authority to accept such cash bonds, it is the opinion of this office that security guards do not have the authority to accept such cash bonds. I am enclosing a former opinion of this office which addresses this matter in detail.

Your third question asked whether private security agencies have the right to use speed detection devices such as radar in enforcing traffic laws. As such devices would appear to be a legitimate method of enforcing traffic laws, it is the opinion of this office that private security agencies could utilize such devices when entitled to enforce traffic laws.

I hope this letter has been of assistance to you, but if you have any questions, or if I may be of further assistance to you, please do not hesitate to contact me.

With best personal regards, I am,

Yours very truly,

John M. Barton
Assistant Attorney General

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