

1976 WL 30455 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 6, 1976

*1 Auxiliary police officers have no power of arrest beyond that of ordinary citizens.

Honorable Bruce A. Drawdy
Chief
Port Royal Police Department

QUESTION PRESENTED:

May military personnel be commissioned to serve as auxiliary police officers in the State of South Carolina?

STATUTES:

Sections 17-251, 17-252, 1962 Code of Laws of South Carolina, as amended.

DISCUSSION OF ISSUES:

Please see enclosed opinion letters of Deputy Attorney General J. C. Coleman concerning this matter. There appears to be no state wide authority for the commission of auxiliary police officers. There are special provisions for the cities of Gaffney and Sumter. However, the Code does not contain a similar provision for Port Royal.

In the absence of such a provision, it would be pointless and, in terms of civil liability, possibly dangerous to appoint military personnel, or anyone else, to such a position.

Joseph R. Barker
Assistant Attorney General

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