

May 9, 2007

Ivan Randolph, Ph.D., Superintendent
Abbeville County School District
400 Greenville Street
Abbeville, South Carolina 29620

Dear Dr. Randolph:

In a letter to this office you referenced that the school resource officer at Abbeville High School is a police officer for the city of Abbeville. One of the schools to which he is assigned is the Abbeville County Career Center and Alternative School. That school is not within the city limits of Abbeville. You indicated that recently an incident happened at the Alternative School that resulted in the school resource officer having to make an arrest. You have questioned whether a school resource officer can make an arrest outside of his regular city jurisdictional limits.

Typically, pursuant to S.C. Code Ann. § 5-7-110, city police officers

...shall exercise their powers on all private and public property within the corporate limits of the municipality and on all property owned or controlled by the municipality wheresoever situated....

However, S.C. Code Ann. § 5-7-12 states that

(A) The governing body of a municipality or county may upon the request of any other governing body or of any other political subdivision of the State, including school districts, designate certain officers to be assigned to the duty of a school resource officer and to work within the school systems of the municipality or county. The person assigned as a school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event. When acting pursuant to this section and outside of the sworn municipality or county of the school resource officer, the officer shall enjoy all authority, rights, privileges, and immunities, including coverage under the workers' compensation laws that he would have enjoyed if operating in his sworn jurisdiction. (emphasis added).

Pursuant to that same statute in section (B),

Dr. Randolph
Page 2
May 9, 2007

...a "school resource officer" is defined as a person who is a sworn law enforcement officer pursuant to the requirements of any jurisdiction of this State, who has completed the basic course of instruction for School Resource Officers as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this State to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district.

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning and statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991); Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

As referenced, a school resource officer is specifically granted "statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event." Consistent with such, in the opinion of this office, the school resource officer would have had jurisdiction to make an arrest at the Alternative School even though the school is outside the regular Abbeville city limits.

If there are any questions, please advise.

Sincerely,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General