

# The State of South Carolina



## Office of the Attorney General

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October 18, 1994

The Honorable Howard L. Sellers  
Sheriff, Aiken County  
420 Hampton Avenue, N.E.  
Aiken, South Carolina 29801

Dear Sheriff Sellers:

Attorney General Medlock has referred to me your letter of September 23, 1994 for reply. You presented the following two questions:

1. Do the certified detention officers employed at the Aiken County Detention Center who are not commissioned law enforcement officers have the authority to serve any type of warrant on an inmate of that facility for a crime not committed in that facility, and during a time frame prior to incarceration at that facility?
2. If warrants have been served by a detention officer without authority to do so, what steps, if any, may be taken to rectify the service on inmates currently housed at the detention center?

Enclosed please find a previous advisory letter of this office to Henry Wengrow, Legal Counsel at the Criminal Justice Academy dated March 19, 1986. It sets forth the legal status of employees of a jail as law enforcement officers, found at S.C. Code Ann. §23-1-145. I have verified that that statute has not been amended since this 1986 letter was written.

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As a general rule penal statutes or statutes regarding criminal procedure are strictly construed. The operative language giving jail employees law enforcement authority contained in §23-1-145 is qualified as follows: "while performing their officially assigned duties relating to the custody, control, transportation or recapture of any inmate or prisoner of this state. . ." (emphasis added).

Giving the statute what appears to be its plain and ordinary meaning, employees of a jail are given law enforcement powers while performing their official duties relating to the custody or control of inmates. In your letter you inquired whether such officers at the Aiken County Detention Center could serve warrants on inmates of that facility for a crime not committed in the facility. Section 23-1-145 makes those detention officers peace officers, much as any other certified officer in the state, over inmates during the times they are housed at the facility, or under their "control." It would therefore seem logical under the statute to allow those detention officers referenced in your letter to serve warrants on inmates as you have suggested.

Please understand that I am trying to construe the statute, and read into it a point I feel is logically covered, but not expressly stated. I would therefore qualify this advice to you, and suggest that perhaps some legislative clarification might be in order.

Sincerely,

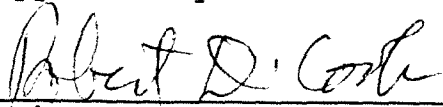


James G. Bogle, Jr.  
Assistant Attorney General

JGBjr:ypj

Enclosure

Approved by:



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Robert D. Cook  
Executive Assistant for Opinions