

1981 WL 158200 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 24, 1981

\*1 Mr. William R. Dixon  
Deputy Director  
South Carolina Criminal Justice Academy  
5400 Broad River Road  
Columbia, SC 29210

Dear Mr. Dixon:

In a letter to this Office you referenced that some law enforcement agencies in this State designate persons who have less than full-time law enforcement duties as 'part-time police officers' or 'auxiliary police officers' instead of the term 'reserve police officer.' You indicate that such 'part-time police officers' and 'auxiliary police officers' are not completing the course of training included in [Sections 23-28-10 et seq., of the 1976 Code](#) of Laws, as amended, which is required of 'reserve police officers' prior to their assuming any police function. You specifically questioned whether the terms 'reserve police officer,' 'part-time police officer' and 'auxiliary police officer' should be considered as being one in the same for purposes of requiring training of such individuals prior to their performing as police officers.

As you are aware, in 1978 the General Assembly enacted Act No. 481 of 1978, codified as [Section 23-28-10 et seq., supra](#), which authorized the appointment of reserve police officers by chiefs of police. 'Reserves' is defined by [Section 23-28-10\(A\)](#) as: '... persons given part-time police powers without being regularly assigned to full-time law enforcement duties.'

Furthermore, Section 23-28-30 specifically states that a 'reserve' is prohibited from exercising any police function until he has successfully completed a prescribed sixty-hour course of training and a comprehensive test prepared by the South Carolina Criminal Justice Academy.

In enacting Act No. 481 of 1978, the General Assembly specifically repealed No. 687 of 1976 which had previously authorized the appointment of auxiliary police officers by chiefs of police in this State. My research has not revealed any general state-wide authorization for the appointment of auxiliary police prior to the 1976 Act.<sup>1</sup>

Based upon the above review, it appears that all individuals who exercise police power on a part-time basis only must be appointed pursuant to [Sections 23-28-10 et seq., supra](#). Regardless of the term used to describe these individuals, they should be considered as being reserve police officers within the definition of [Section 23-28-10\(a\) supra](#). As reserves, in order to exercise any police functions they must comply with the training requirements provided by Section 23-28-30, [supra](#).

If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

Footnotes

- <sup>1</sup> Acts No. 949 and 1101 of 1974 which authorized, respectively, the appointment of auxiliary police in the Cities of Sumter and Gaffney were repealed by Act No. 687.

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