

1982 WL 189233 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 2, 1982

***1 Re: Deputization of Juvenile Facility Director for a limited purpose**

L. Scott Wallace
Director
Charleston County Juvenile Detention Center
Division of Public Safety
4350 Headquarters Road
Charleston Heights, S. C. 29405

Dear Mr. Wallace:

You have asked whether the Charleston County Sheriff has the authority to deputize you as the Director of the Juvenile Detention Center in order that you may supervise adult inmates from the County Jail painting your facility. As you have advised me, this facility is not under the jurisdiction of the County Sheriff, but is under the County Administrator's Division of Public Safety.

This Office has consistently held that a County Sheriff is empowered to appoint only regular, salaried deputies for whom provision is made by statute, § 23-13-10, deputies for industrial communities (§ 23-13-210), fairs (§ 23-13-410), or parks (§ 24-13-510). Special deputies may be appointed solely for the service of process in civil and criminal proceedings. [§ 23-13-40, Code of Laws](#) (1976). The Sheriff does not have the inherent authority to appoint special 'non-pay' deputies not specifically authorized by statute. Your situation in which the limited purpose is to supervise the inmate labor is not provided in the Code as an exception. I would suggest that you contact the County Attorney concerning the possibility of utilizing a 'reserve police officer' to provide the necessary supervision. I have enclosed a copy of the statute authorizing 'reserve police officers' with part-time police powers for your consideration. § 23-28-10, et seq., [Code of Laws](#) (1976). This might provide a solution to the immediate problem.

I hope that this response has been of some assistance to you.

Sincerely,

Donald J. Zelenka
Assistant Attorney General

ATTACHMENT

December 30, 1981
Mr. L. Scott Wallace

Director

Charleston County Juvenile Detention Center

4350 Headquarters Road

Charleston, S. C. 29405

RE: Opinion Request Concerning Use of Adult Prisoner in a Juvenile Facility

Dear Mr. Wallace:

I am in receipt of your request of December 21, 1981, concerning whether adult trustees of the Charleston Jail may be used in public works projects at the Charleston County Juvenile Detention Center, which houses juveniles accused of criminal offenses on a pretrial basis. It is my understanding that the trustee would be housed in the adult jail at night and paint the juvenile facility in the day.

It is universally held that the State is entitled to the labor of a convict. 60 Am.Jur.2d. Penal and Correctional Institutions, § 35, 36. Our State Constitution and statutes provide the proper vehicle by which state prisoners can be used on public works, such as the upkeep of public buildings. Article 12, § 9 Constitution of South Carolina, § 24-3-130, 131, and § 24-7-10, et seq., Code Of Laws (1976). Therefore, this Office is of the opinion that the trustee can be used on this public work project pursuant to § 24-7-10, Code Of Laws (1976).

*2 The next issue that must be addressed concerns the interrelationship of an adult prisoner working in a juvenile detention center. The Code provides that when the Department of Youth Services determines that a secure facility is necessary for pretrial detention, 'a child may only be detained in a facility which has a sight and sound separation from adults.' § 14-21-590, Code Of Laws (1976), as amended 1980. See: Article XII, § 3, Constitution of South Carolina (1976). It is my understanding that the trustee will be separated from the juveniles through the utilization of the facility's different wings. Therefore, it is the opinion of this Office that the adult trustee can be used to paint the juvenile detention facility as long as a 'sight and sound separation' from the juvenile detainees is maintained at all times.

We trust this is of help to you.

Sincerely,

Donald J. Zelenka
Assistant Attorney General

1982 WL 189233 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.