

1979 WL 42790 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 1, 1979

\*1 Richard P. Ruonala

Chief

Police Department

Town of Andrews

Andrews, South Carolina 29510

Dear Chief Ruonala:

In your recent letter to this Office you asked what were the ramifications of the failure of a law enforcement officer to comply with the provisions of [Section 23-23-40 of the 1976 Code](#) of Laws, as amended, which require the successful completion of the minimum basic training for law enforcement officers detailed in [Sections 23-23-10, et seq., of the 1976 Code](#) of Laws within one year of his appointment as an officer. You specifically questioned whether a department head who wilfully neglects to enforce compliance with such training requirement may be penalized in some manner.

As you are aware, [Section 23-23-40](#) states that unless an officer does complete such training, and unless he meets those exemptions outlined in the section, he would not be.

‘ . . . empowered or authorized to enforce the laws or ordinances of this State or any political subdivision thereof . . . (and) . . . he shall not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest . . . (Furthermore) . . . he shall not be eligible for employment or appointment by any other agency in South Carolina as a law enforcement officer, nor shall he be eligible for any compensation by any law enforcement agency for services performed as an officer . . . ’

There sections relating to law enforcement training do not address your question of penalties for a department head in wilfully neglecting the training requirement. I can only advise that if a situation develops where there is failure to meet the training requirement, allowing a non-qualified individual to perform the duties of a law enforcement officer may result in possible civil suits or questions regarding the propriety and legality of any actions taken by such individual as a law enforcement officer.

Sincerely,

Charles H. Richardson

Assistant Attorney General

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