

1980 WL 121036 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1980

*1 Carroll D. Padgett, Jr., Esquire
Attorney at Law
P. O. Box 792
Loris, SC 29569

Dear Mr. Padgett:

In a letter to this Office you indicated that the arrest powers of a police officer, recently hired, who as yet has not completed the basic training requirements established by the South Carolina Law Enforcement Training Council have been questioned.

[Section 23-23-40, Code of Laws of South Carolina, 1976](#), as amended, expressly provides that:

‘[N]o law enforcement officer employed or appointed on or after January 1, 1972, by any public law enforcement agency in this State shall be empowered or authorized to enforce the laws or ordinances of this State or any political subdivision thereof unless he has, within one year after his date of appointment, successfully completed the minimum basic training requirements established pursuant to this article. Should any such person fail to successfully complete such basic training requirements within one year from his date of employment, 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 until he has successfully completed such basic training requirements.’

As is evident, such section provides that a newly appointed officer has one year from the date of his appointment to successfully complete the referenced training requirements. During the course of the initial first year, he possesses the full law enforcement authority of a police officer in this state as a result of his appointment.

You also questioned whether a police officer in this State should cease pursuit of felons after the latter have crossed the State line. While a South Carolina police officer could pursue an individual into another State, inasmuch as such police officer has no law enforcement authority in another State, such officer should not attempt in any manner to exercise any law enforcement powers in another State. The better practice would be for the officer in this State to contact the law enforcement authorities in the other State and request their assistance in making any arrest. If the officer in the other State is authorized to make an arrest under the circumstances of a specific case, he could act based upon the information supplied to him to arrest an individual who has crossed over to his State. It should also be remembered that by entering another State, an individual may only be returned to this State through proper extradition proceedings. [See, [Wirth v. Surles, 562 F.2d 319 \(1977\)](#)]. Therefore, the officers in this State should make no effort to have any individual returned to their authority unless the procedures required by the law in that State have been followed.

With best wishes, I am
Sincerely,

Charles H. Richardson
Assistant Attorney General

1980 WL 121036 (S.C.A.G.)