

1977 WL 37038 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 24, 1977

\*1 William D. Byars  
Town Administrator  
Blacksburg, South Carolina

QUESTION:

Whether auxiliary police officers are empowered to make arrests, carry weapons, or operate police equipment without prior certification from the South Carolina Law Enforcement Training School?

AUTHORITIES:

Act No. 687 of 1976, 59 Stat. 1853;

Section 23–23–40, Code of Laws of South Carolina (1976).

DISCUSSION:

You have requested an opinion from this office concerning the authority of auxiliary police officers to make arrests, carry weapons, and operate police equipment. You have noted that none of these officers have completed the basic training requirements of the Criminal Justice Academy. Act No. 687 of 1976, 59 Stat. 1853, specifically provides for the appointment of auxiliary police officers by the Chief of Police of any municipal corporation or county police department, and delegates to such officers ‘such authority and power as is prescribed by law for the other police officers of the municipality or county and such general police duties as shall be prescribed by the chief . . .’ Therefore, auxiliary police have the same powers and authority as do the other ‘regular’ police officers of the county or municipality. Act No. 687 further requires that Act No. 1186 of 1970, codified in Section 23–23–10, eq seq., Code of Laws of South Carolina (1976), shall apply to such auxiliary police.

Section 23–23–40 provides that no law enforcement officer shall be empowered to enforce the laws of the state or any political subdivision unless he has successfully completed minimum basic training requirements within one year after the date of his appointment. The section further provides:

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. (Emphasis added).

However, Section 23–23–80 excludes from the provisions of Section 23–23–10, ew seq. all municipalities having a population of less than two thousand five hundred persons or which does not have at least five full time police officers.

CONCLUSION:

Auxiliary police officers must attend the South Carolina Law Enforcement Training School within one year of appointment in order to enforce the laws of South Carolina or any political subdivision unless such officer is appointed in a municipality

having a population of less than two thousand five hundred people or which does not have at least five full time police officers. Duly appointed auxiliary police officers therefore are empowered to make arrests, carry weapons, or operate police equipment, subject to their compliance with basic police training requirements, if applicable.

Richard. Wilson

\*2 Assistant Attorney General

1977 WL 37038 (S.C.A.G.)

---

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.