

1978 WL 34650 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 12, 1978

*1 Herbert F. Payton
Chief of Police
Newberry County Police Department
Post Office Box 36
Prosperity, South Carolina 29127

Dear Chief Payton:

Your letter of January 6, 1978, to this Office has been assigned to me for a response. I am assuming that you are referring to actions taken by municipal police officers in response to traffic law violations and therefore, I am responding with such in mind.

You have asked when should a police officer activate his blue light when pursuing a traffic offender beyond the limits of the municipality. Sections 17-13-40 and 23-1-10, Code of Laws of South Carolina, 1976, which authorize policemen to make arrests with or without a warrant within the mileage limitations as expressed in those statutes for violations of municipal ordinances and statutes of this State, limits the authority to make such arrests to only those situations where the policemen are in pursuit of the offender. This Office has consistently held that where there has been neither flight by the offender nor pursuit by an officer, a municipal police officer does not have the authority to make an arrest without a warrant beyond the territorial limits of the municipality. (See 1963-1964 Ops.Atty.Gen., No. 1693, p. 149). Based on the above, it appears that it would be necessary for the police officer to activate his blue light prior to leaving the territorial limits of the municipality of his jurisdiction when attempting to get an offender to stop. Since the intent to stop a particular offender must be formed prior to leaving the municipal limits, the activation of the light prior to leaving such territorial limits would expressly show that intention.

As stated, the authority to make arrests outside the territorial limits of a municipality for violations as expressed above is limited to only those situations where there is flight by a violator or pursuit by an officer.

If there are any further questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Staff Attorney

1978 WL 34650 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.