

1975 WL 28869 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 29, 1975

\*1 Gregg Masceri  
Chief of Police  
Police Department  
Liberty, S. C. 29657

Dear Chief Masceri:

This is in reply to our recent conversation and your letter of May 23. You have inquired as to any method by which the auxiliary police of your city could be authorized to carry out the powers exercised by regular municipal police officers.

This office has expressed the opinion on several occasions that there is no authority whatever for the creation of an auxiliary police force by a municipality. Without such authority being given by the Legislature the creation of such a force is without force or effect.

The only alternatives that are available to the city under these circumstances are to either: (1) procure non pay state constable commissions pursuant to Section 53-3, 1962 Code of Laws, as amended, or (2) have the persons involved commissioned by the city as regular salaried police officers under the provisions of Section 47-232, 1962 Code of Laws, as amended.

Without authority being granted by either of these means the auxiliary policemen would be without authority to carry firearms, effect arrests, and otherwise exercise the powers conferred upon municipal police officers.

I hope this will be of aid to you, I am  
Yours truly,

Cameron B. Littlejohn, Jr.  
Law Clerk

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