

1974 WL 27696 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1974

***1 Re: Police Officers—Minimum Age**

Honorable Charles D. McLean
Chief of Police
City of Forest Acres
4405 Bethel Church Road
Columbia, South Carolina 29206

Dear Chief McLean:

Mr. McLeod has referred to me your letter of March 21, 1974, making general inquiry relative to the hiring of 18-21 year-old persons for service with your Police Department.

Although there is nothing in our law to prohibit the hiring of persons 18-21 as municipal policemen, there are several other factors that might affect the action of the Police Department in this area. If your city ordinance requires that your police officers furnish a bond, persons under 21 years of age are not legally capable at this time to enter into a contractual relationship required for bond purposes. Another factor you must consider and one which is referred to in your letter is the requirement of the Police Academy that candidates for graduation at that institution be 21 years of age. These are simply factual matters that must be taken under consideration but which do not of themselves affect the legal answer to your question. The federal law lowering the minimum age of voters in federal elections to 18 has no effect whatever in the area about which you inquire. As you no doubt know, there is at present in South Carolina a proposed constitutional change that will be voted on in November which, if approved, will bestow upon 18-year olds full legal rights except for the right to serve on juries. When and if this constitutional change is approved, 18-year olds will be able legally to enter into contracts relative to giving statutory bonds. Whether or not the General Assembly will see fit to change the minimum age requirement for the Police Academy must remain an open question, of course.

You inquire whether or not 18-21 year olds may be issued an 'Auxiliary Commission for the purpose of being in a police uniform,' and you inquire further as to what powers of arrest are possessed by such persons.

This office knows of no legal authorities for the issuance of so called 'auxiliary police commissions' to anyone. If such commissions are not authorized, the holder thereof can have no power of arrest greater than that possessed by a citizen.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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