

1972 WL 25196 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1972

*1 The Honorable Charles G. Garrett
Senator
Greenville County
Greenville, South Carolina

Dear Senator Garrett:

You have inquired as to whether the proposed action by the Greenville County Council to establish a Police Service Bureau and to vest it with certain powers and duties, is within the power granted to County Council by existing law, particularly with respect to the Office of Sheriff of Greenville County.

The only information I have with respect to the proposals which are made is contained in a 'Report of the Law Enforcement Study Committee,' which I assume was made to the County Council and forwarded on October 21, 1971. The recommendations for the proposed action which are before me are comprised of the following:

The establishment of a Police Service Bureau which would be vested with the following powers:

- a. The establishment of a control communications system, to be used by all law enforcement agencies.
- b. The establishment of a central crime laboratory, to be available to all law enforcement agencies of the county.
- c. The establishment of a central records department, wherein all records for law enforcement agencies would be kept, with the exception of working case files which would be retained by the individual police agency.
- d. The establishment of a canine service, whereby dogs would be available to all law enforcement agencies.
- e. The establishment of training and personnel programs provided and coordinated by the Police Service Bureau. The proposed purpose of this would be to 'assist local governments with such functions as recruiting, screening, testing and establishing employment standards for law enforcement personnel. Final employment decisions would be made by the respective police agency.'
- f. Planning and evaluation procedures. This contemplates such matters as determination of geographical crime incidents, manpower allocation evaluations and special research projects.
- g. The establishment of a central detention administration, which would include identification services such as booking and fingerprinting and prisoner induction services.
- h. A concentrated and cooperative program of drug enforcement, with cooperative efforts being made by officers from the City Police Department and from the Sheriff's Department.

Your inquiry concerns whether or not the foregoing procedures would conflict with the powers given to the Greenville County Council by Act No. 573, approved July 12, 1967 (67 Acts 1084), which contains the following restriction:

‘—but nothing contained herein shall effect the method of electing the Sheriff— and (his) powers and functions shall not be altered or infringed by the provisions of this Act.’

The proposals are in ambiguous form and there is no means of ascertaining precisely what County Council may seek to adopt as a means of implementing the recommendations. However, based upon the assumption that implementation procedures will embrace only the foregoing, it is my opinion that the ‘powers and functions’ of the Sheriff’s Office are not thereby infringed. There is one possible area which should be considered in a more restrictive light, and that is with respect to the drug enforcement program which, as outlined, would embrace representatives from the Sheriff’s Department. If this has the effect of requiring that the Sheriff assign his deputies to any particular place or to any particular duty, his functions would be, to that extent, infringed upon, as the deputies are his selected personnel and subject to his direction and control. If, as appears likely, the drug control program is a cooperative effort of combined law enforcement agencies, there is no reason why this may not be undertaken through the voluntary participation of all police agencies in the county and under the auspices of the Police Service Bureau.

*2 The remaining areas such as communications, laboratory services, records, canine services, and detention appear to be no infringement upon the powers and functions of any law enforcement agency but merely provide for a unified approach to the problem of law enforcement.

The office of Sheriff is the oldest known to the common law and it is a constitutionally recognized office in South Carolina. The Sheriff has relatively few statutory functions, but he possesses common law power, as well as statutory authority. In my opinion, the common law and statutory powers are preserved from infringement by County Council. The proposed procedures do not, in my opinion, constitute such an infringement.

Very truly yours,

Daniel R. McLeod
Attorney General

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