



HENRY McMASTER
ATTORNEY GENERAL

February 1, 2010

Jamie P. Ham, Chief of Police
Blacksburg Police Department
Post Office Box 517
Blacksburg, South Carolina 29702

Dear Chief Ham:

In a letter to this office you questioned whether a private security guard has jurisdiction to direct traffic on a public roadway. You also questioned whether there is a jurisdictional limit in distance for a private security guard from the original location for which he is hired to provide security services. You particularly referenced the situation of a security guard directing traffic at a distance of several miles from a location for which he is hired to provide security guard services.

As to private security guards licensed by SLED pursuant to S.C. Code Ann. §§ 40-18-20 et seq., Section 40-18-110 states

[a] person who is registered or licensed under this chapter and who is hired or employed to provide security services on specific property is granted the authority and arrest power given to sheriff's deputies. The security officer may arrest a person violating or charged with violating a criminal statute of this State but possesses the power of arrest only on the property on which he is employed. (emphasis added).

A prior opinion of this office dated September 29, 2006 determined that "...private security guards have no authority to exercise law enforcement authority except on the private property they are hired to protect...(citing Section 40-18-110)..." Another opinion dated April 2, 1980 concluded that "...a private security guard is not authorized...to exercise the power of arrest on public property." Citing these prior opinions, another opinion of this office dated April 7, 2008 held that "...a county would not be authorized to contract with a private security company for law enforcement purposes even though services...would constitute private security." See also: Op. Atty. Gen. dated June 8, 1993 ("...it does not appear that a county could contract with a private security firm to serve as guards at a county detention facility."); Op. Atty. Gen. dated April 2, 1980 ("...a municipality is not authorized to contract with a private security agency to provide the personnel of the private agency the power of arrest on public streets and public property."). Consistent with the above, in the opinion of this

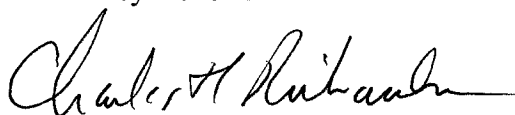
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office, a private security guard would not have jurisdiction to direct traffic on a public roadway regardless of the distance from the original location which they are hired to protect.

With kind regards, I am,

Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General