



HENRY McMASTER
ATTORNEY GENERAL

February 26, 2009

Michael D. Martin, Chief of Police
Timmonsville Police Department
Post Office Box 447
Timmonsville, South Carolina 29161

Dear Chief Martin:

In a letter to this office you raised several questions regarding the authority of a municipal police officer to act outside his jurisdiction.

You particularly referenced a situation involving Sergeant David Nichols with your department who is also a member of the Timmonsville rescue squad. While at the rescue squad building, a rescue call was received pertaining to a vehicle entrapment situation on I-95, five and a half miles outside the jurisdiction of your department. You indicated that “[t]he accident was under the law enforcement jurisdiction of the South Carolina Highway Patrol...(and the)...Patrol did not request assistance” from your department. Sgt. Nichols, who was on duty as a police officer, responded to the scene and the Highway Patrol also responded and investigated the accident.

As a result, you posted a memo on December 4, 2008 to resolve questions regarding a response such as that by Sgt. Nichols. You stated that

...it has been an acceptable practice to assist the Florence County sheriff’s office, the South Carolina highway patrol and other emergency services within reason. The memo totally restricted response to fire and rescue calls outside of our jurisdiction to on duty or off duty in the town owned police vehicle. I also restricted law enforcement response to calls outside of our jurisdiction except under the conditions that officers would only respond to calls for back up by the law enforcement agency having jurisdiction and that agency was on the scene.

As set forth in your letter, the memorandum specifically stated as follows:

[o]fficers will only respond to law enforcement calls out of town unless there is a request for back up by the law enforcement agency having jurisdiction and that agency is on scene, we will not be the first responder to these type calls.

You also referenced another situation involving Sergeant Huggins and Patrolman Gibson who were on duty with your department. You indicated that central dispatch dispatched the officers to shots fired at a nightclub less than a mile from the town limits, an area within the jurisdiction of the sheriff's department. You stated that the officers did not initially respond until they received another call from the dispatch that there were victims at the scene. According to you, the officers made the decision to respond and were aware that the sheriff's department was also en route to the scene. At the scene, the officers observed an injured victim who had been shot. Also observed was the nightclub owner with a firearm in his hand. The officers made several requests to the club owner to relinquish the weapon but he refused. Only after the officers drew their weapon did the club owner relinquish his firearm. The sheriff's department officers then arrived and assumed control of the scene.

You indicated that inasmuch as Sgt. Huggins was dispatched to the scene, he and Patrolman Gibson were acting properly within the provisions of S.C. Code Ann. § 17-13-45. You stated that as a result, you amended the December, 2008 memorandum to indicate that all responses to distress calls or calls for assistance "...will conform to state law. The law enforcement agency having jurisdiction will make the request for responses outside of this jurisdiction." You stated further that "[a]lthough the memorandum is silent to response to requests to rescue and fire calls beyond the jurisdictional boundaries, it does allow the officer to respond to requests for assistance made by the law enforcement agency having jurisdiction, which could very well include these type calls."

Referencing the above situations, you have raised numerous questions. However, before answering your specific questions, a general review of the law enforcement authority of a municipal police officer is in order.

Pursuant to S.C. Code Ann. § 5-7-110, municipal police officers "...shall exercise their powers on all private and public property within the corporate limits of the municipality and on all property owned or controlled by the municipality wheresoever situated;..."¹ Additionally, S.C. Code Ann. § 5-7-155 states that

[i]f any portion of a street or highway is within the boundary of a municipality, the right of way of the street or highway not within the municipal boundary but touching the boundary is nevertheless considered to be within the boundary of that municipality for purposes of its police jurisdiction.

¹Such provision further states that a municipality may contract with a public utility, agency or other private business to provide police protection beyond the corporate limits.

A street or highway which serves as the boundary between municipalities is under the police jurisdiction of both municipalities regardless of the municipality in which the street or highway is located.

Typically, the jurisdiction of a municipal police officer does not extend beyond the territorial limits of the municipality. State v. Harris, 299 S.C. 157, 382 S.E.2d 925 (1989).

Exceptions, however, exist which allow for expanded jurisdiction in specified instances. For instance, S.C. Code Ann. § 17-13-40 authorizes a municipal officer to arrest an offender at a place within a radius of three miles of the municipal limits when that officer is in pursuit of that offender for a violation of a municipal ordinance or State statute committed within the corporate limits of the municipality. Such provision states that

(A) [w]hen the police authorities of a town or city are in pursuit of an offender for a violation of a municipal ordinance or statute of this State committed within the corporate limits, the authorities may arrest the offender, with or without a warrant, at a place within the corporate limits, at a place within the county in which the town or city is located, or at a place within a radius of three miles of the corporate limits....

As to a municipal officer's authority to make arrests outside his jurisdiction, an opinion of this office dated September 4, 2003 stated that

[g]enerally, the jurisdiction of a municipal police officer does not extend beyond the territorial limits of the municipality...An exception to this rule is provided by S.C. Code Section 17-13-40 (2003) which authorizes a municipal officer to arrest an offender at a place within a radius of three miles of the municipal limits when that officer is in pursuit of that offender for a violation of a municipal ordinance or State statute committed within the corporate limits of the municipality...

There may be situations...where a municipal officer, stationed outside his jurisdiction when he observes a criminal offense within the municipal limits, would be entitled to make an arrest. For instance, in certain situations an officer has the right to act as a private citizen beyond his jurisdiction. In those situations, the officer's actions would be lawful if they could have been undertaken by a private citizen. Harris, supra. S.C. Code Ann. Sections 17-13-10 and 17-13-20 (2003) set forth the authority when any person may make a warrantless arrest. For instance, pursuant to Section 17-13-10 any person may make an arrest under the following conditions: Upon (a) view of a felony committed; (b) certain information that a felony has been committed or (c) view of a larceny committed, any person may arrest the felon or thief and take him to a judge or magistrate to be dealt with according to law...A recent decision of

the State Supreme Court indicated that “South Carolina recognizes no common law right of a citizen to arrest, without a warrant, for a misdemeanor. State v. McAteer, 340 S.C. 644, 646, 532 S.E.2d 865 (2000).

Other statutory provisions in authorizing the joint administration of functions and the exercise of powers between counties and municipalities allow for expanded jurisdiction for law enforcement officers outside of their regular jurisdictions. Pursuant to S.C. Code Ann. § 5-7-120,

(A) [t]he governing body of any municipality may upon the request of the governing body of any other political subdivision of the State, send any law enforcement officers to the requesting political subdivision in cases of emergency...Expenses of the requested services may be borne by the requesting municipality. (B) When law enforcement officers are sent to another municipality pursuant to this section, the jurisdiction, authority, rights, privileges, and immunities, including coverage under the workmen’s compensation laws, and tort liability coverage obtained pursuant to the provisions of Chapter 78 of Title 15, which they have in the sending municipality are extended to and include the area in which like benefits, authorities, and tort liability coverage are or could be afforded to the law enforcement officers of the requesting political subdivision. When so sent they have the same authority to make arrests and to execute criminal process as is vested by law in the law enforcement officers of the requesting political subdivision, but this section does not extend the effect of the laws of the sending political subdivision.

See also: S. C. Code Ann. § 23-1- 210 (temporary transfer of law enforcement officer to work in another municipality or county); S.C. Code Ann. § 23-1-215 (agreements authorized between multiple law enforcement agencies for purpose of criminal investigation).

Additionally, this Office has also previously opined that Article VIII, § 13 of the State Constitution authorizes contractual cooperative law enforcement services between jurisdictions and political subdivisions. See: Op. Atty. Gen., May 20, 1996. Such constitutional provision provides in pertinent part that:

(A) [a]ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof.

(B) Nothing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing

to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State ...

In addition to the statutory provisions noted above authorizing expanded jurisdiction in certain circumstances, S.C. Code Ann. § 5-7-30 provides in pertinent part as follows:

[e]ach municipality... [has]... the authority to provide police protection in contiguous municipalities and in unincorporated areas located not more than three miles from the municipal limits upon the request and agreement of the governing body of such contiguous municipality or the county, including agreement as to the boundaries of such police jurisdictional areas, in which case the municipal law enforcement officers shall have the full jurisdiction, authority, rights, privileges, and immunities, including coverage under the workers' compensation law, which they have in the municipality, including the authority to make arrests, and to execute criminal process within the extended jurisdictional area....

In addition to the above provisions, S.C. Code Ann. § 17-13-45 provides for the response of a law enforcement officer to a distress call or request for assistance in an adjacent jurisdiction. Such provision states:

[w]hen a law enforcement officer responds to a distress call or a request for assistance in an adjacent jurisdiction, the authority, rights, privileges, and immunities, including coverage under the workers' compensation laws, and tort liability coverage obtained pursuant to the provisions of Chapter 78, Title 15, that are applicable to an officer within the jurisdiction in which he is employed are extended to and include the adjacent jurisdiction.

In an opinion of this office dated January 19, 1998, it was recognized that Section 17-13-45 was "another statute which extends police jurisdiction to respond to distress calls from an adjacent jurisdiction." Another opinion of this office dated May 17, 2001 determined that pursuant to Section 17-13-45, a municipal officer would be authorized to respond to a distress call from a highway patrolman. The opinion commented that "(a)s the language of Section 17-13-45 places no limitation on the source of the distress call, a municipal officer would be authorized to respond to such a call from a highway patrolman." Therefore, Section 17-13-45 serves as a basis for expanded territorial jurisdiction of a law enforcement officer.

The opinion further stated that "[a]n agreement cannot...supplant or supercede the statutory authority which specifically grants additional jurisdictional authority to these officers." As stated in that opinion,

[a]s to Section 23-1-215..., expanded jurisdiction is granted “for the purpose of criminal investigation only”. Such expanded authority is limited to “ the purpose of investigation, arrest or any other activity related to the criminal activity for which the agreement was drawn.” As to agreements pursuant to Section 23-1-215, an opinion dated June 2, 1988 described the authority conferred upon law enforcement by this provision as being “limited to the specific criminal investigation contemplated by the agreement entered into by the jurisdictions involved.” An opinion dated February 17, 1994 indicated that the authority granted by Section 23-1-215 “should probably be limited to the specific criminal investigation contemplated by the agreement entered into by the jurisdictions involved....”

Section 23-20-30 grants additional jurisdiction as necessary for the “exercise of public safety functions” which include traditional public safety activities which are performed over a specified time period for patrol services, crowd control, traffic control, and other emergency service situations. Other statutory provisions...are also specific in granting expanded jurisdiction for scenarios such as the actual transfer of an officer to work in another political subdivision (Section 23-1-210); when in pursuit of an offender (Section 17-13-40); in emergency situations (Section 5-7-120); and in response to distress calls (Section 17-13-45).

As referenced in that opinion, another provision providing for expanded jurisdiction is S.C. Code Ann. § 23-20-30 which:

...authorizes a law enforcement agency of this State to enter into contractual agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions. Public safety functions include traditional public safety activities which are performed over a specified time period for patrol services, crowd control and traffic control, and other emergency service situations.

That opinion stated that such provision

... does not authorize the transfer of a municipal officer in response to any law enforcement need. Instead, an agreement is authorized for the “exercise of public safety functions” such as those specified in the statute. To read such provision as authorizing a transfer for “any law enforcement need” would render the other statutory provisions noted above specifying expanded law enforcement jurisdiction in specific situations as meaningless. It is my opinion that such was not the purpose of the legislature in enacting Section 23-20-30. Again, reference is made to “public safety functions” which “include traditional public safety activities which are

performed over a specified time period” such as those activities specifically noted. Unless an activity was within such a category, it would not be authorized pursuant to the agreement.

An opinion of this office dated January 21, 2009 dealt with the question of conflicts with other law enforcement agencies as to who has authority and/or command at various crime and traffic accident scenes. Particularly referenced were situations where an incident occurs in one jurisdiction and it was questioned as to whether another agency with jurisdiction can respond and assume command of that scene. For instance, the situation was referenced where a traffic accident occurred in one jurisdiction and the highway patrol arrives and assumes command. In another scenario, the situation was referenced as to a domestic violence incident which occurs within a municipality and the question was raised as to whether the county sheriff’s office can respond and take over the investigation. It was particularly questioned as to whether a municipal police chief has authority over a sheriff’s department or highway patrol officer as to incidents that occur within a municipality.

As to the authority of the various law enforcement agencies, reference was made to Section 5-7-110 which, again, states that municipal law enforcement officers “...shall exercise their powers on all private and public property within the corporate limits of the municipality and on all property owned or controlled by the municipality wheresoever situated....” As to state troopers, as referenced in an opinion of this office dated September 28, 2000,

[s]tate troopers have statewide jurisdiction with primary responsibility for the enforcement of highway traffic, traffic safety and motor vehicle related laws. Troopers also “have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.” S.C. Code Ann. § 23-6-140.

A prior opinion of this office dated March 1, 2005 referenced that a sheriff’s jurisdiction “encompasses his entire county.” That opinion cited S.C. Code Ann. § 23-13-70 which imposes a duty on deputy sheriffs to patrol the entire county. Another opinion dated November 6, 1992 commented that

[t]he general law in this State presently requires a sheriff and his deputies to patrol their county and provide law enforcement services to its citizens. Such is consistent with an opinion of this office dated May 8, 1989 which recognized the status of a sheriff as the chief law enforcement officer of a county.

Reference was also made to various statutes cited previously which authorize cooperative agreements between multiple agencies for law enforcement purposes . See: Sections 5-7-120, 23-1-210 and 23-1-215.

As to the specific question regarding which agency has primary authority at a particular crime scene, an opinion of this office dated December 20, 2002 stated that

...it does not appear the county sheriff has authority over a police chief while the police chief is acting in his official capacity within his corporate limits. This office has consistently recognized the status of the sheriff as the chief law enforcement officer of the county...However, a municipal police department has concurrent jurisdiction over any violation of state law occurring within the limits of the municipality. While the sheriff and municipal police department may have concurrent jurisdiction over violations of state law occurring within a municipality, there is no statute or other law which sets out an operational hierarchy among the agencies. Both have full authority to investigate, but not to the exclusion of the other. Neither does either have the authority to direct the other as to methods of investigation.

See also: Op. Atty. Gen. dated September 28, 2000 (“[w]hile authority...allows for cooperation and agreements between law enforcement agencies, there is no specific statute or law which sets out the operational hierarchy which must be followed when various law enforcement agencies come together in a cooperative mission...[T]here is nothing in the law which provides specific authority for one...(particular agency)...to assume operational authority when their duties bring them together in the same jurisdiction”).

The January, 2009 opinion stated that this office cannot in an opinion state categorically what particular agency would have authority to assume command in a particular situation if that situation comes within the general law enforcement jurisdiction of a particular law enforcement agency. We could only stress cooperation between such agencies and state again that there is no authority with which we were familiar which grants one law enforcement agency with jurisdiction at a particular scene to direct another agency with simultaneous law enforcement jurisdiction as to their method of investigation.

As referenced above, an opinion of this office dated May 17, 2001 dealt with the question of whether Section 17-13-45 allows a municipal police officer to respond to a distress call or request for assistance from the State Highway Patrol who is outside the city limits. That opinion, referencing Section 17-13-45 regarding a distress call stated that

as long as the municipal police officer responds to a request for assistance from an adjacent jurisdiction, he has the same rights and authority as he has within his “home” jurisdiction. Previously, this Office opined that “[b]ased ...(upon Section 17-13-45)...police jurisdiction extends outside corporate limits... to include an adjacent jurisdiction when the officer responds to a distress call or call for

assistance.” Atty. Gen. Op. dated January 19, 1998. As the language of Section 17-13-45 places no limitation on the source of the distress call, a municipal officer would be authorized to respond to such a call from a highway patrolman.

The opinion recognized that

whether a municipal police officer could exercise his authority outside of his jurisdiction, depends on whether the officer was in pursuit of the offender (§17-13-40), whether he was responding to a distress call (§17-13-45), an emergency request (§5-7-120), or whether there existed an agreement that specifically authorized the officer to act outside of his jurisdiction. If a municipal officer were to respond to a call outside of his jurisdiction, and no such exception existed, the officer's actions, for liability reasons, would be limited to those actions that would not involve the exercise of his legal authority. See Op. Atty. Gen. dated July 11, 1986.

As stated, you have raised numerous questions as to the two factual incidents outlined above. In your first question, you asked whether Officers Huggins and Gibson were within the law by responding to a county call from the central dispatch, without the sheriff's department being on the scene, consistent with your department's memorandum referenced above.

As to your question and especially with regard to Section 17-13-45 which authorizes a law enforcement officer to respond to a distress call or a request for assistance in an adjacent jurisdiction, an opinion of this office dated February 4, 2004 stated that

[t]he term “adjacent” was defined in an opinion of this office dated April 6, 1995 as “near to or neighboring.” *Black's Law Dictionary* defines the term “adjacent” as “lying near or close to; sometimes, contiguous; neighboring...Adjacent implies that the two objects are not widely separated, though they may not actually touch.”

The opinion noted that if no other municipalities are considered close by or neighboring, such municipalities would not come within the definition of an “adjacent jurisdiction”. However, as to the county in which the municipality is located, it was the opinion of this office that a municipal city police officer within that same county would be authorized to go into the county to answer a distress call but would not be authorized to respond to such calls from other incorporated towns within that county. Of course, as noted in the opinion, other statutory provisions such as those cited previously may be an appropriate basis to allow for expanded police jurisdiction in such circumstances.

The February 4, 2004 opinion also dealt with the question regarding whether a municipal police officer could respond to a distress call or call for assistance from a central dispatch. Section 17-13-45 is silent as to how such distress calls are generated. However, the opinion noted that

distress calls should not necessarily be limited to calls from an officer but may be generated by a central dispatch in order to be effective. It was also recognized that this office had issued an opinion that a municipal police officer would be authorized to respond to a distress call from a highway patrolman. As to the question regarding whether Section 17-13-45 allows an off-duty municipal police officer to respond to a distress call, the opinion noted that we were unaware of any restriction in such provision limiting its applicability to officers on duty. Therefore, it was concluded that an off-duty municipal police officer could respond to a distress call. It was further stated that as to the question of whether a response to an assistance call is discretionary or mandatory, absent some understanding between the affected jurisdictions that a response would be mandatory, we were unaware of any basis to indicate that a response is mandatory. Instead, the opinion concluded that it appears that a response to such a call would be discretionary with the individual officer.

In answer to your specific question regarding Officers Huggins and Gibson, it appears that consistent with this prior opinion of this office and Section 17-13-45, the officers could have responded to the county call from the central dispatch office. The prior opinion referenced above does not indicate that the sheriff's department officers would necessarily have had to already been on the scene.

You next asked what arrest authority did these officers have? You also asked if the officers would have shot the club owner in an attempt to disarm him, what action could have been taken against them, if any?

As stated above, Section 17-13-45 provides for the response of a law enforcement officer to a distress call or request for assistance in an adjacent jurisdiction, which consistent with the February, 2004 opinion, would include the surrounding county. Again, such provision states:

[w]hen a law enforcement officer responds to a distress call or a request for assistance in an adjacent jurisdiction, the authority, rights, privileges, and immunities, including coverage under the workers' compensation laws, and tort liability coverage obtained pursuant to the provisions of Chapter 78, Title 15, that are applicable to an officer within the jurisdiction in which he is employed are extended to and include the adjacent jurisdiction. (emphasis added).

Consistent with such statute, these officers would have had the same arrest authority and the same privileges and immunities they would had in their municipality as to any actions they took.

In your next question you asked if the officers did not respond, could any action have been taken against them or the town? As stated in the February, 2004 opinion set forth above, as to the question of whether a response to an assistance call is discretionary or mandatory, absent some understanding between the affected jurisdictions that a response would be mandatory, we were

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unaware of any basis to indicate that a response is mandatory. The opinion concluded that at a response to such a call would be discretionary with the individual officer.

In your fifth question you asked whether your memorandums were “within reason” and within your authority as the chief of police? Inasmuch as the memorandums were consistent with Section 17-13-45, it appears that the memorandums were reasonable and within your authority.

You also questioned as to the case of Sgt. Nichols, were his actions within the scope of extended jurisdiction? As described by you, Sgt. Nichols, who is also a member of the Timmons ville rescue squad, responded to a rescue call regarding a vehicle entrapment situation on I-95. You indicated that “[t]he accident was under the law enforcement jurisdiction of the South Carolina Highway Patrol...(and the)...Patrol did not request assistance” from your department. Sgt. Nichols responded to the scene and the Highway Patrol also responded and investigated the accident.

As noted above, the May 17, 2001 opinion concluded that a municipal law enforcement officer would be authorized to respond to a distress call from a highway patrolman. However, inasmuch as you stated that the patrol did not request assistance, it appears that Sgt. Nichols, a member of the rescue squad, was under no requirement to respond as a law enforcement officer. However, I am assuming that he responded as a member of the rescue squad inasmuch as he was at the rescue squad building. Such circumstances would appear to indicate that the response would have been proper.

You next asked whether “in order to properly and legally respond to calls outside the jurisdiction of the Timmons ville Police Department, does a call for distress or assistance outside of our jurisdiction have to come from the agency having law enforcement jurisdiction or can anyone make such a request?” Consistent with Section 17-13-45, it appears that the call for distress or assistance should typically come from the agency with primary law enforcement jurisdiction. However, the February 4, 2004 opinion noted that a distress call may come from a central dispatch.

In your next question you asked under what circumstances or conditions can a municipal police officer respond to other calls for service outside of their jurisdiction, excluding calls for distress or assistance? As noted above, certain State statutory provisions, such as Sections 5-7-30, 5-7-120, 23-1-210, and 23-1-215 set forth above, authorize municipal police officers to act outside their jurisdictions depending upon the circumstances. I would refer you to the provisions of these statutes as noted in this opinion.

You next asked should municipal police officers respond to fire department or rescue department requests for assistance outside their jurisdiction? You also questioned should a municipal officer respond to a call for assistance from the rescue squad outside of the officer’s

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jurisdiction to help load a patient onto an ambulance and is the response within the scope of law enforcement? If so, what is the acceptable distance?

While the opinions set forth above refer to responses from another law enforcement agency, including the highway patrol, as noted in the January, 1998 opinion, “[a]s the language of Section 17-13-45 places no limitation on the source of the distress call”, it appears that a fire department or rescue squad would be authorized to make a request for assistance.

As to the distance that may be traveled, as stated above, the request for assistance must come from “an adjacent jurisdiction”. Therefore, the distance from which a request could be made must be from such an adjacent location. However, the February 4, 2004 opinion noted that additionally, a call could come from the county in which the municipality is located.

In your next question you asked if an officer is authorized to make such responses to distress requests for assistance from outside of his jurisdiction, what is his arrest authority? Again, Section 17-13-45 states that:

[w]hen a law enforcement officer responds to a distress call or a request for assistance in an adjacent jurisdiction, the authority, rights, privileges, and immunities, including coverage under the workers’ compensation laws, and tort liability coverage obtained pursuant to the provisions of Chapter 78, Title 15, that are applicable to an officer within the jurisdiction in which he is employed are extended to and include the adjacent jurisdiction. (emphasis added).

Consistent with such statute, these officers would have had the same arrest authority they would had in their municipality as to any actions they took.

In your next question, you asked should a municipal officer respond to a call for assistance from the rescue squad outside of the officer’s jurisdiction to help load a patient onto an ambulance and is the response within the scope of law enforcement? If so, what is the acceptable distance? Section 17-13-45 appears to refer mainly to a response in a law enforcement manner. Therefore, any additional help such as assistance in loading patients should be based on a directive from the supervising authority and not be reliant on any statutory basis.

You also referenced that your department has responded to alarm calls in the county when county sheriff’s units have made requests. You noted that a residential or commercial alarm call could prove to be a serious incident or a false alarm. Is this a call of distress? If the sheriff’s department requests that a member of your department check the location in the county, would the response be acceptable? If so, once the police officer is on the scene and an arrest is necessary, can the officer make an arrest and under what authority? You also indicated that the sheriff’s department

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in past has requested that one of your officers respond to a domestic call outside the town and you officer took the call. When he arrived on the scene, the suspect attempted to gain entry into the residence to assault his wife. The suspect was tased and arrested by the officer. You have questioned whether this was within the law and what should the officer have done?

As noted in the February, 2004 opinion, as to the county in which the municipality is located, it was the opinion of this office that a municipal city police officer within that same county would be authorized to go into the county to answer a distress call but would not be authorized to respond to such calls from other incorporated towns within that county. Therefore, in the opinion of this office, an officer within your department would be authorized to respond to a distress call or request for assistance from a sheriff's deputy of your county. Such a response would be proper as to an alarm situation or a domestic violence situation where the request comes from the sheriff's department. As to the municipal officer's authority in such a situation, as noted in the May, 2001 opinion referenced above,

...as long as the municipal police officer responds to a request for assistance from an adjacent jurisdiction, he has the same rights and authority as he has within his "home" jurisdiction. Previously, this Office opined that "[b]ased ...(upon Section 17-13-45)...police jurisdiction extends outside corporate limits... to include an adjacent jurisdiction when the officer responds to a distress call or call for assistance." Atty. Gen. Op. dated January 19, 1998.

You also questioned as to response beyond your department's jurisdiction, "is there a clear protocol, clear answer and recommendation?" In response to such question, I can only refer you to the numerous statutes referenced above which provide for extra-territorial responses by law enforcement in specified situations.

You have asked that this office define a "distress call" as referenced in Section 17-13-45. You also asked that this office define a "request for assistance" as referenced in Section 17-35-45. A "distress call" or "request for assistance" is just that. It is a call for assistance from an area outside the officer's regular jurisdiction to assist in a law enforcement function.

In your final question to your first request letter, you asked "what laws protect, require or prevents municipal officers' response outside of their jurisdiction?" As set forth above, numerous state statutes authorized extra-territorial responses by law enforcement. In authorizing such responses, these provisions provide protection for the officers in responding in such situations.

In a subsequent letter to this office you referenced another situation where one of your officers responded to a BOLO from Florence County dispatch for an individual driving a particularly described truck. Timmons ville is in Florence County. The truck was spotted within your town

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limits at a gas station and your officer advised dispatch to contact Sumter County. The truck was observed leaving the gas station. After following the truck for a distance,

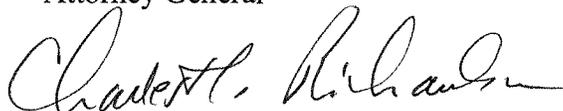
this officer advised the vehicle was outside the city limits and...(he)...would follow the vehicle within reasonable distance until the proper authorities arrived. The vehicle turned onto I-95 southbound and Florence County stated they were close. This officer advised I would not follow further than the...(designated)...exit. The suspect traveled and exited onto the...exit. Dispatch then advised this officer that Florence County wanted this officer to conduct a traffic stop. The officer confirmed and proceeded to activate blue lights and sirens on the exit ramp.

Subsequently, the vehicle stopped and after advising the individuals in the truck to remain in the vehicle, the suspects complied. Florence County soon arrived and placed the suspects under arrest. Consistent with the above opinions and advice and Section 17-13-45, in the opinion of this office, the response by your officer would have been proper.

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