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December 21, 1994

Chief James Chad Caldwell
City of North Charleston
Police Department
P. O. Box 62558
North Charleston, SC 29419-2558

Dear Chief Caldwell:

Attorney General Medlock has referred to me your letter of November 23, 1994 for reply.

You presented two questions. First, could a reserve police officer, who has successfully completed training requirements defined by statute, be assigned at the discretion of the Chief of Police to patrol within the police department's jurisdiction in a police vehicle, but without having to ride with a regular officer? Enclosed please find a previous Opinion of this office, No. 83-8, dated March 31, 1983, which answers this question in the affirmative.

Your second question concerned the authority a reserve police officer had while en route to duty with the police department, or returning home after working, if in a privately owned vehicle should observe the commission of a crime. Reserve police officers are given very limited police authority, under §§23-28-20 and 23-28-70. The first of those two sections limits their powers and duties to those specifically described by the chief of their parent law enforcement organization. Enclosed, for illustration, please find prior Opinions of this office dated August 23, 1978, characterizing the powers of reserve officers as limited by the sections just discussed; February 21, 1979 and November 30, 1984 concerning the powers of arrest of a reserve police officer.

Finally, enclosed please find an Opinion dated August 29,

2000-1-1-1



Chief James Chad Caldwell

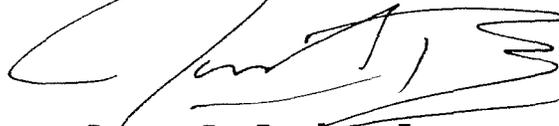
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1986, concerning campus police officers, and the authority they may have to make arrests occurring off college property. While campus police officers are not the same as reserve police officers, the limitations placed upon both by their respective statutes would seem to give both the same authority for an offense occurred under the circumstances described by your second question. In other words, it would seem logical to conclude that a reserve police officer, while en route to duty, or travelling home afterwards in his or her privately owned vehicle, would have the same power of arrest as does a private citizen. S.C. Code Ann. §17-13-10 allows a private citizen to arrest a felon or thief upon view of a felony committed, certain information a felony has been committed, or view of a larceny committed.

Should you have further questions or desire additional information, please advise.

Very truly yours,



James G. Bogle, Jr.
Assistant Attorney General

JGBjr:ypj

Enclosures

APPROVED BY:



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