

1977 S.C. Op. Atty. Gen. 154 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-203, 1977 WL 24545

Office of the Attorney General

State of South Carolina

Opinion No. 77-203

June 29, 1977

*1 TO: R. Grey Mason

Chief of Security

Presbyterian College

QUESTIONS PRESENTED:

1. Do campus security officers falling within the purview of Section 56–646.1 et seq., 1962 Code of Laws of South Carolina, as amended, have authority to exercise police powers on city streets and public roadways running through or adjacent to the campus?
2. When an offense is committed on college property, do such officers have authority to pursue the offender on public streets and roadways running through or adjacent to such property?

STATUTES INVOLVED:

Section 56–646.1 et seq., particularly Section 56–646.13, 1962 Code of Laws of South Carolina, as amended. Known as the Private Detective and Private Security Agencies Act. (Hereinafter referred to as the Act.)

DISCUSSION:

In an opinion issued May 6, 1976, a copy of which is attached hereto, this office indicated that security officers at the Medical University of South Carolina had the authority to exercise police powers on city streets running through, or adjacent to, their campus. That opinion, however, was based primarily on the fact that those officers were employed by an agency of the State and were possessed of commissions as State Constables without additional compensation.

A legislative intent that private agencies such as yours should have somewhat more restricted jurisdiction is evidenced by the fact that such agencies were placed in a different category by the Act than the sort of security officers described above. That intent has been carried out by the SLED rules and regulations prescribed by Section 56–646.3.

Section 56–646.13 provides that security officers falling within the purview of the Act ‘. . . shall be granted the authority and power which sheriffs have to make arrests of any persons violating or charged with violating any of the criminal statutes of this State, but shall have such powers of arrest only on the aforementioned property [Emphasis added].’

Given the wording of the Act itself, plus the legislative intent manifested thereby, it appears that the authority of your officers to make arrests and perform other police duties would be strictly confined to the property of Presbyterian College. The authority of your officers to pursue and/or arrest offenders outside that property would be no greater or less than that of private citizens. See Section 17–251 and 17–252, 1962 Code of Laws of South Carolina, as amended; copies of which are enclosed herewith.

CONCLUSION:

Security officers working for a private security agency falling within the purview of Section 56–646.1 et seq. have no authority to exercise police powers except on the private property they were hired to protect.

Joseph R. Barker

Assistant Attorney General

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