

1994 WL 84349 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1994

*1 John G. Frampton, Esquire
Attorney at Law
Post Office Box 430
Summerville, South Carolina 29484

Dear Mr. Frampton:

In a letter to this office you questioned whether S.C.Code Section 23-1-215 which provides for agreements between multiple law enforcement jurisdictions for criminal investigation limits the agreements to investigations for specific crimes or grants authority for general law enforcement purposes. Such provision states in Subsection (A):

In the event of a crime where multiple jurisdictions, either county or municipal, are involved, law enforcement officers are authorized to exercise jurisdiction within other counties or municipalities for the purpose of criminal investigation only if a written agreement between or among the law enforcement agencies involved has been executed ... (emphasis added)

Subsection (B) grants an officer working outside his jurisdiction law enforcement authority "for the purpose of investigation, arrest or any other activity related to the criminal activity for which the agreement was drawn." (emphasis added). Subsection (D) states "(t)he agreement shall terminate at the conclusion of the investigation for which it was executed."

A prior opinion of this office dated June 2, 1988, a copy of which is enclosed, stated with regard to the agreements authorized by Section 23-1-215, while arrest authority is provided by this provision, such authority should probably be limited to the specific criminal investigation contemplated by the agreement entered into by the jurisdictions involved ... A review of such provisions appear to authorize such agreements for investigation of a specific crime only.

Consistent with such, I am in agreement with your conclusion that Section 23-1-215 does not allow a general grant of authority for investigation of drug violations but does allow a written agreement for the investigation for a particular crime.

If there is anything further, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

REVIEWED AND APPROVED BY:

Edwin E. Evans
Chief Deputy Attorney General
Robert D. Cook
Executive Assistant for Opinions

