

1978 WL 207603 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1978

*1 R. Grey Mayson
Chief
Public Safety Department
Presbyterian College
Clinton, South Carolina 29325

Dear Chief Mayson:

I have your letter of May 11 asking whether campus security officers falling under South Carolina Code of Laws, 1976, Section 40-17-10, et. seq. (Section 56-646.1 et. seq., 1962 Code) need obtain arrest warrants for arrests on the property the officers are hired to patrol.

At the outset, I refer you to Section 40-17-20 (b) to determine the applicability of the S. C. Private Detective and Private Security Agencies Act to your department. That section states that the term “Private Security business shall not include persons employed exclusively and regularly by only one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship unless the employer is in the private security business.”

Assuming the Act does apply to your department, and that all officers are properly licensed or registered or sufficiently temporary in a given situation (under Section 40-17-90), then your officers have the arrest authority of sheriffs but only on the property which the officers are hired to patrol. See Section 40-17-130.

Sheriffs, and thus your patrolmen, generally must have warrants to arrest. But, S.C. Code of Laws, 1976, Section 17-13-30 allows sheriffs to “arrest without warrant any and all persons who, within their view, violate any of the criminal laws of this State if such arrest is made at the time of such violation of law, or immediately thereafter.” Your patrolmen, in addition to being authorized to make such warrantless arrests, are also authorized, as is any citizen, to arrest when having “certain information” that a felony has been committed. S.C. Code of Laws, 1976, Section 17-13-10. The term “certain information”, however has been construed by the South Carolina Supreme Court to mean “the existence of reasonable grounds to suspect the party arrested may be guilty of a felony.” [State v. Swilling](#), 249 S.C. 541, 155 S.E. 2d 607 (1967). In addition, the Court has said that “certain information” means “trustworthy, capable of being depended upon, creditable, positive, or reliable” information. [State v. Griffin](#), 74 S.C. 412, 54 S.E. 603, 604.

Thus, to summarize, so long as your department falls under Section 40-17-10, et. seq., your patrolmen may:

(1) arrest without warrants anyone committing any criminal offense in their view on the property they are hired to patrol.

Even if Section 40-17-10 et. seq. does not apply to your department. Your patrolmen, as any private citizen, may

(1) arrest without warrant for any felony or larceny committed in their view; and

(2) arrest without warrant for a felony committed out of their view so long as they have reasonable cause to believe the felony has been committed.

*2 If I may be of further assistance, please contact me.

Sincerely,

Joseph R. Barker
Assistant Attorney General

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