

1975 WL 29063 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 12, 1975

**\*1 Re: Criminal Justice Academy**

Mr. Purvis W. Collins  
Director  
S. C. Retirement System  
Bankers Trust Tower  
P. O. Box 11960  
Columbia, South Carolina 29211

Dear Mr. Collins:

You have requested an opinion as to whether or not the faculty members of the Criminal Justice Academy are eligible for membership in the Police Officers Retirement System.

The letter you enclosed from Clifford A. Moyer, Executive Director, indicated that some of the faculty members participate in police activities. It is equally clear from Mr. Moyer's letter that their primary duty is teaching and not enforcement of laws.

Under South Carolina Code Section 61-331(6), a definition is given for 'police officers' as used for purposes of the South Carolina Police Officers Retirement System. In that section, it specifically provides:

'In all cases of doubt, the Board shall determine whether any person is a police officer as defined herein.'

The above language gives the State Budget and Control Board the sole responsibility to make coverage determinations; this Office must, therefore, decline an opinion and suggest that the matter be forwarded to the State Budget and Control Board.

Sincerely,

A. Camden Lewis  
Assistant Attorney General

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