

1974 WL 27859 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
July 16, 1974

***1 Re: Power of Auxiliary Policeman to Arrest**

Honorable W. D. Nixon
Mayor
Town of Lowndesville
Lowndesville, South Carolina 29659

Dear Mr. Nixon:

Mr. McLeod has referred to me your letter requesting an opinion of this office as to whether or not a civil defense auxiliary policeman, who has been sworn by the Sheriff of Abbeville County and also by the Mayor of Lowndesville as a law enforcement officer, has the authority to make valid arrests in the city and/or county.

This office has expressed the opinion on several occasions that there is no authority whatever for either the creation of an auxiliary police force by any municipality or for that matter, the issuance of an auxiliary police commission.

Therefore, I would advise that, in my view, an auxiliary policeman has no power beyond that of an ordinary citizen (§§ 17-251, 17-252) to arrest either in the municipal limits or in the surrounding county, notwithstanding his having been truly empowered to exercise such arrest powers.

Yours very truly,

Richard P. Wilson
Staff Attorney

1974 WL 27859 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.