

1973 WL 26767 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 8, 1973

***1 Re: Deputy Sheriff, Appointment by County Administrator**

The Honorable Irene K. Rudnick
Member
House of Representatives
Aiken County
Box 544
Aiken, South Carolina 29801

Dear Mrs. Rudnick:

You have inquired whether or not the County Administrator of Aiken County is empowered under the 1972 Act creating a form of government for Aiken County to appoint a special deputy who would be independent of the sheriff of Aiken County and would be answerable only to the Aiken County Administrator.

The appointment of special deputies generally is provided for in Sections 53-71, et seq., 1962 Code of Laws of South Carolina, and constitutes a Statewide uniform law under which deputies may be appointed. It is my opinion that appointment must be made under the cited sections.

Another reason tending to prevent appointment of a deputy sheriff by anyone but the sheriff is the fact that, under the law, the sheriff of a county is personally liable and responsible for any tortuous act committed by one of his deputies. In fact, under decisions of the South Carolina Supreme Court, any deputy sheriff is not only the subordinate of the sheriff, but is, in fact, his alter ego. See [Thornton v. Sturgeon](#), 227 S.C. 294, 87 S.E.2d 821.

In view of the foregoing, it is the opinion of this Office that any deputy sheriff in any county must be appointed by the sheriff of that county.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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