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In South Carolina, sheriffs are elected constitutional officers. S.C. Const, art. V, § 24. Our State Constitution provides that the General Assembly shall provide by law for the duties of the office of county sheriff. Id. This Office has consistently opined that a sheriff is the chief law enforcement officer of a county. *See e.g. Op. S.C. Att’y Gen.*, 2015 WL 3919079 (S.C.A.G. June 11, 2015); *Op. S.C. Att’y Gen.*, 2005 WL 774155 (S.C.A.G. March 1, 2005). Section 23-13-10 of the South Carolina Code (2007) defines the relationship between sheriffs and sheriff’s deputies, providing:

The sheriff may appoint one or more deputies to be approved by the judge of the circuit court or any circuit judge presiding therein. Such appointment shall be

and bear certificates thereof signed by the sheriff and shall continue during

work schedule assignments, “would afford [a county council] a degree of day-to-day control over duties irreconcilable with the common and statutory law of this state.” *Id.* at 110. 260 S.E.2d at

905. The Court noted the District Court for the District of South Carolina has recognized that, in the context of a Title 42 U.S.C. § 1983 action, “it is abundantly clear that historically in South Carolina the deputy sheriffs are answerable only to the sheriff and not the county government.” *Id.* at 110. 260 S.E.2d 905 n.3 (quoting *Allen v. Fidelity & Deposit Co. of Maryland*, 515

F.Supp. 1185, 1190 (D.S.C. 1981), *aff’d*, 694 F.2d 716 (4th Cir.1982)). In this federal district court case, the District Court held Aiken County could not be held liable for the actions of the County Sheriff and his deputies when, *inter alia*, the County was “precluded from exercising any

supervisory function or control over the Sheriff or his deputies.” *Allen*, 515 F.Supp. at 1190. In reaching this conclusion, the District Court explained:

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of a deputy

South Carolina law. Heald, 253 S.C. at 418-19; 388 S.E.2d at 903. The plain or

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G. May 20, 1996). It is our understanding the Ketsbaw, comment guidelines however it does not appear that these is a county ordinance. In this understanding, we believe a public comment guidelines fall outside the scope of the Stat

S.C. Atty Gen. 1996 WL 452786 (S.C. County Council has prescribed public guidelines, which need not be followed court would find violations of

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Sheriff Lee Boan

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REVIEWED AND APPROVED BY:

