CHAPTER 21

Police Commissioners in Cities of 20,000 to 50,000

**SECTION 23‑21‑10.** Establishment, membership and compensation of members of boards of police commissioners.

 The mayor and aldermen of any city of not less than twenty and not more than fifty thousand inhabitants may establish in such city a board of police commissioners, which shall consist of five members including the mayor, a majority of whom shall be a quorum for the transaction of business. With the exception of the mayor no member of such board shall be a member of the city council. The mayor shall serve on such board for a term coequal with his term of office, unless his office is sooner vacated by him, and until his successor is elected and qualified. The members of the board shall serve without compensation.

HISTORY: 1962 Code Section 53‑251; 1952 Code Section 53‑251; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

Library References

Municipal Corporations 181.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 456, 474 to 476, 505, 508.

**SECTION 23‑21‑20.** Election of members of board.

 The first election may be held at the first meeting of the mayor and aldermen elected to succeed the mayor and aldermen of any such city in office at the time of the decision to establish such board. At such election one member of the board shall be elected to serve one year, one to serve two years, one to serve three years and one to serve four years and thereafter one member of the board shall be elected annually to serve for four years.

HISTORY: 1962 Code Section 53‑252; 1952 Code Section 53‑252; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

Library References

Municipal Corporations 181.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 456, 474 to 476, 505, 508.

**SECTION 23‑21‑30.** Vacancies on board.

 Should a vacancy occur in the board from any other cause than the expiration of a regular term, an election to fill it shall be held by the city council as soon thereafter as practicable and the member elected shall hold for the unexpired term and until his successor is elected and qualified.

HISTORY: 1962 Code Section 53‑253; 1952 Code Section 53‑253; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

Library References

Municipal Corporations 181.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 456, 474 to 476, 505, 508.

**SECTION 23‑21‑40.** Meetings; secretary.

 Such board of police commissioners shall hold a stated meeting each month and such other meetings as the public interest may from time to time require. At its first meeting the board shall elect one of the members of the board secretary thereof, who shall keep a record of the proceedings.

HISTORY: 1962 Code Section 53‑254; 1952 Code Section 53‑254; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

Library References

Municipal Corporations 181.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 456, 474 to 476, 505, 508.

**SECTION 23‑21‑50.** Election of police chief and officers; control and management of police force.

 The board of police commissioners thus established under this chapter shall elect a chief of police and such other police officers as is or may be prescribed by the ordinance of such city. This power extends to unexpired as well as regular terms. The board shall also provide temporary police officers and policemen as occasion requires, such temporary police officers and policemen to be paid as may be prescribed by ordinance. The board shall have full and exclusive control and management of the police force of such city and shall have the power to discharge, suspend or fine the officers and members of the police force and to make and enforce rules and regulations for its government.

HISTORY: 1962 Code Section 53‑255; 1952 Code Section 53‑255; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

Library References

Municipal Corporations 182.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 457 to 465, 474 to 476, 505, 508.

Attorney General’s Opinions

The dual office holding prohibitions of the State Constitution would most probably be violated if one were to be employed as chief of police in one municipality and as a police officer in a second municipality. 1986 Op. Atty Gen, No. 86‑108, p 327.

**SECTION 23‑21‑60.** Devolving additional duties on board.

 The city council of any city establishing such a board of police commissioners may from time to time, by ordinance, devolve such further duties upon such board and prescribe such further rules and regulations for the government of such board as are not inconsistent with the provisions of this chapter.

HISTORY: 1962 Code Section 53‑256; 1952 Code Section 53‑256; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

Library References

Municipal Corporations 181.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 456, 474 to 476, 505, 508.

NOTES OF DECISIONS

In general 1

1. In general

The power of electing or appointing members of the board of police commissioners by the mayor and aldermen is an executive function and not legislative. They cannot remove duly elected members of the board or abolish the office, in absence of statutory authority, so that an ordinance abolishing the board is not effective. Hardy v. Reamer (S.C. 1910) 84 S.C. 487, 66 S.E. 678.

**SECTION 23‑21‑70.** Proceedings against officers; suspension; temporary appointments.

 The mode of preferring accusations against the officers and members of the police force and of their trial shall be prescribed by city ordinance. The city council shall also prescribe the manner of suspending until trial the chief of police or any other police officer or policeman, when an accusation is brought. And in all such cases the board of commissioners of police may make appointments to the office in place of the suspended person, such appointment to hold during suspension.

HISTORY: 1962 Code Section 53‑257; 1952 Code Section 53‑257; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2692 to 2697; 1902 (23) 1050.

Library References

Municipal Corporations 185.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 477, 498, 505 to 523, 534.

**SECTION 23‑21‑80.** Compelling attendance of witnesses before board.

 When any resident of any city that establishes a board of police commissioners under this chapter shall be required to attend as a witness the trial of any officer or member of the police force before such board, the secretary of the board, upon application, shall issue a subpoena directed to such person, stating the cause and time appointed for the trial. If any witness thus subpoenaed fails to appear, he may be attached by the board for contempt. The attachment shall be directed to someone of the police force of such city and made returnable before the board at some stated time, and the board may punish such witness by a fine not exceeding ten dollars or imprisonment not exceeding thirty days, unless he shows good cause for not obeying such subpoena.

HISTORY: 1962 Code Section 53‑258; 1952 Code Section 53‑258; 1942 Code Section 7533; 1932 Code Sections 7539 to 7544; Civ. C. ‘22 Sections 4652 to 4657; Civ. C. ‘12 Sections 2962 to 2967; 1902 (23) 1050.

CROSS REFERENCES

Witnesses generally, see Title 19.

Library References

Municipal Corporations 185.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 477, 498, 505 to 523, 534.