

SUBJECT: DESERTER REWARDS BEING PAID TO LAW ENFORCEMENT AGENCY

SUMMARY:

A law enforcement agency would not be prohibited from accepting rewards from military installations for apprehending deserters.

QUESTION:

The Charleston County Deputy Attorney questions whether the Sheriff's Office may accept a \$75 reward for returning absentees or deserters to the nearest military installation. He feels that it is inappropriate for individuals within the Sheriff's Office receiving such rewards but questions the propriety of the Sheriff's Office itself receiving the reward.

DISCUSSION:

This opinion is rendered in response to a letter dated February 6, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-720 provides:

No person may offer or pay to a public official, public member, or public employee and no public official, public member, or public employee may solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

Thus, acceptance of such a reward by an employee of the Sheriff's Office would violate this section. The State Ethics Commission knows of no reason why this reward could not be accepted by the Sheriff's Office to assist that office in carrying out its mandated responsibilities since no employee receives any personal benefit.