

1980 WL 120891 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 23, 1980

\*1 Lieutenant C. C. Sendler  
North Myrtle Beach Police Department  
421 Main Street  
North Myrtle Beach, South Carolina 29582

Dear Lieutenant Sendler:

You have requested an Opinion from this Office pertaining to the issue of whether or not a law enforcement officer can sign an arrest warrant on behalf of another police officer that has made an arrest and has a person detained in jail.

In an Opinion issued by this Office on February 26, 1973, it was stated that:

Any person who has knowledge of the facts involved, either directly or upon information imparted to him by others, may sign an affidavit upon which an arrest warrant may be issued.

Thus, a law enforcement officer may sign an arrest warrant on behalf of another police officer that has made an arrest, provided the procedure complies with the requirements of [Spinelli v. United States, 393 U.S. 410, 89 S.Ct. 584 \(1969\)](#); and [Aguilar v. Texas, 378 U.S. 108, 84 S.Ct. 1509 \(1964\)](#). These cases require that the law enforcement officer reveal to the issuing magistrate the source of his information, and the credibility and reliability of the informant.

This is the present posture of the law. However, the better practice is that, whenever possible, the arresting officer should make out the warrant for arrest.

Sincerely yours,

Wayne G. Carter, Jr.  
Staff Attorney

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