

1980 WL 120983 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 25, 1980

**\*1 Re: Uniform Traffic Summons Procedures**

Honorable Maxine Dawes  
Mayor of the City of Loris  
Loris City Hall  
Loris, South Carolina

Dear Mayor Dawes:

You have requested an opinion from this office regarding the following question: Is it proper for a police officer to arrest and charge someone with a traffic violation, and then have a second person fill out the information on the ticket placing the name of a third person on the ticket as the arresting officer, there the third person even though it be a police officer, took no part in the arrest and has no knowledge of the circumstances of the arrest?

The Short answer to your question is: no this ticket writing procedure is not proper. There are reasons why the General Assembly has provided spaces on the Uniform Traffic Summons for the name of the officer, his badge number, rank and department. Implicit in the General Assembly's providing for the Uniform Traffic Summons to contain this information, is that the information be accurate and correct in every way. (66-7-10 Code of Laws of South Carolina (1976)) this applies to all the information on the face of the summons, not just the name of the officer making the charge. Where errors or mistakes are made in filling out the ticket, there are proper procedures for correcting these prior to trial or disposition of the case. However where it is a matter of practice for an officer to routinely and intentionally put incorrect or false information on the ticket, we have more than an inadvertent mistake. This practice seriously impedes the efforts of this office and the courts to upgrade the quality of justice in our criminal-traffic court system in South Carolina. It deprives the defendant of his right to know the correct name badge number, rank and department of his accuser. The practice has no place in a law enforcement agency that strives for professionalism and service to the public.

It is the opinion of this office that the practice of intentionally placing incorrect or false information on a Uniform Traffic Summons is highly improper and it is strongly recommended that such practices, where they exist, be ceased immediately.

If this response does not answer your question completely, may I suggest that you refer any further questions to your local city attorney in the first instance. If he is unable to provide the answer or needs further clarification from this office, then we are of course receptive to opinion requests from that individual.

Very Sincerely yours,

Patrick M. Teague  
State Attorney

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