



# PUBLIC SAFETY CITIZEN REVIEW BOARD

## Hearing Procedural Rules



### WHAT IS THE ROLE OF THE PUBLIC SAFETY CITIZEN REVIEW BOARD?

The Public Safety Citizen Review Board receives and reviews internal and external complaints involving uniformed employees in the City of Greenville Police and Fire departments.

The Board conducts hearings when there is an appeal by an employee on a disciplinary or policy matter or when there is a complaint from a member of the public about the conduct of a uniformed firefighter or police officer. The proceeding is not a court trial with its many formalities. Rather, the proceeding involves a board accepting information, asking questions, evaluating evidence, and rendering a recommendation to the City Manager. The City Manager has the authority to accept, reject, or modify the Board's recommendation.

### WHO MAKES UP THE BOARD?

The Board consists of seven voting members selected by City Council for staggered terms of four years each. All Board members reside within the Greenville city limits. In addition to the voting members, there is also one non-voting, uniformed member from the Police Department and one from the Fire Department. The City's Human Resources Director serves as the staff liaison and secretary to the Board.

### WHAT DECISION-MAKING AUTHORITY DOES THE PUBLIC SAFETY CITIZEN REVIEW BOARD HAVE?

The Board can decide to:

- Uphold the City's decision;
- Decline to take further steps if no further action is merited; or,
- Recommend a further hearing.

### HOW DO I REQUEST A HEARING?

Any City of Greenville uniformed police officer or firefighter may request a hearing with the Board regarding a grievance in accordance with the City's Human Resources policy. Additionally, any person who has a complaint about the conduct or statements of a uniformed employee of the Police or Fire Department may file a complaint with the Board.

All final departmental determinations must inform the complaining person of this opportunity. The request for a hearing before

the Board should be sent to the following address and the complainant must specify the nature of the grievance and the basis for grieving the decision made.

Human Resources Director/Board Staff Liaison  
Human Resources Department  
City of Greenville  
PO Box 2207  
Greenville, SC 29602

### HOW SOON WILL I KNOW THAT THE HEARING IS SCHEDULED?

You will be informed of your hearing date within 10 working days of the City's receipt of the complaint.

### DO I NEED TO SUBMIT ANY MATERIALS TO SUPPORT MY APPEAL?

If you have relevant documentation directly related to your complaint that you want the Board to review, you must forward 10 copies to the staff liaison along with your hearing request.

### CAN I BRING AN ATTORNEY?

You cannot be represented by an attorney during the hearing; however, you may confer fully with legal counsel in preparation for the hearing and seek the guidance of counsel after the hearing. Your attorney may submit written comments to the City Manager once the Board has made its recommendation to the City Manager.

### CAN I BRING WITNESSES?

You may bring witnesses who have direct, relevant knowledge of your complaint. The Board will determine if it is necessary for you to present your witnesses.

### WHAT CAN I EXPECT DURING THE HEARING?

**Respect** – Members of the Board shall show respect to all persons appearing before it. All persons appearing before the Board shall show respect to the Board. Failure to abide by this rule is a basis for being removed from the room by the Chair or a majority of the Board.

**Record of proceedings** – An audiotape of all hearing proceedings will be made, except for the Board's deliberations.

**Call to order and statement of proceedings** – The Chair will call the proceedings to order, stating the purpose of the proceedings

and the fundamental issues for the Board to address in its questioning, deliberations, and recommendation. Any member of the Board can correct or refine the formulated issue for clarity's sake. The staff liaison/secretary and the City Attorney may also make such corrections and refinements.

**Stipulation of submitted material** – At the start of the hearing, the Chair will identify written documents, photographs, drawings, tapes, and similar materials that have been submitted prior to the hearing and determine whether all participants have been provided the material or had reasonable access to it. The material may include items prepared by or submitted by the staff liaison, the Police Chief, the Fire Chief, the employee, a complaining member of the public, or any other interested party. The Board has the discretion to reject from its consideration items that are clearly not relevant to the proceedings.

**Time limits** – The Board will set time limits for presentations from participants. The complainant will be allotted 10 minutes for all of their witnesses to appear. The City representative will be allotted the same amount of time. The Board may make other types of time limits, provided they are fair and sufficient for the nature of the hearing. The Chair may grant additional time if needed by either party to present further, relevant information.

**Receipt of testimony and additional items** – At the hearing, the Board may accept testimony and additional items from any participant. Demonstrative exhibits summarizing the content of oral testimony, statistical data, or other information may be accepted from any participant.

**Sworn testimony** – All hearing participants who testify or make statements shall take the following oath: *I swear [or affirm] that what I say is the truth, the whole truth, and nothing but the truth.*

**Relevant material and credible evidence** – Not all evidence presented by participants must be accepted into the record by the Board. Evidence must be relevant in that it must pertain to the issues in dispute. Evidence must be material in that it must be able to affect the outcome. Evidence must be credible in that it has a basis for concluding that it may be true and accurate. The Board reserves the right not to accept into the record evidence that is clearly not relevant, material, or credible. Nevertheless, the Board in good faith shall accept evidence presented by participants unless there is a clear and convincing indication that the proffered evidence cannot meet the required criteria. The Board shall base its determinations on relevant material and credible evidence.

The Board may exclude evidence that is unduly duplicative of matters already established or clearly goes beyond the boundaries of issues before the Board.

**Witnesses** – The Board shall reserve the right to hear additional testimony from witnesses who possess relevant information on the matter at hand.

**Questioning limited to board members** – Upon being recognized by the Chair, any Board member may ask a question of a participant who is testifying. If needed for clarification or accuracy, a Board member may ask questions of other participants in the room who are not in the process of testifying, provided such person has taken an oath. Participants in the proceeding may not ask Board members questions unless they are seeking clarification on a Board member's question. Participants may not cross-examine one another.

**Deliberations without participants** – When all presentations are compiled and all testimony has been heard in accordance with these rules, the Board will require all persons to depart the room during its deliberations, except for the staff liaison/secretary and the City Attorney.

**Recommendations based on evidence** – The Board will base its recommendation(s) on the evidence of record. No extraneous statements, documents, photographs, or the like which are not in the record shall be considered. In case of employment decisions in the two departments, the recommendation shall be to uphold or not uphold the decision. If the Board deems it appropriate, the Board may make further recommendations to the City Manager for consideration.

**Vote in open session** – All Board member votes, including votes on recommendations, will be taken in open session. The basis for the recommendation will also be stated in open session. The vote must be a majority of those present.

## WHAT HAPPENS AFTER THE HEARING?

Upon completion of the written Report of Findings and Recommendations, the staff liaison/secretary or City Attorney will sign the report and submit it to the City Manager on behalf of the Board. Upon obtaining the City Manager's final, written decision, the staff liaison/secretary will forward a copy of the decision and the report to the respective department head and inform in writing any firefighter or police officer who is appealing a

decision or who has been the subject of a complaint of the outcome. If a member of the public has complained about a firefighter or police officer, they will also receive a letter from the staff liaison/secretary or City Attorney summarizing the Board's recommendation and the City Manager's decision.

## WHO MAKES THE FINAL DECISION ON MY APPEAL?

The City Manager makes the final decision.

## HOW SOON WILL I BE INFORMED OF THE FINAL HEARING DECISION?

You will be notified within three weeks of the hearing.

## WHAT IF I DON'T WANT TO APPEAL A DECISION BUT JUST WANT TO VOICE A COMPLAINT?

At its discretion, the Board may receive written comments and oral testimony from any member of the public who has a general criticism of a particular person or process within the Fire or Police Departments. The complaining person must demonstrate that the complaint has already been presented to the affected department and explain why the departmental response is not satisfactory. This process may include circumstances in which the complainant is not asking for a specific correction or disciplinary action but requests to have the matter listened to by the Board. The Board is free to ask questions and hear from additional persons. All persons giving testimony must take an oath.

The Board must then deliberate as otherwise provided in these rules and return to open session to vote on any statement that may be appropriate. The Board then has the discretion to make or not make a recommendation to the City Manager. A copy of the statement or recommendation will be transmitted to the complaining party.



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