

PROCEDURES FOR THE CONDUCT OF HEARINGS BEFORE THE HARRIS COUNTY SHERIFF'S DEPARTMENT CIVIL SERVICE COMMISSION

The Harris County Sheriff's Department Civil Service Commission ("the Commission") has adopted the following rules, effective February 18, 2016, for the preparation and presentation of matters at formal hearings before the Commission ("the hearing") that pertain to appeals from Harris County Sheriff's Department disciplinary actions ("the Appeal").

A. PRELIMINARY CONSIDERATIONS

- 1. NOTICE OF HEARING:** Notice of hearings will be given by Commission personnel to each party not less than thirty (30) days prior to the scheduled hearing date.
- 2. THE PANEL:** The Panel assigned to hear the Appeal ("the Panel") will consist of three (3) Commissioners, all of whom were appointed in accordance with Section 158.034, Texas Local Government Code ("TLGC"), one of whom will serve as Chairman of the Panel.
- 3. SUBPOENAS:** Witness lists that require the Commission to issue subpoenas must be submitted to the Commission office no less than ten (10) days prior to the date of the hearing.
- 4. PRODUCTION OF EVIDENCE TO OTHER PARTY:** The parties must exchange exhibits/evidence/witness lists no less than ten (10) days prior to the date of the hearing.. The parties will make good faith efforts to stipulate relevant non-disputed facts.

All proposed exhibits and stipulations must be submitted to the Commission office at least two (2) business days prior to the date of the hearing.

- a. The Sheriff's Department will deliver a true and complete copy of the investigative file maintained by it, pertaining to the disciplinary action being appealed, to the Appellant or his designated representative at least twenty (20) days before the date of the hearing. Unless good cause is shown to the satisfaction of the Panel for the failure to do so, the entire file will be excluded from evidence. If any portion of the file is not so furnished, that portion of the file will be excluded from evidence unless the Panel finds that good cause exists for that failure.
- 5. CHARACTER WITNESS TESTIMONY:** Proposed character testimony must be in writing and signed by the proposed character witness. No more than four (4) such

writings will be accepted by the Commission.

- 6. REQUESTS FOR CONTINUANCE:** All motions for continuance will be presented to the Commission at least fifteen (15) days prior to the scheduled hearing date, in which case, the Commission Chairman may determine the motion without convening a hearing to consider the motion. In the event the reason for the motion arises within that thirty (30) day period, the motion may be presented at the hearing and will be heard and determined by the Panel before any other matter is considered.

B. CONDUCT OF THE HEARING:

- 1. THE PANEL:** The hearing will be conducted a three (3) person Panel (see Paragraph entitled “The Panel” above).
- 2. APPEARANCE BY APPELLANT:** The Appellant must appear in person and may be represented by any counsel and may call fact witnesses with information relevant to the appeal in accordance with these rules.
- 3. APPEARANCE BY SHERIFF:** The Sheriff or his designee will appear in person and be represented by counsel and may call fact witnesses with information relevant to the appeal in accordance with these rules.
- 4. PRE-HEARING CONFERENCE:** The parties must confer in good faith on all matters at issue in an appeal and must announce their agreements and stipulations or the inability to agree on any matter prior to the commencement of the hearing.
- 5. MOTIONS AND PRE-HEARING OBJECTIONS:** All motions and objections to evidence produced in advance of the hearing in accordance with these Rules will be presented to the panel prior to opening statements and, if appropriate, the Chairman will determine the admissibility of the proposed evidence at that time.
- 6. OPENING STATEMENTS:** The parties will be allowed to make opening statements, limited to five (5) minutes per party.
- 7. OPENING:** The Sheriff’s Department will open the proceedings, both with opening statement and with the presentation of evidence.
- 8. PRESENTATION OF EVIDENCE AND TESTIMONY:** Evidence and testimony will be presented by the parties or their representatives as allowed by these rules.
- 9. TIME LIMITATIONS FOR PRESENTATION OF TERMINATION CASES:**

In hearings of appeals from termination of employment, each party's presentation will be limited to one-hundred twenty (120) minutes, including the time required for opening statements and closing statements.

10. **TIME LIMITATIONS FOR PRESENTATION OF OTHER CASES:** In hearings of appeals from demotions in rank, suspensions from duty or any other appealable action, each party will be limited to seventy-five (75) minutes, including the time required for opening statements and closing statements.
11. **MOTIONS TO EXTEND TIME:** Motions to extend the time allocations set out in paragraphs 9 and 10 may be considered by the Panel and may be granted, limited or denied, in its sole discretion.
12. **TIME KEEPER:** The chairman of the Panel or his/her designee will act as time keeper, limiting the presentation of testimony and evidence in accordance with these rules.
13. **EVIDENCE TO BE CONSIDERED:** The Panel will consider only the evidence, testimony and statements of the parties or their representatives presented at the hearing and admitted into evidence in its determination of the outcome of the hearing.
14. **CLOSING STATEMENTS:** The parties will be allowed to make closing statements, limited to five (5) minutes per party.
15. **DECISION OF THE PANEL:** Upon completion of the hearing, the Panel will render its decision and announce it to the parties. The decision will be reduced to writing and signed by the Chairman of the Panel.
16. **FINALITY:** The decision of the Commission will be final and binding upon all parties, subject to the right of appeal contained in Section 158.037 of the TLGC.