

1978 WL 35110 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 12, 1978

*1 Honorable Worth Barnett
Mayor
City of Greer
Greer, South Carolina 29651

Dear Mr. Mayor:

Your City Attorney, Mr. Leo Hill, has inquired of this Office as to the proper composition of a committee to investigate the activities and capabilities of one or more employees in your Police Department.

It is the opinion of this Office that any committee or individual who is assigned by the City Council to investigate a matter of this nature should be made up of Council members and/or City officials. It should, in no case, include private citizens or other persons who have no legal responsibility for the affairs of the City.

As I am sure you are aware, the Freedom of Information Act expressly reserves for executive session consideration of matters involving personnel, and it is important to protect the rights of both the individuals being investigated and the confidentiality of testimony that may be given by persons who are invited to appear and testify to the committee. Even if the Council should determine that the fact finding be done by the City Manager, or other similar official, he likewise should carry out any investigation in such a manner as to protect the rights of all concerned.

Of course, if the Council should determine that any particular action should be taken with reference to personnel investigated, this action should be thereafter formally approved at an open public session of the Council.

We trust this information will be of assistance to you.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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