

CHAPTER 8
REVIEW AND APPROVAL PROCESS
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CHAPTER 8

REVIEW AND APPROVAL PROCESS

1. GENERAL. Once an investigation has been completed and documented by the investigator, the file shall be approved according to the procedures in this chapter. After the investigation has been approved, the employee will be given the opportunity to review the investigation. In this chapter, all references to the CHP 240, *Complaint Investigation*, refer solely to the form itself, and 'Area' refers to all Area and Section commands.

2. CATEGORY I INVESTIGATIONS.
 - a. Area Commander Approval. After reviewing and approving the complaint investigation, the commander shall sign the appropriate block on the CHP 240.

 - b. Area Actions. The original investigation shall be forwarded to Division for approval, with a copy retained at the Area as a precaution against accidental loss. The date the investigation file is sent to Division shall be recorded in the appropriate section of the CHP 240 and CHP 240A, *Complaint Control Log*.

 - c. Division Review. Upon review and approval, the Division commander or designated representative will sign the CHP 240, and the entire package will be returned to the investigating command. At the discretion of the Division commander, a copy of the CHP 240 or the entire investigation file may be retained at Division for reference or tracking purposes.

 - d. Employee Review. The original investigation file, upon being returned to the Area, shall be reviewed with the employee as outlined in section 5 of this chapter. Any closing action to the employee will be issued at this time. The date the approved investigation is received from Division indicating approval shall also be recorded on the CHP 240A.

 - e. DOJ Information. If it has not already been accomplished, the Department of Justice information section of the CHP 240A should be completed using the information contained in the similar section on the CHP 240.

 - f. Closing Correspondence. The closing correspondence to the complainant(s) should be sent at this time.

 - g. Bureau of Internal Affairs. The original investigation package, with the employee's signatures, shall then be forwarded to BIA for final approval. After approval, BIA will retrieve statistical information from the investigation, which will

then be forwarded to Business Services Section, Legal Files for storage until scheduled destruction.

h. Retention. A copy of the investigation shall be retained by the investigating command as specified in Chapter 9.

i. Figure 8a is a simplified representation of the routing of a typical Category I formal investigation, where Division will not be retaining a copy of the investigation.

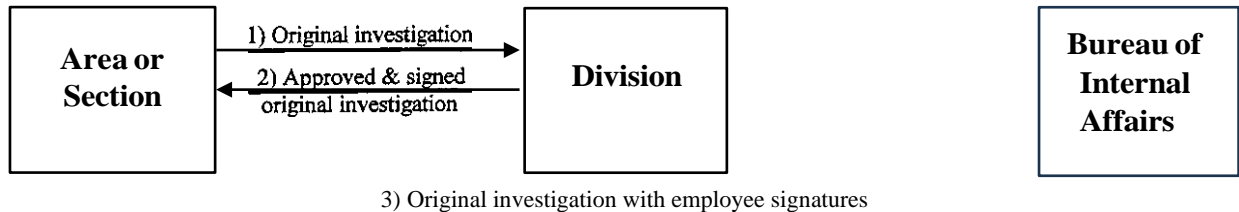


Figure 8a
Category I Investigation Routing Diagram

3. CATEGORY II INVESTIGATIONS.

a. Approving Authority. Generally, Area commanders are the final approval authority for all Category II complaint investigations. However, Division commanders may reserve approval authority to themselves as deemed necessary.

b. Area as Approving Authority. If the Area commander is the approval authority, the following applies:

(1) After reviewing and approving the complaint investigation, the commander shall sign the appropriate block on the CHP 240.

(2) The investigation file shall be reviewed with the employee as outlined in section 5 of this chapter, including the issuance of any corrective or closing documentation.

(3) The closing correspondence to the complainant(s) should be sent at this time.

(4) The original CHP 240 shall be forwarded to Division for review, with a copy retained at the Area as a precaution against accidental loss. The date the CHP 240 is sent to Division shall be recorded in the appropriate section of the form itself, as well as the CHP 240A.

(5) Upon review, the Division commander or designated representative will sign the CHP 240 and return it to the investigating command. At the discretion of the Division commander, a copy of the CHP 240 may be retained at Division for reference or tracking purposes.

(6) A copy of the CHP 240 shall be forwarded by Division to BIA for the purpose of retrieving statistical information. This copy will then be destroyed.

(7) Once the original CHP 240 has been received by the investigating command, the Department of Justice information section of the CHP 240A should be completed using the information contained in the similar section on the CHP 240.

(8) The original investigation shall be retained by the investigating command as specified in Chapter 9.

(9) Figure Sb is a simplified representation of the routing of a typical Category II formal investigation that does not require Division approval.



Figure 8b
Category II Investigation Routing Diagram - Area as Approving Authority

c. Division as Approving Authority. If Division is the approval authority, the following applies:

(1) After reviewing and approving the complaint investigation, the commander shall sign the appropriate block on the top copy of the CHP 240.

(2) The original investigation shall be forwarded to Division for approval, with a copy retained at the Area as a precaution against accidental loss. The date the investigation is sent to Division shall be recorded in the appropriate section of the CHP 240, as well as the CHP 240A.

(3) Upon approval, the Division commander or designated representative will sign the CHP 240 and the entire file will be returned to the investigating command. At the discretion of the Division commander, a copy of the CHP 240 or the entire investigation file may be retained at Division for reference or tracking purposes t

(4) A copy of the CHP 240 shall be forwarded by Division to BIA for the purpose of retrieving statistical information. This copy will then be destroyed.

(5) The investigation file shall be reviewed with the employee as outlined in section 5 of this chapter, including the issuance of any corrective or closing documentation.

(6) The closing correspondence to the complainant(s) should be sent at this time.

(7) If it has not already occurred, the Department of Justice information section of the CHP 240A should be completed using the information contained in the similar section on the CHP 240.

(8) The original investigation shall be retained by the investigating command as specified in Chapter 9.

(9) Figure 8c is a simplified representation of the routing of a typical Category II investigation that requires Division approval.



Figure 8c
Category II Investigation Routing Diagram - Division as Approving Authority

4. **“OTHER” COMPLAINT DOCUMENTATION.** Other complaints (e.g. frivolous, rescinded, departmental, citation validity) shall be reviewed and approved as specified above, based on the highest category allegation made in the complaint. That is, any Other complaint with a Category I allegation shall be processed in the same manner as a formal Category I complaint. Similarly, an Other complaint which contains only Category II allegations shall be processed as a formal Category II investigation.

EXAMPLE: A complaint with a Category I allegation of perjury is made, but the complainant later requests the complaint be rescinded upon discovering their own error. A CHP 240 and an Other complaint format narrative are prepared. The complaint would then be processed as described above for any formal Category I investigation.

5. EMPLOYEE REVIEW.

a. Employee Discussion. Once an investigation has been approved at the Division or Area level (as required), commanders shall ensure the investigation is discussed by a supervisor with the involved employee(s).

(1) The employee shall be provided the opportunity to review the investigation in its entirety, except for any exhibit specifically marked in the "List of Exhibits" as not releasable to the employee reviewing the complaint. Examples of such documentation which would not be releasable include, but are not limited to: any closing documentation to another employee, medical information release forms, financial records, evaluations of other employees. In addition, if the complainant has requested confidentiality, then such identifying information shall not be revealed to the employee. Refer to Chapter 9 for additional guidance on the release of confidential information when an employee submits a request for an investigation copy.

(2) After reviewing the investigation, the employees and reviewing supervisors shall complete the Employee Discussion and Review section of the corresponding CHP 240.

(3) If an employee refuses to sign the CHP 240, the supervisor shall note this in the employee signature block on the form. If practical, an additional supervisor should act as a witness and note as such in the employee signature block on the CHP 240.

b. Corrective or Closing Documentation. Any corrective or closing documentation to the employee should be issued at this time.

c. Employee Response. Any employee covered under the Public Safety Officers Procedural Bill of Rights (POBR), who expresses a desire submit a response to a complaint investigation or any corrective/closing documentation, should be directed to Government Code §3306. The section specifies that such a rebuttal must be written and received by the Department within thirty (30) days. The response will be reviewed and be attached to the investigation file or corrective/closing documentation as appropriate.

d. Request for Investigation Copy. An employee may be provided a copy of the investigation upon his/her written request. Refer to Chapter 9 for these procedures.

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