



# COMMAND CHANNEL REVIEW



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## I. PURPOSE

This directive outlines the Command Channel Review process for Department [complaint register investigations](#), whether investigated by the Department or the Civilian Office of Police Accountability (COPA), including assignment, timeframes, procedures, and accountability review.

## II. COMMAND CHANNEL REVIEW

Command Channel Review is a process in which [exempt supervisors](#) are notified of a completed complaint register investigation into an allegation(s) against a member under their command. The reviewing exempt-level supervisor can concur or not concur with the allegation finding(s) and/or the recommended penalty. The exempt-level supervisor review during Command Channel Review is advisory and is not binding. Command Channel Review gives exempt-level reviewers an opportunity to advise the Superintendent or the Chief, Bureau of Internal Affairs (BIA), on the final disciplinary decision.

## III. ASSIGNMENT

- A. All completed complaint register investigations, whether investigated by the Department or COPA, will be subject to Command Channel Review, except for the following circumstances:
  - 1. Investigations recommending a penalty of separation.
  - 2. Mediation agreements ([CPD-44.255](#)).
  - 3. Investigations with a finding other than Sustained, which are authorized for Command Channel Review Bypass ([CPD-44.402](#)) by the Chief, BIA, for the following reasons:
    - a. The Log Number is Confidential in nature and the Command Channel Review Process would compromise the investigation.
    - b. The identity of subjects involved in the investigation would be compromised or scrutinized.
    - c. Any other circumstance that is sensitive in nature.
- B. All completed complaint register investigations subject to Command Channel Review will receive two levels of review by exempt-level supervisors in the accused member's chain of command.
  - 1. Each level of Command Channel Review will be conducted within fifteen calendar days. Any two-level Command Channel Review process will be concluded within thirty days.
  - 2. If the exempt-level supervisor does not complete the review within fifteen calendar days, the exempt supervisor is deemed to concur with the findings and recommended disciplinary actions.
  - 3. Certain circumstances and more serious allegations, as outlined in Item III-C of this directive, will require a third level of Command Channel Review conducted by the First Deputy Superintendent. Any three-level Command Channel Review process will be concluded within forty-five days.
  - 4. No complaint register investigation will receive more than three levels of Command Channel Review.

- C. Completed complaint register investigations meeting the below criteria will be subject to a third level of Command Channel Review which will be conducted by the First Deputy Superintendent:
  - 1. a penalty recommendation of a suspension of sixteen days or more;
  - 2. sustained allegations where the accused member is alleged to have committed a crime, including domestic battery;
  - 3. sustained allegation(s) where a complaint has or could be made to the Equal Employment Opportunity Officer (including allegations of cultural bias, sexual harassment or other violations prohibited prevailing employment laws); or
  - 4. an exempt member is the accused.
- D. Exempt-level supervisors may manage Command Channel Review assignments by utilizing exempt-level executive officers to assist in reviews, provided that the exempt-level executive officer has not previously conducted a level of Command Channel Review for the investigation. Such arrangements will be made with the Advocate Section, BIA.
- E. Exempt-level supervisors will notify the Advocate Section, BIA, when a conflict of interest exists or when they are projected to be unavailable to conduct Command Channel Review for fifteen days.
- F. In those cases where a Command Channel Review exempt-level supervisor is not available, or where a conflict of interest exists, in the accused member's chain of command, the Advocate Section, BIA, will determine the appropriate Command Channel Review routing.

#### IV. PROCEDURES

- A. Upon receipt of a complaint register investigation subject to his or her Command Channel Review, an exempt-level supervisor will review the entire investigation, including the investigation file and Summary Report, to:
  - 1. ascertain the adequacy and timeliness of the complaint register investigation,
  - 2. determine that any finding or recommendation for disciplinary action is appropriate, and
  - 3. judge the soundness of the investigation, conclusion, and the findings.
- B. In making a concurrence determination, exempt-level supervisors conducting Command Channel Review will consider the relevant information permissible under the applicable collective bargaining agreement and will apply the policies, guidelines, and procedural elements of complaint register investigations as outlined in the Department directives governing these investigations, including but not limited to:
  - 1. **"Complaint and Disciplinary Procedures,"**
  - 2. **"Department Members' Bill of Rights,"**
  - 3. **"Specific Responsibilities Regarding Misconduct,"**
  - 4. **"Conduct of Complaint Investigations."**
- C. A Command Channel Review exempt-level supervisor who:
  - 1. approves the final complaint register investigation will indicate concurrence on the appropriate Command Channel Review page.
  - 2. determines that additional investigation is necessary or does not concur with the investigation, the findings, or recommendations for disciplinary action will indicate his or her non-concurrence and document a detailed justification on the appropriate Command Channel Review page.
  - 3. has insufficient space in the Command Channel Review comments section to provide detailed justifications will attach a [To-From-Subject Report](#) with any supporting documentation to the complaint register investigation.
  - 4. determines there is evidence in sustained findings that indicates any culpability by supervisory personnel for the violation (failure of supervisory personnel at any level of

command to hold subordinates accountable requires disciplinary action) and, if culpability is apparent, the exempt-level supervisor will obtain a separate [Log Number](#) and the complaint register investigation will be conducted by BIA or COPA, as appropriate.

- D. At the completion of the Command Channel Review process, including when there are conflicting determinations by the Command Channel Review exempt-level supervisors:
1. the Superintendent, or his or her designee, will provide the final decision for complaint register investigations conducted by COPA.
  2. the Chief, BIA, or his or her designee, will provide the final decision for complaint register investigations conducted by the Department.

## V. ACCOUNTABILITY REVIEW

- A. In the event an exempt-level supervisor was deemed to concur when the review period extended past fifteen days, the exempt-level supervisor will provide a To-From-Subject Report to the Chief, BIA, outlining the circumstances of the concurrence.
- B. The Chief, BIA, will provide a quarterly report to the First Deputy Superintendent identifying the following:
1. The number of cases sent through Command Channel Review.
  2. The number of cases where an exempt-level supervisor was deemed to concur.
  3. The number of cases authorized for Command Channel Review bypass.
  4. The exempt-level supervisors who were deemed to concur when the review period extended past fifteen days.

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19-083 MWK/VM

## GLOSSARY TERMS:

1. **Complaint Register (CR) Investigation**  
A full disciplinary investigation of an allegation of misconduct. For more information on the Department's full complaint and disciplinary procedures, refer to the Department directive titled "**Complaint and Disciplinary Procedures.**"
2. **Exempt Supervisor**  
A command staff member at or above the level of commander or director.
3. **To-From-Subject Report**

A written report used for Intra-Departmental correspondence submitted for situations where there is not already a prepared form, when a situation requires a written response, for use as an informational report, or when documentation is required. The To-From-Subject Report format is used to maintain consistent, efficient, and professional Intra-Department communications.

4. **Log Number**

A tracking number assigned to any incident brought to the attention of the Department, by a reporting party, involving a Department member that may be investigated.

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