

PROFESSIONAL STANDARDS BUREAU

NOTICE
13.5

May 19, 2020

TO: All Commanding Officers

FROM: Commanding Officer, Professional Standards Bureau

SUBJECT: GUIDELINES FOR REVIEWS OF TELEMATICS DATA

The Department is in the process of implementing the Telematics system City-wide. Procedures for the use of the Telematics system are outlined in Special Order No. 13, *Telematics System – Established*. The deployment of this system improves fleet logistics and management; assists with investigations; augments crime reduction strategies; and, improves driver safety.

This Notice provides guidelines to assist commanding officers with determining appropriate and reasonable responses to possible misconduct and other deviations from established procedures discovered during the review of Telematics data.

False and/or Misleading Statement Allegations

If the Department intentionally withholds an officer's Telematics data from the officer before he or she is required to submit to an interview or complete an official report, the withheld data will not be used as the sole basis for an allegation of making a false and/or misleading statement, unless the Department can establish that the officer made an intentionally false material statement.

When considering whether allegations of false and/or misleading statements are appropriate in any case involving Telematics data, the Department will consider the materiality of the discrepancy and factors that are reasonably likely to affect the officer's memory, including the stress caused by the incident, the time elapsed between the incident and the interview, and fatigue.

Note: It is not the intent of the Department to initiate complaints or frame additional allegations of false and/or misleading statements for discrepancies between an officer's memory of an incident and what is on Telematics data, unless there is a material discrepancy, indicating an intention to deceive.

Audits, Inspections, or Compliance Reviews of Telematics Data

Audit Division

Audit Division may access Telematics data to conduct audits, assessments, or internal reviews

authorized by the Board of Police Commissioners or the Office of the Chief of Police. Such audits, assessments, and internal reviews shall be conducted consistent with Generally Accepted Government Auditing Standards (GAGAS). Any Telematics data that reveals activity that may constitute possible misconduct or that identifies potential training or counseling issues shall be provided to the appropriate command or Internal Affairs Group to be handled consistent with existing Department policies and procedures including the guidelines established in this Notice.

Bureau and Division Inspections and Reviews

Bureau and division commanding officers may authorize periodic inspections of Telematics data to ensure officers are complying with Special Order No. 13, Telematics System – Established, and other applicable Department policies and procedures as they relate to the three following areas only: vehicle speed, seatbelt usage, and vehicle location. Any data that reveals potential misconduct or training issues shall be handled consistent with existing policies and procedures including the guidelines established in this Notice.

Motor Transport Division

Motor Transport Division may access Telematics data to review relevant vehicle information to improve fleet management and maintenance. Unless serious misconduct is revealed, none of the data reviewed by Motor Transport Division shall lead to corrective action.

Conduct that May Constitute Minor Misconduct

Audits, Inspections, and Compliance Reviews

When the Department conducts audits, inspections, or compliance reviews of Telematics data and discovers activity that may constitute minor misconduct, the officer's actions in the data alone should not result in the initiation of a personnel complaint. Rather, the officer should receive training, counseling, an Employee Comment Sheet, or a Notice to Correct Deficiencies to alert him or her and correct the behavior. An example of minor misconduct may be the non-use of a seatbelt in situations inconsistent with the Department's tactical directives or training, and where the officer has not had more than one previous incident of this behavior.

Note: Intentional acts to circumvent Department policy and procedure, such as intentionally disabling or tampering with Telematics equipment, is serious misconduct and will not be considered as a training issue.

The Department will also take into account that Telematics data that reveals potential minor misconduct or training issues, may not include the full incident or the context of the incident known or understood by the officer at the time. The Department shall not rely solely on Telematics data, but must investigate and evaluate the facts and circumstances surrounding the incident, before taking any corrective action consistent with this Notice.

Personnel Complaint, Use of Force, and Pursuit Investigations

Conduct discovered during the review of Telematics data in connection with an investigation should focus on the object of the investigation, and not broaden into minor misconduct allegations that were not part of the main inquiry. Consistent with the previous section, commanding officers must evaluate the facts and circumstances surrounding the incident and exercise appropriate judgment to determine if the officer should receive training, counseling, an Employee Comment Sheet, or a Notice to Correct Deficiencies to alert the officer to correct the behavior.

Point of Emphasis: Other conduct discovered in Telematics data connected with an audit, inspection, compliance review, personnel complaint, use of force investigation, or pursuit investigation should not become the sole basis for framing additional allegations of minor misconduct. Framing additional allegations is appropriate when the actions of the employee would be considered serious misconduct.

60-Day Transition Period

60-Day Transition Period

The Department will give a 60-day transition period once the Telematics system is activated in an Area or division. During this 60-day period, unintentional deviations in policy and procedure revealed from Telematics data, will be considered training issues, and during the transition period, Department employees should receive non-documented counseling and training only. A Training Evaluation and Management System II (TEAMS II) action item should not be generated.

The Department will provide training to each officer to ensure they are knowledgeable of the capabilities of Telematics to capture and retain information from various components in a vehicle and how to access and review their relevant Telematics data. The transition period will last 60 days from the day the officer received the training.

After 60-Day Transition Period

Upon completion of the 60-day transition period, officers will be expected to be knowledgeable in the capabilities of the Telematics system. Once the transition period has passed, action taken by commanding officers as a result of audits, inspections, or compliance reviews of Telematics data should include positive reinforcement when behavior is consistent with Department policy and procedure, and training, counseling, an Employee Comment Sheet or a Notices to Correct Deficiencies for deviations prior to initiating personnel complaints.

Note: Multiple deviations discussed during a single counseling or training session should

be considered one incident and commanding officers should consider training, counseling, an Employee Comment Sheet or a Notice to Correct Deficiencies in such cases. However, commanding officers are not prohibited from initiating a personnel complaint if the totality of the circumstances or a documented prior incident of similar behavior dictate that it is the appropriate corrective action.

Commanding officers are to ensure that officers who transfer from an Area or division without Telematics to one where it has been activated receive training on the capabilities of the Telematics system and the access and review procedures prior to the start of their deployment in the field.

Inspections and Reviews of Personnel Accessing Telematics Data

Area commands, bureaus, and other authorized Department entities may conduct periodic inspections and reviews to determine whether Department personnel are accessing Telematics data without authorization or inconsistent with these guidelines. Personnel found to be accessing Telematics data without authorization or in violation of Department policies and procedures are subject to disciplinary action.

Demonstrably False Allegations

Consistent with Department policy, all allegations of misconduct initiated by a member of the public must be recorded on a Complaint Form, Form 01.28.00. However, when Telematics data clearly proves that an allegation of misconduct is Demonstrably False as defined in the Department Manual, the allegation should be classified as Non-Disciplinary – Demonstrably False. Under those circumstances, accused and witness officers need not be interviewed regarding the Demonstrably False allegation(s).

Commanding officers should seek guidance from the Commanding Officer, Internal Affairs Group, at (213) 996-2986, with any questions regarding the provisions of this Notice.

APPROVED:



ROBERT E. MARINO, Deputy Chief
Commanding Officer
Professional Standards Bureau



DOMINIC H. CHOI, Deputy Chief
Chief of Staff
Office of the Chief of Police

Distribution "B"