



CRIMINAL INTELLIGENCE COORDINATING COUNCIL

IMPROVING CRIMINAL INTELLIGENCE SHARING

FOURTH EDITION NEWSLETTER

APRIL/MAY/JUNE 2011

ABOUT THE CICC

The CICC provides recommendations in connection with the implementation and refinement of the *National Criminal Intelligence Sharing Plan*, the blueprint to assist agencies in establishing criminal intelligence sharing policies, procedures, standards, technologies, and training. The CICC also serves as an advocate for state, local, and tribal law enforcement and their efforts to develop and share criminal intelligence for the purpose of promoting public safety and securing the nation.

Focus on:

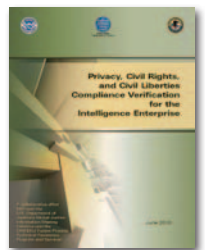
Privacy, Civil Rights, and Civil Liberties & Information Sharing

The success of nationwide information sharing among law enforcement and homeland security agencies is contingent on the protection of privacy, civil rights, and civil liberties. These protections are key principles of the CICC and have been clearly articulated in all of the CICC's foundational documents, including the *National Criminal Intelligence Sharing Plan* (NCISP), the *Fusion Center Guidelines*, *Navigating Your Agency's Path to Intelligence-Led Policing*, and the *Baseline Capabilities for State and Major Urban Area Fusion Centers*. In addition, the CICC has created specialized products designed to assist law enforcement and homeland security agencies as they focus on and prioritize these protections. These products include the *Privacy, Civil Rights, and Civil Liberties Compliance Verification for the Intelligence Enterprise* and the recently released training video titled *The Importance of Privacy, Civil Rights, and Civil Liberties Protections in American Law Enforcement and Public Safety*.



This newsletter focuses on how the CICC is assisting local, state, and tribal law enforcement and homeland security agencies in diligently protecting privacy and the associated rights of the public and community members.

THE PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES COMPLIANCE VERIFICATION FOR THE INTELLIGENCE ENTERPRISE



Privacy policies are integral in the operation of an intelligence unit, a fusion center, or any other intelligence-related enterprise. However, it is not enough to merely have a privacy policy; the key to an effective policy is its implementation. To support law enforcement and homeland security agencies as they assess their privacy policies and ensure their tenets are implemented, the CICC created the *Privacy, Civil Rights, and Civil Liberties Compliance Verification for the Intelligence Enterprise* (Compliance Verification document). The purpose of this document is to assist agencies and their intelligence enterprises in complying with all applicable privacy, civil rights, and civil liberties protection laws, regulations, and policies. The document was designed as a "next step" for agencies that have completed and implemented a privacy policy in order to evaluate an agency's compliance with the policies and procedures that are established in its privacy

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CURRENT CICC PRIVACY INITIATIVES

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policy. It also helps to uncover any gaps that may need to be addressed in policies, technology, or procedures. The document provides a suggested methodology for conducting the review of an agency's intelligence enterprise and identifies the high-liability areas of concern that should be included when performing the review.

In 2011, the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) Program Management Office partnered with the DHS/DOJ Fusion Process Technical Assistance Program to implement the Compliance Verification document as part of the fusion center exchange delivery. In the first quarter of 2011, five exchanges were held and additional exchanges will continue throughout 2011. The goal of these exchanges is to provide fusion centers with an opportunity to ensure that their privacy policies are comprehensive, identify how the policies are being implemented, identify any potential gaps and discuss opportunities to mitigate these gaps, and identify smart practices and lessons learned that can be shared with other fusion centers and intelligence enterprises.

These exchanges also will pilot an appendix to the Compliance Verification document that focuses on SAR information and how fusion centers and intelligence enterprises gather, store, and disseminate this information in a way that protects privacy, civil rights, and civil liberties.

Impact: The result of this checklist is a proactive, evaluative tool for fusion centers and other intelligence enterprises to help ensure that the implementation of privacy protections has been diligent and effective. Developing a comprehensive privacy policy and following up on the protections identified in the policy using this tool helps protect agencies, individuals, and the public. This tool also contributes to an increase in public trust and confidence in the justice system.

The Compliance Verification document can be accessed at <http://it.ojp.gov/docdownloader.aspx?ddid=1285>.

THE IMPORTANCE OF PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES PROTECTIONS IN AMERICAN LAW ENFORCEMENT AND PUBLIC SAFETY



Training on privacy, civil rights, and civil liberties protections must be an ongoing priority among law enforcement and public safety agencies. To assist agencies as they train and reinforce these protections, the CICC developed a training video: *The Importance of Privacy, Civil Rights, and Civil Liberties Protections in American Law Enforcement and*

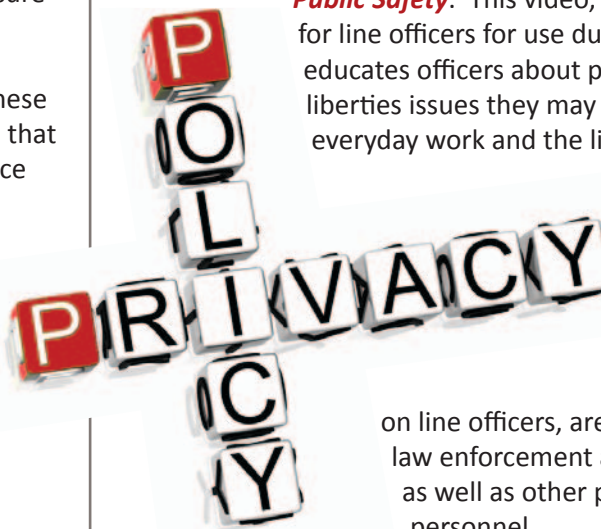
Public Safety. This video, originally designed for line officers for use during roll call, educates officers about privacy and civil liberties issues they may confront in their everyday work and the liabilities associated

with the failure to adhere to sound policy and practice. The tenets of the video, though focused

on line officers, are applicable to all law enforcement agency personnel, as well as other public safety personnel.

Impact: Though officers receive privacy training as part of their academy training, it is important to regularly reinforce the importance of upholding these protections. This short overview will review and proactively emphasize the role line officers have in the ongoing protection of citizens' and community members' privacy, civil rights, civil liberties, and other associated rights in the course of officers' daily activities and calls for service.

The video can be accessed at <http://www.ncirc.gov/privacylineofficer/>.



LATEST GLOBAL PRIVACY RELEASES

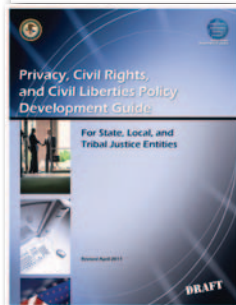
In addition to the efforts of the CICC, Global has also recently released several privacy-related resources, including the *Global Privacy Resources* and the revised *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities*.

The ***Global Privacy Resources*** document provides an overview and a useful road map of all Global and joint U.S. Department of Justice (DOJ)-collaborated privacy products. This overview is designed to educate all justice entities on the variety of privacy-related products available through Global, the purpose for each resource, and how to use the products through an illustrated stepped approach.



The revised ***Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities*** contains the latest guidance, standards, templates, sample policies, and other resources designed as practical tools for the state, local, or tribal justice practitioner charged with drafting the privacy policy. Recognizing that justice agencies come in all sizes, with varying degrees of available resources, the guide was designed to meet a spectrum of privacy protection needs for any size justice entity. Sensible guidance on core privacy policy concepts is incorporated into the guide with instruction on how to articulate these concepts in a manner that protects the agency, the individual, and the public. Also included are the latest recommendations on implementation and training. Protecting privacy, civil rights, and civil liberties through the course of everyday justice work inspires trust in the justice system and in the law enforcement entities that collect and use this information.

These resources can be found online at www.it.ojp.gov/GPIQWG. To request printed copies, send requests to GLOBAL@iir.com.



FUTURE INITIATIVES

THE ROLE OF LAW ENFORCEMENT IN FIRST AMENDMENT-PROTECTED EVENTS

Law enforcement plays a key role in First Amendment-protected events. Law enforcement officers have the duty to protect persons and groups partaking in First Amendment assemblies. The CICC is working on the development of guidance for law enforcement agencies to utilize as they prepare for and respond to events that are protected under the First Amendment. This guidance will include a white paper addressing the role of law enforcement, a model policy agencies can adopt regarding First Amendment-protected events, and a training component focusing on training officers and leadership on their role in these types of events.



THE USE OF SOCIAL MEDIA IN INTELLIGENCE AND INVESTIGATIVE ACTIVITIES

The use of social media increases daily and presents a potentially useful tool for law enforcement agencies to utilize in their official duties to prevent, respond to, and investigate criminal-related activity. However, it is also important for law enforcement personnel to understand the privacy, civil rights, and civil liberties issues that accompany accessing this information and its potential use. The CICC, in partnership with the International Association of Chiefs of Police (IACP) and the Global Privacy and Information Quality Working Group (GPIQWG), is working to develop guidance for law enforcement personnel regarding the use of social media resources and the privacy, civil rights, and civil liberties implications resulting from its usage.



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*Assistant Commissioner, Florida Department of Law Enforcement
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THE CICC ALSO RECOGNIZES THE FOLLOWING INDIVIDUALS AS ACTIVE PARTNERS IN THE COUNCIL'S MISSIONS AND OBJECTIVES:

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*Principal Deputy Under Secretary for Intelligence and Analysis
U.S. Department of Homeland Security*

Russell Porter

*Director of Federal, State, Local, and Tribal Partnerships
Office of the Director of National Intelligence*



BJA

Bureau of Justice Assistance
U.S. Department of Justice

CICC NEWSLETTER

Previous newsletter spotlights are available at www.it.ojp.gov/cicc

ABOUT GLOBAL

The U.S. Department of Justice's Global Justice Information Sharing Initiative (Global) serves as a Federal Advisory Committee to the U.S. Attorney General on critical justice information sharing initiatives. Global promotes standards-based electronic information exchange to provide justice and public safety communities with timely, accurate, complete, and accessible information in a secure and trusted environment. Global is administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

FOR MORE INFORMATION

For more information about the CICC, contact DOJ's Global at (850) 385-0600. For more information about other DOJ information sharing initiatives, go to:

www.it.ojp.gov