

# Model Policy

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## I. PURPOSE

It is the purpose of this policy to provide law enforcement officers in general, and officers assigned to the intelligence function in particular, with guidelines and principles for the collection, analysis, and distribution of intelligence information.

- Methods for purging out-of-date or incorrect information; and
- Procedures for the utilization of intelligence personnel and techniques.

The policy contained herein is intended to remain at all times consistent with the current language of 28 CFR, Part 23.

## II. POLICY

Information gathering is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of this agency to gather information directed toward specific individuals or organizations where there is reasonable suspicion (as defined in 28 CFR, Part 23, Section 23.3 c) that said individuals or organizations may be planning or engaging in criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals as defined. While criminal intelligence may be assigned to specific personnel within the agency, all members of this agency are responsible for reporting information that may help identify criminal conspirators and perpetrators.

It is also the policy of this agency to adopt the standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA) for intelligence gathering, specifically that: If an agency performs an intelligence function, procedures must be established to ensure the legality and integrity of its operations, to include,

- Procedures for ensuring information collected is limited to criminal conduct and relates to activities that prevent a threat to the community;
- Descriptions of the types or quality of information that may be included in the system;

## III. DEFINITIONS

*Criminal Intelligence.* Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.

*Strategic Intelligence.* Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short- and long-term investigative goals.

*Tactical Intelligence.* Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.

*Threshold for criminal intelligence.* The threshold for collecting information and producing criminal intelligence shall be the "reasonable suspicion" standard in 28 CFR, Part 23, Section 23.3 c.

## IV. PROCEDURES

### A. Mission

It is the mission of the intelligence function to gather information from all sources in a manner consistent with the law and to analyze that information to provide tactical and/or strategic intelligence on the existence, identities, and capabilities of criminal suspects and enterprises generally and, in particular, to further crime prevention and enforcement objectives/priorities identified by this agency.

1. Information gathering in support of the intelligence function is the responsibility of each member of this agency although specific assignments may be made as deemed necessary by the officer-in-charge (OIC) of the intelligence authority.
2. Information that implicates, suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to this agency's chief executive officer or another appropriate agency.

#### B. Organization

Primary responsibility for the direction of intelligence operations; coordination of personnel; and collection, evaluation, collation, analysis, and dissemination of intelligence information is housed in this agency's intelligence authority under direction of the intelligence OIC.

1. The OIC shall report directly to this agency's chief executive officer or his designate in a manner and on a schedule prescribed by the chief.
2. To accomplish the goals of the intelligence function and conduct routine operations in an efficient and effective manner, the OIC shall ensure compliance with the policies, procedures, mission, and goals of the agency.

#### C. Professional Standards

The intelligence function is often confronted with the need to balance information-gathering requirements for law enforcement with the rights of individuals. To this end, members of this agency shall adhere to the following:

1. Information gathering for intelligence purposes shall be premised on circumstances that provide a reasonable suspicion (as defined in 28 CFR, Part 23, Section 23.3 c) that specific individuals or organizations may be planning or engaging in criminal activity.
2. Investigative techniques employed shall be lawful and only so intrusive as to gather sufficient information to prevent criminal conduct or the planning of criminal conduct.
3. The intelligence function shall make every effort to ensure that information added to the criminal intelligence base is relevant to a current or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained by the intelligence function.
4. Information gathered and maintained by this agency for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with law and procedures established by this agency. A record shall be kept regarding the dissemination of all such information to persons within this or another law enforcement agency.

#### D. Compiling Intelligence

1. Intelligence investigations/files may be opened by the intelligence OIC with sufficient information and justification. This includes but is not limited to the following types of information.
  - a. subject, victim(s) and complainant as appropriate; summary of suspected criminal activity;
  - b. anticipated investigative steps to include proposed use of informants, photographic, or electronic surveillance;
  - c. resource requirements, including personnel, equipment, buy/flash monies, travel costs, etc;
  - d. anticipated results; and
  - e. problems, restraints or conflicts of interest.
2. Officers shall not retain official intelligence documentation for personal reference or other purposes but shall submit such reports and information directly to the intelligence authority.
3. Information gathering using confidential informants as well as electronic, photographic, and related surveillance devices shall be performed in a legally accepted manner and in accordance with procedures established for their use by this agency.
4. All information designated for use by the intelligence authority shall be submitted on the designated report form and reviewed by the officer's immediate supervisor prior to submission.

#### E. Analysis

1. The intelligence function shall establish and maintain a process to ensure that information gathered is subjected to review and analysis to derive its meaning and value.
2. Where possible, the above-described process should be accomplished by professional, trained analysts.
3. Analytic material (i.e., intelligence) shall be compiled and provided to authorized recipients as soon as possible where meaningful trends, patterns, methods, characteristics or intentions of criminal enterprises or individuals emerge.

#### F. Receipt/Evaluation of Information

Upon receipt of information in any form, the OIC shall ensure that the following steps are taken:

1. Where possible, information shall be evaluated with respect to reliability of source and validity of content. While evaluation may not be precise, this assessment must be made to the degree possible in order to guide others in using the information. A record shall be kept of the source of all information where known.
2. Reports and other investigative material and information received by this agency shall remain the property of the originating agency, but may be retained by this agency. Such reports and other investigative material and information

shall be maintained in confidence, and no access shall be given to another agency except with the consent of the originating agency.

3. Information having relevance to active cases or that requires immediate attention shall be forwarded to responsible investigative or other personnel as soon as possible.
4. Analytic material shall be compiled and provided to authorized sources as soon as possible where meaningful trends, patterns, methods, characteristics, or intentions of criminal enterprises or figures emerge.

#### G. File Status

Intelligence file status will be classified as either "open" or "closed," in accordance with the following:

##### 1. Open

Intelligence files that are actively being worked will be designated as "Open." In order to remain open, officers working such cases must file intelligence status reports covering case developments at least every 180 days.

##### 2. Closed

"Closed" intelligence files are those in which investigations have been completed, where all logical leads have been exhausted, or where no legitimate law enforcement interest is served. All closed files must include a final case summary report prepared by or with the authorization of the lead investigator.

#### H. Classification/Security of Intelligence

1. Intelligence files will be classified in order to protect sources, investigations, and individual's rights to privacy, as well as to provide a structure that will enable this agency to control access to intelligence. These classifications shall be reevaluated whenever new information is added to an existing intelligence file.

##### a. Restricted

"Restricted" intelligence files include those that contain information that could adversely affect an on-going investigation, create safety hazards for officers, informants, or others and/or compromise their identities. Restricted intelligence may only be released by approval of the intelligence OIC or the agency chief executive to authorized law enforcement agencies with a need and a right to know.

##### b. Confidential

"Confidential" intelligence is less sensitive than restricted intelligence. It may be released to agency personnel when a need and a right to know has been established by the intelligence OIC or his designate.

##### c. Unclassified

"Unclassified" intelligence contains information from the news media, public records, and

other sources of a topical nature. Access is limited to officers conducting authorized investigations that necessitate this information.

2. All restricted and confidential files shall be secured, and access to all intelligence information shall be controlled and recorded by procedures established by the intelligence OIC.
  - a. Informant files shall be maintained separately from intelligence files.
  - b. Intelligence files shall be maintained in accordance with state and federal law.
  - c. Release of intelligence information in general and electronic surveillance information and photographic intelligence, in particular, to any authorized law enforcement agency shall be made only with the express approval of the intelligence OIC and with the stipulation that such intelligence not be duplicated or otherwise disseminated without the approval of this agency's OIC.
  - d. All files released under freedom of information provisions or through disclosure shall be carefully reviewed.

#### I. Auditing and Purging Files

1. The OIC is responsible for ensuring that files are maintained in accordance with the goals and objectives of the intelligence authority and include information that is both timely and relevant. To that end, all intelligence files shall be audited and purged on an annual basis as established by the agency OIC through an independent auditor.
2. When a file has no further information value and/or meets the criteria of any applicable law, it shall be destroyed. A record of purged files shall be maintained by the intelligence authority.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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