



TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Criminal Intelligence Protocols		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on file</i>		
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AUTHORITY/RELATED REFERENCES

Title 28, Code of Federal Regulations, Part 23, U.S. Department of Justice
 FS Chapter 119, Public Records
 Special Order 10, Building Security and Evacuation
 General Order 17, Records Management
 General Order 42, Impounding and Controlling of Property and Evidence
 General Order 77, Computer, Cellular Telephone and Data Utilization

ACCREDITATION REFERENCES

CALEA Chapters 40, 82
 CFA Chapter 19

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POLICY

The Department shall establish protocols for the collection, correlation, analysis and dissemination of criminal intelligence in compliance with state and federal laws and procedures. Members shall adhere to established protocols when involved in any part of the criminal intelligence process.

DEFINITIONS

Criminal Intelligence: Information collected by a criminal justice agency relating to an identifiable person, group of persons, vehicle, location, or business in an effort to

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anticipate, prevent, or monitor possible criminal activity when such information has been evaluated and determined to: 1) be relevant to the identification of criminal activity engaged in by an individual or organization reasonably suspected of involvement in criminal activity, and 2) meet criminal intelligence system submission criteria of the Department.

Criminal Justice Agency: Any law enforcement agency, correctional agency, court or prosecutor. The term also includes any other agency charged by law with criminal law enforcement duties, or any agency having custody of criminal intelligence for the purpose of assisting other criminal justice agencies in conducting active criminal investigations or prosecutions.

Criminal Predicate: A level of suspicion established by information and sufficient facts leading a trained law enforcement officer to believe there is a reasonable possibility an individual or organization is involved in a definable criminal activity or enterprise.

PROCEDURES

I. GENERAL GUIDELINES

- A. The Criminal Intelligence Unit (CIU) has the primary responsibility for gathering, analyzing, disseminating and maintaining criminal intelligence for the Department.
- B. No criminal intelligence may be gathered or maintained in the absence of an established criminal predicate or an identifiable threat to the community.
- C. All criminal intelligence shall comply with the standards set forth in Title 28, Code of Federal Regulations, Part 23 (U.S. Department of Justice).
- D. The Special Investigations Section Commander is responsible for the oversight, coordination, assignment and supervision of all CIU activities.
- E. Criminal intelligence concerning particular individuals, vehicles, locations, business entities, groups or enterprises may be collected when:
 1. There are circumstances which reasonably tend to indicate the information obtained may be directly related to unlawful activity or activities that present a threat to the community, including any act of terrorism,
 2. Reasonable suspicion or criminal predicate exists that would lead a reasonable and prudent person to believe a crime has been, is being, or will be committed, by the person, group of persons or business entities, or
 3. It is received from other criminal justice agencies.

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- F. Criminal intelligence shall be submitted to the CIU in one of the following ways:
1. Completion of a Criminal Intelligence Report (PD 183) which may be delivered in person, mailed electronically or placed in one of the unit's established drop boxes),
 2. Direct entry into the *CrimeNtel* software program (members must receive training on software use and intelligence protocols prior to being granted user access to the system), or
 3. Direct contact with a CIU member.
- G. CIU members or the High Risk Offender (HRO) Bureau Commander, or designee, shall assess all incoming criminal intelligence and disseminate it to the appropriate entities.
- H. CIU members or the HRO Bureau Commander shall ensure the criminal intelligence collected meets the definition of criminal intelligence set forth in this policy.

II. ACCESS TO, UTILIZATION AND RELEASE OF CRIMINAL INTELLIGENCE

- A. CIU files shall be kept separate and secure from all other files. These files shall be located in a secure manner dedicated to intelligence file storage.
- B. Collation and analysis of criminal intelligence shall occur in a secure environment, and CIU member shall:
1. Follow the computer security protocols of General Order 77 (Computer, Cellular Telephone and Data Utilization) when working with criminal intelligence, and
 2. Collate and analyze criminal intelligence in their secure office setting only.
- C. Access to and use of criminal intelligence shall be strictly limited to authorized members who have a demonstrated need for particular information.
- D. Members shall only view or enter into the *CrimeNtel* database at or below their respective access level. The levels are:
1. Top Secret – Reserved
 2. Secret – Highly sensitive criminal intelligence records/wiretap information

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3. Confidential – Sensitive criminal intelligence records/active criminal investigations
 4. Restricted – Entry-level criminal intelligence
 5. Unclassified – Members shall not utilize this access level
- E. Security measures to protect unauthorized attempts to access, modify, remove or destroy stored information, whether electronic or physical, include:
1. Physical security protocols as outlined in Special Order 10 (Building Security and Evacuation),
 2. Software security protocols as outlined in General Order 77 (Computer, Cellular Telephone and Data Utilization), and
 3. Public record dissemination and destruction protocols as outlined in General Order 17 (Records Management).
- F. Criminal intelligence shall only be released or cancelled by:
1. A sworn CIU Investigator or CIU Supervisor, or
 2. Other members with the approval of a sworn CIU member.
- G. Criminal intelligence may only be disseminated to an appropriate criminal justice agency to:
1. Confirm information in the files of another criminal justice agency,
 2. Assist with an investigation by another criminal justice agency, if the requesting agency can give assurance valid grounds exist and the information is relevant to the investigation,
 3. Report terrorist activities, or when otherwise necessary to avoid imminent danger to life or property, and
 4. Apprise another criminal justice agency of criminal activity potentially impacting the other agency's jurisdiction.
- H. When deemed appropriate by the Chief of Police, criminal intelligence may be released to inform the public about:
1. The activities of the Department, or

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2. Matters related to crime trends and problems.
- I. Dissemination of criminal intelligence shall be in compliance with the U.S. Department of Justice's "*third agency rule*" which states confidential intelligence provided by a criminal justice agency shall not be disseminated without the permission of that agency.
 - J. Criminal intelligence shall not be disseminated outside the Department if such dissemination would:
 1. Endanger the physical safety of law enforcement personnel or others,
 2. Disclose the identity of a confidential informant,
 3. Disclose information from an active case, unless it involves another criminal justice agency and is approved by the case investigator or his/her supervisor, or
 4. Jeopardize a pending investigation.
 - K. Unverified criminal intelligence shall not be disseminated except:
 1. Upon a specific request from a criminal justice agency, and
 2. It is articulated the information is unverified.
 - L. When criminal intelligence is released to a criminal justice agency, the member making the release shall ensure the following steps are completed:
 1. Written documentation of criminal intelligence is marked "TPD Confidential Record,"
 2. Verification the information is contained in the *CrimeNtel* database, and
 3. The proper entry into the *CrimeNtel* software dissemination log is made, to include:
 - a. Date of release,
 - b. To whom the information was released, and
 - c. The releasing member's name.

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M. The CIU shall facilitate regular intra-department meetings for intelligence sharing. Attendance at such meetings shall be restricted to authorized personnel.

III. RETENTION OF CRIMINAL INTELLIGENCE

A. Criminal intelligence shall be purged from Department files if subsequent investigation reveals the individual or organization is not connected in any way with suspected criminal activity.

B. The *CrimeNtel* system administrator, or designee, shall periodically check the system for records due for purging.

1. Any criminal intelligence not updated within the designated time period shall be purged.

2. Criminal Intelligence may be purged from the *CrimeNtel* system in accordance with the following retention schedule:

a. Interim (short term relevance) – 60 days retention

b. Temporary (medium term relevance) – Two years retention

c. Permanent (long term relevance) – Five years retention

C. Criminal intelligence not meeting the criteria for "active" intelligence per FS Chapter 119 shall be purged.

D. Purging of criminal intelligence shall only be completed by an authorized *CrimeNtel* administrator.

E. Purging of criminal intelligence is based upon the following criteria:

1. The frequency with which the information has been used,

2. If the information has been confirmed by other sources or is found to be unsubstantiated,

3. The ability to obtain the information from another source, and

4. The potential for future use of the information.

F. Electronic surveillance recordings (audio and video) and surveillance photographs shall be maintained with, or indexed to, the criminal intelligence

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file or criminal investigative files, or stored as evidence in the Property and Evidence Unit.

1. In the event an intelligence file is purged, all recordings and/or photographs related to the file shall be destroyed.
 2. Surveillance recordings and photographs maintained in the Property and Evidence Unit shall be disposed of in accordance with General Order 42 (Impounding and Controlling of Property and Evidence).
- G. When criminal intelligence becomes inactive, it is available for public inspection pursuant to the provisions of FS Chapter 119.
1. Information specifically exempted by the Florida Constitution or Florida Statute from disclosure shall be redacted from any documents processed for public inspection.
 2. Exemptions to public release include, but are not limited to, the following:
 - a. Active criminal intelligence,
 - b. Information revealing undercover personnel, surveillance techniques or procedures of any criminal justice agency,
 - c. Information revealing the identity of confidential informants,
 - d. Information including the photograph, name, address or other fact or information revealing the identity of the victim of any sexual battery (as defined by FS Chapter 794), or child abuse (as defined by FS Chapter 827),
 - e. Information revealing the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime,
 - f. The home addresses, telephone numbers and photographs of law enforcement personnel, the home addresses, telephone numbers, photographs and places of employment of the spouses and children of law enforcement personnel, and the names and locations of schools attended by the children of law enforcement personnel, and
 - g. Privileged, confidential and limited access public documents enumerated in other Florida statutes or federal law.

IV. REQUESTS FOR CRIMINAL INTELLIGENCE

- A. The CIU is responsible for responding to criminal intelligence requests from within the Department and other criminal justice agencies. The unit receives two types of requests:
1. Tactical Intelligence: Information regarding a particular event that can be of immediate use to law enforcement personnel.
 - a. For example, information regarding the types of vehicles a narcotics dealer uses would be tactical intelligence since it is of direct value in the establishment of surveillance.
 - b. Tactical intelligence may lead directly to an arrest or the recognition more information is needed.
 2. Strategic Intelligence: Information about patterns of existing or developing criminal activity or trends. It is usually developed from information collected over a period of time.
- B. The CIU supervisor shall keep abreast of all requests for criminal intelligence and ensure compliance with all guidelines.

V. MANDATORY DIVISION REPORT

The HRO Bureau Commander is responsible for an annual summary of the Department's criminal intelligence services to include procedures and processes in regards to criminal intelligence, suspicious incidents and any homeland security activities.

History: previous title (*intelligence guidelines and requests*) – issued 07/15/1985, revised (*change of title*) 10/20/1999, 11/15/2001, 08/10/2007, 11/28/2008, 08/24/2012, 07/22/2015 and 06/02/2017.