

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 51.1

CRIMINAL INTELLIGENCE

ACCREDITATION STANDARDS: CALEA 42.1.6, 46.3.1; CFA – 19.01, 19.02

EFFECTIVE DATE: April 8, 1995

RESCINDS: G.O. 51.1, May 6, 2015 and all applicable Amended/Temporary Orders prior to January 5, 2018

LAST REVISED DATE: January 5, 2018

CONTENTS

This General Order contains the following numbered sections:

- I. Intelligence Unit
 - II. Legal Collection of Data
 - III. Intelligence Operations
 - IV. Training
 - V. Processing of Information/Intelligence Reports
 - VI. Security of Intelligence Information and Files
 - VII. Dissemination of Intelligence Information
 - VIII. Purging of Intelligence Files
 - IX. Review
 - X. Definitions
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POLICY

It shall be the policy of the Winter Haven Police Department to gather only that data which is criminal in nature and shall not collect information unrelated to alleged or suspected criminal activity.

PURPOSE

The purpose of this General Order is to establish guidelines and criteria for the gathering, dissemination and securing of criminal intelligence.

SCOPE

This General Order shall apply to all department members

DISCUSSION

Criminal Intelligence as it relates to law enforcement agencies is principally concerned with collecting, processing and disseminating information relating to specific crimes and criminal activities.

PROCEDURE

I. Intelligence Unit

- A.** The Department shall maintain an Intelligence Unit, which shall be assigned to the Investigative Services Bureau. The Intelligence Unit shall consist of the following members: (CALEA 42.1.6a) (CFA 19.02a)
- 1.** A detective from General Investigations Division.
 - a.** The detective assigned from the General Investigations Division shall be responsible for the security of intelligence records. These records shall be maintained separately from the Records Division.
 - 2.** Other Department members as assigned by the Chief of Police and/or Investigative Services Bureau Commander.
- B.** The Intelligence Unit shall maintain:
- 1.** A procedure that permits the continuous flow of raw data into a central point of all sources;
 - 2.** A secure records system in which evaluated data is properly cross-referenced to reflect relationships and to ensure complete and rapid retrieval;
 - 3.** A system analysis capable of developing intelligence from both the records system listed above and other data sources;
 - 4.** A system for dissemination of information to appropriate units; (CFA 19.02b)
 - 5.** Intelligence activities which include information gathering, analysis and dissemination, and;
 - 6.** The collecting of any and all criminal intelligence developed by any member of the Department.

(Note: It shall be the responsibility of all agency members to collect, process and share suspicious incidents and criminal intelligence related to criminal and homeland security activities) (CALEA 42.1.6b)

II. Legal Collection of Data (CALEA 42.1.6f)

- A.** Information shall be collected only when there is reasonable suspicion that a subject is engaged in criminal activity. (CFA 19.01a)
- B.** No information shall be collected or directed to be collected by illegal means or methods.
- C.** Unless information is necessary and relevant to the investigation of alleged criminal wrong doing, information shall not be collected on any individual or organization based on any of the following: (CFA 19.01a)

1. Ethnic background or race;
 2. Religious or political affiliation;
 3. Support of unpopular causes;
 4. Personal habits or lifestyles.
- D.** Before any information can be placed into a permanent intelligence file, the information shall meet all of the following: (CALEA 42.1.6e)
1. Shall contain criminal predicate;
 2. Have relevance to the suspected criminal activity;
 3. The source of information is identifiable, if possible, and the reliability of the source has been evaluated.
 4. The information has been evaluated for accuracy and validity.
 5. The information is valid as of its review date and is useful to the current needs and objectives of the Department.
 6. The information was collected properly and obtained in accordance with all applicable federal, state and local laws.
 7. The information is free from references to political, religious, or social views not directly related to suspected criminal activity. (CFA 19.01a)
 8. The information is free of references to associations or activities of any individual, group, association, business, corporation, or partnership not directly related to suspected criminal activity.
- E.** Collection of criminal investigative data shall be from, but not limited to, the following: (CFA 19.01b)
1. Police reports to retrieve specific data about a case.
 2. Field intelligence reports (FIR) shall be used to develop information of suspects who may have committed crimes in the area in which they were encountered.
 3. BOLO sheets shall be used to compare information with suspects wanted in other cases.
 4. Reliable informants shall be used to provide information relevant to current investigations or future criminal activity.
 5. Intelligence meetings shall be used to retrieve and disseminate information regarding on-going criminal investigations.
 6. Teletype messages shall be used to determine suspects or subjects being sought by other law enforcement agencies for crimes occurring within the City of Winter Haven and other jurisdictions.

7. Court record information shall be used to determine what cases have been filed against any person(s), suspect(s), or informant(s) that are in intelligence files.
 8. Criminal activity bulletins received from other jurisdictions including from other states.
 9. Media and social networking sites.
- F. All information shall be evaluated for the source of the information, reliability of the source and confirmation of the information. The information collected shall be in accordance with the Federal and State Laws. All information received shall be further reviewed by the Investigative Services Lieutenant. (CFA 19.01c)
- G. Criminal intelligence data bases shall only be accessed by authorized users and shall be used in accordance with all licensing and agreements. (CALEA 42.1.6f, g)

III. Intelligence Operations

- A. The Intelligence Unit shall conduct the following:
1. Strategic and tactical criminal intelligence gathering operations;
 2. Ensure the legality and integrity of the intelligence effort by avoiding indiscriminate collection or distribution of information, to include the periodic purging of outside information as prescribed by Florida Statutes; (CALEA 42.1.6f)
 3. Provide intelligence during civil disturbances, hostage and barricaded situations;
 4. Maintain a liaison with other organizations for the exchange of information relating to terrorism;
 5. Ensure terrorism related intelligence is documented, analyzed, reported and relayed to the proper task force or agency. (CALEA 46.3.1)
 6. Provide intelligence during the investigation of violent crimes (i.e. homicides, robberies, sexual batteries, etc.).

IV. Training (CALEA 42.1.6c)

- A. All members shall be trained on the collection and sharing of criminal intelligence information.
- B. Those members assigned to the Intelligence Unit shall receive training in the use of any specialized equipment used in the collection of criminal intelligence. This training may be completed through specialized training classes or in-service training. (CFA 19.01c)
- C. Those members assigned to the Intelligence Unit shall receive training, legal updates or seek legal guidance from the State Attorney's Office on criminal intelligence activities.

V. Processing of Information/Intelligence Reports

- A.** A copy of all case/incident reports written by members involving criminal intelligence data shall be forwarded to the Investigative Services Lieutenant by the member's supervisor.
- B.** Raw criminal intelligence or unconfirmed reports that may require further investigation and/or confirmation shall be recording on an Intelligence Report (whpd-21).
- C.** Intelligence Reports shall be place in a sealed white envelope, stamped "Confidential" and sent to the Investigative Services Lieutenant. Intelligence Reports shall not be sent through the chain of command but directly to the Investigative Services Lieutenant and shall not be copied or distributed except by the Intelligence Unit. Under no circumstances shall Intelligence Reports be sent to the Records Division.
- D.** The Investigative Services Lieutenant shall review Intelligence Reports and case/incident reports to ensure that the reports contain information that is limited to criminal conduct or activities that are a threat to the community. After review, the Lieutenant shall forward all Intelligence Reports and any case/incident reports that contain criminal intelligence to the Intelligence Unit.
- E.** The Intelligence Unit shall assign a tracking number to all Intelligence Reports and any case/incident reports that contain criminal intelligence. The Intelligence Unit shall maintain all original Intelligence Reports.
- F.** Depending on the nature of the crime, the Intelligence Unit shall forward a copy of the Intelligence Report to the appropriate supervisor. The copy shall be marked "Confidential" and shall include the date and the Department member to whom the report was issued to.
 - 1.** The supervisor assigned an Intelligence Report for investigation shall document the following on the Intelligence Investigation Assignment Log (WHPD-387).
 - a.** Intelligence tracking number of the report.
 - b.** Date received from Intelligence Unit
 - c.** Member and date assigned for investigation
 - d.** Date investigation closed and Intelligence Report returned to the Intelligence Detective.
- G.** The Intelligence Unit shall maintain a log to document information, which was received from and sent to outside agencies or other components of the Department. This log may be written, electronic or both.
- H.** Once a member has completed an investigation based on an intelligence report sent by the Intelligence Unit, the following procedures shall be followed.
 - 1.** The member assigned the Intelligence Report shall return the Intelligence Report (copy) to their supervisor who assigned the report.

2. The supervisor shall write on the bottom of the Intelligence Report (copy) the disposition of the case (e.g. closed arrest, unfounded, etc.) and then place the Intelligence Report in a sealed envelope and return to the Intelligence Detective.
 3. The Intelligence Detective shall indicate the date the Intelligence Report was returned and the disposition of the report on the log.
 4. When the Intelligence Report is returned and of no further use in an active criminal investigation, the Intelligence Detective shall schedule the Intelligence Report for destruction.
- I. Each month, the Investigative Services Lieutenant or their designee shall contact any supervisor that has been assigned an Intelligence Report for investigation to check on the status of the Intelligence Report. The intention of this follow up is to only verify that the investigation on the Intelligence Report is active and to ensure that inactive or closed Intelligence Reports are returned to the Intelligence Detective for proper disposition.
 1. Supervisors assigned an Intelligence Report to be assigned for investigation shall also check on the status of the investigation at least once a month.

VI. Security of Intelligence Information and Files (CALEA 42.1.6d) (CFA 19.02c,d)

- A. All intelligence files and information shall be kept separate from other Department files and shall not be sent or placed in the Records Division.
- B. All intelligence files shall be securely stored in the office of the Intelligence Unit. The Intelligence Detective shall be responsible for the security of all intelligence files and records.
- C. Access to intelligence files shall be limited to: Chief of Police, Deputy Chief of Police, Investigative Services Captain, Investigative Services Lieutenant, Intelligence Unit, and any assigned case detective.
- D. Intelligence files shall be maintained in a locked filing cabinet when not actively being used. Intelligence information maintained on a computer shall be password protected to prevent unauthorized access, modification, removal or destruction. These computers shall be in a secure and locked area.
- E. All intelligence information shall be collated and analyzed in a secure environment. (CFA 19.02a)

VII. Dissemination of Intelligence Information (CALEA 42.1.6g) (CFA 19.02b)

- A. Criminal intelligence information is provided to Department members and other law enforcement agencies only on a right to know and/or need to know basis.
- B. Every Request for Information (RFI) from a WHPD member or outside agency shall be accompanied with a Request for Information Form (whpd-256).
- C. Completed reports or information to be released as a result of a RFI will be stamped "Confidential" and approved by the Investigative Services Captain or Lieutenant before dissemination. Any completed reports or information released shall be documented on

the log listed in Section V, G of this general order.

- D. Prior to releasing any information on a RFI, the Intelligence Unit member shall verify that the requesting person is an active law enforcement member.
- E. Intelligence bulletins may be disseminated to Department members or outside law enforcement agencies. These bulletins may include photographs and descriptions of suspects being sought, officer safety information, or other general intelligence information which may benefit the law enforcement function. Intelligence bulletins and the information they contain are designated "Law Enforcement Sensitive" and do not require a RFI or documentation on a log for release. Intelligence bulletins shall not be released to the public, media or posted in a location visible to unauthorized persons.
- F. No RFIs from a non-criminal justice organization shall be accepted. No confidential intelligence information maintained by the Intelligence Unit, and other non-public records, information shall be disseminated to any person outside of a law enforcement agency.
- G. All public records requests shall be forwarded to the City of Winter Haven Records Management. The Investigative Services Captain and Lieutenant shall be notified of any public records request for criminal intelligence information.

VIII. Purging of Intelligence Files (CALEA 42.1.6d, h) (CFA 19.01d)

- A. No report or file shall be purged until careful consideration is given the current value of the file;
- B. Purging of and destruction of reports/files shall be done only in accordance with existing Florida State Statutes;
- C. The Intelligence Detective shall coordinate with the Records Supervisor for the purging or destruction of any reports/files.

IX. Review

- A. Annually a review shall be completed of the procedures and processes for Criminal Intelligence by the Investigative Services Bureau Commander. (CALEA 42.1.6i)

X. Definitions

- A. *Criminal Intelligence Information* – As defined in Florida State Statute 119.011(3) is information collected by a criminal justice agency with respect to an identifiable person or group of persons in an effort to anticipate, prevent or monitor possible criminal activity.
- B. *Criminal Investigative Information* – As defined in Florida State Statute 119.011(3) is information with respect to an identifiable person or group of persons, compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including but not limited to, information derived from laboratory tests, reports of investigations or informants or from any type of surveillance.

- C. *Criminal Justice Agency* – As defined by Florida State Statute 119.011(4) is any law enforcement agency, court or prosecutor. The term also includes any other agency charged by law with criminal enforcement duties or any agency having custody of criminal intelligence information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigations or prosecution.

APPROVED



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CHIEF OF POLICE