

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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INTRODUCTION

It is the purpose of this policy to provide department members with guidelines and principles for the collection, analysis, and distribution of intelligence information.

POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to gather information directed toward specific individuals or organizations where there is reasonable suspicion that said individuals, groups, 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.

DEFINITIONS

Criminal Intelligence: information collected, analyzed, and disseminated based on activities and associations of individuals, groups, businesses, and organizations that are identified as being involved or potentially involved in criminal behavior or activities.

Criminal Intelligence Records: all records or information that pertains to criminal intelligence investigations, including information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements.

Reasonable Suspicion: sufficient facts to give a trained law enforcement officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.

RULES AND PROCEDURES

1701.1 RESPONSIBILITIES [40.2.3 a]

- A. The Investigations & Support Operations Division is primarily responsible for the direction of intelligence operations, coordination of personnel; and collection, evaluation, collation, analysis, and dissemination of criminal intelligence records and information for the department.
- B. The Crime Analysis Unit may assist in the collation, analysis, and dissemination of intelligence information.
- C. Although the department's criminal intelligence function may be assigned to specific department personnel, it is the responsibility of all department members to report any information which may assist in identifying criminal conspirators and perpetrators. All department members will adhere to the guidelines established in department directives regarding criminal intelligence.
- D. The Criminal Investigations Section Commander is responsible for conducting an annual review of criminal intelligence procedures and processes. [40.2.3 e]

1701.2 INTELLIGENCE COLLECTION

- A. The collection of criminal intelligence will be for the purpose of suppressing criminal activity or for a legitimate law enforcement need.
- B. Information collected from all sources must be evaluated and designated for source reliability, content validity, and relevance. Complete guidelines are outlined in [SOP 3009 – Criminal Intelligence Records](#).
- C. Information **will not** be collected on any individual or organization based solely on any of the following: ethnic background or race, religious or political affiliation, support of unpopular causes, or personal habits or lifestyles unless such information directly relates to possible violations of the law and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.
- D. Information gathering using confidential informants as well as electronic, photographic, and related surveillance devices will be performed in a legally acceptable manner and in accordance with department directives.

- E. Information readily found on the Web, in newspapers, publications, television, and radio broadcasts or distributed for public consumption by any means is open source information that can be gathered, analyzed, and used to create open-source intelligence.
- F. Criminal intelligence information developed or received by department members will be forwarded to the [Criminal Investigations](#) Section Commander for review to ensure the information meets the criteria outlined in this policy. [40.2.1]
 - 1. Information from criminal justice sources, particularly other law enforcement agencies or investigators may be forwarded directly via e-mail or directed to contact the department's designated Intelligence Officer(s).
 - 2. Information from non-criminal justice sources, such as information gathered from citizens or confidential informants, should be submitted in writing to the department's Intelligence Officer(s), whenever possible.
 - 3. Information on suspected criminal gang members will be submitted in accordance with [SOP 3009 – Criminal Intelligence Records](#) and [Policy 1702 – Gang Intelligence](#).
 - 4. All submitted criminal intelligence should include as much relevant and identifying information as possible to assist in evaluating the source reliability and content validity.
- G. The Criminal Investigations Commander will establish and maintain a process to ensure that information gathered is subjected to review and analysis to derive its meaning and value.
- H. Analytic material (i.e., intelligence) will 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. [40.2.2 b]

1701.3 INTELLIGENCE DISSEMINATION [40.2.3 c]

- A. Information gathered and maintained by the department for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with the law and department directives.
- B. Department members must not disseminate confidential criminal intelligence information or records of criminal investigations to individuals or criminal justice agencies except as outlined in department directives or when directed by a court of competent jurisdiction.
- C. Requests for department criminal intelligence information will be directed to Criminal Investigations Section Commander and/or designated Intelligence Officer(s).

- D. Criminal intelligence information collected by APD is not public record; however, criminal intelligence that is part of a criminal investigative file may be discoverable. Disclosure of criminal intelligence information provided to a prosecuting attorney will be governed by NC General Statutes.
- E. Procedures for labeling and outside dissemination are available in [SOP 3009 - Criminal Intelligence Records](#).

1701.4 SECURITY AND RETENTION

- A. All **sensitive**, restricted, and confidential files, both physical and electronic, **must** be secured. Access to intelligence records will be controlled and recorded by procedures established by the **Criminal Investigations Section** Commander. These procedures will include administrative, technical, and physical safeguards that ensure against unauthorized access or damage. [40.2.3 b]
- B. Criminal intelligence information will only be retained if it meets legal requirements for such retention. Information that is out-of-date or incorrect will be purged in accordance with applicable records retention schedules **and** [SOP 3009 - Criminal Intelligence Records](#). [40.2.3 d]

BY ORDER OF:



Wade Wood
Interim Chief of Police