

Introduced by: Council Present

AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #50 "CRIMINAL INTELLIGENCE" POLICY

WHEREAS, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri, Council hereby adopts the attached Criminal Intelligence Policy in compliance the CALEA standards.

Section 2 The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 3 This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this day of 2017

Theodore Hoskins, Mayor


ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Hoskins	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Kirkland	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Mathison	Aye ___ Nay ___ Absent ___ Abstain ___
Councilman-at-Large McDaniel	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Mitchell	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Williams	Aye ___ Nay ___ Absent ___ Abstain ___

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDERS: 50
CRIMINAL INTELLIGENCE		
ISSUE DATE: 7/20/17	EFFECTIVE DATE: 9/18/2017	DISTRIBUTION: ALL PERSONNEL
		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 40.2.3		NUMBER OF PAGES: 4

PURPOSE: This procedure shall establish the use of criminal intelligence information as it pertains to criminal investigation and Homeland Security. The following procedures shall be adhered to in all phases of intelligence operations.

POLICY: It shall be the policy of the Berkeley Police Department to collect, evaluate, and disseminate criminal intelligence information as a function of basic criminal investigations. Department personnel will forward criminal intelligence information to the Bureau of Investigations. Detectives assigned to the Investigations Bureau will be responsible for intelligence operations and will conduct same in strict accordance with all applicable federal and state laws.

DEFINITIONS:

Criminal Intelligence – Information gathered, collated, analyzed, reported, recorded and disseminated by law enforcement agencies concerning types of crime, identified criminals and known or suspected criminal groups. This information may pertain to traditional criminal activity, including but not limited to murder, rape, robbery, burglary, larceny, property damage, vice, drugs, organized crime, terrorism, and Homeland Security. Information concerning political, religious, racial, or personal beliefs shall not be collected unless such information is deemed relevant to criminal activity that presents a direct threat to the community.

PROCEDURES:

DOCUMENTING AND REPORTING INFORMATION [CALEA 40.2.3 a]

- A. All Department personnel, regardless of their jobs, have a role in criminal intelligence and the sharing of information. Personnel shall receive training in documenting information gleaned during the course of performing their job duties and the process for reporting the information to the Bureau of Investigations Commander.
- B. The collection of criminal intelligence information shall be based on a reasonable and legal need. It shall be limited to criminal conduct, and activities that pose a threat to the community.

INFORMATION SOURCES [CALEA 40.2.3 a]

- A. The Bureau of Investigations is responsible for compiling information from a variety of sources. Information received via confidential informants, surveillance operations, uniformed patrol, intelligence records, field interviews, computer generated studies, criminal exchange meetings, and other law enforcement agencies may be included in the intelligence system.

ADMINISTRATION OF INTELLIGENCE INFORMATION [CALEA 40.2.3 b]

- A. Intelligence information is an important asset to effective police operations and shall be administered in a manner designed to improve the effectiveness of the Investigations Bureau.
- B. Supervisory Oversight - The Bureau of Investigations Commander will oversee the compilation of all intelligence files and will ensure that, whenever possible, the files are cross-referenced and detail actual or potential relationships.
 1. Once an intelligence file has been created, the Investigations Bureau Supervisor is responsible for its storage and safekeeping.
 2. The Bureau of Investigations Commander shall review and validate the intelligence information before its dissemination to other law enforcement officers or agencies. Mug shots and copies of incident reports distributed to other law enforcement agencies are not considered intelligence information per se and are exempt from these provisions.

DISSEMINATION OF INFORMATION [CALEA 40.2.3 c]

- A. Intelligence information of a less than sensitive nature may be distributed during roll call sessions, via confidential bulletins, or criminal exchange meetings.
- B. All reports for more sensitive intelligence information will be directed to the Investigations Supervisor. The requests may be sent via phone, FAX, mail, electronic messaging, or personal contact.
- C. In each case, the individual placing a request for information must provide proper identification, the reason for the request and specify the nature of his/her investigation. Once the Investigations Supervisor verifies the identity of the requester and determines that the release of such information is necessary, the requested information may be released.
- D. Requests shall be denied whenever one or more of the following circumstances exists:
 1. The requester lacks the legal credentials to receive such information
 2. The requestor fails to display an outstanding need
 3. The requestor reliability or honesty is questionable
 4. The request is not made through proper channels (e.g. placed with an employee who lacks the proper authority to release the information)

5. The release of requested information would potentially compromise a confidential source
6. The requested information has not been evaluated for accuracy and reliability.

INTEGRITY OF INTELLIGENCE FILES [CALEA 40.2.3 d]

- A. Active intelligence files shall be identified by entries in a log maintained by the Bureau of Investigations Commander.
- B. Intelligence files shall be reviewed annually for the purpose of identifying information that is out of date, incorrect, or no longer serves a useful purpose. Such files shall be purged from the system and destroyed in accordance with the Police Records Retention Schedule as provided by the Secretary of State. The Investigations Supervisor will oversee the destruction of obsolete intelligence files and will ensure that at least one other witness is present at the time confidential material is destroyed.
- C. The Bureau of Investigations Commander will also initiate an entry into the file log book for each intelligence file removed for destruction.

SAFEGUARDING, SECURING AND STORING INFORMATION [CALEA 40.2.3 b]

- A. Due to their sensitive nature, intelligence files shall be maintained separately from other agency records to prevent compromising the integrity of the intelligence process. Intelligence files shall be stored in a separate locked file drawer(s) under the direct control of the Bureau of Investigations Commander. Access to the information contained therein shall be restricted to the Chief of Police, the Commander of Police Operations, and the Bureau of Investigations Commander.
- B. Information contained in intelligence files shall be disseminated to Department personnel and/or other criminal agencies strictly on a "Need-to-Know" basis and only after appropriate verification measures have been satisfied.

OPERATIONAL DEPLOYMENT

- A. The Bureau of Investigations Commander and the Police Operations Commander must approve all intelligence operations prior to personnel and resources being committed to a mission.
- B. Intelligence operations shall be carefully planned with clearly defined objectives. Personnel shall be thoroughly briefed prior to deployment and all necessary equipment tested.
- C. When possible, personnel shall be deployed in groups of two law enforcement officers. However, should circumstances dictate otherwise, arrangements shall be made to position assistance in as close proximity to the intelligence operation as possible. Communications and the Watch Commander will be notified of each specific operation. The Chief of Police, Commander of Police Operations and the Bureau of Investigations Commander shall be informed as soon as possible of any major incident related to an ongoing intelligence operation.

- D. If an intelligence operation leads outside of the jurisdictional boundaries of the City, the Bureau of Investigations Commander or the Commander of Police Operations Commander will contact the appropriate law enforcement agency having jurisdiction over the area. In the event that no direct enforcement action is planned or anticipated, such notification may be delayed with the permission of the Bureau of Investigations Commander or the Commander of Police Operations until the situation warrants contact with the proper authorities.

EQUIPMENT

- A. Members of the Bureau of Investigations shall receive periodic training in the proper usage of surveillance equipment and the administration of intelligence information to ensure full compliance with legal requirements and the security procedures established by the Department.
- B. Surveillance equipment shall be stored in the Investigations Bureau. Surveillance equipment will be properly maintained at all times and periodically inspected for operational readiness. Should a surveillance operation be conducted, the use of such specialized equipment will be properly documented in Department records at the conclusion of the mission.

ANNUAL REVIEW [CALEA 40.2.3 e]

- A. The Bureau of Investigations Commander shall conduct an annual review of all processes and procedures associated with the Department's intelligence function. The review shall be documented in a written report to the Chief of Police.
- B. Elements of the report shall include information pertaining to:
 - 1. The number of files added, purged, and deleted.
 - 2. Adherence to security and safeguarding procedures.
 - 3. Dissemination of intelligence information
 - 4. Any related training needs or recommendations, if applicable.

DRAFTED BY: Eye-Liza Conner	DATE: 7/13/17
BY ORDER OF: ART JACKSON INTERIM CHIEF OF POLICE	DATE: 7/17/17
APPROVED BY: Public Safety Committee	DATE: 7/20/17
APPROVED BY: Berkeley City Council	DATE: 9/18/17