

BRIC MEMORANDUM

**CRIMINAL INTELLIGENCE
FILE GUIDELINES**

December, 2009

Boston Police Department

**Bureau of Intelligence and Analysis
Boston Regional Intelligence Center**

Superintendent Paul Fitzgerald

This document was created as an official guideline for use by members of the BRIC in the handling and storage of intelligence information through the Crime Ntel database used within the BRIC.

The purpose of these guidelines is to establish a consistent method for the collection and dissemination of intelligence while recognizing the civil rights and liberties of citizens.

The included guidelines are based on the Law Enforcement Intelligence Unit (LEIU) Criminal Intelligence File Guidelines (revised March 2002)

**Document prepared by
Sgt. Det. Daniel J. Coleman, BRIC
December, 2009**

TABLE OF CONTENTS

- **CRIMINAL INTELLIGENCE DEFINED** **Page 3**
CRIMINAL PREDICATE,
REASONABLE SUSPICION THRESHOLD
- **RETENTION STATUS** **Page 4**
PERMANENT, TEMPORARY, INTERIM
- **SOURCE AND CONTENT ASSESSMENT** **Page 6**
SOURCE RELIABILITY
CONTENT VALIDITY
- **CLASSIFYING INTELLIGENCE FILES** **Page 7**
(FILE SECURITY)
- **FILE REVIEW AND PURGE** **Page 8**
- **CONFIDENTIALITY CONSIDERATIONS** **Page 9**
- **“CRIME NTEL” AND LEGAL COMPLIANCE** **Page 10**



INTELLIGENCE FILES DEFINED

WHAT ARE THEY?

CONSISTS OF STORED INFORMATION ON ACTIVITIES AND ASSOCIATIONS OF;

INDIVIDUALS

- SUSPECTED OF ACTUAL OR ATTEMPTED PLANNING, ORGANIZING, FINANCING, OR COMMISSION OF CRIMINAL ACTS (ACTIVITY)
- SUSPECTED OF BEING ASSOCIATED WITH CRIMINAL ACTIVITY WITH KNOWN OR SUSPECTED CRIMINALS (ASSOCIATIONS)

ORGANIZATIONS, BUSINESSES, GROUPS

- SUSPECTED OF ACTUAL OR ATTEMPTED PLANNING, ORGANIZING, FINANCING, OR COMMISSION OF CRIMINAL ACTS (ACTIVITY)
- SUSPECTED OF BEING OPERATED, CONTROLLED, FINANCED, OR INFILTRATED BY KNOWN OR SUSPECTED CRIMINALS IN AN ILLEGAL MANNER (ASSOCIATIONS)

THERE **MUST BE A CRIMINAL PREDICATE** THAT CAN BE ARTICULATED (**REASONABLE SUSPICION** SHOULD BE ARTICULATED IN THE REPORT)

EXCLUDED MATERIAL

(SHOULD **NOT** BE IN AN INTELLIGENCE FILE)

1. INFORMATION ON PERSON OR GROUP:
 - BASED SOLELY ON SUPPORT OF AN “UNPOPULAR CAUSE”
 - BASED ON ETHNIC BACKGROUND
 - BASED ON RELIGIOUS OR POLITICAL AFFILIATIONS
 - BASED ON NON-CRIMINAL PERSONAL HABITS
2. PROTECTED CORI INFORMATION
3. ASSOCIATIONS THAT ARE NOT OF A CRIMINAL NATURE

RETENTION STATUS
PERMANENT, TEMPORARY, INTERIM

PERMANENT

DOES THE INFORMATION RELATE TO AN IDENTIFIED

- INDIVIDUAL
- BUSINESS
- OR GROUP
 - THAT IS SUSPECTED OF BEING INVOLVED IN THE ACTUAL OR ATTEMPTED
 - PLANNING
 - ORGANIZING
 - FINANCING
 - OR COMMITTING
 - AN ACT IN VIOLATION OF MGL CRIMINAL STATUTES

IDENTIFIED MEANS THAT THERE IS SUFFICIENT INFORMATION TO DISTINGUISH IT FROM OTHERS (NAME, DOB, OTHER CHARACTERISTICS,ETC)

THE CONTENT OF THE INTELLIGENCE ENTRY MUST ARTICULATE THESE FACTORS IN ORDER FOR IT TO BE PERMANENT

TEMPORARY

THE PERSON/GROUP IS UNIDENTIFIED AND NOT ABLE TO BE DISTINGUISHED FROM OTHERS-BUT IS SUSPECTED OF BEING INVOLVED IN CRIMINAL ACTIVITY

INVOLVEMENT IN THE SUSPECTED ACTIVITY IS QUESTIONABLE

- HAS POSSIBLE ASSOCIATIONS WITH KNOWN CRIMINALS
- HAS A CRIMINAL HISTORY-MAY NOT CURRENTLY BE ACTIVE BUT COULD AGAIN BECOME CRIMINALLY ACTIVE
- THE RELIABILITY OF THE SOURCE-OR-VALIDITY OF THE INFORMATION CANNOT BE DETERMINED AT TIME OF RECEIPT-HOWEVER-THE INFORMATION APPEARS SIGNIFICANT AND MERITS STORAGE WHILE ADDITIONAL WORK IS DONE

TEMPORARY STATUS WOULD BE PURGED IN ONE YEAR, UNLESS ADDITIONAL VERIFICATION OR DEVELOPMENT IS DONE TO CHANGE THE STATUS TO PERMANENT

INTERIM

- FILES CLASSIFIED AS INTERIM WILL ONLY BE RETAINED FOR A MAXIMUM OF 90 DAYS
- INTERIM STATUS WOULD APPLY TO INFORMATION THAT, ABSENT ADDITIONAL INFORMATION OR CHANGE WOULD BE DEEMED UNNECESSARY FOR RETENTION BEYOND A SHORT TERM PERIOD
- INTERIM STATUS WOULD APPLY TO INFORMATION SPECIFIC TO AN ANTICIPATED EVENT OR INCIDENT WITH THE POTENTIAL FOR CRIMINAL CONDUCT AND WITHOUT SUCH CONDUCT WILL NOT NEED TO BE RETAINED

SOURCE AND CONTENT ASSESSMENT

SOURCE (WHERE IT CAME FROM)

COMPLETELY RELIABLE

RELIABILITY IS NOT A QUESTION; HAS BEEN TESTED IN THE PAST

USUALLY RELIABLE

SPORADIC RELIABILITY IN PAST

UNRELIABLE

DOES NOT HAVE RELIABILITY, NOT TRUSTWORTHY

UNKNOWN RELIABILITY

CANNOT BE JUDGED; TRUSTWORTHINESS IS NOT DETERMINED

INFORMATION CONTENT(WHAT IT SAYS)

VERIFIED

CORROBORATED BY AN INVESTIGATOR OR ANOTHER INDEPENDENT SOURCE—
IF SO, ARTICULATE IN THE NARRATIVE

UNVERIFIED

INFORMATION MAY BE CONSISTENT WITH PREVIOUS ACCOUNTS, BUT
CORROBORATION HAS NOT BEEN OBTAINED

UNABLE TO VERIFY

MAY NOT BE POSSIBLE TO CORROBORATE



CLASSIFYING INTELLIGENCE FILES

SETTING SECURITY LEVELS TO PROTECT SOURCES, INVESTIGATIONS, AND RIGHT TO PRIVACY

- CLASSIFICATIONS ARE NOT EXEMPT FROM SUBPOENA/COURT REQUIREMENTS
- CLASSIFICATIONS CAN CHANGE UPWARD OR DOWNWARD OVER TIME BASED ON THE INFORMATION KNOWN

USING CRIME NTEL NUMERICAL SYSTEM:

- | | | |
|---|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | TOP SECRET | MOST SECURE, CORRUPTION, HIGHLY SENSITIVE ONLY DISSEMINATED WITH APPROVAL OF BUREAU CHIEF |
| 2 | SECRET | SECURE, CARDED INFORMANT, NAMED/ENDANGERED SOURCE, SENSITIVE USE ONLY DISSEMINATED WITH APPROVAL OF BUREAU CHIEF, OR DESIGNEE |
| 3 | CONFIDENTIAL | SENSITIVE, INFORMATION DIRECTLY RELATED TO A SPECIFIC ONGOING INVESTIGATION, LIMITED 'NEED TO KNOW' DISSEMINATION UPON APPROVAL OF BRIC SUPERVISOR |
| 4 | RESTRICTED | HIGH SECURITY NOT REQUIRED, OFFICER SAFETY AND NON-CONFIDENTIAL INFORMATION DISSEMINATION MAY BE OPEN TO ALL LAW ENFORCEMENT |
| 5 | UNCLASSIFIED | OPEN SOURCE INFORMATION, NOT SENSITIVE OR RESTRICTED TO LAW ENFORCEMENT DISSEMINATION IS NOT RESTRICTED AND CAN BE DONE WITHOUT AUTHORIZATION |

IN ALL CASES DISSEMINATION OF REPORTS MUST BE LOGGED INTO THE "DISSEMINATION LOG" WITHIN CRIME NTEL

BPD CANNOT DISSEMINATE A REPORT OR DOCUMENT THAT WAS NOT CREATED BY BPD—DIRECT OTHERS TO ORIGINATING AGENCY



FILE REVIEW AND PURGE

FILES SHOULD BE REVIEWED PERIODICALLY FOR RECLASSIFICATION AND PURGE DECISIONS TO DETERMINE IF THE INFORMATION IS CURRENT, RELEVANT, AND ACCURATE; AS WELL AS APPROPRIATE FOR THE CONTINUED RETENTION.

INFORMATION THAT IS NO LONGER USEFUL OR CANNOT BE VALIDATED CAN BE PURGED OR RECLASSIFIED

PURGE CRITERIA TO CONSIDER

UTILITY

HOW OFTEN IS THE INFORMATION USED?
FOR WHAT IS THE PURPOSE OF THE INFORMATION?
WHO USES THE INFORMATION?

TIMELINESS AND APPROPRIATENESS

IS THE INVESTIGATION ONGOING?
IS THE INFORMATION OUTDATED?
IS THE INFORMATION RELEVANT TO THE AGENCY?
IS THE INFORMATION RELEVANT TO THE ORIGINAL PURPOSE?

ACCURACY AND COMPLETENESS

IS THE INFORMATION STILL VALID?
IS THE INFORMATION ADEQUATE FOR IDENTIFICATION?
CAN THE VALIDITY BE DETERMINED THROUGH INVESTIGATION?

RECLASSIFICATION AND PURGING SHOULD BE DONE ON A CONTINUAL BASIS WHEN POSSIBLE

TEMPORARY FILES SHOULD BE REVIEWED AND PURGED AT LEAST ONCE A YEAR

CONFIDENTIALITY CONSIDERATIONS

CRIMINAL INTELLIGENCE FILES SHOULD HAVE RESTRICTED ACCESS AND USED ONLY BY AUTHORIZED PERSONNEL

SECURITY OF THE INTELLIGENCE FILES IS IMPERATIVE TO MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION AND TO ENSURE THE PROTECTION OF THOSE NAMED AND THE INDIVIDUAL'S RIGHT TO PRIVACY.

- CONSIDER THE RIGHT TO KNOW AND NEED TO KNOW CRITERIA WHEN ASSESSING DISSEMINATION DECISIONS
- CONSIDER THE CLASSIFICATION OF INFORMATION AND WHAT LEVEL OF AUTHORIZATION WILL BE GRANTED TO A USER

CRIME NTEL

- The BRIC utilizes the Crime Ntel intelligence system software to organize, store, and maintain intelligence files
- Crime Ntel is a product of CI Technologies, Inc. St. Augustine, FL.
- Authorization and access levels are granted by the system administrator within the BRIC, with authorization from the Bureau Chief, Bureau of Intel and Analysis
- The Crime Ntel system is the mechanism used by the BRIC to address issues related to 28 CFR part 23* and to maintain a consistent and effective method of handling intelligence files.
 - * “a guideline for law enforcement agencies that operate federally funded multijurisdictional criminal intelligence systems.” (Criminal Intelligence Glossary, November 2004)
- The BRIC will utilize a quarterly review process to consistently manage and maintain the Crime Ntel system, as well as an ongoing supervisory assessment of the data.

LEGAL COMPLIANCE

INTELLIGENCE FILES MAY BE PROTECTED OR LIMITED FROM DISCLOSURE UNDER CERTAIN CIRCUMSTANCES. ALL COURT ORDERS AND EXTRAORDINARY REQUESTS FOR INTELLIGENCE FILES SHOULD BE DIRECTED TO THE OFFICE OF THE BOSTON POLICE LEGAL ADVISOR FOR CONSIDERATION AND REVIEW.