



# Policy 1003

Subject	
<b>CRIMINAL INTELLIGENCE</b>	
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<b>17 June 2017</b>	<b>1 of 10</b>

***By Order of the Police Commissioner***

## **POLICY**

1. **Federal Law.** It is the policy of the Baltimore Police Department (BPD) to ensure Criminal Intelligence data is collected and handled with the utmost care and consideration in accordance with Title 28, Part 23 of the Code of Federal Regulations (28 CFR Part 23).
2. **Restrictions.** Information shall not be collected about any person or group on the sole grounds that the person/group supports an unpopular cause or on the mere basis of religious, political, economic, social beliefs, opinions or affiliations, ethnicity, or sexual orientation. Absent some obvious element of relevancy and necessity, such information shall be of no interest. Members will not gather information or intelligence that has been obtained in violation of any applicable federal, state, or local law or ordinance.
3. **Constitutional Protections.** Constitutional and statutory protections guarantee individuals' rights to privacy, to express ideas, to dissent freely, to write and to publish, to petition for the redress of grievances, and to associate publicly and privately for any lawful purpose. These rights shall be strictly respected and not infringed upon in any case. The BPD shall not investigate activities protected by the First Amendment, unless criminal activity is suspected (see Policy 804, *First Amendment Protected Activity*).
4. **Security, Retention and Purging of Data.** The BPD shall maintain Criminal Intelligence in a secure location. All sensitive information shall only be accessible to authorized personnel. Data shall be purged from Criminal Intelligence files as required by federal and state statute.

## **DEFINITIONS**

**Collection** – The act of soliciting, accepting, gathering, maintaining, and reporting intelligence.

**Confidential** – Information to be used only for official purposes on a Need-to-Know basis.

**Criminal Intelligence** – Information about activities or background of any person that is collected, reported, analyzed, and maintained for the purpose of gaining a strategic advantage on the subject of the information.

**Dissemination** – The transmittal of information in oral or written form.

**Entrapment** – The implanting by agents of the government in the mind of an innocent person the disposition to commit a criminal act, or inducing the commission of a criminal act for the purpose of instituting prosecution against the person.

**Exigent Circumstances** – Circumstances requiring action, before the authorization, otherwise necessary, can be reasonably obtained, in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; to prevent the hiding, destruction or alteration of evidence; or

to avoid other serious impairment or hindrance of an investigation.

**Need-to-Know** – Information that is pertinent and necessary for an individual in initiating, furthering, or completing an investigation.

**Reasonable Articulate Suspicion** – For the purpose of this policy, is defined as: knowledge, as opposed to a mere hunch, that is sufficient to induce an ordinary, prudent, and reasonable person, under the circumstances, to believe that criminal activity is afoot.

**Right-to-Know** – The individual has the official capacity and statutory authority to receive the information.

## **GENERAL**

1. The Criminal Intelligence Unit (CIU) was established for the purpose of supplying the Police Commissioner and Command Staff with timely and accurate intelligence to support the direction and control of the Department, and whose primary responsibility is to collect, analyze, maintain, and disseminate information that is relevant and necessary to assist in the accomplishment of any lawful purpose of the BPD under the guidelines set forth in this policy.
2. The BPD shall maintain only such information about any person or group as it is relevant and necessary to accomplish a legitimate law enforcement purpose.
3. The BPD shall use only properly authorized methods to collect information. The following general restrictions shall apply:
  - 3.1. Members shall neither seek nor receive information, or direct and/or encourage anyone to acquire information by illegal means or by any means that would be contrary to BPD policy.
  - 3.2. Members shall neither plan, participate in, nor direct and/or encourage anyone to plan or participate in, any criminal activity in order to collect information, except as it is legally permissible and necessary for the purpose of developing probable cause for arrest and/or prosecution, such as, CDS purchase, etc.
  - 3.3. Members shall not induce anyone to commit a criminal act for the purpose of instituting prosecution against that person, when such inducement would constitute entrapment under the law.
  - 3.4. Members shall neither encourage, nor engage in, a romantic or sexual relationship, or direct or encourage anyone to engage in exploitative romantic or sexual conduct, for the purpose of obtaining Criminal Intelligence.
  - 3.5. Members shall not act in an undercover capacity, without prior authorization from their Commanding Officer, except upon exigent circumstances.
  - 3.6. Members shall not assume a position of one who heads, directs, manages, or officiates over the direction or goals of an organization that is the subject of investigation.
  - 3.7. Members shall not take action to cause dissension within any legitimate organization that is the subject of investigation.

- 3.8. Members shall not intrude upon, photograph, or report, any assembly or religious ceremony without the consent of the participants, except to the minimum extent necessary to carry out an authorized departmental responsibility.
4. Members shall collect criminal intelligence information concerning an individual or group if there is Reasonable Articulate Suspicion that the individual or group is involved in criminal conduct and/or poses a potential threat to the community, and the information is relevant to that conduct.

### **Criminal Intelligence Investigations**

1. A Criminal Intelligence investigation is any investigation involving an in-depth inquiry targeting a specific person, corporation, partnership, firm, association, or government agency, with the objective to collect, report, analyze, and maintain relevant and necessary information, for the purpose of gaining a strategic advantage to accomplish a legitimate purpose of the Department.
2. Criminal Intelligence investigations are distinguishable from conventional investigations. Conventional investigations are conducted in reaction to imminent or completed criminal acts and are aimed at securing evidence to support arrest or litigation. It is important to emphasize that unlike conventional investigations, intelligence investigations typically concern potential, emerging, or continuing acts and are concerned with gaining knowledge that can be used to forewarn the Department or the public of events or to assess the need for some type of precautionary/proactive action by the Department.
3. Criminal Intelligence investigations and daily functions may include:
  - 3.1. Organized crime;
  - 3.2. Gang activity;
  - 3.3. Terrorism;
  - 3.4. Threats to public officials (e.g., congressmen, senators, judges, council members, etc.);
  - 3.5. Racially or religiously motivated crime;
  - 3.6. Unlawful disruptions of the public order (e.g., violent protests, violent rallies, etc.);
  - 3.7. Conditions of concern in the deployment of resources;
  - 3.8. Crimes of corruption (e.g., bribery, extortion, or public misconduct laws);
  - 3.9. Matters that could adversely affect the integrity or efficient management of the Department;
  - 3.10. Threat and risk assessment;
  - 3.11. Critical infrastructure, including outreach, assessment, and cataloging information;
  - 3.12. Protection details (e.g., dignitary visits, presidential details, foreign leaders, etc.);
  - 3.13. Collaborating with other agencies (e.g., federal, state, local) on matters of concern;

- 3.14. Outreach to the business, education, medical, and other communities;
- 3.15. Training and advising police personnel;
- 3.16. Criminal Intelligence related "Situational Awareness Bulletins" and Be On the Look Out (BOLO's);
- 3.17. Recruiting and cultivating sources of information or informants;
- 3.18. Weapons proliferation cases;
- 3.19. Port and airport related firearms, narcotic, and other contraband related crimes;
- 3.20. Weapons of Mass Destruction (WMD) and hazmat situations; and
- 3.21. Undercover work.

### **Opening an Intelligence Investigation**

1. Authorization to open an intelligence investigation must be obtained from the Commanding Officer, Homeland Security Section.
2. Authorization may be granted based upon a determination that Reasonable Articulate Suspicion exists to believe the subject(s) of the proposed investigation are, or will be involved in, criminal activity that is of relevant and necessary interest to the Department as determined by the Commanding Officer, Homeland Security Section.
3. In addition to the necessity of the investigation, the following will be considered:
  - 3.1. The nature of the activity being investigated;
  - 3.2. The likelihood that harm to the public will occur from the activity;
  - 3.3. The magnitude of the potential harm;
  - 3.4. The immanency of the threat;
  - 3.5. The investigative plan, including strategy and methods proposed to complete the investigation; and
  - 3.6. The potential impact the investigation may have on legally protected rights of privacy, association, and free expression of all individuals.

### **Terms, Conditions and Limitations**

Terms, conditions, or limitations may be imposed on the investigation by the Commanding Officer, Homeland Security Section to ensure adequate control is maintained.

### **Suspension, Termination, and Reactivation**

1. Investigations may be suspended or terminated at any time by the Commanding Officer, Homeland Security Section, if it is determined that the goals of the investigation cannot be

achieved or that the suspicions or allegations upon which it was opened, have proved or are likely to be proved unfounded or Reasonable Articulate Suspicion no longer exists.

2. An intelligence investigation that has been suspended or terminated may be reopened at any time, by the Commanding Officer, Homeland Security Section pursuant to the same procedures required for initiation of an investigation (see Opening an Intelligence Investigation on page 3).

### **Submitting Intelligence to CIU**

Intelligence can be submitted via:

1. Administrative Report, Form 95;
2. "Police Information" Incident Report;
3. Criminal/Informant Debriefing, Form 223; or
4. Telephone or in person communication to a CIU member (for confidential information).

**NOTE:** Raw (unprocessed) intelligence is often received piecemeal from a variety of sources and must be subject to a process of correlation and analysis before its true value can be realized. In this respect, otherwise proper, but seemingly trivial bits of information may in fact be important and should not be dismissed before contacting CIU for advice.

### **Requesting Intelligence from CIU**

1. Members who have Reasonable Articulate Suspicion of criminal activity may request Criminal Intelligence from CIU.
2. Access to Criminal Intelligence will be granted to members based on a Right-to-Know and Need-to-Know standard.
3. CIU will verify the identity of the requesting member before considering the request.
4. To request intelligence:
  - 4.1. Complete the Homeland Security Request for Service Form, 133; and
  - 4.2. Scan/Email the form to: [CriminalIntel@BaltimorePolice.org](mailto:CriminalIntel@BaltimorePolice.org).

**NOTE:** The member must clearly articulate the reason for the request and provide as much information as possible, when filling out and submitting the Homeland Security Request for Service Form, 133.

### **Data Dissemination From CIU**

CIU will disseminate data in various formats and in accordance with all departmental policies. Dissemination must be approved by Criminal Intelligence supervisors.

**REQUIRED ACTION****All BPD Members**

1. Be on alert for information that may be of Criminal Intelligence value and when appropriate, report such information to CIU directly or to the Watch Center (see Criminal Intelligence Investigations Page 3).
2. Obtain permission from a supervisor before engaging in any intelligence collection outside of that, which is incidental to your normal authorized duties.
3. Cooperate by answering surveys or other official inquiries from CIU.

**CIU Member**

1. Analyze, maintain, and disseminate information, collected from/reported by members of the Department in the field and independent sources.
2. Treat intelligence as Confidential.
3. Do not copy or release any intelligence report to any third party except as authorized by the Commander, Homeland Security Section.
4. Follow standard operating procedures issued by the Commander, Homeland Security Section.
5. Carry out assigned duties, in accordance with departmental policies and procedures.
6. Remain well-informed, and develop knowledge on current trends and activities related to assigned projects.
7. Develop expertise in assigned subjects of responsibility. Be prepared to deliver briefings and/or courses of instruction on such topics, as required.
8. Recommend and/or develop intelligence analysis and projections, including proposals of subjects warranting investigation or enforcement.
9. Keep supervisors informed on all activities and matters of potential importance.
10. Members of CIU shall be permitted reasonable and necessary access to all investigation records and personnel of the Department on a Need-to-Know basis, provided that access would not otherwise be restricted by law, judicial order, or departmental policy.

**NOTE:** Such access may be delayed in highly confidential matters, upon agreement between the Commander of the division concerned and the Commander, Homeland Security Section, or by consent of the Police Commissioner.

**Sergeant, Criminal Intelligence Unit**

1. Coordinate, supervise, and manage the daily activities of subordinates.
2. Carry out instructions from the Commanding Officer, or his/her designee, in accordance with this policy.

3. Brief the Command Staff on the progress of ongoing matters and/or investigations, when requested.
4. In the event that the Criminal Intelligence Commander and lieutenant are unavailable, report matters of immediate concern to the Police Commissioner, or his/her designee, and carry out his/her instructions, in accordance with this policy.
5. Complete the CIU Tracking Log, including all activity, such as, investigations, reports, dissemination of information, inquiries, contacts, meetings, etc.

**Lieutenant, Criminal Intelligence Unit**

1. Coordinate and supervise the daily activities and operations of the CIU at the direction of the Commanding Officer, in accordance with departmental policies and procedures.
2. Coordinate and supervise authorized investigations and projects, at the direction of the Commanding Officer.
3. Ensure the proper and efficient execution of policies and procedures, within assigned responsibilities.
4. Evaluate the progress of ongoing investigations to determine their strategic value to the BPD and report the findings to the Commanding Officer.
5. Keep the Commanding Officer informed on the daily progress of assigned tasks.
6. Ensure timely and accurate reporting is completed and submitted, in accordance with established procedures.
7. Ensure all computer databases and Criminal Intelligence reports are properly maintained.

**Commanding Officer, Homeland Security Section**

1. Plan and manage the activities of CIU, in accordance with departmental policies and procedures.
2. Communicate policies and procedures to subordinates and ensure the policies are understood and efficiently executed by subordinates.
3. Ensure subordinates are adequately trained and supervised. Submit recommendations on the need and availability of training to the Police Commissioner.
4. Authorize and/or terminate investigations, assign projects and activities to subordinates within the scope of their responsibilities.
5. Keep the Police Commissioner or his/her designee informed on the progress of assigned tasks.
6. Develop and maintain effective coordination with counterparts within the Department and allied agencies.
7. Carry out instructions from the Police Commissioner or his/her designee, in accordance with this policy.

**APPENDIX**

A. Homeland Security Section Request For Service Form, 133

**ASSOCIATED POLICIES**

Policy 804, *First Amendment Protected Activity*

**RESCISSION**

Remove and recycle/destroy General Order J-3, *Criminal Intelligence*, dated 5 May 1989.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.



APPENDIX A

Homeland Security Section Request For Service Form,133

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Form 133

BALTIMORE POLICE DEPARTMENT  
HOMELAND SECURITY SECTION  
RFS - Request For Service  
Call the WatchCenter at 410-396-2648

Date [ ] Time [ ] Request Number [ ]

RFS Request taken by: [ ]

Select one:

- Immediate (Must be time sensitive/Officer Safety/Fresh Pursuit)
- Routine

Requestor's Name: [ ] Seq. # [ ] Unit # [ ]

Requestor's Unit: [ ] Requestor's Case # [ ]

E-mail: [ ]

Telephone #: [ ] Fax # [ ]

Suspect  Victim  Witness  Other  If other, explain: [ ]

Name: [ ] DOB [ ] SSN # [ ]

Address: [ ] Telephone #: [ ]

**APPENDIX A**

Homeland Security Section Request For Service Form, 133

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Tag #

Race

- American Indian or Alaska Native
- Asian
- Black or African American
- White

Ethnicity

- Hispanic
- Non-Hispanic

Gender

- Male
- Female

SID/FBI/OLN#'s

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Specific Type of Investigation:

Type of Crime/Case - PLEASE USE PLAIN LANGUAGE

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What does the Requestor want to know?

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Upon completion of this form, please e-mail same to: [CriminalIntel@Baltimorepolice.org](mailto:CriminalIntel@Baltimorepolice.org)