



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 51.1

TITLE: CRIMINAL INTELLIGENCE

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PURPOSE

The purpose of this Chapter is to provide department members with guidelines and principles for the collection, analysis, and distribution of criminal intelligence information, as well as requesting access to certain information systems for use in criminal investigations.

POLICY STATEMENT

1. Information gathering is a fundamental and essential element in the duties of any law enforcement agency.
2. Criminal intelligence information is used to prevent crime, pursue, and apprehend offenders, and obtain evidence necessary for conviction or exoneration of suspects. By themselves, **the individual results of the use of this information may be insufficient to constitute probable cause** but can be an element of reasonable suspicion or probable cause when viewed with other elements of the investigation to obtain an arrest or search warrant.
3. It is the policy of this Department to lawfully gather criminal intelligence information directed toward specific individuals or organizations where there is reasonable suspicion that said individuals or organizations may be planning or engaging in criminal activity.
4. It is the policy of this Department to allow lawful access, for criminal investigative purposes, to criminal intelligence information through the Investigation Support Division – Intelligence Unit of ISB. All requests shall be reviewed by the requesting investigator's supervisor and verified by the Intelligence Unit for appropriateness and conformance to the requirements of this Chapter and **Chapter 51.1.1 – Use of Surveillance Technology and Facial Recognition for Criminal Investigation**.
5. Criminal intelligence information will be gathered with due respect for the rights of those involved and disseminated only to those agencies or members authorized by law and only as appropriate for legitimate law enforcement purposes in accordance with the law and procedures established in this Chapter.
6. While the criminal intelligence function may be assigned to specific members within the department, all members of the New Orleans Police Department are responsible for reporting information that may help identify criminal suspects.

7. It is the mission of the intelligence function to gather information from all sources in a manner consistent with the law and to analyze that information to provide tactical and/or strategic intelligence on the existence, identities, and capabilities of criminal suspects and enterprises generally and to further crime prevention and enforcement objectives/priorities identified by the New Orleans Police Department.
8. Information gathering in support of the intelligence function is the responsibility of each member of this department, although specific assignments may be made as deemed necessary by the Superintendent of Police.
9. Information that implicates or suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to the Superintendent of Police or the Chief Administrative Officer for the City of New Orleans.

DEFINITIONS

Actionable intelligence—Information gleaned from a range of sources that enables decision makers—from agency leaders to field commanders—to take appropriate and timely action when faced with a security threat like an imminent terrorist attack or the shipment of weapons of mass destruction. The collection of critical information related to the targeted criminality that provides substantive insight into crime threats and identifies individuals for whom there is a reasonable suspicion of relationship to a crime. Actionable intelligence aims to find out what criminals are doing now and when and where they plan to do it.

Criminal Intelligence—Information compiled, analyzed, and disseminated in an effort to anticipate, prevent, or monitor criminal activity. Criminal intelligence files consist of stored information on the activities and the associations of persons who are suspected of being involved in or having been involved in:

- (a) The actual or attempted planning, organizing, financing, or commission of criminal acts; or
- (b) Criminal activities with known or suspected crime figures.

Criminal Intelligence Files—Files containing information on the activities and associations of organizations, businesses, and groups that:

- (a) Are suspected of being or have been involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or are suspected of being or have been illegally operated, controlled, financed, or infiltrated by known or suspected crime figures: or
- (b) Concern existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short-term and long-term investigative goals.

Law Enforcement Purpose - the investigation, detection, analysis or enforcement of a crime or a violation of law; operations associated with an AMBER, SILVER, BLUE, or YELLOW alert; searches for missing persons, endangered persons or wanted persons; suspicious activity possibly related to terrorism or other public safety issue.

Link analysis—A data-analysis technique used to evaluate connections or relationships between organizations, people, and transactions. It can be used in the investigation of criminal activity for fraud detection, counterterrorism, and intelligence.

Strategic Intelligence – information about the broader capabilities and intentions of criminals or criminal organizations. Strategic intelligence is utilized for overall planning and future direction of operations.

Tactical Intelligence—Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations, and provide for officer safety.

Reasonable Suspicion—Specific, objective, articulable facts, within the totality of the circumstances, that, taken together with rational inferences, create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct.

Fusion Centers - are state-owned and operated centers that serve as focal points in states and major urban areas for the receipt, analysis, gathering and sharing of threat-related information between State, Local, Tribal and Territorial (SLTT), federal and private sector partners.

RESPONSIBILITY FOR CRIMINAL INTELLIGENCE FUNCTION

10. The Investigations & Support Bureau's - Investigation Support Division's (ISD) primary responsibility for the direction of criminal intelligence operations; coordination of members; and collection, evaluation, collation, analysis, and dissemination of intelligence information.
 - (a) The Captain of the Investigation Support Division's (ISD) shall report directly to the Deputy Chief of the Investigations & Support Bureau (ISB) on a schedule prescribed by the ISB Deputy Chief.
 - (b) Intelligence-related to narcotics information shall be the responsibility of the Investigation Support Division Captain for processing through the Narcotics Section.
 - (c) All other intelligence (including, but not limited to, both traditional and non-traditional organized crime groups, gangs, terrorism, racketeering, outlaw biker groups, and hate crimes) shall be the responsibility of the ISD Captain.
11. The Investigations & Support Bureau's (ISB) Investigation Support Division – Intelligence Unit of ISB has primary responsibility for:
 - (a) Receiving requests (NOPD RFI Form 360) from NOPD investigative units for information thru the law enforcement Fusion Centers for criminal investigations or a law enforcement purpose.
 - (b) Reviewing the submitted requests for appropriateness and compliance with this Chapter.
 - (c) Processing the requests, if approved, through the Fusion Centers and databases to which NOPD has access by law or MOU.
 - (d) Vetting any responses received prior to release to the original requestor.
 - (e) Forwarding the vetted response to the original requestor when appropriate and within the guidelines of this Chapter.
 - (f) Maintaining a record of all requests and the responses.

REQUESTING INFORMATION FROM CRIMINAL INTELLIGENCE FILES OF FUSION CENTERS

12. Members who have investigation and require information from the Criminal Intelligence Unit or a Fusion Center in relation to a law enforcement purpose within the meaning of this Chapter, shall utilize **Form 360 – Request for Information Form** to document the request.
13. All requests shall be reviewed for appropriateness and approved by the requestors immediate supervisor prior to sending to Investigation Support Division – Intelligence

Unit of ISB for processing.

14. The underlying reasons for the requested information (Form 360) as an investigative lead shall be documented in an NOPD EPR. The item number for that EPR shall be reflected in the request form. A copy of the form shall be included as an attachment to the EPR.
15. The results of the request shall also be documented in the same NOPD EPR or a supplemental EPR as the original request item number.
16. No requests for criminal intelligence information or access to information from a Fusion Center or any outside agency shall be made by any member directly to another jurisdiction, the State, or any federal agency without prior approval of the supervisor of the NOPD Intelligence Unit. All requests shall be reported to and tracked through NOPD – Investigation Support Division – Intelligence Unit of ISB only.

INVESTIGATIVE STANDARDS

17. The intelligence function is often confronted with the need to balance information-gathering requirements for law enforcement with the rights of individuals. Members of this department shall adhere to the following:
 - (a) Information gathering for intelligence purposes shall be premised on circumstances that provide a reasonable suspicion that specific individuals or organizations may be planning or engaging in criminal activity.
 - (b) Investigative techniques employed shall be lawful and as minimally intrusive as necessary to gather sufficient information to prevent the criminal act and/or to identify and prosecute violators.
 - (c) The Investigation Support Division shall take reasonable steps to ensure that information added to criminal intelligence file systems is relevant to a current or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained by the Investigation Support Division.
 - (d) Information gathered and maintained by the New Orleans Police Department for intelligence purposes may be disseminated only to those agencies or members authorized by law and only as appropriate for legitimate law enforcement purposes in accordance with the law and procedures established in this Chapter.
 - (e) A record shall be kept by the Investigation Support Division regarding the request and dissemination of all such information to persons within the department or other law enforcement agencies.

COMPILING INTELLIGENCE

18. Intelligence investigations/files may be opened by the Investigation Support Division with sufficient information and justification. File information may include, but is not limited to, the following types of information:
 - (a) The subject, victim(s), and complainant as appropriate;
 - (b) Summary of suspected criminal activity;
 - (c) Anticipated investigative steps to include proposed use of informants, photographic, or electronic surveillance;
 - (d) Resource requirements, including personnel, equipment, buy/flash monies, travel costs, etc.;
 - (e) Anticipated investigative results; and
 - (f) Problems, restraints, or conflicts of interest.
19. Members **shall not retain official intelligence documentation for personal reference**

or other than for purposes of their investigation. If further information is required for investigative purposes, members shall submit such information directly to the Investigation Support Division.

20. Information gathering using confidential informants as well as electronic, photographic, and related surveillance devices shall be performed in a legally accepted manner and in accordance with procedures established by this department.
21. All information designated for use by the Investigation Support Division shall be submitted and reviewed by the officer's immediate supervisor prior to submission, through his/her appropriate chain of command.

ANALYSIS OF INFORMATION SUBMISSIONS

22. The Investigation Support Division shall establish and maintain a process to ensure that information gathered is reviewed and analyzed to derive its meaning and value.
23. The review and analysis process should be accomplished by trained analysts or by law enforcement personnel experienced in data analysis procedures.
24. Analytic material (e.g., intelligence) shall 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.

RECEIPT / EVALUATION OF INFORMATION

25. The following steps are taken to ensure the quality and reliability of information:
 - (a) Information shall be evaluated with respect to reliability of the source and validity of the content. While evaluation may not be precise, this assessment must be made to the degree possible to guide others in using the information.
 - (b) A record shall be kept of the source of all information where known.
 - (c) Reports and other investigative material and information received by this department shall remain the property of the originating agency but may be retained by the New Orleans Police Department.
 - (d) Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given to another entity except with the consent of the originating agency.
 - (e) Information having relevance to active cases or that requires immediate attention shall be forwarded to the responsible investigator or investigative unit supervisor as soon as possible.

FILE CLASSIFICATIONS AND STATUS

26. Intelligence file status will be status of the case classified as either "**open**" or "**closed**," in accordance with the following:
 - (a) **Open**—Intelligence files which are actively being worked. To remain open, officers working such cases must file intelligence status reports covering case developments at least every 180 days.
 - (b) **Closed**—Intelligence files in which investigations have been completed, where all logical leads have been exhausted or where no legitimate law enforcement interest is served. All closed files must include a final case summary report prepared by or with the authorization of the lead investigator in the EPR or a related report.

CLASSIFICATION / SECURITY OF INTELLIGENCE

27. Intelligence files will be access level classified to protect sources, investigations, and individual's rights to privacy and to provide a structure that will enable this department to control access to intelligence information.
28. These access level classifications shall be reevaluated whenever new information is added to an existing intelligence file.
 - (a) **Restricted**—Intelligence files that contain information that could adversely affect an ongoing investigation, create safety hazards for officers, informants, or others and/or compromise their identities. Restricted intelligence may only be released by approval of the Investigation Support Division Captain, ISB Deputy Chief or Superintendent of Police and only to authorized law enforcement agencies with a need and a right to know. Restrictions on the release and sharing of information in any multi-agency operation shall be governed by the Memorandum of Understanding or Cooperative Endeavor Agreement in place at the time.
 - (b) **Confidential**—Intelligence files that are less sensitive than restricted intelligence. It may be released to department personnel when a need and a right to know have been established by the SD Captain or his designee.
 - (c) **Unclassified**—Intelligence files that contain information from the news media, public records, and other sources of a topical nature. Access is limited to officers conducting authorized investigations that necessitate this information.
29. Any restricted and confidential intelligence files maintained by the NOPD shall be secured both physically and electronically, and access to all intelligence information shall be controlled and recorded by procedures established by the Investigation Support Division.
30. Informant files shall be maintained separately from intelligence files and in accordance with established department procedure.
31. Intelligence files shall be maintained in accordance with state and federal law.
32. Release of intelligence information in general and electronic surveillance information and photographic intelligence to any authorized law enforcement agency shall be made only with the express approval of the Investigation Support Division Captain and with the stipulation that such intelligence not be duplicated or otherwise disseminated without the approval of the ISD Captain, ISB Deputy Chief or Superintendent of Police.
33. All files released under freedom of information provisions or through disclosure shall be carefully reviewed and redacted as legal and appropriate.

AUDITING / PURGING FILES

34. The captain of the division/district is responsible for ensuring that criminal intelligence files housed within that division/district are maintained in accordance with the law and the provisions of this Chapter and include information that is both timely and relevant.
35. All criminal intelligence files shall be audited and purged on an annual basis as established by the ISB Deputy Chief. This shall include District Intelligence Reports that have been uploaded to the Department intranet (NOPD.org). (See also: **Chapter 43.6 – Criminal Street Gangs**.) Data utilized by MAX, or for ongoing investigations shall be retained until it is anonymized, or the investigation is concluded and/or any related judicial proceedings are final.

36. When a criminal intelligence file has no further information value and/or meets the legal criteria, it shall be destroyed in accordance with public records law.
37. A record of the purging of criminal intelligence files shall be provided to and maintained by the Investigation Support Division for a minimum of seven years after the purge.

DISTRICT INTELLIGENCE REPORTS

1. District Intelligence Reports produced by each district contain criminal intelligence that is specific to each district. The reports should be generated monthly and uploaded to the District Intelligence Report folder on the secured department intranet (NOPD.org) by the District Captain or his/her designee. District Intelligence Reports are accessible on the Department intranet (NOPD.org). If the report details information outside the scope of criminal street gang intelligence (See also: **Chapter 43.6 – Criminal Street Gangs**), its use and any follow-up action shall be determined by the Captain of ISB-Investigation Support Division in consultation with the District Investigative Unit commander.