


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT CRIMINAL INTELLIGENCE	POLICY NUMBER 22.03
		ISSUE DATE 02/01/96
		REVISION DATE 10/28/16
		TOTAL PAGES 5

22.03.01 PURPOSE

The purpose of this policy is to provide members with guidelines and principles for the collection, analysis, and distribution of intelligence information. While duties related to the criminal intelligence function may be assigned to specific personnel within the agency, all members of the Division are responsible for reporting lawfully obtained information that may help to identify or apprehend criminal offenders.

22.03.02 AUTHORITY

The Bureau of Criminal Investigations and Intelligence (BCII) is designated as the agency repository for intelligence information as it pertains to organized criminal conduct that falls within the scope of the Division's responsibilities and criminal conduct that relates to activities that present a threat to the community.

22.03.03 POLICY

The Florida Highway Patrol will collect and maintain criminal and domestic security intelligence information concerning an individual or organization only if there is reasonable suspicion that the individual or organization had committed, was committing, or is engaging in activity indicating potential commission of a criminal offense and the information is relevant to such criminal conduct or activity. Reasonable suspicion or criminal predicate is established when information exists that establishes sufficient facts to give a trained law enforcement employee (Trooper, Analyst, or Investigator) a basis to believe that there is a reasonable probability that an individual or organization is involved in a criminal activity or enterprise.

All members engaged in an intelligence function will operate in compliance with provisions of 28 Code of Federal Regulations (CFR) Part 23 and all applicable Florida and federal laws and regulations. The Florida Highway Patrol has an established procedure for the collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and subversive activities as described in Florida Statute and/or Federal Regulation.

22.03.04 DEFINITIONS

All appropriate definitions can be found in the "Glossary" section of the Florida Highway Patrol Intelligence Procedures Manual.

22.03.05 OBJECTIVES

Information gathering is a fundamental and essential element within the all-encompassing duties of the Division. The goal of the intelligence function is to provide a standard from which the conversion of information from raw data into finished intelligence is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for prosecution, as well as provide command staff the necessary intelligence from which to base decisions on resource deployment. Therefore, criminal or law enforcement intelligence is the product of information collected from any source that is analyzed for value and accuracy, and disseminated in an effort to anticipate, prevent, or monitor criminal activity. Any information that implicates or suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to the Director. To achieve this goal, the Division has established this policy and the Florida Highway Patrol Intelligence Procedures Manual.

22.03.06 RESPONSIBILITIES

- A. All members have the responsibility to collect and process intelligence information if it is of a criminal nature and relates to activities that present a threat to the community and is intelligence information that falls within the scope of the Division's responsibilities. Such intelligence information would include, but not be limited to:
 - 1. Subversive activities and terrorism.
 - 2. Illegal transportation of contraband.
 - 3. Highway violence.
 - 4. Organized criminal activity and fraud.
 - 5. Human smuggling.
- B. The Intelligence and Analysis Section within the BCII has the primary responsibility for conducting and directing the Division's intelligence operations. BCII is also responsible for the placement of analysts in the Florida Fusion Center. In consultation with the BCII Bureau Commander, the Chief Intelligence Officer will be responsible for briefing the Executive Staff of any crime patterns or trends within the scope of Division's responsibilities.

22.03.07 PROCEDURES

- A. The Florida Highway Patrol will use the Intelligence Cycle, as described by the National Criminal Intelligence Sharing Plan, as the blue print for developing appropriate intelligence procedures. Refer to the Florida Highway Patrol Intelligence Procedures Manual for additional guidance.
 - 1. Planning and Direction – The Chief Intelligence Officer will be responsible for directing the mission of the Intelligence and Analysis Section in consultation with the direction of the Florida Highway Patrol Executive

Staff as well as collaborating with the BCII Bureau Commander to ensure the agency's intelligence needs are being met.

2. Collection – Information will be collected according to FHP policies and procedures for recording of criminal information, as well as criteria set forth by, but not limited to 28 CFR Part 23 and Chapter 119, Florida Statutes.
 3. Collation/Processing – Collected information will undergo processing by trained personnel in order to evaluate the reliability and validity of a collected piece of information. The information will be evaluated based on source reliability, content validity, and privacy. **Members or organizational components outside of the Intelligence and Analysis Section of the BCII are not authorized to maintain Division intelligence files of any type.**
 4. Analysis – Trained personnel assigned to the Intelligence and Analysis Section will analyze and review information in order to produce criminal intelligence. Criminal intelligence products may take the form of single-issue briefs and assessments, both tactical and strategic.
 5. Dissemination – **The BCII will be the sole FHP entity responsible for authoring and disseminating all of the Division's internal and external intelligence and information products.** No intelligence or information product created by the Intelligence & Analysis Section or another agency will be disseminated by anyone outside the section without the authorization of the Chief Intelligence Officer. Intelligence will be disseminated in a manner consistent with state and national standards and will not violate the third party rule unless approved by the Florida Highway Patrol Director. The Florida Highway Patrol Records Management System, the Virtual Intelligence Center, as well as the Statewide Intelligence Database (InSite) will be used for the documentation of intelligence records and files. Public records requests will be examined by the Chief Intelligence Officer in order to determine whether the requested information is part of an active criminal intelligence/investigation file and meets the threshold for exemption under Florida Statutes.
 6. Feedback/Re-evaluation – The Intelligence and Analysis Section will seek out, as well as provide feedback, in order to gauge the usefulness of intelligence products to internal and external law enforcement and government agency consumers. Intelligence will constantly be re-evaluated as new information is received and changes in the law enforcement environment dictate.
- B. Criminal intelligence information must be stored in secure and separate file cabinets that must be locked at any time they are left unattended.
1. The Intelligence and Analysis Section will maintain all criminal intelligence files, both electronic and hard copy. At any time a criminal intelligence

file is removed from its folder, a charge out card must be completed and inserted into the folder. For the purpose of this section, criminal intelligence means that information defined in Section 119.011, Florida Statutes and Florida Highway Patrol Policy 22.03.06. (See Florida Highway Patrol Intelligence Procedures Manual for definitions). Records will be stored and secured according to, but not limited to, the Association of Law Enforcement Intelligence Units' Criminal Intelligence File Guidelines.

2. Criminal intelligence information files that cease to be active or are deemed to have incorrect information may be purged or destroyed as outlined in Chapter 119, Florida Statutes, and subject to the consent of the Records and Information Management Program of the Division of Library Services of the Department of State in accordance with Section 257.36, Florida Statutes.

Requests for criminal intelligence analysis by members outside of BCII will be processed by the Chief Intelligence Officer or designee. At a minimum, such requests will state the purpose of the analysis and the specific parameters to be used.

- C. Members will not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or group, association, corporation, business, partnership or other organization unless such information directly relates to criminal conduct or activity.
 1. Information gathering for intelligence purposes will be premised on circumstances that provide a reasonable suspicion that specific individuals or organizations may be planning or engaging in criminal activity.
 2. Investigative techniques employed will be lawful and only as intrusive as necessary to gather sufficient information to prevent criminal conduct or effectively report suspicious activity and pre-cursor activities indicative of criminal conduct.
 3. Every effort will be made to ensure that information added to the criminal intelligence record/file is relevant to the on-going investigation and is the product of dependable and trustworthy sources of information. A record will be kept of the source of all information received and maintained in a criminal intelligence file/record.
- D. On an annual basis, the Department of Highway Safety and Motor Vehicles Office of the Inspector General (OIG) will review the intelligence procedures of the agency to ensure the legality and integrity of its operations. Specifically, the OIG will review the procedures regarding, but not limited to the following:
 1. Criminal intelligence information that is collected is limited to criminal conduct and relates to activities that prevent a threat to the community.

2. The types or quality of criminal intelligence information that may be included in an FHP automated system.
 3. The methods for purging inactive or incorrect criminal intelligence information.
 4. The utilization of specific FHP personnel and techniques for intelligence operations.
- E. All members assigned to an intelligence function will receive appropriate training based on their position and experience.
1. Troopers will receive training as part of their initial recruit training at the FHP Training Academy and as deemed appropriate by the Florida Highway Patrol Director.
 2. Criminal Intelligence Analysts will receive progressive training through the U.S. Department of Homeland Security/Florida Department of Law Enforcement sponsored Florida Law Enforcement Analyst Program and any additional training as deemed appropriate by the Chief Intelligence Officer.