

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 20, 2014

GENERAL ORDER N-18

SUBJECT: SITUATIONAL AWARENESS GROUP

PURPOSE

- 1 - The purpose of this General Order is to set forth procedures regarding the collection, analysis, retention, dissemination and disposition of criminal intelligence by the Berkeley Police Department Situational Awareness Group (SAG).

Criminal intelligence shall be handled in a manner that ensures the legality and integrity of the process and safeguards the constitutional rights of individuals, groups, associations, and other legal entities.

This policy also describes the purpose and structure of the Situational Awareness Group.

POLICY

- 2 - It is the policy of the Berkeley Police Department to lawfully and appropriately collect, analyze, retain, and disseminate criminal intelligence for the purpose of carrying out efforts to protect the public and suppress criminal activities.
- 3 - All Department personnel shall adhere to guidelines established in this policy to ensure the security, confidentiality, proper maintenance and dissemination of criminal intelligence.
- 4 - The Situational Awareness Group has primary responsibility for the processing and handling of criminal intelligence.

DEFINITIONS

- 5 - The following terms pertaining to this policy are defined:
 - (a) Criminal Intelligence: Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal and/or terrorism related activity.
 - (b) Strategic Intelligence: Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both long and short-term investigative goals.
 - (c) Gang: An ongoing association, organization, or group of three or more persons who have a common interest and/or activity characterized by the commission of or the involvement in a pattern of criminal or delinquent conduct.
 - (d) Gang Intelligence: Information gathered, analyzed or disseminated of potential and validated gang members and their organizations.

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- (e) Tactical Intelligence: Information regarding specific criminal events that can be used immediately by officers to further a criminal investigation, plan tactical operations and provide for officer safety.
- (f) Suspected Criminals: Persons whose conduct and actions would lead a reasonable and prudent law enforcement officer, based on personal knowledge or information from a reliable source, to believe that the person is probably engaged, or planning to engage, in criminal activity.
- (g) Known Criminal Offender: Person who has been arrested for a criminal offense. A Person whose criminal conduct has been verified through personal knowledge of a member of the Department, or through a reliable information source.
- (h) Reasonable Suspicion of Criminal Activity: "Reasonable suspicion" is present when sufficient facts are established to give a trained law enforcement officer a particularized and objective basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal enterprise or activity.
- (i) Criminal Intelligence File: Criminal intelligence information that has been collected, processed and retained in an informational file or database, and that may be shared within the law enforcement community.
- (j) Processing: When a Situational Awareness Group (SAG) officer establishes, maintains or updates a criminal intelligence file or database to ensure accuracy, security and proper dissemination of criminal intelligence.
- (k) Analysis: When a SAG officer obtains, researches and interprets criminal information from various sources to identify, disrupt, arrest and prosecute habitual offenders.
- (l) Dissemination: The product of analysis can be disseminated in verbal or written form. A SAG officer exchanges criminal intelligence to other bureaus and details within the Department, along with other allied agencies that have a need to know, in an effort to work collaboratively towards a common crime suppression goal.

PROCEDURES

Situational Awareness Group Purpose

- 6 - The Situational Awareness Group will provide support to all functions of the Berkeley Police Department and maintain working relationships with surrounding allied agencies and courts in order to maximize the sharing of criminal intelligence. The mission of the Situational Awareness Group is to support criminal investigations and enhance officer safety within the Berkeley Police Department. The Situational Awareness Group will gather, analyze, retain and

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disseminate criminal intelligence to aid patrol and investigative personnel.

Situational Awareness Group Structure

7 - The Situational Awareness Group is under the Command of the Operations Division Captain. The Operations Division Captain will designate an Operations Division Lieutenant to provide functional command of the SAG, along with the additional duty as the NCRIC TLO Coordinator. The Operations Division Captain will also designate an Operations Division Sergeant to serve as the SAG Sergeant who will be second in command under the SAG Lieutenant.

(a) SAG Lieutenant Duties:

- (1) Responsible for ensuring the procedures and processes of the SAG are followed regularly and reviewed at least annually.
- (2) Responsible for ensuring all SAG personnel maintain current training on Local, State and Federal standards regarding the procedures and processes of dealing with criminal intelligence information.
- (3) The administration and coordination of criminal intelligence files. The SAG Lieutenant may designate the SAG Sergeant with the responsibility of overall file coordination.
- (4) Responsible for ensuring the Operations Division Captain is informed of any criminal intelligence or SAG investigation that deals with a threat where the community, city, or any officer is at risk.

(b) SAG Sergeant Duties:

- (1) Responsible for coordinating and overseeing the entering of all criminal intelligence received and/or developed into a file or computerized information file.
- (2) Ensure group personnel attend continuing education pertaining to their group duties.
- (3) Provide periodic training to department personnel regarding areas of expertise within the group.
- (4) Maintain a file of criminal intelligence that comes into the Department. The file shall contain information received from Department sources, allied agencies, and citizens. This file shall be secure and available on a need to know basis to persons requesting the information.
- (5) Prepare a monthly report to the SAG Lieutenant regarding the status of active investigations that TLO or Gang Information Group (GIG) members are actively investigating or supporting.

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(6) See General Order N-17 for further details regarding Supervisor responsibilities.

(c) Duties of TLO and GIG Personnel:

- (1) Responsible for the collection, processing, analysis, and dissemination of criminal intelligence concerning activities within the City of Berkeley.
- (2) Review of police reports, including but not limited to Berkeley Police Department police reports, to glean information for analysis and maintain necessary notes or documentation for later processing, analysis and dissemination.
- (3) The collection, processing, analysis, entering and dissemination of information by SAG personnel shall be done in compliance with all guidelines set forth by 28 Code of Federal Regulations Part 23, and General Order C-1.
- (4) Proactively assists with investigations upon explicit request from the handling officer, Detective Bureau, Special Enforcement Unit, or other department personnel. All such requests will be reported to the SAG chain of command.

8 - The SAG is comprised of the Terrorism Liaison Group and the Gang Information Group.

(a) Terrorism Liaison Officers (TLO) Group: TLO Officers or Sergeants will work under the supervision of the SAG Sergeant. TLO Officers have received training in the identification, handling and reporting of potential terrorism related incidents. TLO's will be available as a resource for Suspicious Activity Reports related incidents. See General Order N-17 for further details regarding TLO responsibilities.

(b) Gang Information Group (GIG): GIG Officers or Sergeants will work under the supervision of the SAG Sergeant. Officers or Sergeants assigned to the GIG will have specialized gang knowledge and training with a particular focus in one of the identified gangs in our area. All GIG Officers will gain expertise in gang member investigations through training and on the job experience. GIG Officers will attend local and regional gang task force meetings upon approval of the SAG chain of command.

9 - Members of the Terrorism Liaison Officer Group and the Gang Information Group will be selected by the Operations Division Captain or his/her designee with final approval made by the Chief of Police. The format for the selection process of TLO or GIG Officers is also at the discretion of the Operations Division Captain.

10 - Membership in either the TLO or GIG Groups is an ancillary duty to the officer's regular assignment.

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Criminal Intelligence Handling

- 11 - The Department shall only collect or maintain criminal intelligence concerning an individual or organization if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity. The existence of reasonable suspicion will be based on specific, articulable facts that will be documented in the criminal intelligence file. Criminal intelligence files shall be maintained by the SAG Lieutenant or his/her designee. Criminal intelligence files as described in this order are separate from Confidential Reliable Informant files maintained by the Special Investigations Bureau as described in General Order D-4.
- 12 - The SAG shall review all information received to determine the accuracy of the information and ensure that it relates to criminal conduct or activities that present a potential threat to the community prior to including this information in the criminal intelligence files.
 - (a) Criminal Intelligence Files include information regarding:
 - (1) Individuals who:
 - i. are suspected of being or having been involved in the actual or attempted planning, organizing, financing, or commission of criminal acts, or
 - ii. are suspected of being or having been involved in criminal activities with known or suspected crime figures
 - (2) Organizations, businesses, or groups that:
 - i. are suspected of being or having been involved in the actual or attempted planning, organizing, or commission of criminal acts, or
 - ii. are suspected of being or having been illegally operated, controlled, financed, or infiltrated by known or suspected crime figures; or
 - iii. use illegal activities and/or enterprises as a principal means to obtain resources, support for their existence, or further their organizational goals.
 - (3) No intelligence data will be gathered, collected, or maintained on religious, political, racial, ethnic, sexual, or any other constitutionally protected status or activity which does not relate to criminal conduct or suspect identification and associations with individuals, which may be of a criminal nature.

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- (b) Authorized Criminal Intelligence:
 - (1) The Criminal Intelligence File provides for the addition, deletion, or updating of the following information:
 - i. Case Number
 - ii. Reporting Officer
 - iii. Date of Entry
 - iv. Offense Location
 - v. Offense Description
 - vi. Names, Addresses, Identifying Information and other Physical Descriptors
 - vii. Aliases
 - viii. Vehicle Information
 - ix. Narrative
 - x. Evidence
- 13 - Criminal intelligence activities performed by the Berkeley Police Department shall include:
 - (a) The gathering of information from confidential informants, other reliable sources, and sources of unknown reliability.
 - (b) Analyzing the value, quality, and reliability of information received.
 - (c) Dissemination of the information to the appropriate Departmental personnel.
 - (d) Dissemination of the information to allied law enforcement agencies.
- 14 - Information sources must be protected to maintain their reliability, safety, and future usefulness. All policies and procedures set forth in General Order D-4 must be adhered to.
- 15 - To ensure the protection of innocent persons, it is imperative that the legality and integrity of the Department's intelligence effort be continually monitored for compliance by the Operations Division Captain.

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- 16 - Criminal Intelligence will be submitted to the SAG for potential inclusion into the intelligence files by the following methods:
- (a) Memorandum
 - (b) Field Interview Card
 - (c) Police Report
 - (d) E-mail
 - (e) Telephone
 - (f) Police Radio
 - (g) Verbal
- 17 - Retention and Purging of Criminal Intelligence:
- (a) Criminal intelligence may be retained for up to five (5) years for adults and two (2) years for juveniles. At that time, criminal intelligence will be purged unless new criminal intelligence has been developed establishing reasonable suspicion that the individual and/or organization continues to be involved in a definable criminal activity or enterprise.
 - (b) Criminal intelligence may be entered into temporary criminal intelligence files when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon "unproven" or "unknown" sources, or where the content reliability of the information is "unknown" or "undetermined". All temporary criminal intelligence files shall be specifically designated as such and must be reviewed by SAG personnel every sixty (60) days for validity. Temporary criminal intelligence files shall be retained no longer than one (1) year. At that time, a temporary file must be either purged or converted into a permanent criminal intelligence file. All temporary files must be kept distinctly separate from the general criminal intelligence files.
 - (c) The SAG Lieutenant shall ensure out-of-date criminal intelligence is purged from the file in accordance with federal and state guidelines.
 - (d) Documents within the criminal intelligence files shall be reviewed in an on-going basis to ascertain whether a higher degree or lesser degree of document security is required and to ensure that information is released only when appropriate. Any information received and entered into any criminal intelligence file must have the source and content reliability verified.

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- 18 - Release of Criminal Intelligence Information:
- (a) SAG personnel shall organize and analyze criminal intelligence information received, and shall prepare and release criminal intelligence reports to various Departmental units and allied agencies on a need/right to know basis only.
 - (b) Criminal intelligence may not be released if the disclosure of such information:
 - (1) Interferes with an active investigation
 - (2) Constitutes an invasion of privacy
 - (3) Discloses the identity of a confidential source
 - (4) Discloses a confidential investigation technique or procedure
 - (5) Endangers the life or safety of a law enforcement officer
- 19 - The Berkeley Police Department will only cooperate with outside agencies consistent with this policy, the California Attorney General's Criminal Intelligence Guidelines and Title 28 Code of Federal Regulations, Part 23. Officers will follow this policy at all times when engaged in cooperative efforts with another agency.
- 20 - Security Procedures:
- (a) Criminal Intelligence files shall be secured, or in the event of computer files, shall be password protected. The files and databases will be secured during off-duty hours and when SAG personnel are away from their work station.
 - (b) Access to Criminal Intelligence Files for the purpose of adding, deleting, or modifying information shall be restricted to:
 - (1) SAG Personnel
 - (2) Other personnel authorized by the Chief of Police
 - (c) Access to Criminal Intelligence Files for read only access is granted to:
 - (1) Operations Division Captain
 - (2) Other personnel authorized by the Operations Division Captain
 - (d) Computer access to Criminal Intelligence Information shall be available only to Department employees who have been trained and have security authorization to access the Criminal Intelligence Files.

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- 21 - Criminal Intelligence provided to, or developed by the SAG will be processed in the following manner:
- (a) Tips from citizens pertaining to suspected suspicious behavior will be documented and developed to the point where there is no additional investigative leads to be pursued. The results will be kept in the SAG database.
 - (b) Operations Division Officers will do preliminary investigations as prescribed in General Order C-2. If the need arises for SAG officer involvement, the SAG officer shall assist in the investigation under the supervision of the Operations Division Supervisor.
 - (c) Should the information from the preliminary investigation become immediately actionable, Operations Supervisors will ensure the correct enforcement action is taken and the appropriate chain of command notifications are made. SAG officers must immediately report criminal intelligence that relates to a current investigation to the case officer.
 - (d) Should the information from the preliminary investigation require further investigation, SAG officers will ensure the information is given to the appropriate investigative unit in the department.
 - (e) If the preliminary investigation reveals information that requires submission to the Northern California Regional Intelligence Center (NCRIC), the SAG representative will prepare the information as a Suspicious Activity Report and notify the SAG chain of command for submission to NCRIC according to guidelines set forth in General Order N-17.
 - (f) Named criminal subjects will be documented on a Berkeley Police Subject Workup Sheet which includes identifying numbers and criminal records checks. A copy of this form will be submitted to the SAG Sergeant for inclusion into the SAG database.
 - (g) In situations where an arrest is made in which the follow-up responsibility goes to the Detective Bureau, the SAG officer shall inform both the initial handling officer and the responsible detective detail regarding the information that is SAG related. The SAG officer will serve in a support role if requested.

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- 22 – Gang Intelligence Officers may support gang related investigations according to the following:
- (a) GIG officers may be asked for assistance, or may offer assistance with criminal investigations which appear to be gang-related. Upon case officer approval, the GIG officer may support an investigation through sharing gang-related intelligence, preparation of predicate statements, and related activities supporting the successful investigation, charging and prosecution of gang-related crimes. GIG officers may not conduct investigations independently of the case officer.
 - (b) GIG officers tasked with writing gang enhancement predicates for crimes being investigated by the Berkeley Police Department shall do so under the supervision of the case officer's supervisor. This includes writing gang predicates for arrests later determined to be gang related. The involvement of the SAG member will be documented and retained by the SAG Lieutenant.
 - (c) In the event there is a conflict between SAG personnel and another department detail, bureau or unit in regards to case handling responsibilities, involved personnel must first attempt to resolve the conflict at the line level. If there is not an agreeable resolution, then both parties must advise their respective supervisors. SAG staff must seek remedy from a higher ranking officer in the SAG chain of command to resolve the dispute. In all cases, the case officer's Division Captain will have authority to dictate the final course of action at any level.

General

- 23 - Members of SAG will share criminal intelligence on a regular basis with the Department concerning on-going issues, threats or concerns through a departmental intelligence briefing on the Crime Forum, at Crime Analysis and Response Strategies (CARS) meetings and as needed at team briefings. Members of SAG must ensure the accuracy of the criminal intelligence shared. Members of SAG who present training courses related to their SAG duties must first seek approval from the Operations Division Captain.
- 24 - SAG personnel shall document the dissemination of any criminal intelligence to allied agencies in the Intelligence Dissemination Log maintained by the SAG Sergeant.

References: General Orders C-1, C-2, D-4 and N-17