


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 7.11</p>	<p>Date of Issue</p> <p>02/23/2016</p>	<p>Effective Date</p> <p>02/23/2016</p>	<p>Revision Date</p>
<p>Subject: <b>CRIMINAL INTELLIGENCE INFORMATION</b></p>	<p>Amends:</p>		<p>Rescinds:</p>
<p>Index as: Criminal Intelligence Information</p>	<p>State Certification Standards:</p>		
<p>Special Instructions:</p>			

**PURPOSE**

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding the gathering, use, and storage of Criminal Intelligence Information.

**STATEMENT OF POLICY**

It shall be the policy of the Rabun County Sheriff's Office that Criminal Intelligence Information collected will be strictly limited to suspected criminal conduct and activities that present a threat to individuals or to Rabun County.

**DISCUSSION**

As criminal intelligence information relates to the Rabun County Sheriff's Office, it is primary concerned with collecting, processing, and disseminating information relating to specified crimes and criminal activities. These areas of concern vary widely but typically include organized crime, vice, illegal drugs, terrorism, gang activity, and civil disorders. Nothing in this policy should be interpreted as permitting the collection of evidence for political or other purposes unrelated to crime.

**I. BASIC CONCEPTS**

- A. Appropriate internal safeguards will be established to ensure that the rights of others are not violated, nor the democratic process subverted, by the acquisition, storage, or dissemination of criminal intelligence information.
- B. Data will not be gathered on persons or groups merely on the basis of:

1. Support for an unpopular cause or idea;
  2. Ethnicity, race, or sexual orientation/preferences;
  3. Political or religious affiliation; or
  4. Individual personal habits, unless criminal activity is suspected.
- C. No member of this department shall:
1. Engage in any illegal activities in the collection of data;
  2. Employ or direct an individual to engage in the collection of information by illegal means;
  3. Use or disperse confidential data for political and/or economic purposes;
  4. Release information or records to non-law enforcement personnel outside the Rabun County Sheriff's Office without the prior approval of the Sheriff or designee; or
  5. Allow access to intelligence records or information to unauthorized individuals.

## II. AUTHORIZED CRIMINAL INTELLIGENCE INFORMATION

- A. The gathering of intelligence information is to be strictly limited to suspected activities that may constitute a threat to the community by violating criminal State or Federal law. Such potential threats shall include, but are not limited to:
1. Organized crime and/or gang related activity;
  2. Terrorist or subversive activity involving the calculated use of violence or the threat of violence to attain political, religious, or ideological goals by instilling fear, using intimidation, or coercion;
  3. Vice activity relating to prostitution, bookmaking, gambling, child pornography, and obscenity;
  4. White collar offenses relating to computer crimes;
  5. Controlled substance activity involving the illegal manufacturing, possession, use, sale, or distribution of drugs or alcohol; or
  6. Civil disturbance related activities.
- B. Types and quality of information that may be included in the intelligence system include:
1. Raw data: information that might be fragmentary or unsubstantiated, which provides an indication of possible criminal activity;
  2. Significant information: has obvious value and may justify further inquiry and/or the initiation of a formal criminal investigation;
  3. Strategic intelligence: information indicating a situation that may involve illegal activities that transcend the boundaries of Rabun County; and
  4. Tactical intelligence: information of a localized nature that is indicative of criminal activity confined within Rabun County.

## III. UTILIZATION OF CRIMINAL INTELLIGENCE PERSONNEL

- A. Assigned personnel doing criminal intelligence gathering activities will operate in accordance with this General Order.
- B. When appropriate, personnel shall respond to the scene of any criminal offense related to the activities identified above.
- C. Personnel shall not take part in any joint investigations or intelligence gathering activities without the prior approval of the Sheriff or his designee(s).

#### **IV. RESPONSIBILITIES**

- A. Commander, Criminal Investigations Division is responsible for the overall operation of the Sheriff's Office criminal intelligence gathering function.
- B. Officers will be assigned to the criminal intelligence function as needed and may be assigned this duty in addition to regularly assigned duties.

#### **V. INTELLIGENCE GATHERING OPERATIONS**

Intelligence gathering may involve a variety of operations, to include:

- A. Surveillance Operations
  - 1. All surveillance activities shall be well planned prior to implementation. Planning considerations include:
    - i. Specific crimes and victims will be analyzed with the assistance of other investigators, when necessary, to determine the nature and scope of personnel and equipment required to safely perform the operation; and
    - ii. Probable offenders and their habits, associates, vehicles, methods of operation, criminal history, weapons proficiency, or any other pertinent information which will affect the manner of the surveillance and eventual prosecution shall be identified and analyzed.
  - 2. Surveillance personnel shall become familiar with the neighborhood and general surrounding area of the target to identify potential hazards or dangerous areas.
  - 3. Procedures for continuous observation will be determined, to include the availability of relief and back-up personnel.
  - 4. Required expense funds will be afforded to participants in accordance with confidential fund procedures.
  - 5. Means for routine and emergency communications will be established.
  - 6. Equipment and/or vehicles appropriate for the operation will be obtained, to include weapons and surveillance equipment as outlined below.
  - 7. When necessary, the prosecutor will be consulted to determine the legal ramifications of the surveillance.

8. Coordination with other Sheriff's Office personnel will be established to minimize interference with the operations.
9. No surveillance activities shall be conducted by a deputy acting under the color of law in violation of appropriate federal and state statutes.

#### B. Undercover Operations

1. When appropriate, intelligence personnel may have to assume a false or misleading identity in order to obtain information about a particular individual or organization involved in suspected criminal activity. Planning considerations include:
  - a. The prosecutor may need to be consulted as needed to determine the legality of the operation;
  - b. Personnel involved in the operations shall be provided with false identity credentials and "cover story" as necessary;
  - c. Necessary funds will be provided in accordance with Sheriff's Office confidential fund procedures;
  - d. Necessary Sheriff's Office equipment shall include cameras, body mikes, and recording devices;
  - e. Means for routine and emergency communications will be established; and
  - f. Non-Sheriff's Office equipment will be obtained, as needed, to substantiate the "cover story" of the operation.

#### C. Electronic Surveillance Equipment

1. The use of wiretap equipment will be in accordance with current federal and state statutes and only as directed by the Sheriff or his designee(s).
2. All other surveillance and undercover equipment will be used when authorized by the Criminal Investigations Division Commander or his designee(s). Such equipment includes body wires, tape recorders, cameras, and electronic transmitters.
3. The use of electronic surveillance devices is not unlawful when directed against those lawfully incarcerated in the Rabun County Jail, personnel being interviewed at the Law Enforcement Center and in the holding areas of the Rabun County courthouse Complex PROVIDED that such equipment shall not be used while a prisoner is discussing his/her case with an attorney. (O.C.G.A. 16-11-62)
4. Control of Surveillance Equipment
  - a. Specialized intelligence gathering equipment shall be properly stored, maintained, and secured at all times.
  - b. Only personnel properly trained shall have use of the equipment.
  - c. No item shall be loaned to an outside agency without the authorization of the Criminal Investigations Division Commander or his designee(s). When loaned to another agency, the

equipment will be properly receipted for and inspected to ensure its operational readiness at the time of issuance and upon its return.

## **VI. DEBRIEFING OF PERSONS IN CUSTODY**

An additional means of gathering intelligence information is by interviewing persons held in the Rabun County Jail (HCJ) and the Regional Youth Development Center (RYDC). Such interviews will be performed in accordance with acceptable interviewing practices and will in no manner involve:

- A. Physical coercion;
- B. The making of unauthorized promises relating to prosecution or sentencing; or
- C. Any violation, when required, of a suspect's right to silence and counsel.

## **VII. INTELLIGENCE FILE OR RECORDS**

- A. Access to intelligence files and records will be limited to members on a "need to know" basis and others within the Sheriff's Office as authorized by the Sheriff and his designee(s).
- B. Intelligence information shall be disseminated to personnel on an as required basis.
- C. Such information can include, but is not limited to any photographic, written, or verbal communications that describe events, persons, or locations, that are or may be involved in criminal activity resulting in a violation of a Georgia Code or Federal Law or that may affect deputy safety or operations of the Rabun County Sheriff's Office or other law enforcement agency.
- D. The following types of information may be contained in Criminal Intelligence files or records:
  - 1. Information concerning the arrest, indictment or outstanding warrants for an individual;
  - 2. Information concerning any individual who has been identified as a perpetrator of a crime by a witness, confidential source, or competent evidence;
  - 3. Information related to an individual or organization that threatens violent conduct affecting a person(s) and/or property;
  - 4. Information based upon reasonable suspicion that an individual is engaged in, about to be engaged in, or conspiring to engage in, criminal activity;
  - 5. The identity of a victim, witness, or complainant to any criminal endeavor; or
  - 6. Any information that reflects social, political, financial, or professional associations with prominent/notorious crime figures or those involved in organized crime activities.

## **VIII. SAFEGUARDING AND STORAGE**

- A. All criminal intelligence information shall be filed separately from other departmental files. No criminal investigation cases will be maintained in the same physical location as any criminal intelligence files.
- B. All files will be kept locked unless assigned personnel are present.
- C. Any information stored on a computer will be assigned a password and access will be by the password and electronically monitored and logged.

#### D. Purging Procedures

1. Files that identify a particular person by name, address, and/or DOB, or a particular organization where the identification can be specifically made will be kept for 20 years, unless needed for a longer period because of an active investigation.
2. Raw data files that can only describe, but not specifically name, a subject or organization, shall be purged at the direction of the unit commander or supervisor, unless the information can be developed into an up-graded category of significant information or better.
3. Information categorized as working data shall be retained for 90 days unless it can be developed into a category that requires longer retention.
4. All other information will be evaluated every 12 months to determine its value for retention.

#### E. Destruction of Files

1. All purged files and information will be destroyed by shredding or by burning. Destruction records will be maintained on a permanent basis and will identify the files destroyed.
2. Computer files that are to be purged shall be deleted from the computer program. Any back-up diskette(s) shall also be purged.
3. Under no circumstances shall a copy of a purged record be kept by any personnel.
4. When a court order is received expunging a person's record, a copy will be forwarded to the Criminal Investigations Division for necessary action.



By Order of the Sheriff: **Chad K. Nichols**  
Sheriff, Rabun County