

Policy – Wauwatosa Police Department

POLICY: Criminal Intelligence Collection, Analysis, and Distribution

CHAPTER & SECTION: 5.3.4

DISTRIBUTION: Sworn Officers and City Attorney

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EFFECTIVE DATE: August 1, 2024

REVIEW DATE: October 15, 2026

POLICY #: 24-18

I. INTRODUCTION

It is the purpose of this policy to provide Law Enforcement Officers in general, and Officers or Analysts assigned to the intelligence function in particular, with standards for the collection, analysis, and distribution of intelligence information. These standards are designed to bring about an equitable balance between the civil rights and liberties of citizens and the needs of law enforcement to collect and disseminate Criminal Intelligence on the conduct of persons and groups who may be planning, engaged in, or about to be engaged in criminal activity. Information and intelligence is used for, and needed in, legitimate law enforcement activities. While criminal intelligence may be assigned to specific personnel within the agency, all members of the agency are responsible for understanding information that is of intelligence value to the agency/unit, and where and how to report such information. This policy replaces and rescinds policy #22-13.

II. DEFINITIONS

- A. Intelligence Authority:** Sworn Law Enforcement Officer designated by the Chief of Police or other Law Enforcement Supervisor of the Wauwatosa Police Department to conduct Criminal Intelligence collection and analysis.
- B. Case Officer:** Sworn Law Enforcement Officer who is assigned as the prime Officer/Unit to investigate the incident.

C. Crime Analyst: Civilian position designated to scan, analyze, and assess data regarding crime trends, crime patterns, criminal activity, and/or potential threats to the City of Wauwatosa and surrounding jurisdictions.

D. Information: Raw unprocessed data that is unverified and unevaluated. Information collected should be focused on the elements of the crime triangle: Offender, Target, Place and Opportunity.



E. Criminal Intelligence: Information that has been systematically planned, collected, collated, analyzed, and disseminated in an effort to anticipate, prevent, or monitor potential criminal activity for public safety purposes. This data is processed to assist in the department/case/crime prevention decision making process.

Criminal Intelligence consists of processed information on the activities and associations of:

1. Individuals who:

- (a) Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or
- (b) Are suspected of being involved in criminal activities with known or suspected crime figures.
- (c) Are victims of a crime or have a high likelihood of being a victim of a crime.

2. Organizations, Businesses, and Groups that:

- (a) Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or
- (b) Are suspected of being operated, controlled, financed, or infiltrated by known or suspected crime figures for use in an illegal manner.

F. Threshold for Criminal Intelligence. The threshold for collecting information and producing Criminal Intelligence shall be the "reasonable suspicion" standard established in 28 CFR, Part 23, Section 23.20c. This threshold should be verified by a sworn law enforcement officer.

G. Reasonable Suspicion or Criminal Predicate: is established when information exists which establishes sufficient facts to give a trained sworn law enforcement officer or investigator a basis to believe that there is a reasonable possibility that

an individual or organization is involved in a definable criminal activity or enterprise.

1. Information collected should be considered unverified until the threshold for Criminal Intelligence.
2. If any police department employee is provided information from the public, confidential source, or any other information source that appears, at face value, to involve criminal activity or potential threat to Officers, citizens, or city infrastructure, that information should be assessed for credibility and veracity of the information. Civilian staff should not make determinations on criminality or case relevance.

III. EXCLUDED CONTENT

Only information that meets the threshold for Criminal Intelligence should be collected. Until the threshold is met, the following information are excluded from Criminal Intelligence collection:

1. Information on an individual or group solely on the basis that such individual or group supports unpopular causes.
2. Information on any individual or group solely on the basis of their membership in a protected class, including their race, color, religion, national origin, ancestry, gender, pregnancy status, sexual orientation, gender identity, age, physical or mental disability, veteran status, genetic information or citizenship.
3. Information on any individual or group solely on the basis of their political affiliations.
4. Information on an individual or group solely on the basis of non-criminal personal habits.

IV. COMPILING INTELLIGENCE

1. Intelligence investigations/files may be opened by the Intelligence Authority or Supervisor that meets the threshold for Criminal Intelligence. The Intelligence Authority/Crime Analysis function shall identify all essential information requirements for all analytical purposes. The data collected includes but is not limited to the following types of information:

- Classification of crime
- Date and time of occurrence
- Time of police response
- Location of occurrence and demographics
- Victim and target characteristics

- Criminal suspect name/alias
- Criminal suspect characteristics (pedigree)
- Suspect vehicle
- Modus Operandi
- Physical evidence
- Stolen property record
- Responding Officer/investigator
- Arrests/charges
- Case closures
- Open source information (Refer to Social Media Policy #21-20)

Sources for the above data include the following records and reports:

- Dispatch
 - Patrol incident
 - Supplemental Report
 - Arrest
 - Investigative
 - Field interrogation
 - Law Enforcement databases
 - Court Records
 - Jail Records
 - Open source information (Refer to Social Media Policy #21-20)
2. Information gathering using Confidential Informants/Sources as well as electronic, photographic, and related surveillance devices shall be performed in a legally accepted manner and in accordance with procedures established for their use by this agency.
 3. Information designated for use by the Intelligence Authority as Criminal Intelligence shall be reviewed by a Law Enforcement Officer or Case Officer.

V. INFORMATION EVALUATION

Until the data is evaluated by the Intelligence Authority/Crime Analyst, the data should be considered unverified information. Evaluating the information's source and content indicates to future users the information's worth and usefulness. Information validation and evaluation should be conducted by a Sworn Law Enforcement Officer or designee trained in establishing the threshold for Criminal Intelligence of reasonable suspicion. The process of information becoming intelligence should follow the crime analysis/intelligence cycle:

1. Information Collection:
2. Information Collation/Cleaning:

3. Information Analysis/Verification:
4. Dissemination
5. Feedback

Information to be retained as Criminal Intelligence should be continually evaluated and designated for reliability and content validity by a Sworn Law Enforcement Officer or designee. This is to ensure that the information is accurate and relevant to the investigation.

1. Analytic material (i.e., 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.
2. Analysis of crime-related data and information shall be focused in four primary areas: Crime Pattern Detection, Crime-Suspect correlations, Crime Forecasts and Resource Allocation.
 - (a) **Crime Pattern Detection/Intelligence:** information shall be used to identify similarities among crimes that may be used for improved deployment and related purposes. At a minimum, analyses in relationship to geographic and offense patterns shall be correlated with suspect information, vehicle, and related files to establish investigative leads and tactical recommendations.
 - (b) **Crime Suspect Correlations:** shall be performed to establish specific relationships between suspects and offenses. Suspect identifiers may be drawn from, but not limited to, police and open source databases, suspect vehicle files, field interrogation reports, arrest records where appropriate or any other authorized databases or record management systems.
 - (c) **Crime Forecast:** Daily and weekly crime pattern reports shall be used in addition to other data to identify established or developing crime patterns. Where the quantity and consistency of information is available, target areas or locations shall be identified to assist in tactical and patrol deployment.
 - (d) **Resource Allocation:** Using evidence-based practices to identify improvements to the Agency's use of financial and personnel resources.

VI. DISTRIBUTION

Information regarding Criminal Intelligence can only be released to those who have demonstrated either a "need-to-know" or a "right-to-know"

1. **Right-to-know:** Requestor has official capacity and statutory authority to the information being sought. A “right to know” is subject to a case by case determination under Chapter 19 of the Wisconsin State Statutes.
2. **Need-to-know:** Requested information is pertinent and necessary to an internal bureau or external agency in initiating, furthering, or completing an investigation.
 - (a) The timeliness and format of crime analysis reports is vital to the usefulness of information generated. To that end, such reports shall:
 - be tailored to meet the particular requirements of patrol, investigative, and administrative personnel;
 - arrive in a timely manner that allows a reasonable time for Officers to develop and implement countermeasures and response strategies for the problem at hand;
 - present in an objective manner that distinguishes conclusions from theories and indicates the degree of reliability of report conclusions; and
 - make recommendations for combatting identified problems.

VII. FORMAT

The intelligence product format is essential for proper interpretation and use of intelligence. All intelligence documents should include:

1. Title/Incident Number
2. Agency/Officer Requesting Information
3. Law Enforcement Sensitivity Disclaimer
4. Verification Documentation (if available)
5. Date Created
 - (a) Date of last update (as needed)

VIII. INTELLIGENCE REVIEW

Information stored as Criminal Intelligences should be reviewed periodically by the

Primary Case Officer, Criminal Intelligence authority, Crime Analyst, or Supervisor for validation or purge in order to: Ensure that the file is current, accurate, and relevant to the needs and objectives of the investigation/agency; safeguard the individual's right of privacy as guaranteed under federal and state laws.

Reviewing of Criminal Intelligence should be done on a periodic basis as agency personnel use the material in carrying out day-to-day activities. In this manner, information that is no longer useful or that cannot be validated should immediately be purged subject to the City's officially adopted record retention policy or reevaluated, where necessary.

A handwritten signature in black ink, appearing to read "J. MacGillis". The signature is fluid and cursive, with a large initial "J" and "M".

James H. MacGillis
Chief of Police

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