

# CIRCULAR



## DISTRICT OF COLUMBIA

Title	<b>Law Enforcement Intelligence Files</b>
Number	<b>CIR-23-06</b>
Effective Date	<b>June 9, 2023</b>

The purpose of this circular is to provide Metropolitan Police Department (MPD) members with standards for collecting and retaining information, both paper and electronic, for law enforcement intelligence purposes. Law enforcement intelligence must pass **judicial scrutiny** for admissibility as evidence in criminal trials. This differs from national security intelligence used for decision-making by the executive branch of the federal government which does not have to meet the same constitutional rigidity of criminal trial evidence. These requirements are designed to establish a balance between civil rights and liberties and the needs of the department to collect and disseminate intelligence on the conduct of persons and groups who may be engaged in systematic criminal activity.

<b>Definitions</b>	<p><b>Law Enforcement Intelligence</b> – The end product (output) of an analytic process which collects and assesses information about crimes and/or criminal enterprises with the purpose of making judgments and inferences about community conditions, potential problems, and criminal activity with the intent to pursue criminal prosecution or project crime trends.</p> <p>Intelligence has often been confused with information. This confusion even exists in the law enforcement community. Intelligence is distinct from information:</p> <ul style="list-style-type: none"><li>• Information is knowledge in its raw form. Information is not intelligence until it has undergone a series of analytical processes that determine its utility for tactical or strategic law enforcement purposes.<ul style="list-style-type: none"><li>○ With information, one has <i>pieces of data</i>.</li><li>○ With intelligence, one has <i>knowledge</i>.</li></ul></li><li>• Intelligence is the end product of an analytic process that evaluates information collected from diverse sources; integrates the relevant information into a logical package; and produces a conclusion, estimate, or forecast about a criminal phenomenon by using the scientific approach to problem-solving (i.e., analysis).<ul style="list-style-type: none"><li>○ Information is <i>passive</i>: It is simply data which has been collected and stored.</li><li>○ Intelligence is <i>proactive</i>: It can forecast, correlate, offer supposition, and direct an investigation or inquiry.</li></ul></li></ul> <p><b>Intelligence File</b> – Stored information on the activities and associations of:</p> <ul style="list-style-type: none"><li>• Individuals who:<ul style="list-style-type: none"><li>○ Are <b>suspected</b> of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or</li><li>○ Are <b>suspected</b> of being involved in criminal activities with known or suspected crime figures.</li></ul></li><li>• Organizations, businesses, and groups that:<ul style="list-style-type: none"><li>○ Are <b>suspected</b> of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or</li><li>○ Are <b>suspected</b> of being operated, controlled, financed, or infiltrated by known or suspected crime figures for use in an illegal manner.</li></ul></li></ul>
--------------------	---

<b>Need to Know</b>	<p>Law enforcement intelligence systems and processes are governed in the United States by <a href="#">28 CFR Part 23</a>.</p> <p>Investigations of potential criminal activity under the guise of First Amendment activities shall be authorized in writing by the commander of the Office of Intelligence, the general counsel, and the Homeland Security Bureau (HSB) assistant chief and shall be conducted pursuant to the <a href="#">Police Investigations Concerning First Amendment Activities Act of 2004 (DC Official Code § 5-333.01, et seq.)</a></p>
---------------------	--

Only information with a **criminal predicate** shall be retained in any law enforcement intelligence file by any MPD member. Members **shall not** retain information related to an individual, organization, business, or group unless members have **reasonable suspicion** that they are involved in the actual or attempted planning of, organizing, financing, or commission of a **criminal act** in violation of District or federal law. This requirement shall not apply to the routine information that members collect in their notebooks when responding to calls for service or taking self-initiated police action.

The follow information **shall not** be included in intelligence files:

<b>Prohibitions</b>
• Associations with individuals or groups that are not of a criminal nature;
• Information on an individual or group merely on the basis that such individual or group supports unpopular causes;
• Information on an individual or group merely on the basis of ethnic background;
• Information on an individual or group merely on the basis of religious or political affiliation; and
• Information on an individual or group merely on the basis of non-criminal personal habits or ideology.

Information meeting these criteria shall be submitted to the Violent Crime Suppression Division (VCSD) Criminal Intelligence Unit through the district intelligence officer or division commanding official, as appropriate. Submissions shall include the source of the information and sufficient supporting information to determine that reasonable suspicion and relevancy requirements are met. The VCSD commander, or designee, shall ensure all submissions are processed, stored, disseminated, and purged in accordance with [28 CFR Part 23](#).



Ashan M. Benedict  
Interim Chief of Police

AMB:KDO:MOC:SMM