



## U.S. Department of Justice

### Office of Community Oriented Policing Services (COPS)

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#### **Criminal Intelligence System (28 C.F.R. Part 23) Monitoring**

#### **INSTRUCTIONS**

If your agency is currently operating (or planning to operate) an interjurisdictional\* criminal intelligence system that is funded (in part or in whole) by an active COPS grant, it must comply with the operating principles of 28 C.F.R. Part 23. Your agency previously reported to the COPS Office that it intends to use its [*insert grant name here*] to operate an interjurisdictional criminal intelligence system.

As part of the COPS Office's comprehensive monitoring strategy, your agency has been selected to review the attached Criminal Intelligence System (28 C.F.R. Part 23) Checklist and certify its compliance with 28 C.F.R. Part 23. Please assign an employee who is familiar with the operation (or planned operation) of your agency's COPS-funded criminal intelligence system to review the attached Checklist. Following this review, your agency's Law Enforcement Executive must complete the attached Criminal Intelligence System (28 C.F.R. Part 23) Monitoring Certification and return it to: [*insert GMD Staff Name, Address, Fax # here*] postmarked by [*insert 30-day deadline from date of mailing or visit here*].

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If your agency no longer intends to use its [*insert grant name here*] to operate an interjurisdictional criminal intelligence system, or if you have any questions concerning this monitoring process, please contact [*insert GMD Staff Name*] at (202) 514-9202.

\* Please note that if your criminal intelligence system is operated (or will be operated) exclusively by a multi-jurisdictional task force that is established by and operating under a written memorandum of understanding or interagency agreement, your system is considered a single agency system (not interjurisdictional) and it is exempt from 28 C.F.R. Part 23. Please contact [*insert GMDStaff Name*] at (202) 514-9202 if this is the case.



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## **Criminal Intelligence System (28 C.F.R. Part 23) Monitoring**

### **CHECKLIST**

This checklist covers 4 primary criminal intelligence system operating areas: Submission/Entry of Data; Inquiries and Dissemination of Data; Reviewing and Purging Old Data; and Overall System Security. Please review this checklist in comparison to how your agency operates its COPS-funded criminal intelligence system before completing the attached 28 C.F.R. Part 23 Monitoring Certification.

#### **I. Submission/Entry of Data**

- Our system includes data regarding an individual or an organization only if there is a “reasonable suspicion” of criminal activity related to the individual or organization.
- Our agency maintains supporting documentation for each system entry to show how the “reasonable suspicion” of criminal activity was met.
- Our system includes data that is relevant only to criminal activity that is a “significant and recognized threat to the population,” which is established by showing that the activity is either (a) multijurisdictional or (b) organized criminal activity.
- Our system includes data only if it is related to ongoing or proposed investigation or prosecution activities.
- Our system does not contain references to an individual’s political, religious, or social views, associations, or activities unless (a) the data is directly related to the reasonably suspected criminal activity or (b) the data is identified in the system as “non-criminal identifying information.”
- Our system labels all data to indicate its (a) level of sensitivity (classification of the data for dissemination); (b) level of confidence (source reliability and content validity); and (c) the submitting agency and officer/employee.

#### **II. Inquiries and Dissemination of Data**

- Our system has controls in place to identify and record (a) who has requested data from the system; (b) when the request was made; and (c) why the data was requested.
- Our system has controls in place to ensure that anyone who requests data from the system has both a “need to know” (a law enforcement agency needs the data in the performance of its law enforcement functions) and a “right to know” (requester has the authority to request and obtain the data) before releasing the data.
- Our system is covered by a written agreement that is signed by all participating agencies that identifies the procedures for identifying unauthorized access to the system.

### **III. Reviewing and Purging Old Data**

- Our agency has a system for either (a) reviewing data to determine whether it is still relevant to ongoing or proposed investigation or prosecution activities at least every 5 years (and purging the data if no longer valid at that time) or (b) automatically purging data at least every 5 years.
- Our system ensures that when data is validated, the record includes (a) the name of the officer who validated the data; (b) the date that the information is validated; and (c) an explanation that the data remains current, accurate, and relevant to ongoing or proposed investigation or prosecution activities.
- Our agency has a system for ensuring that any records relating to purged data are either destroyed or returned to the submitting agency (but not maintained by our agency) after the data is purged.

### **IV. Overall System Security**

- Our system is located in a secure physical location.
- Our system uses computer software and/or hardware that is designed to prevent unauthorized access.
- Our agency restricts access to the COPS-funded criminal intelligence system to authorized users (organizations and individuals).

*Paperwork Reduction Act Notice:* A person is not required to respond to a collection of information unless it displays a valid OMB control number. The public reporting burden for this collection of information is estimated to be up 2 hours per response, which includes time for reviewing documentation. Send comments regarding this burden estimate or any other aspects of the collection of this information, including suggestions for reducing this burden, to the COPS Office; 1100 Vermont Avenue, NW; Washington, D.C. 20530, and to the Public Use Reports Project, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.



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**Criminal Intelligence System (28 C.F.R. Part 23) Monitoring**

**CERTIFICATION**

My agency is currently using (or planning to use) an active COPS grant to fund (in part or in whole) an interjurisdictional\* criminal intelligence system. My agency has reviewed the attached Criminal Intelligence System (28 C.F.R. Part 23) Monitoring Checklist in comparison to its current operating procedures (or planned operating procedures) for our COPS-funded criminal intelligence system. Based on this review, my agency's response is as follows (**choose either A or B, as applicable**):

- A. My agency is currently operating its COPS-funded criminal intelligence system in compliance with the operating principles of 28 C.F.R. Part 23 and it will continue to do so throughout the life of the COPS grant.

\_\_\_\_\_  
Law Enforcement Agency Name

\_\_\_\_\_  
Law Enforcement Executive Name

\_\_\_\_\_  
Law Enforcement Executive Signature

\_\_\_\_\_  
Date

- B. My agency's COPS-funded criminal intelligence system is not yet operational, but I have reviewed the Criminal Intelligence System (28 C.F.R. Part 23) Monitoring Checklist and certify that the agency will comply with the operating principles of 28 C.F.R. Part 23 throughout the life of the COPS grant once the criminal intelligence system is operational.

\_\_\_\_\_  
Law Enforcement Agency Name

\_\_\_\_\_  
Law Enforcement Executive Name

\_\_\_\_\_  
Law Enforcement Executive Signature

\_\_\_\_\_  
Date

\*If your criminal intelligence system is operated (or will be operated) exclusively by a multi-jurisdictional task force that is established by and operating under a written memorandum of understanding or interagency agreement, your system is considered a single agency system (not interjurisdictional) and it is exempt from 28 C.F.R. Part 23. Please



contact [insert GMD Staff Name] at (202) 514-9202 if this is the case.

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### Criminal Intelligence System (28 C.F.R. Part 23) Monitoring

#### ALTERNATIVE CERTIFICATION

My agency previously reported that it planned to use an active COPS \_\_\_\_\_ grant to fund (in part or in whole) an interjurisdictional criminal intelligence system. After reviewing the Criminal Intelligence System (28 C.F.R. Part 23) Monitoring Checklist in comparison to our current grant implementation, my agency has determined that we are not implementing (and will not implement) an interjurisdictional criminal intelligence system with these funds. Accordingly, please revise my agency's previous response to indicate the following (please certify to *either* A or B, as applicable to your agency's grant project):

A. My agency is not, and will not, use these COPS grant funds to operate a criminal intelligence system (sharing criminal intelligence with other jurisdictions).

\_\_\_\_\_  
Law Enforcement Agency Name

\_\_\_\_\_  
Law Enforcement Executive Name

\_\_\_\_\_  
Law Enforcement Executive Signature

\_\_\_\_\_  
Date

B. My agency is using these COPS grant funds to operate a criminal intelligence system (sharing criminal intelligence with other jurisdictions), but we are doing so only as part of a multi-jurisdictional task force that is established by and operating under a written memorandum of understanding or interagency agreement, and therefore we are considered a single agency system that is exempt from 28 C.F.R. Part 23.

\_\_\_\_\_  
Law Enforcement Agency Name

\_\_\_\_\_  
Law Enforcement Executive Name

\_\_\_\_\_  
Law Enforcement Executive Signature

\_\_\_\_\_  
Date