WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Dissemination of Protected Information		Policy # 5.1.20
Accreditation N/A		
Effective Date: January 1, 2008	Revised Date:	
By Authority Of: Chief A. Dale Mabry	Signature: ADMabry	

5.1.20 DISSEMINATION OF PROTECTED INFORMATION

A. PURPOSE:

The purpose of this directive is to establish policy guidelines of the West Norriton Township Police Department which will enable this department to gather, disseminate, and receive intelligence, investigative and treatment data from other conforming criminal justice agencies. This data being classified as "protected information" by 18 Pa. C.S.A. § 9106.

B. POLICY:

It is the policy of West Norriton Township Police Department to conform to the mandates of the Criminal History Record Information Act 18 Pa. C.S.A. § 9101 et seq. (CHRIA).

C. DEFINITIONS:

1. **Automated Systems** – A computer or other internally programmed device capable of automatically accepting and processing data, including computer programs, data communication links, input and output data and data storage devices.

2. **Criminal Justice Agency** – A court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or sub-unit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function. Criminal justice agencies include, but are not limited to: organized State and municipal police departments, local detention facilities, county, regional and State correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards and such agencies or subunits thereof, as are declared by the Attorney General to be criminal justice agencies as determined by a review of applicable statutes and the State and Federal constitutions or both.

3. **Protected information** – Protected information includes three types of information - - Intelligence Information, Investigative Information and Treatment Information. Refer to these definitions.

4. **Intelligence information** – Information concerning the habits, practices, characteristics, possessions, associations or financial status of any individual compiled in an effort to anticipate, prevent, monitor, investigate or prosecute criminal activity. Notwithstanding the definition of "treatment information" contained in this section, intelligence information may include information on prescribing, dispensing, selling, obtaining or using a controlled substance as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as the Controlled Substance Drug Device and Cosmetic Act.

5. **Investigative information** – Information assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information.

6. **Treatment information** – Information concerning medical, psychiatric, psychological or other rehabilitative treatment provided, suggested or prescribed for any individual charged with or convicted of a crime.

7. **Repository** – Any location in which criminal history record information is collected, compiled, maintained and disseminated by a criminal justice agency.

8. **Central Repository** – The central location for the collection, compilation, maintenance and dissemination of criminal history record information by the Pennsylvania State Police.

9. **Criminal History Record Information** – Information collected by criminal agencies concerning individuals, and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions, dates and notations of arrests, indictments, informations or other formal charges and any dispositions arising therefrom. The term does not include intelligence information, investigative information or treatment information, including medical and psychological information, or information and records specified in Section 9104 (relating to scope).

D. PROCEDURES:

1. **Intelligence Officer** – Detective Sergeant Michael McGettigan will be designed as the intelligence officer and will be responsible for the classification, computerization and dissemination of all "protected information" classified in CHRIA. He may designate other members of the department to perform this duty on an as needed basis upon approval of the Chief of Police.

2. **Collection of protected information** – The department will collect protective information in its automated system only when the following conditions are met:

   a. The information concerns an individual or group which it reasonably suspects of criminal activity.

b. The information is related to criminal activity that would give rise to prosecution for a state offense graded a misdemeanor or felony or for a Federal offense for which a penalty is imprisonment for more than one year.
c. The information is categorized based upon subject matter.
d. The information does not concern participation in a political, religious or social organization, or in the organization or support of a nonviolent demonstration, assembly, protest, rally or similar form of public speech, unless there is a reasonable suspicion that the participation by the subject of the information is related to criminal activity or prison rule violation.
e. Protected information will not be collected for, or transferred to, the central repository maintained by the Pennsylvania State Police.

3. **Security of Protected information** – The confidentiality of protected information will be provided for and securely maintained by:

   a. Following department physical plant/maintenance policy to reasonably protect repository from theft, sabotage and man-made or natural disasters.
   b. Properly selecting, supervising, and training personnel authorized to have access to protected information.
   c. Insure that, where computerized data processing is employed, the equipment utilized for maintaining intelligence information, investigative information or treatment information is dedicated solely to purposes related to the administration of criminal justice. If the equipment is not used solely for the administration of criminal justice, the criminal justice agency is accorded equal management participation in computer operations used to maintain the intelligence information, investigative information or treatment information.
   d. Insuring that only those authorized to access protected information are electronically coded or otherwise designated to enter the automated system. A copy of the authorization list will be maintained by the intelligence officer.
   e. Three different levels of storage of protected information will be established for reliability and sensitivity:

      i. **Level I** – Will include all information that has been received from a reliable source and is substantiated.
      ii. **Level II** – Will include all information that has been received from a reliable source but is unsubstantiated.
      iii. **Level III** – Will include all information that has been received from an unreliable source and is not and cannot be substantiated.

4. **Dissemination of Protected Information** – This department's intelligence office may only disseminate protected information if the following conditions are met:

   a. The requesting criminal justice agency must certify that it has adopted policies and procedures consistent with this Act. This may be a verbal certification, if agency is known to intelligence officer. In the event the

agency is unknown, then a signed statement of certification will be required before release of information

b. The intelligence officer records on the designated form the pertinent information for a proper audit trail of disseminated protected information. This record is to be maintained separate from the individual's file
c. The protected information has been determined to be reliable.
d. The requesting criminal justice agency justifies its request based on name, fingerprints, modus operandi, genetic typing, voice print or other identifying characteristics.
e. The intelligence officer lists on the Dissemination Log: the date, purpose and agency requesting the information.

In the event the intelligence officer becomes aware of/by any means that previously disseminated information is misleading, obsolete, and/or unreliable, the information is to be corrected and the recipient agencies notified of the change within a reasonable time period.

Protected information in department's possession but which was not obtained through our sources may not be disseminated to another agency except if requesting agency and our department are investigating or prosecuting a criminal matter jointly. The intelligence officer must, however, refer requesting agency to the agency which was the source of the information. This department's intelligence officer, when requesting protected information from another agency, must certify in writing that this department complies with CHRIA (See page 4).

5. **Retention of Records** – Department's protected information will be maintained and will be purged only with the written approval from the Chief of Police and only under the following conditions:

   a. The data is no longer relevant or necessary to meet the goals and objectives of this agency.
   b. The data is obsolete making it unreliable for present purposes and updating it would be worthless.
   c. The data cannot be used for strategic or tactical purposes associated with the duties of this agency.