

MAJOR CRIMES DIVISION

DIVISIONAL ORDER NO. 16

August 27, 2009

TO: Major Crimes Division Personnel

FROM: Commanding Officer, Major Crimes Division

SUBJECT: PRIVACY GUIDELINES FOR EVALUATION ENVIRONMENT INITIATIVE

Initiative Responsibility: The Commanding Officer, Major Crimes Division (MCD), shall have primary responsibility for participation in the Information Sharing Environment – Suspicious Activity Report (ISE-SAR) Evaluation Environment Initiative and for the enforcement of all policies and procedures related to the Initiative.

Privacy Officer: The Commanding Officer, MCD, will designate and ensure the MCD Privacy Officer receive the appropriate training. The MCD Privacy Officer shall be responsible for:

1. Handling reported violations of policy related to the Initiative;
2. Ensuring that MCD adheres to applicable provisions of the ISE Privacy Guidelines for handling terrorism-related information;
3. Continually identifying and assessing laws, orders, policies and procedures applicable to ISE-SAR information. In so doing, make recommendations to the Commanding Officer, MCD, or other appropriate official(s), regarding changes in LAPD/MCD policy related to ISE-SAR information.

Application of 28 CFR Part 23: All ISE-SAR information posted to LAPD's shared space under the Initiative shall meet applicable provisions of 28 CFR Part 23. This is to include applying the operating policies set forth in 28 CFR § 23.20 to all individual and organizational criminal subjects, the establishment and use of sensitivity and confidence (source reliability and content validity) codes and the receipt and collection of criminal intelligence information (CII). It also includes secure storage, access and dissemination, retention, periodic review, validation and appropriate purge of CII.

All ISE-SAR information in the shared space will be labeled as CII, subject to recipients following 28 CFR Part 23 operating policies with respect to the use and security procedures. Such information will be available only to law enforcement agencies with a need and right to know in the performance of a law enforcement activity.

Investigation of Errors: MCD shall, with regard to ISE-SAR information:

1. Investigate, in a timely manner, alleged errors and deficiencies and correct or delete information found to be erroneous or deficient;

2. Reevaluate the labeling of such information in the shared space when new or updated information is received that has an impact on confidence in the information;
3. Make every reasonable effort to ensure that such information will be corrected or deleted from the shared space upon concluding that the information is:
 - Erroneous, misleading, obsolete, or otherwise unreliable;
 - The information was gathered illegally or without authority.

When the rights of the subject of inaccurate, incomplete, incorrectly merged, or out of date information may be affected by the use of such information, all recipient agencies of the information will receive electronic notification of the need to destroy the information.

Analysis: ISE-SAR information received by MCD or accessed from other sources shall be collated and analyzed only by qualified personnel who have successfully completed a background check and any required security clearance.

Merger: ISE-SAR information about an individual or organization from two or more sources shall be merged only if there is sufficient identifying information to reasonably conclude the information is about the same individual or organization. If there is a partial match the information may be associated if accompanied by a clear statement that the match has not been fully established.

Information Access and Redress: ISE-SAR information shall not be available to the public, as provided by applicable LAPD policy, nor shall the existence or nonexistence of specific information be confirmed to persons or agencies that are not eligible to receive the information.

If an individual, using existing LAPD information request/complaint mechanisms, has a complaint or objection to the accuracy or completeness of ISE-SAR information about him or her that is alleged to be held by LAPD or MCD, MCD will acknowledge the complaint and state that it will conduct an appropriate review. If there is any personal information about that individual in an ISE-SAR, the information will be (1) reviewed and verified, or (2) corrected or deleted from the ISE-SAR shared space if the information is determined to be erroneous, include incorrectly merged information or is out of date. A record will be kept of all complaints and requests for corrections and the resulting action, if any.

Security: The Commanding Officer, MCD, will designate a security officer for the ISE-SAR Initiative and ensure they are adequately trained. MCD will operate in a secure environment that is protected from external intrusion, using secure internal and external safeguards against network intrusions of ISE-SAR and other sensitive information. Only ISE-SAR information reaching the 'reasonable suspicion' threshold will be submitted to the shared space. Outside access to the ISE-SAR shared space will be allowed only over secure networks. ISE-SAR information in the shared space will be secured such that it cannot be added to, modified, accessed, destroyed, or purged except by authorized MCD personnel. Access to ISE-SAR information within LAPD will be granted only to properly screened and trained personnel whose positions and job duties require such access. The Commanding Officer, MCD, shall ensure that

adequate review and audit mechanisms (including access logs) are in place to ensure that policies and procedures are at least as comprehensive as the ISE Privacy Guidelines requirements.

Data Breach: In the event of a data security breach, MCD will follow existing LAPD data breach notification policy found in the the Los Angeles Police Department Intelligence Guidelines.

Retention and Destruction: All ISE-SAR information in the shared space (CII) shall be reviewed for record retention (validation or purge) within 5 years of entry into the shared space in accordance with 28 CFR Part 23. Information submitted and determined to qualify as an ISE-SAR, but which does not reach the reasonable suspicion standard of 28 CFR Part 23, will be retained as a temporary file for up to one-year to permit the information to be validated or refuted and its credibility and value to be assessed. If the information remains under active review or investigation and continues to have credibility and value at the end of the one-year period, it may be retained for an additional one-year period with the approval of the Commanding Officer, MCD. Temporary files that are evaluated during their retention period and determined to meet applicable 28 CFR Part 23 and ISE-SAR criteria, shall be submitted to the shared space. When ISE-SAR information has no further value or meets the applicable criteria for purge, it will be removed from the shared space or the temporary file closed, as appropriate.

Transparency: The LAPD and MCD policies for ISE-SAR information shall be available to the public upon request or be made available on the LAPD web site. The Commanding Officer, MCD, is the point of contact for receiving and responding to inquiries and complaints about ISE-SAR. The Commanding Officer, MCD, shall facilitate public awareness of LAPD/MCD privacy policies and procedures related to ISE-SAR information.

Enforcement: MCD personnel and other authorized LAPD users shall report violations or suspected violations of LAPD/MCD policy applicable to ISE-SAR information to the MCD Privacy Officer. If an authorized user is not in compliance with LAPD/MCD ISE-SAR policies, the Commanding Officer, MCD, shall take appropriate action. This action includes, but is not limited to, suspension or discontinuation of access, suspension, demotion or termination of individuals, as authorized. If an external agency, request that such agency initiate appropriate sanctions or refer the matter to appropriate authorities for criminal prosecution.

MCD personnel shall cooperate with authorized audits and reviews related to the collection, receipt, review, collation and analysis, use, storage, dissemination, review and validation or purge of ISE-SAR information.


GREG R. HALL, Captain
Commanding Officer
Major Crimes Division