



MBTA Transit Police

DEPARTMENT MANUAL

CHAPTER 274

General Order No. 2011-13

SUBJECT INVESTIGATIVE SERVICES Intelligence Unit		DATE OF ISSUE 04/11/2011	EFFECTIVE DATE 04/16/2011
REFERENCES CALEA 42.1.6 a, b, d, e, f, g, h, i, 43.1.4, 43.1.5		ISSUING STATUS <input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	ISSUING AUTHORITY Paul S. MacMillan Chief of Police
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1.0 **INTELLIGENCE UNIT.** All personnel, regardless of assignment, have a role in gathering, recording and sharing of criminal intelligence. The Investigative Services Division (ISD) Commander will designate a Lieutenant Detective as the Intelligence Unit (IU) Commander. He/she will be responsible for coordinating the gathering, recording and sharing of intelligence information affecting the MBTA including, but not limited to, terrorist threats, criminal activity, and suspicious activity. {42.1.6 a}

Utilization of intelligence personnel and techniques are not to be used without authorization from the ISD Commander. Any personnel using special equipment will be trained in its use and will have been granted the appropriate legal authority for its use.

The IU Commander and the ISD Commander will review all procedures, files and reports maintained by the IU at least once each year. All out of date in-formation and/or incorrect information will be destroyed. Any information that has not been corroborated will also be destroyed. {42.1.6 i}

1.1 **INTELLIGENCE FILES.** IU will maintain a confidential file of all intelligence information received and ensure that appropriate crime and informational advisories are made available to other police personnel, in and outside the Department, as appropriate. IU will ensure that all information collected is limited to criminal conduct and relates to activities that present a threat to the MBTA. An important function of IU will be to maintain communications and liaison with federal, state, and local agencies for the exchange of intelligence information. {42.1.6 a, b}

All intelligence files will be considered confidential and will be stored separate from all other records. The files will be coded and secured within the IU in locked filing cabinets and safes, when appropriate. Access to the files will be limited to the ISD Commander and IU personnel. {42.1.6 b, d}

The Intelligence files will be reviewed annually. All obsolete, misleading, unverifiable or otherwise unreliable information will be purged and destroyed. {42.1.6 e, h}

2.0 **INTELLIGENCE UNIT.** IU is responsible for {42.1.6 d, g}:

- issuance of daily bulletins reviewing crimes, homeland security issues, protests and events affecting the MBTA;
- issuance of a weekly bulletin highlighting terrorism and other significant events affecting mass transit on a local, national and international level;
- issuing all wanted posters, missing person bulletins, crime advisories and intelligence/informational advisory bulletins;

- issuance of daily crime products pertaining to crimes occurring within the agency and also crimes affecting the MBTA;
- liaison with state, local and federal partners on a daily basis by participating in a daily conference call with the Boston Regional Intelligence Center for homeland security and crime issues affecting the Boston and UASI regions;
- weekly, monthly, yearly and as needed distribution of crime statistics, to include material for Monthly COMPSTAT process;
- federal crime reporting to FBI and FTA;
- review of the records management system (Larimore);
- monitoring all major transportation or criminal events affecting the MBTA and issuing timely situational advisories to internal and external partners, including local, state and federal law enforcement agencies to include the Transportation Security Operations Center (TSOC) under the Department of Homeland Security (DHS);
- maintaining and updating the Department website on all relevant content;
- conducting background investigations on all MBTA vendors and performers and conduct follow-up investigations as needed as well as participating in a joint task force with the Safety Department regarding all issues affecting vendors;
- conducting intelligence and information gathering activities on the MBTA system to address terrorism vulnerabilities and CPTED issues, to include recommendations for safety, security, camera placement and other vulnerability issues;
- liaison with all state, federal and private vendors for all initiatives, studies and grant projects concerning terrorism and the protection of critical infrastructure of the MBTA, to include participation in the Automated Critical Asset Management System (ACAMS) and DHS sponsored programs;
- investigating all reports of suspected terrorist activity and maintaining a chronological case file; and
- refer any credible reports of possible terrorist activities to the FBI Joint Terrorism Task Force (JTTF), and TSOC for follow-up and further investigation and notification.

Due to their sensitive nature, intelligence activities and investigations conducted by the IU will be considered confidential. IU personnel, when conducting intelligence investigations or counter-surveillance operations, will report to the IU Commander. {42.1.6 f}

3.0 **SURVEILLANCE.** Whenever the investigation of possible terrorist activity requires surveillance, surveillance procedures as established in Chapter 281 of this manual will be followed. The Surveillance Plan will include additional provisions for the following: analyzing crimes and victims; and identifying and analyzing probable offenders and their habits, associates, vehicles, methods of operation, or any other pertinent information. {43.1.5}

IU is responsible for investigating all reports of possible terrorist activity occurring on MBTA property or affecting MBTA personnel. A preliminary investigation will be conducted to determine what resources will be required in order to effectively respond to and deal with the reported

activity. When appropriate, assistance will be sought from local, state and federal law enforcement agencies.

- 4.0 **COVERT OPERATION PLANS.** The investigation of suspected terrorist activities may entail the need for covert decoy, counter-surveillance or undercover operations. The purpose of these operations is to develop evidence by associating with persons suspected of regular involvement in criminal activity or observing the criminal activity take place. Due to the Department's limited re-sources and the multi-jurisdictional nature of suspected terrorist activities, covert operations will generally be undertaken as a joint venture with the appropriate local, state or federal agencies.

Whenever a covert operation is to be undertaken, the IU Commander will be responsible for developing an Operations Plan. The Operations Plan will be submitted to the ISD Commander for review, approval and designation of an Officer-In-Charge prior to its implementation.

- 4.1 **DECOY OPERATIONS.** The Operations Plan for a covert decoy operation will, at a minimum, include: {43.1.5}

- Analyzing the type, location and victim of crimes;
- determining the number of Officers required as participants in the operation;
- identifying the Officers who will participate in the operation;
- disguising the Officers, when appropriate, to resemble victims;
- determining the number of back-up Officers required to ensure adequate security and protection;
- establishing the types and methods of communications;
- developing a plan for the observation of the decoy and target area;
- developing a plan for affecting arrests;
- determining what legal ramifications may result from the operation;
- providing for close supervision of personnel involved in the operation; and
- apprising the Patrol Operation Division Commander of any activities that will be taking place in the target area during his/her shift(s).

- 4.2 **UNDERCOVER OPERATIONS.** The Operations Plan for covert undercover operation will, at a minimum, include: {43.1.5}

- Identifying and analyzing suspects;
- analyzing the target area where undercover Officers will be utilized;
- supplying Officers with appropriate identification and other necessary papers (when necessary);
- maintaining the confidentiality of the Officers' identity;
- making contact with the suspects;

- supplying Officers with expense funds and special equipment (when appropriate);
- establishing the types and methods of routine and emergency communications;
- providing for adequate back-up security for Undercover Officers;
- developing guidelines for affecting arrests;
- determining what legal ramifications may result from the operation; and
- providing for close supervision of personnel involved in the operation.

5.0 **EQUIPMENT.** The Department has surveillance equipment available for use in investigations. The equipment will be stored in a secure area. All requests to use this equipment will be forwarded to the ISD Commander for approval. Only the ISD Commander may authorize the use of this equipment. A Supervisor will distribute the equipment. The equipment will be used for its in-tended purpose in a lawful, job-related manner.

The ISD Commander will ensure that the special equipment necessary to safely and effectively undertake the covert operation is available prior to the implementation of the operation. All equipment, including radio/communication equipment, will be field tested prior to its use. All equipment will be returned immediately after the end of the operation.

An annual inventory of all equipment will be conducted by the Commander of IU. He/she will maintain a record of inventories conducted. {43.1.4}

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