



# *Checklist for the Development, Review, and Dissemination of* **Analytic Products and Resources**

Intelligence enterprises, including state and major urban area fusion centers and law enforcement intelligence units, create and disseminate a number of different analytic products (including bulletins, assessments, and other publications) regarding public safety, threats, hazards, and criminal activity (such as crime trends and criminal suspects). As a part of the development process for these products, it is important to have a review component to ensure the accuracy and relevancy of the information and ensure that privacy, civil rights, and civil liberties protections are upheld in the product. This checklist identifies questions that should be addressed during the development, review, and dissemination of the analytic product. The checklist can also be used as agencies begin a structured product development process.

## **Purpose**

- ☑ Does the product align with the mission and role of the intelligence enterprise?
- ☑ Is the product's purpose clearly defined (e.g., public safety report, situational awareness report, actionable product, strategic assessment)?
- ☑ Does the product's content align with the product's purpose?
- ☑ Is the information in the product timely and relevant?
- ☑ Is there sufficient detail in the product to make it actionable and/or relevant to the intended audience?
- ☑ Is the product written for the intended audience (e.g., the officer, the Intelligence Community)?
- ☑ If the product includes content covering activities protected by the U.S. Constitution (including First Amendment rights and freedoms), is the valid law enforcement purpose articulated within the product? If so, does the product articulate why it covers constitutionally protected activity? Is the justification adequately expressed in the product (such as identifying the authorized law enforcement purpose), and are the necessary caveats and disclaimers included?
- ☑ If the product includes personally identifiable information (PII), is a valid law enforcement or homeland security purpose articulated within the product, and does the product properly identify the status of the criminal allegation of the individual?

## **Grammar Review**

- ☑ Has the product been reviewed for grammatical correctness?
- ☑ Are acronyms identified and defined?

## **Content Integrity**

- ☑ Are the terms and language used in the product clear (i.e., narrowly defined) and do not infringe upon protected activities?
- ☑ Was the information utilized and referenced in the product lawfully obtained?
- ☑ Is the product based on behaviors and/or indicators of criminal activity and not race, ethnicity, national origin, gender, or religious affiliation or based solely on constitutionally protected activities?
- ☑ For products that provide an assessment or awareness of other noncriminal hazards, are the nature and characteristics of the hazard identified, and is there a relationship/connection to public safety and/or public order (if applicable)? Is the product comprehensive to fully inform the consumer about the totality of circumstances surrounding the information in the product?
- ☑ Are the facts identified in the product verified and subject-matter experts utilized, as appropriate?
- ☑ Is the information contained in the product accurate and supported by source reliability and content validity, and is the information properly cited?
- ☑ Is the product based on facts, interpretations, and conclusions that are objective and relevant? Are the conclusions and indicators contained in the product logical and consistent with known facts and not tainted by supposition or unsupported conclusions?



## Dissemination

- ☑ Is third-party information included in the product, such as information from federal government or private sector sources, and if necessary, did the source grant permission to include the information?
- ☑ Is the material presented sourced from a 28 CFR Part 23-regulated database? If so, has the dissemination policy been followed?
- ☑ If the product is considered criminal intelligence, is dissemination based on a need to know and right to know, and does it adhere to 28 CFR Part 23?
- ☑ Is the dissemination list (i.e., individuals who receive or have access to the product) appropriate and permitted under relevant authorities?

## Review and Approval

- ☑ Has the product or resource been reviewed and approved by:
  - a. Another analyst (who did not write the product)?
  - b. A senior-level manager or supervisor?
  - c. Appropriate subject-matter experts and partners?
  - d. The agency's or unit's privacy/civil rights and civil liberties officer or attorney?
- ☑ Is there an audit trail detailing the approval process?

## Examples of Caveats and Disclaimers

Important in the development and release of analytic products is the inclusion of proper and appropriate caveats and disclaimers. Listed below are examples of caveats and disclaimers that can be tailored to an intelligence enterprise's needs and mission.

### Example 1

(U/LES) The fusion center reports this information for situational awareness only. This information alone cannot be considered reasonable suspicion for an investigatory stop or action.

### Example 2

(U/FOUO) The fusion center recognizes constitutionally protected individual rights, including the right to assemble, to speak, and to petition the government. The

fusion center safeguards these rights, noting that *[insert appropriate facts that lay the predicate that there is a specific threat regarding potential disruption of legal activities or interfering with otherwise peaceful events]*.

### Example 3

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### Example 4

Some of the information in this product describes First Amendment-protected activities. The fusion center recognizes that members of the public have constitutionally protected individual rights, including the right to assemble, to speak, and to petition the government. The fusion center reports on First Amendment-protected activities *[insert the specific facts that lay the predicate for the interest of ensuring the safety and security of the demonstrators and the public that apply in this instance]*.

## Confidence Statements

Another key component of analytic products is confidence statements. Below is an example of a confidence statement that can be included on analytic products, as appropriate.

The information used in this *[product]* is drawn from open sources, U.S. Department of Homeland Security (DHS) open source reporting, other law enforcement intelligence reports, and court filings. The fusion center has high confidence in the information obtained from court documents and those of other U.S. government agencies. The fusion center has medium confidence in the information obtained from open sources, which includes media reports and Internet Web sites whose information is credibly sourced and plausible but may contain biases or unintentional inaccuracies. When possible, open source information has been corroborated through other law enforcement and government sources.