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Criminal Intelligence Career Development – Supporting the Case for Integration and Inclusion

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Abstract

The implementation of a developmental continuum for intelligence professionals, based on a traditional competency model may be ubiquitous across the breadth of intelligence. This paper argues that specialised contextual and cultural education and training and subsequent recognition of those skills, knowledge and attributes, is an essential element in achieving organisational and individual objectives for criminal intelligence professionals. The full integration of criminal intelligence operations into police and law enforcement decision making at the tactical, operational and strategic levels is an aspirational step in achieving a multidisciplinary operational environment. The delineation of intelligence practitioners based on employment status, facilitated by the absence of specialised law enforcement training, is an impediment to organisational and individual efficiency and effectiveness.

The key issues are explored through a case study of a number of state and federal law enforcement organisations within Australia and internationally. A thematic analysis identified impediments to the full integration model. Those impediments including a lack of a sense of community, lack of a sense of inclusiveness and belonging, incomplete operational and strategic alignment, deficiencies and inadequacies of skills across the full operational context and the inability to fully contribute and influence due to the reinforcement of bias and stereotype. The issue of integration whilst maintaining specialist integrity is also explored.

Keywords

Criminal intelligence, education and training, policing, organisational development.

INTRODUCTION

In the quest for the professionalisation of the intelligence sector, we are bound to recognise that the sector is not a homogenous discipline, but a confederation of thematically directed communities. Broadly, those sectors have been described as military, security, criminal and business (Ratcliffe, 2010). This paper deals with criminal intelligence community and in particular police and law enforcement agencies with an internal criminal intelligence capability.

Specifically this study relates to the integration and normalisation of intelligence professionals into policing and law enforcement organisations with a criminal intelligence capability. A thematic analysis has been conducted on data collected from intelligence professionals, supervisors and managers, educators and trainers; and operations personnel employed within a number of law enforcement agencies within Australia. This data was then thematically grouped with data from an organisational culture survey of an Australian law enforcement agency. A qualitative meta analysis of factors identified in the data sets has produced the following observations. This paper is specifically designed to assist policy makers in their deliberations regarding managing the risks and challenges in the policing and law enforcement sector. This study has also drawn on research into the issues facing forensic science personnel employed within police and law enforcement agencies in Australia and abroad where the profile of the personnel employed is similar to the intelligence professionals identified in this research (Julian, 2009).

If it is conceded that the ultimate goal of the intelligence professional is “the production of reliable information which decision makers hear, believe and act upon” (Kent, 1971) then any structural, organisational, policy or management element which detracts or inhibits from this goal should be very closely examined and alternatives investigated. In this case the lack of a coordinated integration strategy which allows the intelligence profession to identify with the operational personnel and organisational unit is identified as a detractor and challenge to meeting this ‘ultimate goal’.

EXPLORATION

There has been a shift in the profile of personnel engaged in criminal intelligence in police and law enforcement agencies in Australia in the past 15 - 20 years. Generally the activities of collation, analysis and dissemination of intelligence were conducted by sworn or substantive operational members of the police or law enforcement agency as a role conducted on a posting. That is the employee was posted to an intelligence (or similarly titled position with the same broad responsibility) for a period of time and then they would be transferred to another role perhaps in operations or a business support role. What is characterised by this type of human resource strategy is the non dedicated intelligence agency model where the intelligence role could be considered ancillary to the main operational function. An overview of the historical environment includes:

1. Training in this time has been described as inconsistent, relatively poorly distributed and not prioritised organisationally;
2. The personnel were not generally tertiary educated and had little exposure to science based intelligence methods of analysis;
3. The focus of the activity was generally tactical, designed to support the lower end of operations;
4. The position of intelligence officer was anecdotally seen as a resting place for depleted, disillusioned and disabled personnel who were removed from the main operational functions;
5. These positions did not generally work shift work and were not exposed to the rigours and risks of operations.

As a result the reputation and standing of criminal intelligence personnel was generally not distinguished. The efforts of the intelligence personnel were generally resisted by police and in particular detectives/investigators (Ratcliffe & Guidetti, no date).

A significant change occurred within the past decade pre-empted by a number of factors including but not limited to:

1. The political need to lever sworn police personnel back into frontline policing services;
2. The need for the development of more sophisticated planning and management systems for the management of crime and crime response by police services;
3. Rapidly increasing amounts of electronic and communications data;
4. The move to a proactive/disruptive strategy, particularly in organised crime and;
5. The development of a professional intelligence officer pool which presented an opportunity for police and law enforcement agencies to recruit this skill set directly from dedicated intelligence agencies and the military.

As a result police and law enforcement agencies have developed roles, sections and even complete functions within their respective organisations dedicated to criminal intelligence. In filling these new roles intelligence professionals of varying capability and experience have been recruited.

As a discrete sector within law enforcement, intelligence personnel are sometimes described using terms such as operations support, close operational support, corporate support or crime support. (Australian Federal Police 2010, NSW Police Force 2010, Queensland Police, 2010). This has facilitated a view which questions the ability of intelligence professionals to develop and operate with a sense of community. Sarason (1974) described a sense of community as “the perception of similarity to others, acknowledged interdependence with others, a willingness to maintain this interdependence by giving to or doing for others what one expects from them and, and the feeling that one is part of a large dependable and stable structure.” Elements which tend to reinforce the lack of a sense of community include:

1. The delineation of sworn/non sworn roles;
2. Differences in appearance, in particular uniform;
3. A dichotomy of language and jargon;
4. A different perception of value and reliability as a result of the black and white nature of the adversarial criminal justice system and the greyer, inferential environment of criminal intelligence.

There is also a tendency to separate the criminal intelligence professionals from the investigators and patrol contingent of police/law enforcement services in terms of their physical location. Whilst there may be some advantages to this type of deployment of the resources in terms of basic management practice, this type of management system also tends to deplete the sense of inclusiveness and belonging of the intelligence professionals. As a result the level of efficacy and efficiency may be diminished as well as the well being of the intelligence professional.

The way in which intelligence professionals have been employed also presents challenges to the sense of inclusiveness and belonging of these employees. The challenge stems from the recent strategy to ‘purchase’ expertise from outside the organisation and be brought in at salary levels above that of new employee investigators or police officers. As a result the intelligence professional has not had the opportunity to build a strong network nor relationships as part of normal career progression. Another challenge precipitated by this type of employment strategy is the perception that promotion and development opportunities are being denied to sworn or operations personnel. That is because an intelligence professional may be recruited laterally into an agency at an elevated pay level/rank that those members who joined the agency at the recruit level are being denied the chance to progress. This issue of course is easily explained with skill set, experience levels and qualifications comparisons – however the lingering discontent has been identified as an issue. As a result movements of operations members who move into criminal intelligence roles and then move back out into the wider organisation can still harbour and more importantly communicate this type of sentiment.

The investigative strategy of interdisciplinary teams where generalist investigators are teamed with specialist personnel such as forensic scientists, psychologists, financial investigators and intelligence personnel as well as others, has been identified as a successful model by a range of scholars. (Wakefield & Brookman, 2009; Jones et al, 2005.) The collocation of the intelligence professionals during the joint investigative team activity will also serve to ensure that the informal information and knowledge sharing is facilitated without the cumbersome and sometimes inhibitive formal processes. This investigative strategy is designed to alleviate the incomplete operational and strategic alignment of criminal intelligence professionals.

However it should be noted that there is a case for the separation of criminal intelligence professionals from the operational teams at the strategic level. In much the same way that police and law enforcement agencies have developed a clear separation of their command ranks and operational ranks, there is an argument that the work of criminal intelligence professionals operating in the strategic environment should be separated. Limited supporting information is available from the data sets however the general proposition is that there is limited interdependence of the work in the strategic environment. This is an area worthy of further exploration.

The issue of deficiencies and inadequacies of skills and knowledge across the full operational context is an issue which was clearly identified by the study participants. Because the new intelligence professional is not offered specialised law enforcement or criminal justice training there is a lack of understanding of the role played and contribution which is actually made in the process.

Specific issues raised have included;

1. A lack of understanding of the difference between intelligence and evidence;
2. The legal instrument and warrant system;
3. The courts hierarchy in Australia and the legal process of criminal hearings; Authorities and powers in relation to information collection and demands;
4. Court room etiquette and giving of evidence and;
5. The elements of criminal offences.

Clearly this places the intelligence professional at a disadvantage when attempting to undertake collation, analysis and dissemination activities. This also creates difficulties with communications as there is an assumption regarding the knowledge of all the participants in an operational setting. This disadvantage is reciprocal in terms of what contribution an intelligence professional may be able to provide. Reciprocal informal education/training by a heutagogical process for the investigators could be facilitated if the criminal intelligence professional was fully integrated.

There is a perception of an inability to fully contribute and influence due to the reinforcement of bias and stereotype. Because of the separation of the intelligence personnel from operations from the time of recruitment through training and into deployments the tendency is for the existing stereo types and biases to remain even though some very positive and productive interactions may occur. These stereotypes and biases, particularly if they are perpetuated by managers and senior managers, become entrenched in the psyche of the operations personnel and as a result there is reduced opportunity to develop a full understanding of the capability of intelligence to drive operations and also for the full capability contained within data bases, analysis tools and individual expertise to be exploited. Clearly, this is at odds with the current law enforcement strategy of being intelligence led.

The issue of integration whilst maintaining specialist integrity (Davis, 2003) (aligned with professional ethics) is one of the key criticisms of bringing professionals ‘into’ law enforcement agencies. The inherent risk of influencing the arguably objective process of intelligence processes by the strong political influences, internal culture of the operations personnel and the risks of group think/target focus which are identified within policing and law enforcement. There is also the risk of being tasked by supervisors and managers with roles which are more aligned to operations rather than intelligence particularly in times of shrinking resources and critical time lines. This problem can also be exasperated by

a lack of commitment or trust of the supervisor or manager to the integration process and also by a simple lack of knowledge of the capability and operational ‘horsepower’ of the intelligence professional.

There is another challenge which presents itself with full integration and the maintenance of specialist integrity and that the opportunity for the intelligence analyst to seek ‘influence’ ahead of ‘credibility (Davis, 2003). This challenge presents an ongoing risk that if either aspiration is lost then the value of the intelligence professional is significantly diminished and would reinforce some of the negative stereotypes and biases perpetuated against the intelligence function.

CONCLUSION

Because criminal intelligence is at a crossroads (Ratcliffe, 2004), the integration of the intelligence professional will allow the operations staff and policy makers to have more direct exposure to the capability and value of the contribution and develop a better understanding of the utilisation of the products produced/better direction in the production of criminal intelligence products.

The development of a specialised education and training programme which is facilitated either in house in a police or law enforcement agency or by the tertiary sector should become either a pre-requisite for employment (if provided to non sworn personnel by an external provider) or at least a mandatory programme to be completed as part of the respective induction programme into the Criminal Intelligence section. This programme should include the basic elements of criminal justice in Australia with a significant emphasis on criminal investigative practice, criminal law and offences overview, briefs of evidence and statement development, rules of evidence, court room protocol and procedure, intelligence as evidence case studies in law enforcement.

One model of providing this education and training internally is based in the modular training framework. The intelligence professional/s could be included as part of a police recruit or new employee programme where they could participate in the relevant elements of law enforcement training as part of a school/class/squad. This would assist with the inculcation of sense of team and esprit de corps identified as being unique to police recruits, facilitate also the opportunity for the identification and harnessing of the cultural aspects of law enforcement work and also providing the foundation for the development of a network of operational colleagues which is crucial for ensuring cooperation and assistance.

Another consideration may be the appointment of intelligence professionals as special members/constables who are required to give a sworn undertaking to perform their duties in accordance with the organisational imperatives and in due diligence to the sovereign. Whilst certain risks must be managed in undertaking such a policy such as clearly identifying the authorities, powers and boundaries of the exercise of any such authorities. There is also the opportunity to clearly define the opportunities which may be presented, particularly in the collection area of intelligence. This type of model is particularly popular in the United States where support functions as regularly ‘sworn in’ with restricted authorities and a restricted remit of operations, however they are clearly identifiable as being part of the greater operational resource. (FBI, 2010; SAPD, 2010; TPD, 2010).

Again this is a pathway to integrating the intelligence professional into the full operational context of the organisation, inculcating a sense of community which could be harnessed in actually operationalising the ‘intelligence led’ mantra.

The adoption of this type of integration policy will also facilitate a sharing of responsibility by intelligence and investigations personnel for new initiatives to overcome pressing and common problems and also the preparedness to initiate new tools or techniques (Rijken, 2006). This approach also allows the joint team decision making to be informed from the bottom up.

The development of a strategic level model which not only lists ‘intelligence led’ as a key strategy but also a vision of what success in intelligence led activity would look like. This will allow the development of operational and tactical implementation plans to be developed and illustrate the role and functions of the integrated intelligence professional. This type of policy development would then predicate an intelligence led structure which does not necessarily insinuate that the hierarchical command structure would be dominated by intelligence professionals in the literal sense, but where the key matters for consideration by that command structure should revolve around intelligence inputs and outputs.

The continued separation of intelligence professionals perpetuates some of the risks and challenges which have been identified in various reports and scholarly articles (Behm, 2007). Whilst this is not a new issue, this latest data brings together a number of the issues which have been independently identified. The full integration of criminal intelligence professionals into the ‘main stream’ of policing and law enforcement agencies is a key outcome for agencies to meet their identified strategic objectives and in particular the strategy of being intelligence led. Whilst this study identifies

some of the cultural difficulties associated with this type of policy shift it is argued that this is minor compared to some of the past challenges such as fully integrating women into policing, increasing education standards for recruits and reformation of the criminal investigative function.

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