The Intelligence Function

Issues in Crime and Justice

CJ 4610 – PA 5315

Professor James J. Drylie

Week 4
Understanding Intelligence

- In the purest sense, intelligence is the product of an analytic process.
- Intelligence evaluates information that is collected from diverse sources.
- Integrates the relevant information into a cohesive package.
- Produces a conclusion or estimate about a criminal phenomenon by using scientific approach to problem solving.

Intelligence becomes a synergistic product intended to provide meaningful and trustworthy direction to decision makers about:

- Criminal activity
- Extremists
- Terrorists
- Risk
The Purpose of Intelligence

- **Prevention**
  - Gaining or developing information related to threats, crime, and risk to
    - Arrest offenders
    - Harden targets
      - Similarly assess vulnerability
    - Mitigate threat
Planning & Resource Allocation

- Intelligence provides information to decision makers about
  - The changing nature of threats
  - Characteristics and methodologies of threats
  - Emerging threats

- This information assists decision makers in
  - Developing response strategies
  - Reallocation of resources

- This process is known as strategic intelligence
Information

- Information precedes intelligence
  - Information is defined as pieces of raw, unanalyzed data that identifies
    - Persons
    - Evidence
    - Events
    - Processes
      - Criminal event or activity
      - Witnesses
    - Information is the currency that produces intelligence
What does all of this mean? What does it tell you?
## Comparing INFO & INTEL

<table>
<thead>
<tr>
<th>INFO</th>
<th>INTEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal history</td>
<td>Analytical report</td>
</tr>
<tr>
<td>Driving records</td>
<td>drawing conclusions</td>
</tr>
<tr>
<td>Offense reports</td>
<td></td>
</tr>
<tr>
<td>Witness, informant, suspect</td>
<td>Analysis of crime, terrorist trends</td>
</tr>
<tr>
<td>statements</td>
<td></td>
</tr>
<tr>
<td>License info</td>
<td>Forecast of potential victimization</td>
</tr>
<tr>
<td>Financial, business records</td>
<td></td>
</tr>
<tr>
<td>Travel itinerary</td>
<td>Estimating income from a criminal enterprise</td>
</tr>
</tbody>
</table>
How is Intelligence Defined?

- How intelligence is defined helps to understand how research and commentary on the subject develops.
- Kent characterizes intelligence in three separate and distinct ways:
  - Knowledge
  - The organization that produces the intelligence
  - The activities of that organization
Defining Intelligence

- The combination of credible information with quality analysis—information that has been evaluated and from which conclusions can be drawn (COPS)
- Collection and analysis of information to produce an end product designed to inform decision makers at both the tactical and strategic levels (Office of Justice Programs)
Deriving meaning from facts. Taking information collected in the course of an investigation, from external or internal files, and arriving at something more than what was evident before (IALEIA).

The product of adding value to information and data through analysis (DHS).
Common Thread

Analysis must be performed on information before it is classified as intelligence.
National Security Intelligence

- The collection and analysis of information concerned with the relationship and homeostasis of the United States with foreign powers, organizations, and persons with regard to political and economic factors and the maintenance of the US sovereign principles.
• NSI embodies both policy and military intelligence
  
  • Policy intelligence is concerned with threatening actions and activities hostile to the US
  • Military intelligence focuses on hostile entities, weapons, warfare capabilities, and order of battle

• SLTLE agencies have no direct jurisdiction as it relates to NSI
  
  • STLTE agencies may encounter NSI in collecting information to support NSI
LE and NSI

- Joint Terrorism Task Force - JTTF
- Organized Crime Drug Enforcement Task Force – OCDETF
  - Personnel assigned typically have security classifications
    - Top Secret
    - Secret
The Slippery Slope

- Intelligence does not necessarily equate to evidence
- *The Fruits of the Poisonous Tree Doctrine* – evidence collected that is subject to the Exclusionary Rule cannot be used in US courts
- SLTLE agencies/personnel are subject to civil liability
  - 42 USC 1983 – Civil Action for the Deprivation of Civil Rights
The Study of Intelligence

- Intelligence and security issues are very prominent in Western political discourse and in the wider public consciousness.
- Public expectations of intelligence has never been greater.
- Demands for disclosure of information has maintained this pace.
In the past, the role of intelligence has been the terrain of political scientists.

Today, historians are taking a much more active role.

A by-product has been a better understanding of the role of intelligence in policy making.

Academic interests in intelligence are sure to continue considering the current state of world affairs.
Intelligence: Theory & Practice

- The theory of the intelligence function follows the principle that information that is produced by intelligence analysis is objective and decisions based on the intelligence are grounded in objectivity.
  - What happens when the theory is subverted and the intelligence by-product is interpreted subjectively?
Academic Interests

- The rapid growth of the intelligence function has seen an equally rapid growth in academic inquiry.
- This has been accelerated by
  - The end of the Cold War
  - Changing attitudes about official secrecy
  - And the work of intelligence services
  - 9/11
  - The war in Iraq
  - Newly released documents
The Study of Intelligence: How & Why?

- Begin with a definition
  - SLTLE
  - NSI

- Another way to define intelligence is that it is
  - Knowledge
  - What type of organization produces it
  - What activities are pursued by the organization producing the intelligence
Intelligence may be viewed as a tool of foreign and defense policy.

Others see it as having a role in domestic security.

Still others see it as a mechanism of state oppression.
Intelligence as Power

- Intelligence is not a form of power
- It is a means to guide its use
  - Force multiplier
  - Understanding the environment
  - How to apply force or leverage
  - Against whom

Intelligence becomes the judgment of political leaders and their grasp of the value and limitations of its use (Ferris, 2003).
Intelligence assessments are often drafted based on a combination of *open* and *secret* sources of information.

- Open source information is often drawn from material acquired and processed by other agencies, the media, and non-governmental work.
- These areas are not defined as intelligence activity.
- The essence of intelligence lies at the level of analysis and assessment.
Covert Action – CA

- The subject of CA as an element of intelligence has not received serious academic attention (Anderson, 1999).
- The study of CA within international relations is in need of deeper study.
- Considering CA as intelligence work helps understand intelligence as a tool for the execution of policy as well as a tool to inform policy.
Three different approaches

1. Historians seek to explain the relationship between organizational structure and policy making.

   - Close attention is paid to:
     - The process of intelligence collection,
     - The nature of sources, and
     - The precise use of it within the chain of decision
2. Political scientists seek to establish models that explain success and failure

- Focuses almost exclusively on the levels of analysis and decision.
- The effective use of intelligence in the policy process is considered very important.
- The politicilazation of the process is of considerable concern.
3. The function of intelligence as a means of state control

- The role ideology and state power in political, social, and cultural life is the primary focus.
Intelligence & Ethics

- Studies of US covert action have contributed to bringing studies of intelligence and ethics together.
- ‘No ethics in the world can get round the fact that the achievement of “good” ends in in many cases tied to the necessity of employing morally suspect or at least morally dangerous means’ (Max Weber)
- Ethics are not just at the highest level of policy.
- How the service and officers view their responsibilities is a critical question.
- To what end are sources protected?
  - Can written and unwritten rules in the service serve as a mechanism for studying ethical constraints?
The role of popular culture has often played an important role in shaping both official and public attitudes towards intelligence.

- The Dreyfuss Affair
Scrutinizing the Relationship

The objective/subjective strain was evident after the US led coalition invaded Iraq

- President Bush and Prime Minister Blair are accused of purposely distorting intelligence to justify war
- What are the ethical concerns of these allegations?
A Policy Tool

- Many observers tend to understand intelligence as a tool of foreign and defense policy making
- Others focus on the role of domestic security
- Still others see it as a mechanism of state oppression