The role of strategic intelligence in anticipating transnational organised crime: A literary review

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Abstract

Transnational Organised Crime (TOC) has become a focal point for a range of private and public stakeholders. While not a new phenomenon, the rapid expansion of TOC activities and interests, its increasingly complex structures and ability to maximise opportunity by employing new technologies at a rate impossible for law enforcement to match complicates law enforcement’s ability to develop strategies to detect, disrupt, prevent and investigate them. In an age where the role of police has morphed from simplistic response and enforcement activities to one of managing human security risk, it is argued that intelligence can be used to reduce the impact of strategic surprise from evolving criminal threats and environmental change. This review specifically focuses on research that has implications for strategic intelligence and strategy setting in a TOC context. The review findings suggest that current law enforcement intelligence literature focuses narrowly on the management concept of intelligence-led policing in a tactical, operational setting. As such the review identifies central issues surrounding strategic intelligence and highlights key questions that future research agendas must address to improve strategic intelligence outcomes, particularly in the fight against TOC.

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1. Introduction

Over the last twenty years sovereign states, international bodies and non-government organisations alike have increasingly described TOC as a threat to national security and

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regional stability (Woodiwiss, 2007). While not a new phenomenon, what is new is the rapid expansion of TOC activities and interests, and the increase in the complexity of TOC structures (Hill, 2005).

In contrast to more recent media reporting, the problem of TOC has been on the political, professional and academic agenda well before the terrorist attacks of 9/11 (Felsen and Kalaitzidis, 2005) which further highlighted the complex decision making context that governments face in responding to rapidly evolving non-state threats such as TOC and the important role of strategic intelligence.

For almost ten years the concept of intelligence, and its inherent value in improving law enforcement performance, has dominated academic discourse on police management methodologies (Ratcliffe, 2008a, 2008b). Whilst law enforcement management has been preoccupied with managing the day-to-day conduct of tactical law enforcement activities their operating environment has drastically changed. Furthermore the public’s performance expectations for law enforcement have evolved to a point where they expect police organisations to make objective decisions on strategy development and be accountable for such decisions (Verfaillie and Beken, 2008).

The application of strategic intelligence in law enforcement has been viewed by some as the means by which decision making on strategy setting and policy, using incomplete or complex data sets, can be made more objective (Ratcliffe, 2008a, 2008b). In this situation intelligence is used to make ‘sense’ of a dearth of information. This becomes increasingly important in an age where the role of police has morphed from simplistic response and enforcement activity to one of managing human security risk. In this evolving paradigm shift it is argued that intelligence can be used to reduce the impact of strategic surprise from evolving criminal threats and environmental change (Sheptycki, 2009).

Intelligence has been a field of academic study for over fifty years and now plays a central role in decision making in both the private and public sector (Kahn, 2009). The very public critiques of the 9/11 and Weapons of Mass Destruction assessments in Iraq indicate that the intelligence profession is no longer free from public scrutiny and academic critique (Davis, 2003a). This review specifically focuses on discussion of research and studies that have implications for strategic intelligence and strategy setting in a TOC context. In doing so it contributes to the field by identifying the central issues surrounding strategic intelligence and highlights clear research gaps that should be addressed by future research agendas in order to improve strategic intelligence outcomes in anticipating TOC.

The majority of the material included in this literature review has been undertaken using qualitative research methodologies. In the qualitative tradition it is appropriate for the researcher to declare any pre-existing biases; the author has three specific biases:

- That law enforcement and private sector intelligence studies are not a subset of national security intelligence rather military, national security, law enforcement and private sector intelligence are of the same genus and could be theoretically positioned as different families in an intelligence studies field.
- That although intelligence professionals work with information and knowledge their primary focus is not in collation of raw data as a product, in and of itself, but rather the generation of analytical context and prediction.
- That policing in liberal democracies is a networked activity in which LEAs play a central coordinating role especially with respect to responding to TOC.
2. Intelligence studies

Academic studies of intelligence in law enforcement, like business intelligence, have developed separately from the field of intelligence studies despite the possibility to develop overarching theories. Since its early days intelligence studies have focused on theory development and the promotion of discourse on the fields of national security and military intelligence (Kahn, 2009). As a result of this narrow historical focus, intelligence studies have been underpinned by the international relations paradigm (Liaropoulous, 2006). The study of intelligence has resultantly been firmly placed as an adjunct to international relations research (Kahn, 2009). The axiomatic focus on international relations appears to have prevented intelligence studies from adopting an academic genus which incorporates national security, military, law enforcement and business intelligence (Hoogenboom, 2006).

While a relatively young field of study, intelligence studies have a much longer history than law enforcement intelligence (Kahn, 2009). To date the research and its theoretical arguments have yet to be fully incorporated or at the very least compared and contrasted with law enforcement intelligence in any meaningful sense (Sheptycki, 2009). The increased militarisation and securitisation of law enforcement, as well as its increasingly transnational focus, support the consideration of intelligence studies when studying law enforcement intelligence (Best, 2010).

The epistemological basis for intelligence studies has been dominated by a singular axiomatic paradigm which Sheptycki terms the ‘national security paradigm’ (2009, pp. 166—168). The paradigm is complex but in essence emphasises a focus on conflict and the use of power including military action. This conceptual construct now appears to be at an impasse where arguments about security in the post-cold war era remain focussed on international relations’ distinctions of realist and idealist positions which consider the world dominated by sovereign states (Fore, 2008; Liaropoulous, 2006). Sheptycki argues that law enforcement intelligence provides an alternative axiomatic paradigm—human security (2009).

The human security paradigm argues that intelligence has alternatives to the application of power and military action (Lawson, 2003). This alternative could become increasingly important as non-state and networked threats to national security become increasingly the norm rather than outlier issues (Turbiville, 2005; Cavelty and Mauer, 2009).

For almost fifty years significant effort in intelligence studies has focused on developing a universal definition of intelligence and a subsequent all-encompassing theory of intelligence (Kahn, 2009). To date no universal definition or theory has been developed, instead remaining a contentious and widely debated topic (Gill, 2009). The academic discourse and theoretical positions of its various schools has important impacts on definitional work on intelligence in law enforcement—especially given the rapid changes in law enforcement’s operating context.

2.1. Definitional debate

One of the most divisive areas of the intelligence studies’ definitional debate involves the inclusion of covert action and collection activities within a working definition (Johnson, 2009). Adopting an American military model of intelligence, one school of thought argues that intelligence can be ‘anything from any source’ that aids decision making (Warner, 2009 pp. 16—17, Treverton, 2002). The opposing school of thought argues that intelligence is a secret activity (Matey, 2005; Shulsky and Schmitt, 1993; Lowenthal, 2003). The secrecy perspective has gained wide acceptance as illustrated by the Australian Intelligence Community specifically
describing intelligence as ‘covertly obtained information’ (ONA, 2006, p. 3). However, the secrecy argument is undermined by intelligence’s increasing use of open source intelligence (OSI) (Matey, 2005; Liaropoulous, 2006; Dupont, 2003). Dupont (2003) supports this argument by reporting that within the American Intelligence Community between 70–80 percent of the data held by intelligence agencies is unclassified OSI. But more importantly the secrecy position fails to acknowledge that intelligence collection is a single stage in the intelligence cycle (Hulnick, 2002). There can be little doubt that the right covert intelligence can be integral to good intelligence products—but without assessment it is covertly collected information for which little context is available and subject to deception.

At this juncture it is important to recognise how the development of intelligence agencies in western liberal democracies has impacted upon the development of intelligence definitions and theory (Liaropoulous, 2006). Within the major western liberal democracies, intelligence agencies have been divided by collection methodologies and function (Hastedt and Skelly, 2009). The very concept of intelligence communities is deceptive as they are more akin to individual stove piped components that have been progressively drawn under umbrella management in response to intelligence failure (Omand, 2010). The origins of the ‘intelligence community’ concept can be found in America’s response to intelligence failure following the Japanese attack on Pearl Harbour (Johnson, 2009). This failure led the then American President to develop a ‘bolt on’ solution to the problem of intelligence stove piping by creating a central intelligence agency to coordinate intelligence activity (Johnson, 2009). The development of an intelligence definition and theory based on ‘intelligence communities’ is thus impacted by the development of a structure that has more to do with political responses than optimum outcomes (Omand, 2010).

A secondary polarising debate relates to the potential inclusion of covert intelligence action in any definition or theory (Johnson, 2009). At one end of this continuum intelligence is argued to be both a decision support mechanism and a policy execution tool (Johnson, 2009). The opposing argument views intelligence solely as a decision support mechanism (Liaropoulous, 2006). Law enforcement’s increasing use of undercover operations as both an intelligence and evidentiary activity make this debate increasingly relevant.

The selection of research methodologies for the study of intelligence has been dominated by a small number of specific schools of thought (Johnson, 2009). It has been suggested that until the end of the cold war intelligence studies were divided between two schools of thought (Farson, 1989). The American tradition focussed on studies which examined the conceptual and organisational issues of national security intelligence (Matey, 2005). The studies themselves were limited by a range of issues including the absence of publicly available information. The much more open approach to intelligence and intelligence failures evident in the 21st century enriches this approach. In comparison the European school focussed on historical studies (Johnson, 2009). This approach has, for the most part, used case studies from World War II in its research. Both schools are deeply rooted in exploring intelligence in the past rather than present tense—often ignoring the rapid changes which have occurred to the nature and scope of intelligence work.

2.2. Intelligence failure and strategic surprise

Post-cold war intelligence studies have seen the arrival of two new schools of thought: intelligence failure and strategic surprise (Cavelty and Mauer, 2009; Davis, 2003a; Matey, 2005). Since the 9/11 attacks a plethora of academic studies of intelligence failure have
been undertaken (Cavelty and Mauer, 2009; Davis, 2003a; Matey, 2005). These studies have been further supported by the declassification of a range of primary research material relating to the cold war (Laqueur, 2009). In each case the findings appear to be similar in that they focus on the issues of intelligence silos, lack of imagination, poor contextual understanding and the over use of dated, historically-based pattern analysis (Cavelty and Mauer, 2009; Laqueur, 2009). Analysis and research of past events more often than not fails to declare the bias that hindsight creates for researchers (Holland, 2007). For law enforcement, the study of intelligence failures is much more difficult given the limited available information. In the Australian context many of the most public intelligence failures of law enforcement appear to relate to investigations rather than complex strategic issues (Dean and Gottschalk, 2007).

Intersecting with the increased examination of intelligence failure is ‘strategic surprise’ (Davis, 2003a). Rather than examining events as failures this school explores the causes and impacts of strategic surprise. Through this approach the issue of client relationships and communication are included in the scope of study (Wirtz, 2009; Laqueur, 2009). This body of research focuses on developing the capacity of intelligence to anticipate future risks and threats in a generic sense rather than in a precise and predictive manner (Davis, 2003a). The aim of the anticipative approach is to assist decision and policy makers to prepare strategies for risk mitigation and preparedness (Davis, 2003a). It is argued that the objective of this type of intelligence support deals with minimising the damage of potential threats in an environment where specific predictions are limited due to environmental complexity (Davis, 2003a, 2002). It is important to note that it has been argued that an anticipatory approach is not an exercise in worst case scenario analysis rather one that deals with achieving a balance between evidence and prediction (Davis, 2003a). This approach has significant benefits for law enforcement intelligence given the challenges of predicting specific criminal events (Solberg, 2008). The anticipatory approach would allow law enforcement intelligence to generate products that reduce strategic surprise by supporting decision makers to prepare future capabilities and strategy development.

Intelligence failures and strategic surprise research highlights problems associated with the relationships and communication between intelligence and policy staff as well as decision makers (Davis, 2003b). With the plethora of raw data, academic papers and OSI available, decision makers and policy staff are increasingly undertaking their own research and analyses often in a biased manner, preferring research that supports their own preconceived ideas (Davis, 2003b). In essence the client also becomes a competitor who is only further supported in their approach when intelligence fails to deliver innovative and convincing products. Davis (2007) specifically argues that intelligence professionals are experiencing increasing pressure to provide tailored reports that are consistent with a client’s analysis and preconceived ideas.

Some analysis of intelligence failures, such as 9/11, discuss the relationship between decision makers and intelligence being too distant (Davis, 2003b), whilst in the context of Iraq’s Weapons of Mass Destruction the opposite has been raised (Omand, 2010). It appears that the issue is a paradox where the closer the relationship between policy and intelligence the greater likelihood of clear communication and better support—as this relationship gets closer there are forces that promote intelligence policy product harmonisation (Davis, 2003b).

Johnson (2009) provides a body of literature with a particularly innovative approach to developing a strategic intelligence theory. This approach involves developing a range of propositions through the exploration of strategic intelligence with a particular focus on historical analysis using the intelligence cycle as an organising framework. The approach uses the development of propositions and the identification of paradoxes to set the scope of the
theoretical framework that an intelligence theory must encompass to be successful. While it could be argued that the historical approach may not sufficiently deal with the current changing security context of threats, the approach successfully explores the possible issues that a theory must encompass, forwarding the discourse on intelligence theory by focusing on the outputs of the intelligence process.

Intelligence studies offer a variety of insights and considerations for the study of law enforcement intelligence. In adopting this position it is important not to place national security intelligence in an idealistic position during the exploratory process. Intelligence studies afford the law enforcement intelligence researcher a view of a range of lessons learnt relating to intelligence decision maker relationships and the impact of structural organisational issues. Just as importantly, the reviewed literature highlights the potential for law enforcement intelligence to add to the body of knowledge of national security intelligence with respect to an alternative axiomatic paradigm to the international relations perspective.

The complexity of the evolving national security operating context will likely impact upon law enforcement intelligence especially as law enforcement becomes increasingly transnational in nature. By default, law enforcement could see a slow evolution where it is further ensconced in securitisation and international relations. Law enforcement’s relatively late adoption of intelligence affords it the benefit, at least at the theoretical level, of avoiding many of intelligence studies’ dominant theoretical dissonance. This observation is particularly relevant with respect to issues relating to intelligence collection and covert action.

3. Historical background of intelligence in law enforcement

A review of early literature relating to intelligence-led policing (ILP) can easily lead to a belief that intelligence is a relatively new concept in law enforcement (Christopher, 2004; Grieve, 2004; Ratcliffe, 2008a). In contrast to the assumptions of Ratcliffe’s (2002, 2003, 2004a, 2004b) early work policing has always been intrinsically linked with information collection and analysis (Chen et al., 2002; Walsh, 2001). Intelligence as an organisational capability has been operating in many law enforcement agencies (LEAs) in America, Canada, the United Kingdom (UK) and Australia well before the evolution of ILP methodologies (Moore and Stephens, 1991; Peak and Glensor, 1999; Goldstein, 1990; Kelling and Coles, 1996; Sheptycki, 2009; Walsh, 2001). The need for intelligence—information that has been analysed to provide context—has been identified as a core component of most policing methodologies that have evolved over the last twenty years (Ratcliffe, 2008a).

Ratcliffe’s work has played an important role in generating increasing interest, in academia and law enforcement, in the role and coordination of intelligence. An analysis of the literature relating to intelligence in law enforcement identifies three key phases in its development. Initial research in ILP focussed on identifying the benefits of intelligence in tactical environs (Ratcliffe, 2002, 2003, 2004a, 2004b). In part, this phase focussed on studying the application of intelligence ‘tools’ to solve analytical problems such as human source information collection, geographical information systems and link analysis (Maguire and Tim, 1995). Much of the earlier work of this period focussed on identifying the tactical benefits of ILP using street policing case studies (Moore and Stephens, 1991; Peak and Glensor, 1999; Goldstein, 1990; Kelling and Coles, 1996; Walsh, 2001; Ratcliffe, 2002, 2003, 2004a, 2004b).

Maguire (1999) argues that the dynamic change from traditional law enforcement activity to an intelligence-led proactive approach was made possible by a major paradigm shift in social control associated with a move towards risk management. Beyond this paradigm shift was an
emergence of a pattern of police performance and operating context where crime in the 1980s was rapidly increasing whilst detection was rapidly declining (Ball, 2007). The very nature of law enforcement’s operating environment was changing while law enforcement was being called to account for its expenditures (Deukmedjian and Lint, 2007). Intelligence formed a perfect relationship with LEAs which were attempting to move their organisations from response work to managing risks and targets (Weisburd and Eck, 2004).

The second phase in research development involved efforts by researchers to describe intelligence as a new, or on occasion a hybrid, police management methodology (Ratcliffe, 2008a; Ratcliffe and Guidetti, 2007; Guidetti, 2006; Wardlaw and Boughton, 2006). A number of researchers, the most prolific of which is Ratcliffe, argued for shifting the focus of intelligence capabilities in law enforcement from decision supporting to decision making (Ratcliffe, 2008b). Ratcliffe’s (2008a) later works can be used to track a change in approach to intelligence in law enforcement from an organisational capability to a decision/strategy setting methodology. These later works have been the foundation stone for numerous practical changes in law enforcement intelligence capabilities in Canada, America, the UK and to some extent Australia (Ratcliffe, 2008a).

Ratcliffe (2008a) developed his Three I model to argue that the rightful outcome of any intelligence process was action or decision. Ratcliffe (2008; pp. 109–112 and 2009; pp. 8–10) uses his 3i model as a conceptual model of the role of intelligence and decision makers in intelligence-led policing. The model consists of three nodes; ‘Criminal Environment’, ‘Criminal Intelligence Analysis’ and ‘Decision-maker’. Each node is connected through a single directional flow indicator. The model calls for ‘Criminal Intelligence Analysis’ to actively ‘interpret’ the criminal environment. In this model, ‘active’ translates to intelligence staff trying to overcome the limits of the push systems that rely on police to report information either proactively or in response to requests for information.

The ‘Criminal Intelligence Analysis’ node is linked to the ‘Decision-maker’ with the purpose of the relationship being that intelligence ‘influences’ the decision outcome. The ‘Decision-maker’ node in this model is not organisationally defined rather it is defined as the right decision-maker who can use the intelligence to impact on the criminal environment. In this conceptual model the intelligence analyst is responsible for defining and identifying the right decision maker. The aim of such an approach is to directly integrate intelligence in policy development. Arguably this model calls for the elevation of intelligence influence to be a significant part of the decision making process.

The ‘Decision-maker’ node is subsequently linked to the ‘Criminal Environment’ node. Rather than defining this link in the context of traditional law enforcement outcomes, such as arrests or seizures, the connection is more broadly defined as an ‘Impact’ upon the criminal environment. With this conceptual model Ratcliffe seeks to extend the traditional intelligence cycle to include, and end with, the achievement of an impact on the criminal environment, rather than the dissemination of the product. The overall aim of the model is based on achievement of harm reduction. What the model does not provide is an indication of how, or even if, direction from the decision maker will initially influence the prioritisation of the interpretation of the criminal environment.

This approach appears to be in sharp contrast to contemporary intelligence studies’ principles identified by academia. Kahn (2009) proposes that intelligence influence is indirect as ultimately intelligence is not a primary decision maker—intelligence essentially being a force multiplier and facilitator of decisions in law enforcement with operational police ultimately making the decisions encompassing a range of issues that extend beyond the bailiwick of intelligence.
The post-9/11 period has seen the amalgamation of law enforcement and national security in western liberal democracies which has encouraged law enforcement’s rapid acceptance of ILP (Carter and Carter, 2009; Deukmedjian and Lint, 2007). The rapid adoption of counter terrorism measures and the initial ground swell of security concerns encouraged law enforcement to adopt ILP concepts as a means of proving their commitment to domestic security (McGarrell et al., 2007). The adoption of the terminology of ILP and expansion of law enforcement intelligence occurred despite the distinct absence of law enforcement intelligence definitions and theories (Carter and Carter, 2009; McGarrell et al., 2007). Best (2010) argues that this post-9/11 period resulted in the securitisation and militarisation of law enforcement in the west—ultimately greying the line that once separated national security and law enforcement. These changes occurred despite the absence of any evidence that a national security-focussed law enforcement response would be more effective than existing arrangements.

Phase three of intelligence development has seen intelligence linking with management concepts and fields such as knowledge management (Ratcliffe, 2008c; Fasihuddin and Dean, 2009; Gottschalk, 2008). Dean and Gottschalk (2007) strongly argue that intelligence—as a process, capability and output—is a subset of the knowledge management process. Although others have contributed to this discourse, their work often considers the issue from a technical perspective by overly focussing on IT solutions (Dean and Gottschalk, 2007). In making this link, many researchers ignore the inductive nature of intelligence processes and outcomes by relegating intelligence to a collation or information management methodology. Furthermore, literature often appears unable to differentiate between police processes, knowledge management processes and intelligence processes (Fasihuddin and Dean, 2009).

4. Strategic intelligence in law enforcement

While intelligence studies have continued to explore its axiomatic international relations paradigm, law enforcement intelligence research has for the most part ignored the human security paradigm (Sheptycki, 2009). Law enforcement intelligence research and discourse appears to have fixed upon debating definitions—at the cost of further epistemological exploration of the human security paradigm.

4.1. Intelligence alignment

Within the law enforcement context there appear to be two main schools of thought on intelligence alignment. Alignment in this case refers to the framework that guides the relationship between intelligence products or outcomes and the decision maker. Ratcliffe’s (2008b, 2008c) more recent work highlights the need for intelligence in law enforcement to transgress the theoretical limits set out for this relationship in national security and military intelligence. Ratcliffe argues that the intelligence analytical process can be used as a decision making and strategy setting methodology in its own right (2008a, 2008b, 2008c).

In ILP, Ratcliffe (2008a, 2008b, 2008c) advocates an alternate intelligence model for law enforcement whereby its end state focusses on action or the placement of intelligence processes as a defacto law enforcement decision making model. Ratcliffe’s work places the analytical process as the most significant input into decision making but in doing so ignores a range of other influencing factors. These findings have been supported by a number of researchers who have conducted case studies and historical analysis (Kirby and McPherson, 2004; Howlett, 2009).
Ratcliffe’s focus on developing intelligence as a management model appears to be predicated on law enforcement’s recent adoption of strategic decision making (Ratcliffe and Guidetti, 2007). Prior to the 1990s law enforcement in the west was firmly focussed on response policing. As such intelligence was used to support investigators in achieving successful prosecutions. With the evolution of supposedly proactive and strategic law enforcement approaches executive decision makers find themselves with limited organisational knowledge and experience in strategy setting (Deukmedjian and Lint, 2007). In adopting this approach Ratcliffe takes an idealistic position which focuses on the way things should be in law enforcement but in doing so ignores many of the practicalities of the systems and cultures already in place. This is evidenced by Ratcliffe’s (2008a, 2008b, 2008c) examination of the tensions between police and intelligence staff which focuses primarily on police understanding intelligence but not the reverse.

Although not directly stated, Ratcliffe’s (2008a, 2008b, 2008c) work fails to identify any linkage with the fields of law enforcement policy and strategy development. Dean and Gottschalk (2007) highlight the dangers of approaches to information which fail to identify and deal with intersecting tension spaces, providing a number of operational decision case studies that have been made without reference to the holistic picture which lead to beneficial tactical and operational outcomes but organisational disasters.

Ratcliffe’s conceptual construction of ILP has been predicated on proactive policing targeting repeat offenders and volume crime using a variety of pattern analysis tools (2008a, 2008b, 2008c). In doing so this work places an imbalanced weight on enforcement rather than engaging with crime prevention. Verfaillie and Beken (2008) use historical analysis and scenario studies to highlight that alignment between intelligence and other stakeholders can be achieved through the application of scenario generation tools in analysis. They argue that the alignment and integration of decision support inputs can result in more beneficial strategic, operational and tactical outcomes for law enforcement.

Viaene et al. (2009) take these observations even further by arguing that intelligence must be aligned with the whole business rather than decision makers. Their research argues that intelligence must continuously interact with stakeholders to ensure that its outputs are timely and accurate. These researchers highlight the point that intelligence alignment must involve connections that extend beyond traditional operational police, intelligence and command inputs. Dupont and Broduer (2006) take this a step further by declaring that contemporary law enforcement is a networked activity involving a range of stakeholders across the private and public sector. In this theory, law enforcement intelligence is a major coordinating node in developing information sharing networks that jointly manage human security risk.

Pitts’s (2008) crime gangs case study highlights the benefits of holistic responses that are planned at a strategic level and strategies that are generated using networked approaches to collect and analyse information, as well as setting and implementing strategies. A number of researchers have highlighted the importance of a networked law enforcement intelligence capability that engages with a range of stakeholders in developing intelligence products and police strategies (Best, 2010; Carter and Carter, 2009; Dupont, 2003; Gill, 2006; Hoogenboom, 2006). Ratcliffe’s (2005) definitional work on ILP places a singular focus on recidivist offenders through covert collection means. This approach ignores the aim of intelligence, which is to assist decision makers in developing an overall strategy for LEAs (Kirby and McPherson, 2004).

One particular school of thought on intelligence alignment in law enforcement has sought to establish links between intelligence processes and knowledge management theory. The
consistency of the findings of this research has varied considerably. Dean and Gottschalk (2007) and Collier (2006) have sought to link intelligence with the non-technical knowledge management solutions. In comparison Kirby and McPherson (2004) and Howlett (2009), have sought to restrict the intelligence process to an information collation service that provides such outcomes as consistency, ownership and accountability.

4.2. Definitional issues

A review of the literature indicates that there is a great deal of confusion over the difference between intelligence products, analytical tools, police operational reporting and knowledge products. The most systemic problem involves the description of analytical tools as intelligence products and analysis (Ratcliffe, 2008a, 2008b, 2008c). The mapping of crime on a geospatial mapping system can be argued to be an analytical, knowledge management or investigative tool. If the intelligence cycle is used as a model of the intelligence process these types of analytical tools involve collation but little to no analysis. Cope (2004) argues that crime analysis, link analysis diagrams and geospatial mapping are a form of information presentation rather than intelligence or analysis. It is important to note that analytical tools and support products—such as geographic crime maps—can have utility for law enforcement but they encourage subsequent analysis by police and policy officers rather than analysts (Cope, 2004). The confusion over what intelligence is, and is not, complicates and undermines the arguments for ILP. This confusion can be of little surprise given the rapid adoption of ILP without sufficient universal definitions and theories.

Ball (2007) attributes the cause of law enforcement intelligence definitional issues to the English, Australian and Canadian blending of crime and intelligence analysis. Within American LEAs the roles of crime analysis has remained separate from intelligence analysis. Ball (2007) differentiates the two using a time focussed paradigm positing that crime analysis deals with the past and intelligence is focussed on future threats and risks. This theory argues that intelligence, like police, are clients of crime analysis. Crime analysis can be used to generate intelligence when it is collated and analysed in the context of other OSI (Cope, 2004).

Much of the contemporary literature relating to intelligence processes in law enforcement focusses on its application at tactical/investigation level. In part this is likely due to the ability of tactical or operational case studies to identify the value added component of intelligence in law enforcement in less complex contexts. The reviewed literature’s preoccupation with tactical and operational case studies has left a gap in the exploration of strategic intelligence in law enforcement (Carter and Carter, 2009). The literature that has focussed on strategic intelligence dwells on examining the organisation of law enforcement intelligence with specific focus on and comparisons between the UK’s National Intelligence Model and the American National Criminal Intelligence Sharing Plan (Rogers, 2009; Grieve, 2004; Carter and Carter, 2009).

Since the 9/11 attacks much criticism and pressure has been placed on intelligence to be more ‘imaginative’ in the prediction of future events (Kahn, 2009). The argument for greater prediction in strategic intelligence in national security and law enforcement can be linked with a trend in risk shifting (Warner, 2009).

Another major definitional issue for law enforcement intelligence involves the inclusion of covert information collection techniques in discourse on law enforcement intelligence (Ratcliffe, 2005). This mixing of terminology unnecessarily complicates law enforcement intelligence theory development. The over emphasis of covert collection methodologies emphasises definitional and theoretical work that exaggerates the contribution of covert
collection. If the lessons of intelligence studies are considered, the covert collection of data at a strategic level that paradoxically we know about makes a smaller overall contribution than unclassified or ISO sources (Dupont, 2003).

Whilst the intelligence studies field has engaged in discussions on the nature of strategic surprise and the need for strategic warning, law enforcement has not so engaged (Davis, 2003a; Solberg, 2008). Carter and Carter (2009) argue that law enforcement expectations that strategic intelligence can identify specific times and places of future crime with any degree of accuracy are inherently unrealistic. This expectation is idealistic, ignoring the value of intelligence products that provide context and warning of trends and issues which in turn support decision makers with longer term planning rather than enforcement activities (Carter and Carter, 2009). Pythian (2006) adds that this approach to strategic intelligence will allow law enforcement to make strategic decisions about organisational development that will prepare them for future demands based on risk.

The works of Quarmby (2009), Williams and Godson (2002) and Levi and Maguire (2004) argue strongly that the complexity of the operating environment of strategic intelligence in law enforcement makes accurate prediction of crime extremely difficult if not impossible. In stark contrast to major schools of thought, Quarmby (2009) and Levi and Maguire (2004) argue that anticipatory reports are not a play on words but a significant change of thinking about futures work. In applying this theory, focus is placed on developing hypothesis and intelligence that prevents the policy and law enforcement scramble associated with sudden changes in criminal trends.

4.3. Intelligence-policing relationship tension

Throughout the literature there are indications that there are constant conflicts of interest between operational police and intelligence professionals. Ratcliffe attributes this conflict to the absence of an organisational history, like the military, of decision making being made by intelligence (2008b). Warner’s (2009) examination of military intelligence discounts this theory through historical analysis which indicates that military intelligence is a supporting service, with decision making still strongly the responsibility of command. Cope (2004) argues that tension is the result of misunderstanding by both police and intelligence staff that both don’t have sufficient understanding of the other.

In contrast Aldrich (2009), Gibson (2009) and Quarmby (2009) argue that the problems with the intelligence-policing relationship are at a far more fundamental level. Each argues, without reference to the other, that problems arise from the nature of each profession’s use of logic. In the case of police, the profession has established its application of problem solving on deductive logic. Whilst in comparison the intelligence profession is focussed firmly on the use of inductive logic. If correct, this may indicate why in so many cases ILP has not been able to become anything more than rhetoric (Ratcliffe, 2002; Ratcliffe and Guidetti, 2007). The fractious relationship is similar to that which is observed between intelligence and policy in intelligence studies. Schneider (2008) reports that the tension between police and intelligence staff impacts upon information sharing. More specifically the tensions impact on the capacity to undertake integrated analysis and ultimately affect the ability of LEAs to develop innovative proactive strategies. In exploring the causes of these relationship problems attribution was given to police tribalism and culture (Schneider, 2008).

The relationship tensions are another example of the impact of the absence of a substantive definition of intelligence. The debate about the inclusion of covert collection, predominately
a police activity in law enforcement, and the provision of crime analysis and information collation, obfuscate a clear understanding of intelligence being developed. Prunckun’s (1996) early linking of law enforcement intelligence and social research further amplifies the limited understanding in the literature of the requirement of intelligence to make informed assessment about potential futures with incomplete data. Analysts in making assessments of future trends or events would often need to wait until the events have occurred to ensure there was sufficient evidence to pass either the ‘beyond a reasonable doubt’ test or empirical social research thresholds.

4.4. Capability and performance measures

In examining strategic intelligence in law enforcement a number of researchers indicate that there is a distinct capability shortfall in law enforcement intelligence professionals (Fore, 2008; Schneider, 2008; Ratcliffe, 2008b; Collier, 2006). This shortfall is often described as being an inability to identify and conceptually picture the operating context (Fore, 2008; Schneider, 2008; Ratcliffe, 2008b; Collier, 2006). Fore’s (2008) work highlights the need for greater secondments across a range of intelligence positions for intelligence professionals to ensure their capacity to examine complex strategic problems. The work of Collier (2006) on the other hand highlights the point that the problem cannot be solved with a technical solution but with one that looks at both cultural and analytical problems. The UK’s National Intelligence Model has also been presented as a possible structural or organisational solution to the differences between intelligence and policing (Collier, 2006). In contrast to these findings Ratcliffe (2008a) argues that the problem must be addressed with education of police managers placing the responsibility for change external to the intelligence process.

Law enforcement struggles to develop meaningful performance measures to evidence efficient and effective outcomes on crime (Talaga and Tucci, 2008). Existing quantitative performance measures have been established upon the old policing paradigm of response policing and enforcement activity (Maguire and Tim, 2006; Collier et al., 2004). Often effective crime prevention and disruption either have a neutral or negative effect on organisational performance measurements for LEAs (Talaga and Tucci, 2008). This problem is even more pronounced for strategic law enforcement intelligence which is often unable to track outcomes to specific police activity recorded by traditional law enforcement performance measures. Surprisingly there is a gap in the literature dealing with performance measurement of intelligence in law enforcement.

5. Transnational crime and intelligence

In 1969, Cressey formulated the hierarchical model of organised crime that dominated TOC literature until recently. Almost from its publication Cressey’s model was criticised for defining organised crime in a far too simplistic manner (Edwards and Levi, 2008). In examining organised crime most researchers now agree that the problem of TOC is much complex than Cressy’s model indicates (Gibson, 2009; Vassalo and Case, 1996; Cockayne and William, 2009; Davis, 2007).

There is increasing agreement in academic and professional circles that TOC has a networked structure (Edwards and Levi, 2008, OCTA, 2008, SOCA, 2008). Furthermore TOC is considered to be entrepreneurial in nature moving quickly to take advantage of opportunities and avoid unnecessary risks (Edwards and Levi, 2008, OCTA, 2008, SOCA, 2008, UNODC,
TOC is also reportedly prone to a greying of the line between legitimate and illicit economy as a means of deception and profit maximisation (Klerks, 2007).

The dynamic business model and organisational theory for TOC further complicates law enforcement attempts to develop proactive strategies to detect, disrupt, prevent and investigate them. In this context TOC business models and their inherent flexibility afford them the opportunity to rapidly identify risks and opportunities for exploitation. The TOC decision making process is supported by a plethora of OSI including information on police strategies and operations. The TOC model allows for the rapid purchase and deployment of new technology at a rate that far exceeds law enforcement, enabling groups to rapidly change operations or activities and take immediate action when an opportunity or unacceptable risk arises (Klerks, 2007).

In assessing the complexity of TOC and law enforcement responses, Gibson (2009) argues that police have three roles: producing threat assessments, acting as global police and raising police capability worldwide. Gibson (2009) also argues that within these three roles the quantitative approach undertaken in producing strategic threat assessments is inherently inaccurate and of little use in devising strategies and making decisions. Gibson’s work ignores the evolving role of law enforcement as knowledge worker and risk manager (Maguire and Tim, 2006).

The inherent inaccuracy of strategic intelligence assessments of TOC relates to a range of issues. Sheptycki posits that assessments by law enforcement are neither comprehensive nor accurate as a result of a tendency to focus on what is already known (2009). Thus analytical work starts and finishes with analysis of police indices and databases on previously recorded and investigated criminal activity (Ratcliffe, 2008a, 2008b, 2008c). Law enforcement thus tends to focus on the elements of recorded crime and evidence in comparison to examining a range of sources to estimate what is not known. This approach is likely to be associated with the law enforcement culture of evidence-based intelligence assessments.

The second cause of the inherent inaccuracy of threat assessments relates to the politicisation of the TOC issue and law enforcement’s responses (Innes, 2006). At the highest levels of western governments TOC has been publicly declared a national security threat. As a result a number of ‘task force’ and ‘structural arrangements’ have been made that add additional organisational complexity to law enforcement responses to TOC (Schneider and Hurst, 2008; Monahan and Palmer, 2009). These arrangements have seen the development of new organisations designed to fuse intelligence from a range of stakeholders. For the most part these arrangements have done little other than add an additional layer of complexity to an already complex problem (Gibson, 2009).

Goldberg (2007) and Gimber (2007) argue that intelligence does not produce any results at the strategic level. Goldberg uses a case study of Methamphetamine use in San Diego which illustrates that a multifaceted approach that targets a problem using policy staff can be effective. Gimber’s (2007) work emphasises the point that crime reduction in America post-1990 is related to factors other than changes in policing strategies, further undermining arguments about the value of strategic intelligence. Drake and Simper (2001) take this analysis one step further by advocating a cost benefit model for allocating police resources which target crime at the local level. In doing so Drake and Simper (2001) ignore the hidden crime that is often not accounted for in formal reporting processes and relegate policing to a reactive approach.

Williams and Godson’s (2002) work indicates that a multifaceted approach to TOC has merit if it is supported by strategic intelligence that is anticipative (in general terms), rather than specifically predictive, in nature. Their research indicates that if TOC behaviour is studied and
the environmental factors that allow them to flourish understood, this knowledge can be used to inform proactive strategies that prevent, detect and mitigate TOC activity. Schneider (2008) supports this research by describing the need for integrated responses that are established on shared intelligence.

The challenges for strategic intelligence are firstly how to create assessments that capture risks and opportunities from a TOC perspective, and secondly how to identify factors that can disrupt or prevent TOC opportunities. The aim of such assessments is to support law enforcement to develop proactive strategies that restrict criminal opportunities and close the time lag between TOC and law enforcement decisions and strategy implementation (Sheptycki, 2009).

On reflection through a review of the TOC literature, a number of criticisms can be raised with respect to the effectiveness of ILP theory—its recidivist offender focus and underlying epistemology (Ratcliffe, 2008a). At the epistemological level, ILP focuses on analysis of the ‘criminal environment’ and recidivist offenders which in many respects echoes the national security paradigm by reducing intelligence to a player in a power struggle between non-state actors and law enforcement. ILP does not focus on the wider possibilities of the human security paradigm where a range of strategy initiatives are possible. The focus on recidivist offenders in this context is likely to result in a ‘rounding up of the usual suspects’ rather than any truly proactive strategy. Finally, the focus on the criminal environment does not encompass the context in which the criminal environment operates.

Verfaillie and Beken (2008) argue that TOC requires law enforcement intelligence to be more strategic by moving from a targeting to detecting approach, identifying opportunities and weaknesses from the criminal perspective. This approach would go some way to address many of the criticisms of law enforcement’s strategic intelligence preoccupation with providing assessments that are historically focussed (Innes, 2006). More specifically this approach would allow and encourage strategic intelligence to look beyond police databases to provide assessments on what is not yet known (Innes, 2006; Sheptycki, 2009).

In 2010 the United Nations Office on Drugs and Crime (UNODC) argued that law enforcement’s focus on groups instead of markets was limiting its capacity to proactively deal with TOC. In contrast to ILP, the UNODC report argued that the limited availability of data on groups was inhibiting the development of effective strategies. Gill (2006) argues that concerted law enforcement intelligence focussed on markets which encompass a wider array of data sources will result in data that will permit imaginative entrepreneurial responses to TOC. This approach, to be effective, must also include holistic responses that utilise networked law enforcement partners and stakeholders from outside of the law enforcement community (Gill, 2006). Gill (2006) adds that this would only be possible if law enforcement moves away from a purely enforcement strategy to encompass what has been labelled the human security paradigm.

6. Implications for future research

Like any substantive literature review of a relatively young field of study, a number of questions remain to be explored and possibly answered. Law enforcement is experiencing a number of rapid changes that are resulting in a greying of the line between policing and national security. If these questions are to be answered using research that explores the uniqueness of law enforcement intelligence there is some argument that this needs to occur before further change is implemented.
This review highlights fundamental questions that need to be answered by future research studies if we are to improve strategic intelligence outcomes, particularly in regards to TOC. The first of these is what is the role of intelligence and how should it be aligned within and external to the organisation. The rapid adoption of ILP without universal definitions or theory has resulted in a vast array of interpretations of what role intelligence should and does play in law enforcement. As highlighted by Laqueur (2009), intelligence has a range of uses within any organisation but it also has limitations and both need to be understood by strategic decision makers. The level of conflict and resistance to intelligence in law enforcement is indicative of a capability that is yet to clearly define its role and how to integrate its outcomes into LEAs without duplicating work that is already undertaken.

Another fundamental question is how strategic intelligence can provide outputs for senior leaders that, despite environmental complexity, anticipate risks and opportunities in sufficient time so that they can be exploited. The almost wholesale adoption of ILP as a management methodology could be equated to the ‘eggs in one basket’ metaphor. Intelligence is an effective support mechanism which is able to provide context to decision making, but ultimately law enforcement decisions with regards to policing involve a diverse range of decision support information (Dean and Gottschalk, 2007). Law enforcement intelligence is faced with the problem of trying to develop its products and services that match client expectations. The solutions to these issues are not likely to be found in intelligence studies but in the conduct of client expectation research and through detailed law enforcement context-specific problem definition.

The value of operational and tactical intelligence in law enforcement appears to have been well defined in the literature. In comparison the role of strategic intelligence remains less certain. This literature review indicates that law enforcement, as a profession, continues to desire a move to a more strategic and planned approach to achieving objectives. As this approach develops it is likely that its strategic intelligence requirements will also evolve and change. Part of the process of developing the field of strategic intelligence in law enforcement involves exploring what the role of strategic intelligence is, what its clients want (and do not want). These needs are particularly evident in the development of law enforcement strategies for dealing with TOC.

7. Conclusion

From reviewing the literature a great deal of coverage of law enforcement intelligence has been focussed on the management concept of ILP. As a result little recent research has focussed on the application of intelligence in law enforcement, separate from the management of tactical and operational decision making. Furthermore, the research has had a tendency to ignore the intrinsic differences and similarities between intelligence studies and law enforcement intelligence. In doing so it would appear that the opportunity to discuss the theoretical development of a widened intelligence genus has thus far been missed. This missing research has prevented the exploration of the uniqueness of law enforcement intelligence and human security focus. At the same time the extant approaches have not considered the similarities between the two fields in relation to strategic surprise and client relationships.

This literature review highlights the absence of detailed research of law enforcement strategic intelligence. As a result there is little theory on how to improve strategic intelligence outcomes. This is despite the fact that ILP is envisaged as a management tool to guide strategic decision making. TOC provides an excellent location for exploring strategic intelligence given its complex nature and interaction with complex national policing.
Whilst there is consensus in the literature that TOC presents law enforcement with a complex problem that exceeds their traditional decision making processes, there is no clear exploration of how these needs will be met by strategic intelligence. If law enforcement is to improve its outcomes against TOC what is clear from the review is that a multifaceted approach is needed that will involve traditional justice responses that are aligned with a strategic response. If this is to occur then law enforcement leaders need more imaginative intelligence products than the extant quantitative intelligence assessments received today especially if they are to develop an entrepreneurial response to TOC.

References


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