

# Intelligence Gathering Approaches in Prisons

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## INTRODUCTION

Organized crime-related inmates are very sophisticated in using the correction environment to their advantage. Incarceration is part of the game for these inmates: it is a time to rest, recoup, and recruit. Organized crime inmates are model inmates. They are careful to deflect any attention to their schemes and communication strategies.

The correctional environment, as a source of information and production of intelligence useful to law enforcement, remains an essentially untapped domain. The total prison environment, including the physical plant, the schedule regimens of both staff and inmates, and all points of ingress and egress can be legitimately tapped for intelligence purposes. Police and correction personnel need immersion in the intelligence operations and strategies of their respective agencies. This linkage will result in the production of mutually beneficial intelligence tools and operations.

Police and corrections officers must develop a more coordinated and effective must develop a more coordinated and effective production of intelligence, intelligence that can be transformed into useful policy aids and operational tools. This development includes, of course, a willingness to examine 'disconnects' between the intelligence processes of law enforcement and correctional agencies.

## PITTFALLS AND PROBLEMS

Professor Robert Kelly of Brooklyn College has made essential observations regarding the pitfalls and structural problems in modern intelligence work. Particularly, that routine thinking represents an inherent hazard in the assessment of intelligence data. The tendency to rely on past experience, in spite of new phenomena, represents the habit of looking for confirmation in already held beliefs. Without some element of stability, sheer chaos would result; but this is also a dangerous fit. It could lead to the rejection of new information that would contradict existing beliefs.

This structural blindness of intelligence agencies systematically excludes any evidence that fails to meet requirements of the operational paradigm. The correction system, as part of the division of labor within criminal justice, performs specific tasks. It is a significant challenge for criminal justice intelligence personnel to move beyond mere information and into learning from various segments of the system. For instance, the utility of continued access to the jail or prison by police intelligence personnel is not usually considered. Therefore, it is essential for the intelligence officers of both agencies to arrange mutually beneficial interactions.

Another issue, part of the growth of the bureaucracy and the division of labor that occurs, is the relationship of analytical activities of law enforcement and correctional agencies. Analysts and investigators, who must cooperate with each other, may begin to inhabit positions in a bureaucracy which generates friction and conflict. The intelligence analysts are situated in an information and evaluation unit, while the street investigators working with informants, offenders, victims, police officers, and others and may not be able to 'see the forest for the trees.'

The desire for 'personal truth technologies' often reigns. Consequently, being on the scene may make more of an impression on the investigator than is actually warranted by the information he or she gleans. Add the inertia or bureaucracy that infects all large-scale organizations and it is not difficult to see how the efficiency of intelligence operations can be negatively influenced. The milieu in which intelligence work goes on may be filled with strife and fractured by dissension which engenders the 'parochialism of bigness.' A determined integration of investigators and analysts can only enhance the capabilities of each.

Police, as the 'catchers,' need to be welcomed into the world of corrections, the 'keepers,' where they may effectively join forces. This has the potential of creating what is missing in each of their respective missions. The previously existing void may in this way be turned into an advantage. Inmates are very shrewd in using the 'intelligence void' among corrections and police agencies to their own advantage. This is a situation that must be rectified of the overall benefit of law enforcement efforts.

## **THE 'ECOLOGY' OF CORRECTIONS**

The sociology of the prison and the imprisoned represents the vanguard and undercurrent of discontent and malcontent in a society. It also reflects the disorientation, dysfunction, despair, and flaws of society. The breakdown of our institutions and government authority may also be given the 'microscopic laboratory' treatment via insight found in the classification criteria of inmates. We must seek more creative, rather than reactive, interactions.

It is important to understand the contemporary ecology of corrections. In this case, one may redefine the word ecology as 'the study of consequences. Prisons are comparable to the 'Pandora's Box' analogy presented by Detective Inspector Saltmarsh at a 1993 UK National Criminal Intelligence Service conference. It is in the prison that one can also find the basic facts, perpetrations and intrigues of crime.

James B. Jacobs of the New York University Law School has observed that the 'prisoner rights' movement of the 1980s was a sociopolitical phenomenon consisting of far more than the sum total of court decisions. It, as he indicated, was a broad-scaled effort to redefine the moral, political, economic and legal status of prisoners in a democratic society.

As a result, in the 1990s, there has been a reciprocal and intensified relation between life inside and outside prison walls. A high percentage of leading activists have been incarcerated bringing political ideas into prisons.

There are numerous implications to these hypotheses. For example, the conflict caused by radical prisoners, in threatening the institutional fabric, also may contribute to integration among previously disparate groups. Radical prisoner movements may not be destructive of relationships *per se*, but may serve to cement ties between law enforcement agencies and correctional organizations that did not exist before. Hence, conflict with out-groups (such as radical prisoner movements), may increase the integration and internal cohesion of law enforcement and correctional agencies. In 1986, as Director of Training of the New York City Police Department, I participated in a policy study group on terrorism. This group was a prime example of shared intelligence and criminal interdiction strategies. This study group consisted of a tightly-organized team of federal, state and local law enforcement and correctional personnel. These individuals functioned as strategists and as a 'think tank' for establishing a more viable nexus of police-corrections intelligence.

The six components utilized by the policy study group provide useful guidelines for developing police intelligence procedures in the 'Corrections Connection.' The New York State Policy Study Group categorized six correction-based areas for more effective intelligence collaboration. These Are:

## **LEGAL VISITATION**

People who make decisions regarding what documents may be released have no ideal of the value of these documents. Radical lawyers for example, through the Freedom of Information Act (FOIA) and other discovery strategies, are able to obtain information about security and custody tactics and related intelligence issues. This includes emergency infra-structural and architectural plans of the corrections physical plant. These materials often contain precise staffing, personnel assignments (including emergency phone/email contact)

In addition, inmate paralegals and counsel constantly smuggle material and information in and out of correctional facilities. These individuals have surface groups who conduct letter campaigns and sophisticated public relations efforts. They also serve as 'volunteer lecturers' in staff and inmate training programs. They volunteer *pro bono* legal services to inmates and staff. These radical lawyers are involved in many innocuous facets of prison programs. Many of these inmate paralegals are illegitimate. Since they are volunteers and not employees in the correctional field, most likely no background check for credentials or training is initiated.

Prison security staff may accept an 'official business card' as official identity. These individuals know how to communicate across legal and functional boundaries. Correctional employees must begin to do the same. One of the biggest holes in the correctional intelligence system is through lawyers and paralegals.

## **ESCAPE ATTEMPTS**

Certain inmates continually probe the correctional system for weaknesses. They are most often model prisoners. They are skilled at compromising officers, staff, and administrators and are very effective at lulling a system into a false sense of security. They are very adept at gaining intelligence through establishing a good relationship with correctional officers. These inmates believe that 'time is on their side.' They feel that they can always wait to be sure they are in control of the time, place, and circumstances of their escape and disruption tactics. In response, correction agencies and their law enforcement colleagues must take full control of such confrontations. It is important for police personnel to understand that these inmates coordinate escapes with outside groups. These inmates are willing to kill anyone who tries to intervene.

Currently, a record number of terrorist and radical inmates are in the United States Bureau of Prisons. The Federal Courts have mandated that these inmates be allowed group legal consultations. Therefore, through various coordinated court actions, they are allowed to accumulate in jail settings. Judges are insensitive to the problem. Correction agencies must anticipate that the inmates will try some concerted group action. It behooves correction agencies and their police counter parts to conduct good target intelligence assessments, planning, rehearsals, and coordinate mutual assistance plans.

## **INTELLIGENCE GATHERING**

The investigations of institutional crimes are difficult. Prisoners are reluctant to testify, and their credibility is easily attacked. Prosecutors are reluctant to get involved in prison cases, because radical inmates are cunning. These inmates take what they learn, modify their actions, and adapt to improvements in institutional security. They are very aware of the void in intelligence sharing. There is a need to get out of old territorial perspectives and talk about sharing intelligence. However, there are no effective mechanisms to do this. A Good place to begin is the police and Federal Bureau of Investigation (FBI) Terrorist Task Force. These models facilitate terrorist database centers. We need to establish clearinghouse functions consisting of groups of individuals who meet regularly. An example, California has a law enforcement intelligence sharing network with monthly meetings of about 150 agencies.

## **POPULATION MANAGEMENT**

Communication networks exist throughout prisons. It is difficult to preclude inmate communications, both inside and outside of correction facilities. Intelligence must be derived from inmate use of phones, visits, mail, and other contacts. For example, mail is zip-coded and decoded by computers outside of the facility. These are sophisticated time-sensitive codes. Therefore, it is critical for correction and police personnel to be fully apprised of new telephone technologies (e.g. cellphones with Palm Pilot and internet connection). Call-forwarding scams represent serious monitoring problems. The Aryan Nation has been known to operate one of the most sophisticated call-forwarding systems in the U.S. Bureau of Prisons. We need to expand the use of 'tip-bellringers' in order to improve phone-traffic analysis. The deliberate moving of radical, violent inmates is a successful strategy currently utilized by the U.S. Bureau of Prisons. However, inmate tracking systems are susceptible to intercept tactics.

## **GENERAL OPERATIONS ISSUES**

The vulnerability of the physical plant, the institutional operations regimen of daily schedules, inmate counts, weekly shipments of supplies and materiel, deployment of staff, officers, and the classification scheme for inmates become important intelligence source. The ingress and egress features of the correctional facility are key 'target' areas. The transportation fleet, vehicle control and route system, and vulnerable low-security hospital and special housing units represent potential access spots for infiltration.

The inmate visiting system, mail, phones, lawyers, law library access, religious needs, recreation, health care services, volunteer services, education and counseling services, while constitutionally protected, may also provide access channels for legitimate and appropriate intelligence gathering activities. Many aspects of inmate programs services are now privatized and operated by a separate and private employee cadre.

Correction officials must employ the same technology utilized by sophisticated organized criminals, terrorists, and radical groups. The latest weaponry, cameras, communication and computer technology must be made available. For instance, the Strategic Information Dissemination System (SIDS) and Integrated Justice Information Systems, represent vital modes of communication among police and correctional agencies. These systems offer enriched network access to each others' emergency plans, intelligence network, information systems, and crisis-control plans

## **CONCLUSION**

In conclusion, it is well understood that information is not intelligence. However, the jail or prison as a source of information can provide vital intelligence sources. Possibilities for crossing agency and institutional communication barriers with new information may provide an opportunity for new strategies and more effective intelligence policies.

Utilizing correctional agencies as another database for intelligence will break the traditional bureaucratic passivity and increase the technical efficiency of law enforcement. Tying correctional agencies into the law enforcement intelligence process and network links individuals together. The role of corrections in dealing with intelligence, if expanded within the criminal justice system, provides additional options for intelligence policy. It will mean not only additional information but new ways and methods of testing the integrity and veracity of this information.

A network of intelligence and resources by criminal justice personnel, nationally and internationally, is essential in coping with the growing phenomena of mutual intelligence needs. These needs represent an essential strategic planning initiative for both criminal justice systems globally.

## **ANNEX**

### ***Observation***

1. How do new (or old) officers behave?
  - a. Over-friendly
  - b. Need to be liked
  - c. Obvious problems (e.g. alcohol)
  - d. Bend rules – share cigarettes, candy
2. Is Officer 'hard,' 'soft,' or 'mellow'
  - a. Hard may be an effort to psychologically defend against a weakness.
  - b. Soft is an easy mark.
  - c. Mellow is an efficient combination of both.
3. Body language
  - a. Appearance
  - b. Air of security or insecurity
  - c. Rigid
  - d. Sloppy
  - e. Overweight
4. Listening
  - a. Employee conversation
  - b. Verbal habits (profanity, sweet, apologetic)
5. Verbal
  - a. Ask questions to determine stance.
6. Reaction
  - a. Statements made to determine stance.

### ***Selection of Victim***

1. Based on observation, select officer considered to be most vulnerable.
  - a. May be conscious or unconscious choice
  - b. Select officer most likely to agree
2. Defensive staff members most often the victim.

### ***Test of Limits***

1. Basically test by bending rules in order to determine staff member's reaction.
2. Request small favors.
3. Ask for gum or cigarettes.
4. Refuse request (not order).

### ***Support System***

1. Use compliments in an effort to compromise staff member.
  - a. 'You're the only officer who understands.'
  - b. 'You're the only person who tries to help.'
  - c. 'You're the only one with enough juice to get it done.'
  - d. 'You're the only person with any smarts.'
  - e. 'You're the only professional.'
  - f. 'You're the only "out front" honest person I've encountered.'

### ***Sympathy Empathy***

1. Develop similarity base in terms of emotion.
  - a. 'I don't know how you can stand to work under these conditions.'
  - b. 'Why don't they give you any help?'
  - c. 'Are you doing overtime again?'
  - d. 'My God, why do they have you working here all alone?'
  - e. 'I sure wouldn't take this crap.'

### ***Plea for Help***

1. Drive for 'understanding' or 'sympathy' for favors, which often are legitimate requests.
  - a. Establish a 'habit' or 'pattern' for 'helping.'
2. Present staff member as being the *only* person who can help.

### ***We/They Syndrome***

1. Set up staff member to identify with inmate rather than staff.
  - a. Overhear two correctional officers being critical of third. Report conversation to the third.
  - b. Create animosity between two correctional officers or non-uniform and uniform staff.

### ***Protection***

1. Officer observes rule infraction (set-up) and reports it. Response from supervisor is critical and sarcastic. 'Friend' inmate then makes sure that it never happens again.
2. Porter duties are not completed. 'Friend' inmate then makes sure the place is spotless.
3. Inmates beg for 'medicine' (aspirin), 'friend' inmate exercises control.
4. In effect, inmate provides situation where help is needed, then provides it.

### ***Sex***

1. Uses conversation about sex to determine the level of friendship.
  - a. Traditionally a taboo topic – serves to gain emotional investment.
  - b. With a female officer, male alludes to attraction. Female inmates do same with male officer; (non-uniform staff are especially vulnerable).

### ***Touch System***

1. Means of displaying friendship. Continue to break down differences between staff and inmate.
2. Help determine limits.
  - a. When staff and inmate are of opposite sex, this is especially effective.

### ***Rumor Clinic***

1. Based on 'where there's smoke, there's fire.'
2. Destroy credibility of staff members with other inmates and staff.
3. Repeated as often as necessary to create problems and isolate staff member.
  - a. 'Friend' inmate intercedes to clarify and 'clean-up' rumor.
4. Makes communications with staff dangerous.

### ***Lever***

1. An item acquired to use against the officer.
  - a. Food items
  - b. Hobby craft tool
  - c. Cigarettes
  - d. Clothing
  - e. School supplies (especially good starter)
  - f. Books and magazines.

### ***Shopping List***

1. Exposure or compromised staff member.

### ***Appearing Ridiculous***

1. Attempt to make the officer feel ridiculous.
  - a. The other officers let us do it.
  - b. Every time we get a new officer, you can't get anything done.
2. Using head shakes and signs of exasperation to make the officer feel ridiculous.

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