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INTELLIGENCE-LED PENOLOGY: MANAGEMENT OF CRIME INFORMATION OBTAINED FROM INCARCERATED PERSONS

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The imperative must equal the need

The events of Sept 11th blatantly exposed the arrogance and vulnerability of information/intelligence systems worldwide and particularly in the United States -- the failure to consider the human element in all its embodiments --- naiveté and zeal --- intrigue and relapse.

Mighty missal-warheads rendered impotent by dollar-cheap box cutters. Once again, *the innocuous reigns* – the ancient act of melding into the enemies fold --- the “Trojan horse” at centre stage!

Suddenly and irrevocably, life has changed in America.

- we now have a federal office devoted to homeland security
- customs agents are now ordered to put their hunt for drug smugglers on a back burner
- the FBI has been directed to realign the priority of fighting organised crime to a new priority of gathering domestic intelligence
- for the first time, the CIA will have authority to influence FBI surveillance inside the united states and to obtain evidence gathered by federal grand juries
- the treasury department has been directed to establish a financial intelligence-gathering system accessible to the CIA
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- the Justice Department now monitors conversations of lawyers with (federal) inmates, when it is deemed necessary to prevent violence or terrorism
- the U.S. judicial conference has pulled district court records from open web databases, following reports that prison inmates use the records to identify government informants
- U.S. Congress has established stiff new money-laundering penalties in regulating everything from banks to securities brokers, real estate brokers, insurers, credit-card companies, jewellers, and even car dealers

Technology will be at the heart of the strategy to make the nation more secure. The terrorist attacks showed that it is imperative to imagine the ways terrorists could disrupt the nation’s information-infrastructure, including computer networks that control telecommunications, the electric grid, water supplies and air traffic.

On Nov. 13, U.S. Attorney General John Ashcroft ordered all federal justice agencies, including the U.S. bureau of prisons, to assess their intelligence analysis capacities and especially to share information with state/local law enforcement agencies.

All of these events prove *once again* that the only fail-safe response is information sharing among public safety agencies.

Fortunately, two systems are currently operative and tailored-made to fit this fiat for information sharing: integrated justice information systems and Compstat/teams.

Integrated justice information systems, particularly in the field of mobile operations, connect public safety services in both rural and urban settings (e.g. 911/emergency/linkage, PPCC, police line-ups, and legal hearings...securing immediate contact for the isolated prison).

Compstat-t.e.a.m.s pool information and subject it to intense analysis, computer mapping, strategic-response, and expanded information-gathering resources.

Corrections-Compstat is dubbed *teams*, an acronym for total efficiency accountability management system. It is designed to sustain the collection of accurate data to measure performance and review of policy and procedures.

Compstat-teams have another purpose: accountability. Institutional managers and supervisors must be conversant in organisational development and capable of interpolating information (data) with intelligence matters.

Compstat-teams, is the central management accountability system of the New York City department of correction. [<http://www.ci.nyc.ny.us/html/doc/>]

Today, we are enjoying an unprecedented scale of advanced management information technology, these include DNA translation, surveillance and security, and a full range of satellite-based communications: cellular phones, and video-conferencing.

Yet, we are still barely “on par” with the use of this technology by organised-crime offenders who continue to evade many of our interdiction-strategies, especially in financial fraud and identity theft. (the FBI initiated its first computer crimes unit only in 1995).

The new guideline for correctional information/intelligence systems: human networks (criminal/noncriminal) are distinct from electronic networks. But technology is the sea in which they swim.

This advanced technology also functions as a “two-edged sword” capable of a vast new arena of threat: illegal access (hacking and virus-sabotage), disruption and/or destruction of correctional management information, security systems.

Cellular telephones are emerging as a major contraband item in prisons and jails internationally.

A Palestinian arrested after entering the united states with bomb-making manuals uses his jailhouse phone privileges to call a friend in Texas who patches him through to a partner in new jersey plotting to blow up the world trade centre.

In addition to patching calls the terrorist used coded language, calling the attack a “study” or a “business,” and the bomb formulas “university papers.”

In the federal bureau of prisons, the imprisoned spiritual leader of these terrorists, Sheik Omar Abdel Rahman, was able to get his messages to followers (worldwide) despite intense government efforts to smother communications.

Though authorities, had monitored and taped prison phone calls no one translated or actively listened to conversations (an Arabic translator was not available) until after a rental van packed with 1200 pound bomb exploded in the trade centre's underground parking lot in 1993.

The largest prison-riot in Brazil's history, which occurred in February of this year, was orchestrated through a network of cell phones and spread to 28 other prisons. The outcome, 10,000 inmates took guards hostage and held 8,000 visitors inside.

In another case, 10-year veteran correctional officer pleaded guilty to supplying a cellular phone, a fax machine, a small computer, electrical cords and drugs to a prisoner awaiting a sentence for a \$1.5 million tax evasion scheme.

In Colorado an inmate and officer were charged with swindling a Japanese brokerage in NYC out of thousands of dollars in an intricate scheme conducted from prison with a cellular phone.

Inmates have become skilled at obtaining personal data on institutional staff, such as work schedules, personal vehicle license plates, social security and credit card numbers.

Inmates have also become adept at obtaining intrinsic-institutional information (e.g. inventory of sensitive supplies of drugs and medicine, chemicals, fertiliser, weapons and potential materials).

It is imperative that we establish a diligent sharing and oversight of the technology and tactics utilised by organised crime offenders (terrorists and radical groups) - (e.g. computer technology, encoded-communication and identity theft --- passports/visas).

We are making important progress in this area. More than 150 nations signed the United Nations convention against transnational organised crime and the protocols thereto in Palermo, December 12-15, 2000.

These protocols define and describe organised crime, the organisation of criminal groups and their purposes, the offences of these groups, and the need for international law enforcement co-operation.

However, the Palermo protocols did not specify penal sanctions for organised-crime inmates. Procedures for managing the incarceration of such persons are critical to the oversight of information and intelligence (e.g. extradition, access to general population, protective custody, and administrative segregation).

It is now apparent that organisational intelligence analysis (rather than individual case development) dramatically improves the exposure of the social/economic factors that enable organised crime to thrive. Has this not always been the untapped resource of the prison -- a “laboratory” of social ills? (Alexis de Tocqueville, *Democracy in America*).

In this context, the intelligence function of a correctional system is an organisational function that clearly belongs to management. But what are the actual lines of authority and responsibility in modern correctional services?

In many countries on our planet, the prison service reports to a minister of interior, within a closed military/secret police function.

In most constitutional democracies today, correctional systems report to the executive branch of government and, consequently, they are politically contrived and controlled (e.g. the appointment of the commissioner, operational philosophy, allocation of budget/materiel resources).

This situation is made more complex by the deep legacy of a military/para-military work-culture inherent to correctional systems.

The cybernetics of 21st century crime is rendering many aspects of traditional correctional organisational models defunct.

Professor Diane Vaughan of Boston College, reports that studying the “dark side” of organisations increases our understanding of social structure and illustrates how routine non-conformity, mistake, misconduct, and disaster are systematically produced by the interconnection between environment, organisation, cognition and choice. (E.g. it is easier to change the way people do things than to change people).

Dr. Vaughan affirms that preventive strategies must go beyond “individual” to the “institutional” and organisational factors that shape individual understanding and action. (e.g. -- Physical Plant, Program, People).

It follows that the same characteristics of a system that produce the bright side will regularly produce the dark side from time to time, unexpected negative outcomes are possible even when initial conditions are optimal. (e.g. develop a think tank on fault patterns).

Organisational theory is directly relevant to establishing effective internal/external information/intelligence systems. Where are the information and intelligence units positioned within your respective correctional agencies? How do they interact with their peers and colleagues in allied agencies?

Analysts and investigators --- workers who must co-operate with each other --- often inhabit positions within agencies that breed friction and conflict. The determined integration of investigators and intelligence analysts can only enhance the capabilities of each.

Example --- the intelligence analysts is situated in an information processing and evaluation unit, while the institutional and/or street investigator are working with informants/inmates and prison staff and may not be able to immediately see the proverbial “forest for the trees.”

The functions of an intelligence analyst are almost wholly included in the functions of an investigator. No investigator would be happy to admit that he had not mined the files of his organisation for every nugget of relevant information.

Consequently, investigators think they should be doing what the intelligence analysts are doing, and also believe they can perform this function more effectively and less expensively.

This is not simply clumsiness or ineptitude...every assessment is influenced not only by contemporary constellations of events but also by those that preceded them, the more momentous the events, the larger the shadow they cast.

Routine thinking represents an inherent hazard in the assessment of intelligence data. The automatic inclination to fall back on past experience represents a normal tendency to look for confirmation in already held beliefs.

Prison inmates can easily exploit phone, mail, visiting and other institutional privileges. Most recently: the u.s. bureau of prisons has implemented restrictions on special-category organised crime, radical and terrorist inmates

Thus, key correctional-custodial functions provide continuity for intelligence collaboration.

LEGAL VISITS – Often the people who make decisions about what documents can be released (discovery) have no idea of the value of these documents (facility architectural plans).

POPULATION MANAGEMENT – Sub-rosa communication networks abound in prison. It is difficult to preclude inmate-inmate communications both inside\outside of correctional facilities. The task: use their ability to communicate to our advantage (e.g. monitor inmate fund disbursements to determine affiliations, mutual associations, and extortion pattern/product use Monitor inmate fund disbursements to determine affiliations, mutual associations, and extortion pattern/product use).

INTELLIGENCE GATHERING – The vulnerability of the physical plant, the regimentation of daily schedules, and the interaction of all people in a prison (staff, officers, and inmates) can become important intelligence sources. The investigations of institutional crimes are difficult. Prisoners are reluctant to testify and their credibility is easy to attack. Their “safety” imperiled. Prosecutors are reluctant to get involved in prison cases.

COMMUNICATION NETWORKS – Correctional officers are vulnerable. Charismatic inmates systematically and continuously work to manipulate the human frailties of officers. For these inmates, their conversations and actions always have a purpose...testing and setting-up situations to serve their needs.

GENERAL OPERATIONS ISSUES –The transportation fleet, vehicle control and deployment system (routes), vulnerable hospital, clinic, and special housing units -- have become sensitive and potential access spots for infiltration, information, and (attack).

SECURITY/CUSTODY ISSUES - Prison officers now report incidents of inmates short-circuiting the entire high-tech locking systems between a door and the electric jam. For the inmates, jamming the institutional computerised security system is considered a highly prized sabotage attack. Often in these situations, assigned staff could not remember the emergency operational training and manual guidelines required to rectify the crisis.

ESCAPE ATTEMPTS – Certain inmates continually probe the correctional system for weaknesses. These inmates are more often model prisoners. They are very adept at gaining “intelligence” through establishing a “good” relationship with officers and staff.

I reiterate: it is within the daily routine and regimentation of custodial duties that most breeches of security and intelligence occur.

The operational context of correctional intelligence work is encumbered via a highly conservative and hierarchical elitism.

This conditional conservatism becomes a dangerous fit and too often leads to the rejection of new information, simply because this new information contradicts existing beliefs.

Bottom line: plain old inductive reasoning means drawing conclusions that fit the facts.

The bi-polar prison of the past has been transformed into a modern-day complex tri-polar prison, with an operational context of the administration, the staff, and the inmates now drawn together in the interplay of custodial exigencies.

As Vaclav Havel has observed: cultural conflicts are increasing and are more dangerous today than at any time in history and future conflicts will be sparked by cultural factors rather than economics or ideology. Increasingly, it is within the penal institutions where these cultural dynamics are most apparent.

The prison is a distillation of all that is out there. Visit the prison in any country, any time, anywhere...and you will discover what is not working in that particular society. (Example: prisons a nonreferenced-portion of the country-profiles displayed on the CIA webpage).

In a free society prisons must remain transparent in their scope and function. Safe and humane correctional agencies depend on high maintenance of information and intelligence in achieving this human rights goal.

The imperative is at hand! Here in this space...the 2nd world conference...we can become --- must become --- continuing resources for us all. (e.g. SAPS/DNA CHICAGO 5/00).

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