POLICE INTELLIGENCE SYSTEMS IN CRIME CONTROL

Maintaining a Delicate Balance in a Liberal Democracy

JUSTIN J. DINTINO

Lieutenant Colonel
New Jersey State Police
West Trenton, New Jersey

FREDERICK T. MARTENS

Detective Sergeant First Class
New Jersey State Police
West Trenton, New Jersey

Speaking to law enforcement administrators, supervisors and instructors, the authors of this book cogently explore the use of police intelligence systems to control organized crime. They probe and analyze the essential dilemma: the need to effectively enforce the law versus the need to uphold Constitutionally protected civil liberties. As a basis for this examination, they redefine organized crime in terms of its role in society. They explain the contradictions inherent in the police intelligence process, clarify its activities and role in law enforcement, and suggest realistic reforms. Through these discussions, readers will gain insight into the important issues and an understanding of the need to employ police intelligence in a manner that is both proper and effective.

CHARLES C THOMAS • PUBLISHER • SPRINGFIELD • ILLINOIS

POLICE INTELLIGENCE SYSTEMS IN CRIME CONTROL

POLICE INTELLIGENCE SYSTEMS IN CRIME CONTROL

Maintaining a Delicate Balance in a Liberal Democracy

By

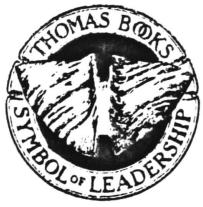
JUSTIN J. DINTINO

Lieutenant Colonel
New Jersey State Police
West Trenton, New Jersey

and

FREDERICK T. MARTENS

Lieutenant
New Jersey State Police
West Trenton, New Jersey



CHARLES C THOMAS • PUBLISHER
Springfield • Illinois • U.S.A.

Published and Distributed Throughout the World by

CHARLES C THOMAS • PUBLISHER
2600 South First Street
Springfield, Illinois, 62717, U.S.A.

All royalties from the sale of this book have been donated to the New Jersey State Police Museum Association.

ISBN 0-398-04830-4

Library of Congress Catalog Card Number: 83-330

With THOMAS BOOKS *careful attention is given to all details of manufacturing and design. It is the Publisher's desire to present books that are satisfactory as to their physical qualities and artistic possibilities and appropriate for their particular use.* THOMAS BOOKS *will be true to those laws of quality that assure a good name and good will.*

Printed in the United States of America

I-R-1

Library of Congress Cataloging in Publication Data

Dintino, Justin J.
Police intelligence systems in crime control.

Bibliography: p.
Includes index.
1. Police – United States. 2. Intelligence service – United States. 3. Law enforcement – United States. 4. Crime prevention – United States. I. Martens, Frederick T. II. Title.
HV8141.D54 1983 364.4'6'0973 83-330
ISBN 0-398-04830-4

DEDICATED TO THOSE MEMBERS OF THE

NEW JERSEY STATE POLICE WHO LOST THEIR LIVES

IN THE LINE OF DUTY

PREFACE

DURING the past several years, the law enforcement community has witnessed a significant change in public attitudes toward domestic intelligence programs. Some segments of society have argued that this "attack" on intelligence is part of a larger, "left-wing subversive conspiracy" to undermine the political economy of our society.[1] Still others contend that intelligence systems are an affront to our fundamental notions of human rights/civil liberties and have a chilling effect upon the freedoms guaranteed by the Constitution.[2] The arguments are formidable and clearly represent the polarity of issues representing our contradictory notions of civil liberties, individual rights, and the obligation of government to protect those who for whatever reason(s) are unable to protect themselves.

The apparent criticisms surrounding domestic intelligence program(s) can be attributed to, among other things, the revelations of the now infamous Watergate Affair. Yet to believe that such clandestine indiscretions, and in some cases, blatantly illegal acts, were within the sole province of one political party of administration fails to adequately address what is clearly a larger societal concern: the collection of information on American citizens which may inhibit the exercise of our Constitutional guaran-

---

[1] Skousen, Cleon, W.: *The Communist Attack on U.S. Police.* Salt Lake City: The Ensign Publishing Co., 1966; John M. Ashbrook. *Broken Seals,* Virginia: Western Goals, 1980.

[2] Silver, Isidore: *The Crime Control Establishment,* Englewood Cliffs: Prentice-Hall, 1974; Quinney, Richard. *Class, State and Crime,* New York: David McKay Company, 1977; Quinney, Richard. *A Critique of Legal Order,* Boston: Little Brown & Company, 1974.

tees. Certainly, the invention of clandestine activities, both legal and illegal, in the past decade was not unique to any one administration.

Historically, intelligence-type activities have evolved out of the "necessity" of governments to protect the existing political, social, and economic order. As General Yariu, the former Chief of the Israeli Intelligence Service once stated, "In a democracy such as the United States . . . I don't know how you can function without intelligence. You need a capability for surveillance of suspects. You need to listen to their conversation, their 'plotting'."

However, the technological developments of the past decade unquestionably have accented the potential abuses which may emanate from the unregulated or uncontrolled use of intelligence by government. Without question, modern technological and legalistic advancements in our society have brought with it the real potential for societal harm. That is, within our society, the concept of individual privacy and personal freedom is a right which few nations in the world enjoy or treasure more seriously. Basic to our way of life is the belief that the state exists to protect this fundamental right. When the state engages in practices, in the name of national security or whatever, which may erode these fundamental concepts, the legitimacy and creditability of the state is thrust into a "crisis of confidence." Surely, domestic intelligence systems which were institutionalized by the state to identify organized crime; electronic surveillance laws which were enacted by legislatures to control the nefarious activities which organized criminals engage in; witness immunity and civil contempt laws which are designed to break the "code of omerta"; and computerization of intelligence files to ensure orderly storage and rapidly retrievable intelligence data, represent "tools" which could, if not properly regulated and controlled, result in the erosion of a liberal democracy.

Today, the role of police has changed dramatically. This change can be related directly to a change in the political economy of our society from what was once an agrarian economy to what is now characterized as a postindustrial economy. The technological and industrial gains of the twentieth century brought with them a

change in how the law and the enforcement thereof was perceived. While the agrarian culture was predominately characterized by a homogenic population and a consensus of values, the postindustrial culture represented a heterogenic population characterized by a diversity in values. The law, while recognized as a protector of some, particularly those with economic and political power, was also recognized as an oppressor of others, namely those with little power (economic, political, or otherwise). And as perceptions of the law have changed, so must the institutions that are mandated to enforce the law.

Law enforcement, an institution of power, which in the end must develop workable, rational, and above all, just policies, is confronted with a multitude of social, political, and economic issues which will significantly affect its future as a viable institution in society. The vitality and durability of the police as a legitimate institution in our society will depend to a large extent upon how the police collectively respond to the challenge of the future. Change is occurring and has occurred more rapidly in the police environment over the past decade than in the prior fifty years. No longer can police permit parochialism and self-perpetuating interests to taint their perspective. The police have a far greater responsibility in society. When there are contradictions in our system of justice, the police as arbitrators between these competing interests have an obligation to expose and resolve the conflict within our notions of justice. Toward this end, the intelligence process if properly channelled and directed can play a central and critical role. Contrary to the arguments of those who support the abolition or prohibition of police intelligence systems, there are now, more than ever before, compelling reasons to restructure our intelligence processes, *given socially sensitive leadership.* And although there are some within the law enforcement community who perceive the intelligence function as a luxury on one hand or a misdirected resource allocation on the other, the time is fast approaching wherein the lack of an effective intelligence component will retard the decision-making process of law enforcement administrators. The vitality and quality of contemporary professional police management mandates a sophisticated intelligence component, capable of providing law enforcement and

criminal justice executives with information to make sound, rational, and logical decisions – tactical and strategic. Preplanning and postevaluation are essential to organized crime control. To "measure with precision the real threat to the community" is fundamental to the intelligence process.

In the following chapters, we have sought to provide a balanced and timely assessment of domestic police intelligence systems in the "control of Organized Crime." We do not attempt to justify or rationalize past "intelligence" practices, for we too recognize the potential for abuse which may occur from the unrestricted use of intelligence. However, we also recognize the benefits to society which can be derived from an effective intelligence component. And for this reason, we have made an effort to reconcile the competing demands of individual civil liberties and the obligation of government to protect those who for whatever reason(s) cannot protect themselves. We certainly do not believe that the abolition of domestic intelligence systems is a wise course of action, although it may be politically expedient at this time. We too recognize the latent or unintended (or even intended) consequences of intelligence-type activities in a liberal democracy. Conceivably, it could be argued that nuclear weapons should be prohibited because of the potential for mass civil destruction; yet, it is quite apparent that the benefits of nuclear capability have certainly created an environment conducive to peaceful coexistence.[3] Moreover, current DNA (or gene-splicing) experiments, which some argue should be discontinued because of potential for serious abuse and misuse in the future, may provide mankind with unrealized societal benefits. Similarly, to eliminate domestic intelligence systems because of the abuses of the past, which would have occurred regardless of the legal constraints on intelligence, represents an over-reaction to the problem. Surely, effective regulation of intelligence appears to represent a wiser course of action. Whether or not police are given this vital tool legally, they will out of necessity informally engage in intelligence-type activities. Formalizing, professionalizing, and regulating the

[3] For an excellent discussion on the concept "strategic deterrence" see Henry A. Kissinger, *Nuclear Weapons and Foreign Policy*, New York: W.W. Norton & Co., 1969.

intelligence process will hopefully result in more precise and reliable intelligence and minimize the potential for abuse. To regress to the rudimentary forms of "intelligence" which were indicative of the past will do little to professionalize police management. Our efforts will hopefully provide law enforcement executives and others with a broader understanding of the intelligence process; how it relates to the concept of "organized crime control"; and the necessity of protecting constitutionally guaranteed civil rights. For as the literature distinctly points out, there is a critical paucity of data regarding domestic intelligence systems, and judicial and legislative guidance is somewhat limited and, in most cases, nonexistent. Although some may conceivably contend that concepts of intelligence and organized crime control are totally incompatible with our notions of civil liberties, we do not support the traditional argument that an increase in individual civil liberties will reduce the ability or the capacity of a society to "control Organized Crime"; nor do we believe that the suspension of civil liberties will eliminate Organized Crime.

Law enforcement is fast approaching a critical juncture in its ability to reconcile these competing demands. Organized Crime in America remains a social, political, and economic reality; the utility and continued ethicality of domestic intelligence programs is being seriously challenged; and the rights and liberties of American citizens have been greatly expanded through federal and state privacy laws. There exists a genuine need to reassess these findings. In the chapters which follow, we shall attempt to bring clarity to this compelling social issue. However, regardless of the outcome, the final judgement rests with society. The task is much too important to be left in the hands of the so-called "experts" or "professionals."

Toward this end, we have attempted to discuss the issues in terms which the layperson can readily understand. This book is not designed only for law enforcement executives but also for those who must, through their elected representatives, intelligently reflect on these critical social questions. For members of society to respond to these issues they must be informed. Surely, democracy rests upon the enlightened judgements of its informed

citizenry. Our primary objective here is to provide this citizenry with a fuller understanding of this vital issue.

> Times such as ours have always bred defeatism and despair. But there remain, nonetheless, some few among us who believe man has within him the capacity to meet and overcome even the greatest challenges of this time. If we want to avoid defeat, we must wish to know the truth and be courageous enough to act upon it. If we got to know the truth and have the courage, we need not despair.
>
> Albert Einstein

ACKNOWLEDGMENTS

SELDOM, in the course of one's lifetime, does one come across opportunities which allow work and pleasure to be combined. For us the two were inseparable, for we were given the unique opportunity to experience what we have written about. For this we owe a sincere debt of gratitude to former State Police Superintendent David B. Kelly, who had the vision and foresight to establish an intelligence bureau; and to Colonel Clinton L. Pagano, who had faith in our commitment to develop a first-rate intelligence capability. Had it not been for their faith and unwavering commitment to first, the concept, and second, to us, this book never would have been a reality.

Equally deserving of our sincerest debt of appreciation are our wives who tolerated our long-term affair with the "unassailable mistress" – our careers. To Doris and Karen and our parents and children, we can only say, thank you for the patience, wisdom and understanding that you so unselfishly provided us.

Others, in the course of our professional lives, have provided us with a vision, sensitivity, and understanding that have enabled us to transgress "traditional police wisdom." Charles Rogovin, Peter Reuter, Jonathan Rubinstein, Fritz Ianni, Ralph Salerno and others too numerous to mention deserve special recognition.

A word of appreciation is in order to the members of the Intelligence Bureau, my predecessor Bill Baum and successors, Carl Chiaventone, Charles Coe, Harry Patterson, and John Carney, and in particular, the Analytical Unit. Much of what is discussed here emanated from the work of this Bureau and Unit. The refreshing insights, joys and disappointments that are associated with implementing necessary and constructive institutional change will never

be forgotten.

Finally, we owe a debt of appreciation to Colleen Longfellow, who meticulously edited the preliminary and final drafts, and to Anne Mazalewski, Maria Stout, and Barbara Jackman, who typed the final manuscript.

Justin J. Dintino
Frederick T. Martens

West Trenton, N.J.
October, 1982

CONTENTS

POLICE INTELLIGENCE SYSTEMS IN CRIME CONTROL

Chapter 1

THE INTELLIGENCE CONCEPT

> Neither a nation nor a woman is forgiven for an unguarded hour in which the first adventurer who comes along can sweep them off their feet and possess them.
>
> Karl Marx

THE "art of intelligence," or acquiring knowledge of one's opponent or competitor, is firmly entrenched in historical precedent. The ability and capacity of a government (or counter-government forces) to effectively respond to a particular phenomenon, challenge, or crisis is dependent upon knowledge of both the strengths and weaknesses of one's opponent. "Knowledge is power" and power is often used to shape and control one's environment and the environment of others. The administration of law—the channelled manifestation of power—can be used to either liberate or repress the individual growth and freedom of a people or a nation. In its quest to liberate, it may unconsciously suppress the liberties and freedoms of others. The ability and capacity of government to legitimate the particular economic, political, and social order demands a delicate balancing of competing and often conflicting interests. How this power is used remains fundamental to our understanding of the intelligence concept.

It is generally assumed that for democracy to realize its maximum potential, the people must intelligently participate in the governmental processes. In fact, permitting all, regardless of such arbitrary distinctions as race, political ideology, sex, and religion, to participate in the administration of government is a fundamental precept in our system of government. For the people to "intel-

ligently participate," those in government have an *obligation* to educate. Clearly, informed public policy can only occur in an environment where the people are given access to that information from which public policy is derived. Lacking such access, public participation in our system of government becomes a hollow promise resulting in pockets of power -- power based upon secret and unacknowledged information.

Often, however, the pragmatic realities of running government conflict with this theoretical model. That is, for public officials to make wise public policy, it is sometimes necessary to collect and deliberate over information which is not readily accessible to the general populace. Certainly, there is an inherent danger in making public policy void of citizen participation or knowledge. However, lacking an appropriate degree of confidentiality and secrecy could have a serious impact upon both the operations of government and the parties concerned. In effect, the question is one of "appropriate degree" or as we have termed it, "delicate balance," in deciding the types of information the people are entitled to, which must be juxtaposed against the legitimate needs of government to maintain secrecy. Undoubtedly, "the secret gives one a position of exception"[1] which could conceivably be translated into a position of power. Effective regulation of government represents a formidable challenge and one to which American society is finally responding. Nowhere has this response been as reactionary as in the control of our domestic intelligence systems.[2] Yet there has been little serious discussion of domestic intelligence systems and their value and utility to the administration of justice in a liberal democracy. Unfortunately, and to the detriment of the law enforcement community, few police

[1] Simmel, Georg. *The Sociology of Georg Simmel*, New York: The Free Press, 1950, pp. 355-356. Also, Ritchie P. Lowry, "Toward a Sociology of Secrecy and Security," *Social Problems* pp. 437-450.

[2] The State of Michigan has legislatively prohibited any law enforcement from participating in the Law Enforcement Intelligence Unit, a national organization representing intelligence units throughout the United States and Canada. Similarly, the Seattle, Washington City Council created an ordinance that provided for civilian oversight of intelligence operations, in effect, eliminating the effectiveness of their intelligence unit. And recently, Freedom of Information laws have been used (abused) by corporations to obtain files on competitors (see *The Wall Street Journal*, June 30, 1980 "Manager's Journal").

executives have been able to publicly articulate its utility, and even fewer possess the vision and foresight to integrate intelligence into modern criminal investigation management. Rhetorical cliches and emotionalism have tainted the arguments of both the proponents and opponents of domestic police intelligence systems. Few have assessed in any serious detail the societal benefits which may be derived from a socially responsive and legally accountable intelligence system. The response (or should we say, lack thereof) by law enforcement executives to this formidable challenge leaves much to be desired. In fact, the lack of any serious and well-reasoned dialogue, particularly among those in the law enforcement community, has done little to instill public confidence in the police, particularly as it relates to their capacity and ability to administer and regulate intelligence systems. Unfortunately, the lack of an effective intelligence component which can measure with some degree of precision the *real* threat to society will do little to advance the cause of police professionalism. Intelligence as a process has been used in the military and business sectors for hundreds of years, and as we shall demonstrate, it remains the only rational means of addressing the problem of organized crime (as we have chosen to conceptualize the problem).[3]

* * *

The origin of the term "intelligence" can be traced back to 1593. It was defined as "understanding as a quality admitting of degree" or, more substantively, "superior understanding." The activity of intelligence could be defined as possessing a superior understanding of an event, action or phenomenon. In a further refinement of this definition, the term was eventually politicized in 1920, referring to an "intelligentsia"—"the class consisting of the educated portion of the population and regarded as forming public opinion".[4]

---

[3] Albini, Joseph L. *The American Mafia*, New York: Appleton-Century-Crofts, 1971; Francis A.J. Ianni, *A Family Business: Kinship and Social Control in Organized Crime*, New York: Russel Sage Foundation, 1972; Salerno, Ralph and John S. Thompkins, *The Crime Confederation*, New York: Doubleday, 1969; Patrick J. Malone, "The Problem with Categorizing and Controlling Organized Crime," *Albany Law Review*, Vol. 36, 1972, pp. 330-336; Frederic D. Home, *Guns and Garlic*, Indiana: Purdue University Press, 1974.

[4] *Shorter Oxford English Dictionary*. Oxford: Clarendon Press, 3rd. Edition, Volume 1, p. 1089.

Militarily, "intelligence is knowledge of a possible or actual enemy or area of operations." It is designed to provide information about the opponent's resources and projected plans or strategies and is essential to the military commander in "preparing and executing military policies, plans, and programs."[5] Tactical intelligence, namely the type of knowledge needed to plan an effective offensive against an enemy, and strategic intelligence, i.e. intelligence designed to shape long-range policy and strategy, are necessary in deciding how resources are to be allocated. Hence, intelligence from a military perspective is understanding the opposition and recognizing their capabilities and limitations *before* undertaking any offensive and, equally important, defensive action.

Godfrey and Harris, two of the foremost authorities on domestic intelligence systems, have avoided defining "intelligence": "what concerns us here, however, is not a grammatical oddity, but an understanding of the word as it applies to the 20th century law enforcement."[6] Godfrey and Harris have instead opted for a concept of intelligence. Godfrey and Harris describe intelligence as "the end of a complex process, sometimes physical *but always intellectual.*" Contrary to general perceptions, intelligence is more than information *but less than fact.* Surely, this description of intelligence as a *process* clearly reflects a broader concept of intelligence than that which has traditionally characterized law enforcement thinking. The phrase "always intellectual" in effect mandates a high degree of understanding. The mere collection and dissemination of information has never sufficed as "intelligence," at least among those who have had an understanding and appreciation for this sophisticated process. The collection of information represents the first phase in this continuous process. The remaining phases of this process, evaluation, collation, analysis, reporting, and dissemination represent equally important elements in the intelligence cycle.

---

[5] United States Army. *Combat Intelligence,* Washington, D.C.: Department of the Army, 1963, p. 3.

[6] Godfrey, Drexel E. and Don R. Harris, *Basic Elements of Intelligence,* Washington, D.C.: U.S. Government Printing Office, 1971, p. 2.

In analyzing both the definitions and descriptions of intelligence, several important features begin to emerge. These features, as we shall demonstrate, are not exclusively limited to an intelligence system. Rather, these elements are embodied in virtually every facet of human activity. Consistent with Godfrey and Harris, we too have chosen to avoid defining intelligence and have opted instead for a concept of intelligence. Relating this concept to economic, political, and social activities should provide a better understanding of what intelligence is, and more importantly, what intelligence is not.

The primary discriminating feature between intelligence systems and information systems is the concept of process. Process as an ongoing intellectual activity, in which information is continuously manipulated so as to create an understanding of reality, is central to an intelligence system. Information systems, to the contrary, are only used to store data. There is no concern on the part of the administrator to coalesce this information into a usable piece of intelligence. Information systems are relatively passive, whereas intelligence systems are concerned with proactively seeking and managing data in an attempt to describe reality. An intelligence system draws upon an agency's information system, but an information system is *not* an intelligence system.

Another crucial discriminating characteristic of an intelligence system is the production of knowledge. As was previously discussed, intelligence as a process is designed to elicit a high degree of understanding of reality. In other words, intelligence is concerned with producing knowledge which can hopefully be used to develop and implement policy and/or strategy. Information, although part of the intelligence process, in and of itself will not necessarily result in a high degree of understanding. An intelligence system is designed to transform information into knowledge which will hopefully result in informed and socially sensitive public policy.

Lastly, unlike an information system that passively accepts data, an intelligence system is designed to proactively seek out information which, when properly processed can predict and forecast potential problems. If properly operationalized, intelligence systems are continuously defining potential problems and recom-

mending strategy and policy to impact on the problem. The goal of an intelligence system is to prevent rather than react, whereas information systems represent one's reaction to the problem. An intelligence system should have the capacity to identify a potential social problem before it becomes a serious criminal problem.

We might point out that the notion of prevention represents a somewhat nebulous goal for law enforcement. Clearly, all crime problems are in fact social problems to the extent that a segment of society is affected by the behaviors of others. More often than not, the capacity of law enforcement to deal with the "root causes" of the problem is seriously constrained. Contrary to those who argue that law enforcement must treat these "root causes" of crime, it has become readily apparent that the police usually can only deal with the symptoms of the problem, which are represented in the manifest violation of law.[7] However, this does not negate the need or responsibility of police to pursue and make known the extent of the problem and their limited capacity to treat the problem, even if the implications of such findings are inimical to their self-interests. The role of the policeman is analogous to that of a physician who can (at times) only treat the visible manifestations of disease, but who has an obligation to pursue research and make known to the public the reasons for such a disease and recommend policies or strategies that may effectively diminish the prevalence or severity of the disease. The police, in a unique position to obtain the data necessary to understand the dynamics of organized crime, should also strive to make known the scope and dimensions of the problem in which to arrive at well-reasoned and rational public policy. To avoid what Reuter and Rubinstein have labeled "sovereignty of the bureaucracy",[8] the police in making public policy regarding organized crime control must seek to *publicly* articulate and win support of those policies and strategies which will have a measurable impact on the

[7] For a discussion of this issue, see James Q. Wilson, *Thinking about Crime,* New York: Basic Books, 1975; Ernest van den Haag, *Punishing Criminals,* New York: Basic Books, 1975; and Charles R. Silberman, *Criminal Violence, Criminal Justice,* New York: Random House, 1978.

[8] Reuter, Peter and Jonathan B. Rubinstein. "Fact, Fancy, and Organized Crime," *The Public Interest, 53*:45-67, Fall 1978, pp. 59-60.

problem. For as Ianni stated, "the principal and direct responsibility for (organized crime's) prevention rests with the *total* community. . ."[9] Only through an effective and socially sensitive intelligence component can the total community be appraised of the problem and mobilized to make a concerted effort to minimize the problem.

In essence, then, intelligence is (1) a process through which information is managed which (2) will hopefully increase our knowledge of a particular problem (3) resulting in preventive and/or informed public policy. The absence of an intelligence capacity within a law enforcement organization will seriously impede the ability of law enforcement to define what it is they are trying to control, or measure the effects of its control efforts. Law enforcement administrators, in their quest to responsibly manage police resources, must avoid permitting self-serving interests and bureaucratic parochialism to affect their decision-making qualities, particularly if the police are to be recognized as a *legitimate* institution of social control. Our society has become too diversified and sophisticated to accept yesterday's responses to tomorrow's problems. Society's knowledge and understanding of the criminal justice processes mandate a higher degree of sophistication on the part of criminal justice administrators. Intelligence, if *properly* operationalized, could conceivably provide this greater understanding.

* * *

The late sociologist Georg Simmel once stated "the first condition of having to deal with somebody at all is to know with whom one has to deal . . . Our conduct is based upon our knowledge of social reality."[10] The intelligence process is designed to know who (and what) law enforcement is to deal with and more importantly, to construct or define an understanding of the criminal phenomenon. This concept verbalized by Simmel is historically grounded in the Old Testament.

---

[9] Ianni, Francis A.J.: *Black Mafia,* New York: Simon & Schuster, 1974, pp. 330-332.
[10] Simmel, *op. cit.* p. 310

In Numbers 13 we are told, Moses sent spies into the promised land of Canaan. Twelve spies were sent into the land, one for every tribe. These spies were to gather three important pieces of data: (1) the type of terrain, (2) the number and strength of the population, and (3) whether the land was "fat or lean." These three facts comprised the data which were needed to create an understanding of the enemy, assess whether the benefits of invasion outweighed the costs, and develop an appropriate strategy. As a result, a report was formulated providing specific recommendations: ten of the spies indicated that such an invasion was too dangerous, whereas only two (Joshua and Moses) recommended an invasion of the land. The recommendation of the majority was ultimately accepted.

Indeed, the processes used in this example represent the most rudimentary form of intelligence (as we know it today). A collection plan was developed in which the leaders requested information to three specific questions; spies or "collectors" were dispatched to obtain answers to the questions; the data was evaluated by both the collectors and leaders; a report citing both the positive and negative features of an invasion was developed; and the recommendations of the majority report were heeded. Clearly, the process used by Moses represents one of the earliest reportings of an intelligence system known to man.

Surely, this type of military intelligence, which was used to identify the strengths and weaknesses of a nation's enemy(ies) has been cited time and time again as the crucial or deciding factor in achieving victory. The capacity of England, the Soviet Union, and the United States to effectively respond to the threat of Nazi Germany and Facist Italy during World War II represents one of the more illustrious examples of the utility of intelligence. And equally illustrative, of course, was the apparent failure of the United States to prepare for the bombing of Pearl Harbor or the Iranian hostage crisis.[11] Nonetheless, it may prove useful to briefly contrast military intelligence to police intelligence, since often domestic intelligence systems are modeled after those in the mili-

[11] Kahn, David: *Hitler's Spies*, New York: Macmillan Publishing Co., – 1978; Ronald Lewin, *The American Magic*, New York: Farrar, Strauss and Giroux, 1981.

tary. Moreover, it might also prove beneficial to examine why intelligence, particularly today when limited warfare appears to dominate most military strategy, will be more important to our survival than ever before in history.

As we previously pointed out, military intelligence represents (1) "knowledge of a possible or actual enemy . . . (2) and is essential to the preparation and execution of military policies, plans and programs." According to the U.S. Army *Combat Intelligence Manual,* intelligence must be useful. "Intelligence must increase knowledge and understanding of the particular problem under consideration in order that logical decisions may be reached".[12] Taken in this light then, intelligence is designed to produce not just knowledge for the sake of knowledge, but rather, usable knowledge to enhance the decision-making processes. Decisions *always* involve choices between alternatives. At times these alternatives are contradictory and the "right" decision may *not* be the most politically expedient or popular. The fact that choices are involved mandates access to information which not only supports one's personal predilections, but also information which may conflict. In this way, subjectivity is narrowed and alternatives are consciously weighed. The key, of course, to arriving at sound, logical decisions is quality information. Militarily, this could be translated into a decision to build a B-1 bomber vis-à-vis an expanded missile force (strategic intelligence), or a decision to forego a particular assault because victory (or loss) would have no appreciable impact upon the immediate goal (tactical intelligence). Lacking such knowledge, the military commander would be in a precarious position, forced to make decisions having a vague if not elusive understanding of the problem.

Translated into the police sector, knowledge of the organized crime problem also requires good information. If, in fact, good information is the key to making sound organized crime control policy and strategy, conceivably the lack of such information will result in poorly planned policy and strategy. In organized crime control, how law enforcement perceives the problem often determines how the problem is defined. For instance, does law enforce-

[12] U.S. Army, *op. cit.* p. 6.

ment define the "drug problem" as one of "helpless victims," usually the young, being addicted to various controlled dangerous substances? If so, the focus of enforcement activity is usually toward these young helpless victims. On the other hand, if law enforcement perceives the drug problem as one of organized criminal entrepreneurs trafficking in controlled dangerous substances, the appropriate strategy is to focus upon the organized criminal. Taken one step further, if law enforcement perceives the drug problem as one of criminal organizations which seek to monopolize the narcotics market through coercion, violence, and/or official corruption, the appropriate strategy may be prioritizing *only* those criminal organizations which have achieved or are seeking to attain such a stature.[13] Clearly, one's knowledge of the problem begins to define the strategy. Unfortunately, organized crime enforcement has been based upon limited experiences and poorly analyzed information. Inasmuch as the concept of organized crime was not officially recognized within the law enforcement community until approximately 1967 (some fourteen years ago) the information generated in this relatively short period of time has avoided the critical analysis which is necessary in evolving a qualified public policy. Hence, if law enforcement's perception of the problem is narrow (because one's experience with the subject matter has been limited), the solution to the problem will also tend to be narrowly focused. An example of this can be found in the enforcement of both our gambling and narcotics law.

Other than the infamous enforcement strategy which attempted to dissuade marijuana use because of its "natural" progression to heroin, another strategy which has emerged treats the heroin problem solely as one of addiction. The law enforcement, particularly the narcotics enforcement, community is almost unanimous in its belief that the use of heroin is analogous to addiction. Developing the concept of heroin *use* – that is, one who occasionally uses heroin but is not physically addicted is heresy within the narcotic enforcement community. Yet research has emerged which supports this concept, and on the basis of pure logic, such

[13] Andrews, Paul P., Longfellow, C.H. and Martens, F.T.: "Zero-Sum Enforcement: Reflections on Drug Enforcement", *Federal Probation*, March 1981, pp. 14-20.

a concept appears probable.[14] Since it is necessary to have an understanding of the problem before one can devise a solution or strategy, the failure to recognize the concept of the heroin "user" limits the development of an enforcement strategy.

If in fact the police believe that all heroin users are addicts, the resultant policy is usually to arrest all addicts. However, a policy that focuses upon heroin addicts only serves to increase the cost of heroin to the addict, which could conceivably result in an increase in the predatory types of crimes an addict apparently resorts to. Thus, such a policy directed toward the arrest of heroin addicts, which ultimately drives up the cost of heroin, is in conflict with the overall goal of crime. Perhaps, if the law enforcement community were able to discriminate between "users" and "addicts" a policy might emerge which would prove more beneficial. That is, it may be more appropriate to manipulate through resource allocation, the price of heroin to the "user" and "addict" population.[15]

Gambling enforcement provides yet another interesting parallel. If, as the President's Task Force found, gambling is the "life-blood" of organized crime, i.e. illegal gambling revenues are generally funnelled to organized crime elements, the resultant strategy is to arrest all gambling operatives, since every arrest negatively affects the revenue-generating capacity of organized crime.[16] However, if in fact there are many independents (as Reuter and Rubinstein demonstrated in their research) who are operating exclusive of any organized crime influence or control, such a policy could conceivably result in the organization of the independents, particularly if the independent is forced to enlist the aid of the organized criminal (for either economic or political reasons).[17] Thus, such a strategy may prove counterproductive to

---

[14] Moore, Mark H.: *Buy and Bust,* Lexington: Lexington Books, 1977; and Leon G. Hunt and Norman E. Zinberg, *Heroin Use: A New Look,* Washington, D.C.: Drug Abuse Council, September, 1976.

[15] Moore, *Ibid.*

[16] *Task Force Report: Organized Crime,* President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: U.S. Government Printing Office, 1967.

[17] Our experience suggests that most "independent" (and "connected") bookmakers are in fact degenerate gamblers, themselves, and are often forced to utilize the services of "loansharks." In effect, it is the "loanshark" who benefits from the arrest of an "independent" bookmaker, and quite often, it is the "loanshark" who is the member of organized crime.

the goals of law enforcement, serving instead the interests of organized crime.

Clearly, these two examples demonstrate the need for law enforcement administrators to be able to precisely assess and selectively respond to the problem. Although gambling may have been at one time controlled by organized crime, it may not be today; and while heroin may have been physically addicting in all cases ten years ago, the concept of a "heroin user" may be more appropriate today. As the *Combat Intelligence Manual* correctly points out, "procedures which cannot be changed to meet the requirements of a given situation generally lead to failure . . . Intelligence operations require imagination and foresight . . . Blind acceptance or the continuance of the current situation may be fatal."[18]

* * *

Clearly, the utility of intelligence in both the military and private sectors of the economy are becoming extremely important to the decision-making processes. Whether or not we live (or ever lived) in a world characterized by "black and white," or "right or wrong," it is becoming more and more apparent that the technological progress of the past decade has mandated a refinement of our responses. Within the military sector, the arrival of limited warfare brought about through the development of nuclear weapons resulted in a complete revision of military policy and strategy. Conceivably, the Korean and Vietnam conflicts could have resulted in a United State's victory had nuclear weapons been employed. However, it is also likely that the Soviet Union would have resorted in a United States victory had nuclear weapons been employed; United States would have resulted in a further erosion of its legitimacy among world powers. Thus, the decision to wage all-out war is no longer dependent upon the exclusive right of any one nation to employ nuclear weapons. Former Secretary of State Henry Kissinger articulated this dilemma quite accurately when he stated "the enormity of modern weapons makes the thought of war

[18] U.S. Army, *op. cit.* p. 6.

repugnant, but the refusal to run any risks would give the Soviet rulers a blank check.[19] Only a doctrine which defines the purpose of these weapons and the kind of war in which they are to be employed permits a rational choice."[20] Such a choice can only occur when policy-makers are provided the data necessary to assess the capabilities of one's opponent. War (and peace) are no longer (and probably never were) within the sole domain of the military establishment. Incorporated into the national intelligence process are political variables that will ultimately affect military policies.

Similarly, organized crime enforcement administrators must recognize the scope and dimensions of the so-called organized crime problem and in particular its relationship to the political economy of our society. As we shall point out later, the notion that organized crime represents an alien parasitic, criminal conspiracy designed to undermine the political and economic fabric of society has been the dominant mode of thought within the law enforcement community. Contemporary research quite clearly demonstrates the systemic, and functionally utilitarian value of organized crime to disenfranchised communities.[21] Only when administrators are able to precisely define and discriminate between the exploitive and symbiotic features of organized crime can we hope to evolve a more rational and coherent public policy.

* * *

Little is known about the illicit marketplace and even less is known about how enforcement practices effect this marketplace. The fact of the matter is, law enforcement administrators do not know how to effectively control organized crime, nor do they know what strategies are most effective and cost-efficient. Although the legalistic and technological advancements of the past decade have increased the array of tactics available to law enforce-

[19] Kissinger, *op. cit.* pp. 114-144.
[20] *Ibid.*
[21] Ianni, *op. cit. Black Mafia* and *A Family Business;* also William J. Chamblis, "The Political Economy of Crime," *Critical Criminology*: and Block and Chamblis, *Organizing Crime.* New York: Elsevier, 1981.