INTELLIGENCE GATHERING IN FORENSIC SCIENCE

Dr. **Grażyna Kędzierska**,
Non State Higher Pedagogical School of in Bialystok,
al. Jana Pawła II 91, 15–704 Białystok, Poland,
<gkedzierska@op.pl>

Annotation

"Criminal intelligence", "police intelligence" and "operational intelligence" are the most common terms used to refer to the information gathering process used by law enforcement agencies to detect criminals and prevent crime. Representatives of science and practitioners comment on the issue of intelligence gathering, but mainly forensic scientists and lawyers, agreeing that forensics is a science appropriate for developing the principles of this operational-exploratory activity. Intelligence gathering as a method of operational and exploratory work of law enforcement agencies, by definition, has a special feature, which is secrecy, which means collecting information in a discreet manner.

Keywords: fighting crime, forensic science, secrecy, intelligence activities.

Introduction

Forensic science is a science that finds its practical application in fighting crime. However, as a science it also has a large area of theoretical issues – more or less extensively developed. In this respect, the sphere of operational activities, including intelligence gathering and information sharing, belongs to those with rather scant literature on the subject in Polish scientific publications. As Tadeusz Hanausek noted, "only the military sciences, and that in completely different contexts, deal with intelligence." However, only forensic science deals with this issue more broadly. It "has much in common with military science, especially where it concerns tactics and methodology of combat". Military science deals with fighting an external enemy and forensic science deals with fighting crime. In both cases, therefore, the subject of interest is combat[1], and intelligence is an extremely important element in this activity.

According to Mariusz Kulicki, the subject of interest in forensics is crime *in concreto*[2], and according to Włodzimierz Gutekunst, forensic science deals with

---

[1] Hanausek, T. (1994). *Zarys taktyki kryminalistycznej.* 79.
[2] Kulicki, M., Kwiatkowska-Wójcikiewicz V., Stępka, L. (2009). *Kryminalistyka. Wybrane zagadnienia teorii i praktyki śledczo-sądowej.* 40.

the tactics and technique of committing, detecting and preventing crimes[3]. Hence the interest of forensics in intelligence, which from the point of view of law enforcement agencies is used in detecting perpetrators and preventing crime.

In the technical option, forensics fights crime on trial, in accordance with the guidelines of the Act, collecting and determining information provided in the traces left by an offender[4]. In tactical terms, forensics is primarily oriented on obtaining information about a criminal, using operational and exploratory activities permitted by special laws. Modern forensics must therefore deal with the elimination of threats posed by operational and exploratory activities, also in terms of regulations in European law – Jacek Kudła[5] repeatedly emphasizes.

In a dictionary, the term *intelligence / interview* has the following general meanings[6]:

– a journalist's conversation with someone, usually a famous person, in which he answers questions asked; this conversation published on the radio, television or in the press,

– a method of collecting specific information and public opinion polling, which consists of appropriately targeted and planned interviews,

– a doctor's conversation with a patient in order to collect information about their health problems and environmental conditions,

– an institution aimed at collecting secret information about foreign countries; also: people working in this institution,

– activities aimed at providing classified information.

Thus, three main meanings of the word *intelligence* are exposed[7]:

– intelligence (institution) – an institution dealing with intelligence activities,

– intelligence (conversation) – a conversation with a person,

– intelligence (method) – also a research method.

---

[3]   Gutekunst, W. (1974). *Kryminalistyka. Zarys systematycznego wykładu.* 25.

[4]   E. g. Police Act, Border Guard Act.

[5]   The threats posed by operational and exploratory activities are concentrated in the verification of information and the elimination of randomness in making decisions regarding the inclusion of a person in operational methods. Kudła, J. (2015). Czynności operacyjno-rozpoznawcze. Gwarancje działań praworządnych. In Kwiatkowska-Wójcikiewicz, V., Zubańska, M. *Współczesna kryminalistyka. Wyzwania i zagrożenia*. 240–241; and Kudła, J. (2009). Wykorzystanie wyników czynności operacyjno-rozpoznawczych w procesie karnym – wybrana problematyka. In *Kryminalistyka i inne nauki pomostowe w postępowaniu karnym*. Ed. Kasprzak, J. Młodziejowski, B. 330.

[6]   *Słownik Języka Polskiego:* https://sjp.pwn.pl/slowniki/wywiad.html

[7]   *Wikipedia. Wolna Encyklopedia*: https://pl.wikipedia.org/wiki/Wywiad

These meanings in various studies are formulated differently, but they almost always reflect the following possibilities: a conversation, the text of a conversation, a method (it can be research) of gathering information and an institution collecting information[8].

An interview as a conversation may be conducted by a journalist, doctor, psychologist, policeman, etc. The type of an interview also depends on the type of information collected. This is how the press, medical, psychological, sociological, military, economic and political interviewsare distinguished.

Forensic literature lists various collocations of the word "intelligence" with adjectives. In this way, the following can be named: confidential intelligence[9], custodial intelligence[10], police intelligence, militia intelligence, criminal intelligence, tactical intelligence, operational intelligence, and forensic intelligence. Some of them are currently of historical significance and are not used in theory or in practice.

The effective use of intelligence gathering in detection work has a very long history in police forces, although in earlier centuries it was not authorized by legal regulations. In Poland, after the country regained its independence in 1926, internal police regulations provided indications in which the police intelligence played the role of an auxiliary means in the field of gathering information to combat political crimes[11]. In the Investigative Instructions of 1929, the tasks of the investigative departments included conducting police intelligence as an operational activity. Operational activities included those activities that were recorded, such as intelligence activities in the form of interviewing[12].

There are at least several classifications of an interviewas a conversation.

---

[8] 1. an interview conducted by a journalist with a person or group of people, aimed at presenting the views or actions of these people to the recipients; 2. coll. the text of such a conversation; 3. a state institution aimed at collecting secret information about other countries; 4. med. psych. collecting information about the patient and his health; 5. sociol. a research method used to collect information about opinions and views.*Wolny, Wielojęzyczny Wikisłownik*: https://pl.wiktionary.org/wiki/wywiad

[9] Confidential intelligence was the basic activity of the political police during the Second Polish Republic.A confessor was a man who cooperated in confidence with the Police by providing them with information. *Metody Pracy Wywiadowczej Przedwojennej Policji*. Policja Kujawsko--Pomorska: https://kujawsko-pomorska.policja.gov.pl/kb/informacje/historia-policji/historia-policji-1920/2995,Metody-pracy-wywiadowczej-przedwojennej-Policji.html

[10] The purpose of a criminal interview is to provide information on the conditions under which a criminal action is to be carried out. Hołyst, B. (1996). *Kryminalistyka*. 78–79.

[11] Halicki, K. (April – June 2010). Metody pracy operacyjno-wywiadowczej policji politycznej w okresie międzywojennym. *Problemy Kryminalistyki*, 268, 71.

[12] Siemak, Z. (2014). Policja kryminalna w II Rzeczypospolitej. Powstanie, organizacja, kadry i metody pracy. *Zagadnienia Społeczne* 1, 1, 191, 201.

The most general classification was proposed by Walther von La Roche[13]:

– a "person" interview – presents the interviewee's personality,

– a "things" interview – concerns only informational facts,

– an "opinion" interview – relates to the interviewee's beliefs[14].

The above classification, though created with a press interview in mind, is also applicable in the area of intelligence gathering that forensics deals with. Adrian Szumski gives three categories of intelligence, referring them definitely to activities described as operational and exploratory activities[15]:

– police intelligence,

– investigation intelligence,

– a community interview.

With regard to the goal that is to be achieved through intelligence gathering, A. Szumski distinguishes between operational intelligence and opinion-forming intelligence, as well as between general intelligence and specific intelligence[16]. Importantly, according to T. Hanausk, intelligence gathering may be overt and covert[17], or, according to Brunon Hołyst, overt and confidential[18].

T. Hanausek defines intelligence/interview as obtaining information by conducting a casual conversation with another person. However, this is a dialogue essentially different from an interrogation, as it is informal in nature and has no evidentiary significance as an interrogation[19]. According to this author, intelligence is therefore classified as operational and exploratory activities.

Zbigniew Czeczot and Mieczysław Czubalski believe that an interview is a discreet collection by a police officer of information relating to persons, objects or events of interest to the police. The abovementioned authors refer to such activities as a police intelligence service[20]. Ewa Gruza, Mieczysław Goc

---

13 Walther von La Roche (1936–2010) was a German journalist, writer and journalism teacher. Until 2006, he lectured as an honorary professor of radio journalism at the University of Leipzig.

14 *Wikipedia. Wolna Encyklopedia*: https://pl.wikipedia.org/wiki/Wywiad_(rozmowa)

15 Szumski, A. (2010). *Wykorzystanie taktyki i techniki kryminalistycznej w ramach czynności operacyjno-rozpoznawczych*. 143.

16 Szumski, A. (2010). *Wykorzystanie taktyki i techniki kryminalistycznej w ramach czynności operacyjno-rozpoznawczych*. 145.

17 Hanausek, T. (2009). *Kryminalistyka. Zarys wykładu*. 114.

18 Hołyst, B. (1996). *Kryminalistyka*. 789.

19 Hanausek, T. (2009). *Kryminalistyka. Zarys wykładu*. 114.

20 The authors use the terms „police (militia)", and in the footnote they describe the goals of the intelligence and the so-called community interview, which allows to get to know a specific criminal. Czeczot, Z., Czubalski, M. (1972). *Zarys kryminalistyki*. 28, 29. Czeczot, Z., Tomaszewski, T. (1996). *Kryminalistyka ogólna*. 69.

and Jarosław Moszczyński added the wording „or other authorized services" to the above mentioned definition. The indicated forensics add that information is obtained in the course of their own observations and observations of a person, as well as through free, often informal conversations with other people, conducted in such a way that the interlocutor does not find out about the actual direction of the authority's interest. On the other hand, in the description of the forms of conducting the interview, the mentioned authors use the term "operational intelligence, which suggests the possibility of interchangeable use of the terms "police intelligence" and "operational intelligence"[21].

In literature, especially more recent, the phrase "criminal intelligence" appears quite often. Numerous speculations on this topic refer to criminal intelligence as the philosophy of police operations[22], but some authors emphasize, for example, Henryk Tusiński and Marek Broniecki, that criminal intelligence is a process consisting or based on the continuous acquisition, assessment, gathering and analysis of information[23]. Waldemar Ignaczak agrees with this definition of criminal intelligence, supplementing it with the phrase "with particular emphasis on analysis"[24]. The authors cited above recognize that the purpose of this process is to direct police actions and activities. The definition of W. Ignaczak strongly links the criminal intelligence with the criminal analysis, while assigning the interview to the role of information provider for analysis and emphasizing the role of analysis. Piotr Chlebowicz and Joanna Kamińska emphasize that criminal intelligence analysis does not occur independently but is embedded in the process referred to as criminal intelligence[25]. Thus, the term "criminal intelligence" takes the meaning of a process consisting of several elements. Bolesław Sprengel, following the above mentioned authors, also understands criminal intelligence as a process, however, in the next sentence he uses the term "intelligence cycle" and lists the stages of this cycle[26].

An interesting issue is raised by Adam Taracha, noting that during the

[21] Gruza, E., Goc, M., Moszczyński, J. (2008). *Kryminalistyka – czyli rzecz o metodach śledczych*. 66.

[22] Chlebowicz, P., Kamińska, J. (2015). *Operacyjna analiza kryminalna w służbach policyjnych*. 12, quoted in *Criminal Intelligence. Manual for Analyst.* (2011).

[23] Tusiński, H., Broniecki, M. (2005). Wywiad kryminalny jako kierunek zwiększania efektywności Policji w zdobywaniu, gromadzeniu i wykorzystaniu. *Przestępczość zorganizowana. Świadek koronny, terroryzm w ujęciu praktycznym*. Ed. Pływaczewski, E. W. 665; Ignaczak, W. (2005). *Wybrane zagadnienia analizy kryminalnej*. 10.

[24] Ignaczak, W. (2005). *Wybrane zagadnienia analizy kryminalnej*. 10.

[25] Chlebowicz, P., Kamińska, J. (2015). *Operacyjna analiza kryminalna w służbach policyjnych*. 12, quoted in *Criminal Intelligence. Manual for Analyst.* (2011). 13.

[26] Sprengel, B. (2018). *Praca operacyjna policji*. 178–207.

interview, constituting an interview, and conducted as an operational and exploratory activity, a natural person is not obliged to provide information[27]. This corresponds to the question of verifying information obtained by intelligence gathering [28] and the difficulty of performing this operational – exploratory activity. Conducting an interview is not easy and is rarely discussed in greater detail in didactic studies in the field of forensics[29]. Therefore, it is worth noting the text of J. Kudła and Piotr Kosmaty, who start with the concept and principles of operational intelligence, then proceed to discuss in detail the officer's preparation for this activity, and in the final part describe how to conduct operational intelligence gathering step by step. The authors suggest many tactical solutions to the difficulties that may arise during operational activities [30].

The so-called "open-source intelligence" should be considered a separate entity. P. Chlebowicz, quoting Bartłomiej Sienkiewicz, cites the definition of it as the legal acquisition of information from public space and processing it in a way that allows the operational departments to react in situations that require it[31]. Open-source intelligence should therefore be understood as a method if one refers to the meanings of the term "intelligence". Open-source intelligence is listed in the catalog of operational-exploratory activities, even though its definition emphasizes legal information gathering. Nevertheless, any intentional search by law enforcement authorities for information about a specific person or event is always a discrete activity. Wiesław Mądrzejowski has a similar opinion, saying that if the police become interested in publications about specific events, persons, economic structures and their activities, the fact and scope of such interest should be concealed[32].

Finally, the term "intelligence" may also be perceived as an institution or part of an institution such the Bureau of Criminal Intelligence and Information

---

[27] Taracha, A. (2004). Czynności operacyjno-rozpoznawcze i karnoprocesowe – podobieństwa i różnice. *Doctrina multiplex verita suna. Księga Jubileuszowa ofiarowana Profesorowi Mariuszowi Kulickiemu, Twórcy Katedry Kryminalistyki.* Ed. Bulsiewicz, A., Marek, A., Kwiatkowska-Darul, V. 335–336.

[28] Kudła, J. (2015). Czynności operacyjno-rozpoznawcze. Gwarancje działań praworządnych. In Kwiatkowska-Wójcikiewicz, V., Zubańska, M. *Współczesna kryminalistyka. Wyzwania i zagrożenia.* 240–241.

[29] Hanausek, T. (1994). *Zarys taktyki kryminalistycznej.* 108.

[30] Kudła, J., Kosmaty, P. (2019). Wybrana problematyka wywiadów i rozmów operacyjnych. *Przegląd Policyjny* 1, 133, 195–220.

[31] Chlebowicz, P. (2012). Biały wywiad z perspektywy kryminalistyki. In Filipkowski, W., Mądrzejowski, W. *Biały wywiad. Otwarte źródła informacji – wokół teorii i praktyki.* 58.

[32] Mądrzejowski, W. (2012). Biały wywiad w Policji. In Filipkowski, W., Mądrzejowski, W. *Biały wywiad. Otwarte źródła informacji – wokół teorii i praktyki.* 126.

of the National Police Headquarters. Yet, it focuses only on data management gathered in information systems and supports police and non-police entities in combating crime by providing access to criminal information[33]. It does not mean conducting intelligence activities – gathering information – neither in the sense of conversation nor method.

Conclusion

In conclusion, intelligence gathering as a method of operational and exploratory work of law enforcement agencies, by definition, has a special feature, which is secrecy, which means collecting information in a discreet manner, regardless of whether intelligence gathering is an interview or a method (such as open-source intelligence). This feature may include the content, time, place of the conversation, personal data of the officer and the interlocutor.

Inserting the word "intelligence" in the name of the institution or its part provides information about the type of activity carried out by the group of people employed there. However, it is not the intelligence activity itself that constitutes a secret, but its individually designated subject and object, purpose, time and scope.

Intelligence used in law enforcement means obtaining information that necessarily must be collected and analyzed. It is therefore an activity that precedes analysis, but is not part of it. However, if we use the term "intelligence cycle", in which different stages can be distinguished, then intelligence and analysis will appear as separate activities, although undoubtedly related.

Placing intelligence gatheringin the group of activities points to the meaning of the word used asa verb, although the information obtained can also be treated as a noun in the sense of knowledge gathered. In this context, two ways of understanding intelligence gathering emerge. In a narrow sense, intelligence is a single activity of gathering information, while in a broad sense intelligence is the name of a series of organized activities (intelligence cycle).

"Criminal intelligence", "police intelligence" and "operational intelligence" are the most common terms used to refer to the information gathering process used by law enforcement agencies to detect criminals and prevent crime. "Police intelligence" suggests the use of intelligence by one institution – the police. "Criminal intelligence" indicates the use of this activity to obtain information related to a crime and the methods of its detection, with the prosecution of

---

[33] *Zadania Biura wywiadu i Informacji Kryminalnych*. Biuro Wywiadu i Informacji Kryminalnych Komendy Głównej Policji: https://policja.pl/pol/kgp/bwik/zadania/121548,Zadania-Biura-wywiadu-i-Informacji-Kryminalnych.html

criminals. And finally, "operational intelligence" emphasizes the most important feature of intelligence – secrecy.

The presented analysis of forensic case reports and literature reviews allows to notice that various authors, representatives of science and practitioners comment on the issue of intelligence gathering, but mainly forensic scientists and lawyers, agreeing that forensics is a science appropriate for developing the principles of this operational-exploratory activity.

ŽVALGYBINĖS INFORMACIJOS RINKIMAS TEISMO EKSPERTIZĖJE

Grażyna Kędzierska

Santrauka

„Kriminalinė žvalgyba", „policijos žvalgyba" ir „operatyvinė žvalgyba" yra dažniausiai vartojami terminai, apibūdinantys informacijos rinkimo procesą, kurį teisėsaugos institucijos naudoja siekdamos nustatyti nusikaltėlius ir užkirsti kelią nusikaltimams. Žvalgybos duomenų rinkimo klausimą komentuoja mokslo atstovai ir praktikai, tačiau daugiausia – kriminalistai ir teisininkai, sutinkantys, kad kriminalistika yra mokslas, tinkamas šios operatyvinės – tiriamosios veiklos principams plėtoti. Žvalgybos duomenų rinkimas, kaip teisėsaugos institucijų operatyvinio ir tiriamojo darbo metodas, pagal apibrėžimą turi ypatingą požymį – slaptumą, reiškiantį informacijos rinkimą diskretišku būdu.

Raktiniai žodžiai: kova su nusikalstamumu, teismo ekspertizė, žvalgybinė informacija.