

Criminal Intelligence Activity and Criminology: A New Empirical Field for Crime Research

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Abstract: The need for widespread use of criminological knowledge in the development of the theory and practice of criminal intelligence activity was noted in the first fundamental works by the founders of the modern theory of criminal intelligence activity in the 70s of the last century. Along with this, the specificity of the use of criminal intelligence tools and methods were noted in in-depth knowledge of crime, its causes and conditions, and the characteristics of the criminal's personality. At the same time, the beginning of the development of such an important form of criminal intelligence activity as criminal intelligence crime prevention was made. An attempt to justify the objective need for criminological intelligence researches as an interdisciplinary area of studies on general crime has already been made earlier. The initial provisions of intelligence criminology were used in a number of dissertations to substantiate the theoretical and applied problems of criminal intelligence prevention of common crimes in general and certain types of crimes in relation to the sphere of activity of the internal affairs bodies. Currently, intelligence criminology is recognized by both representatives of the theory of criminal intelligence activity and by criminologists. The aim of the work is to study the possibilities of criminal intelligence activities as a potential empirical field for conducting a criminological research, and the tasks are to clarify such opportunities using the example of certain types of criminal intelligence measures, in the form of which, in fact, all this activity takes place. The methodological basis of the work was both general scientific (analysis, synthesis, generalization, modelling, experiment, etc.) and specific scientific (observation, survey, questionnaire survey, content analysis, etc.) methods of scientific research. Based on the results of previously conducted and modern scientific developments, the article substantiates the objective necessity and possibility of implementing a new direction in the study of crime at the junction of criminology and the theory of criminal intelligence activity, a theoretical model of using, on the one hand, criminological knowledge in the theory and practice of criminal intelligence activity, and on the other hand, its means and methods in the criminological research of crime is proposed.


1 INTRODUCTION

In recent decades, in the development of domestic and foreign criminology, there has been a strongly pronounced tendency to isolate the studies of certain aspects, in particular, the types and spheres of manifestation of crime, which are characterized by significant specificity (Presser, Sandberg, 2019). In this regard, the emergence of such concepts as «military», «political», «penitentiary» and the other «criminology» are natural. However, because of the tautology («criminology ... of crime»), they can hardly be acceptable, but the fact of the selection of

branches of criminology, proceeding from the need to take into account the specifics of the various manifestations of crime, is important (Yakovlev, 2017).

Among the «criminology» branches there is still no proper place for the direction of research, which we call intelligence criminology, although the specifics of the study of crimes, their causes and conditions, the identity of potential and real criminals, problems of crime prevention in the field of criminal intelligence activities can hardly raise doubts. Until recently, criminological problems were considered mainly, if not exclusively, by the theory of criminal

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intelligence activities. At the same time, it is noted that many categories and concepts of criminology, such as the causes and conditions of crime, the criminological doctrine about the personality of a criminal are fundamental for this theory (Bykov, Zenin, Kudryashov, 2018), and many scientific conclusions and achievements of criminological science have become the foundation for the formation of the principles and theoretical concepts of criminal intelligence activities (Isichenko, Egorova, Fumm, 2011).

For the sake of fairness, it should be noted that in recent years, marked by the intensive development of not only criminology, but also the theory of criminal intelligence activity, the researchers of the last science are paying more and more attention to the criminological problems of the criminal intelligence activity. Thus, V.S. Ovchinsky, noting the organic connection of the theory of criminal intelligence activity with criminological science and, summarizing the previous researches, emphasizes: «All categories of criminology, reflecting in-depth knowledge of the numerous phenomena generated by crime, have a direct impact on the organization and tactics of criminal intelligence activities» (Goryainov, Ovchinskij, 2020).

The foregoing information undoubtedly testifies to the importance of scientific researches aimed at identifying, suppressing, detecting and preventing penitentiary crimes, not only from the point of view of criminal intelligence activities, but also taking into account criminological achievements.

There are sufficient prerequisites for the deployment of systematic criminological intelligence researches. From an epistemological (theoretical and cognitive) point of view, it is an objective possibility of deeper, than until now, knowledge of crime in all its manifestations. From the standpoint of social significance – the intrinsic need of society for the most complete scientific and practical knowledge about the actual state of crime. From the point of view of the practical attainability of this knowledge – the presence of potentially inexhaustible and almost unclaimed criminological intelligence information circulating in society and only partially concentrated in disparate data sets for criminal intelligence and preventive purposes (Shkabin, 2020). In this aspect, we should agree with the opinion that criminology contributes to the sustainable development of society (Blaustein., Pino, Fitz-Gibbon, White, 2018). The presence of these prerequisites makes it possible to discuss the problems of methodology and methods of conducting criminological intelligence researches.

2 MATERIALS AND METHODS

The methodological basis of criminology is the dialectical materialist method. As a general method of cognition, it sets worldview guidelines for the researcher and it is detailed in general scientific (analysis, synthesis, generalization, modelling, experiment, etc.), specific scientific (observation, survey, questionnaire survey, content analysis, etc.) methods, which together make up the general and private research methods.

3 RESULTS AND DISCUSSION

The gradual reorientation of criminology towards a closer relationship with the theory and practice of criminal intelligence activity is remarkable in two aspects. First, it is an indicator of the sufficient maturity of domestic criminology, from which society expects a more objective, substantiated and effective explanation of the processes occurring in the state and dynamics of crime during the period of market reforms. Secondly, such an interaction of criminological and criminal intelligence knowledge will make it possible to predict the trends in the development of crime in a timely manner, and to carry out preventive activities at early stages. It should be immediately noted that although the legislator considers crime prevention as one of the tasks of the criminal intelligence activities, in practice, the use of criminal intelligence measures occurs mainly in order to identify and expose the perpetrators. But even with this state of affairs, the information capabilities of criminal intelligence measures in the knowledge of hidden manifestations of crime remain quite significant.

The results of the conducted researches give grounds to conclude that deep, specially conducted, long-term (ideally permanent) criminal intelligence measures (mainly observation, an undercover operation and a sting operation) are most suitable for the purposes of criminological research (Antonyan, Grishko, Fil'chenko, 2009). But it does not mean that other criminal intelligence measures do not have any criminological intelligence potential.

On the one hand, even during a one-time event, you can get interesting information for criminology, including penitentiary. On the other hand, while carrying out purely criminal intelligence activities, employees of law enforcement units receive a significant amount of so-called incidental information. Special studies show that in criminal

records of investigation units, such information is found in almost half of the files (45.4%), and more often in cases of divisions for combating economic crime (60.7%). Even more revealing is the data obtained during the survey of employees of the penal system. About 80% of the criminal intelligence information of a preventive nature obtained during criminal intelligence measures remains unclaimed and becomes archived due to the fact that field officers do not pass it to employees who directly work with convicts (Yakovets, 2009). Moreover, all information was not revealed, since the secret assistants of law enforcement officers were relatively rarely guided by its receipt. Meanwhile, the possibilities of confidential persons in collecting such information are quite significant, as it is indicated by the absolute majority of respondents.

And yet, the most interesting in terms of the criminological intelligence study of crime are the varieties of the above mentioned criminal intelligence measures – an undercover operation, a manned surveillance and an extend sting operation. We consider how it relates to methods of observation, polling and study of documents.

If the undercover operation is assessed only from the methodological point of view, omitting its organizational and tactical aspects that deserve a separate analysis, then it is easy to see that it opens up the possibility for the widespread use of survey methods, observation, and depending on the implementation object and its specific area (for example, accounting of a commercial enterprise) – and for studying documents. In other words, the undercover operation presupposes the use of these methods and creates favourable conditions for it (Hadjimatheou, 2018).

The manned surveillance implies the presence of a subject of the criminal intelligence activity in a criminal or criminogenic environment, which turned out to be the result of the introduction or natural circumstances, and also allows the active use of interrogation and observation, and if there are documents and the possibility of access to them, their study. In this case, the subject of the application of these methods in specific conditions of place and time can be both regular (public and private) employees of law enforcement units, and their confidential assistants.

As for the study (analysis) of documents, this method in the «field» conditions of the criminal intelligence activity, obviously, can be used mainly within the framework of the indicated and other criminal intelligence measures, since its autonomous use requires special, laboratory conditions. The only

exceptions are cases when the subject of the criminal intelligence activity, who is also a research participant, by the nature of his occupation, works with documents of investigative as well as scientific interest. At the same time, as a method of criminological intelligence research, document analysis can be applied in the laboratory, when the objects of study are, for example, criminal records cases, individual current or analytical materials. While meeting the certain conditions and requirements related to ensuring secrecy and conspiracy, the subjects of the application of this research method can be both scientific and specially trained field officers.

Observation, interrogation and study of documents, although perhaps in a relatively limited volume, can in principle also be used in conducting such a criminal intelligence measure as a sting operation, especially if it is carried out for a long time or regularly, in particular, under the cover of the so-called legendary objects. The domestic experience of using the sting operation is still insignificant and even hidden for unenlightened people. According to the information about foreign experience (Gevorgyan, 2019), the task of front organizations and firms is to create the appearance of interest in illegal trade and other operations, that implies the establishment of trusting relationships with suspects, which means their encrypted interviews, monitoring them, studying the relevant documents about the proposed transactions. Generally speaking, the sting operation as a criminal intelligence measure involves the creation of secretly controlled conditions or objects to identify possible criminal encroachments, prevent, suppress or solve crimes of average gravity, grave and especially grave crimes. Carrying out the sting operation excludes the provocation of a crime, requires special professional skills, one might say, criminal intelligence art and therefore cannot be put on stream. The criminological intelligence potential of this measure becomes more valuable.

If we generalize the possibilities and methods of obtaining criminological intelligence information in relation to the three considered sociological methods, then the options for collecting it can be quite diverse. They are, in particular: a formalized study (for example, with a questionnaire) of criminal intelligence files and materials in the proceedings of law enforcement units by the field officers themselves; a programmed or free, meaningful and semantic study of realized (archival) cases by researchers; a joint study of these cases and materials by scientific and practical workers; the mentioned interviews of the employees of law enforcement units

and their covert assistants; direct observation of confidants and field officers over events, phenomena and processes taking place in a criminogenic or criminal environment; analysis of materials of targeted criminal intelligence-search and criminal intelligence-preventive measures to identify the causes and conditions of the commission of crimes, their prevention and suppression, etc. (Lapin, 2017).

The observation, interrogation and analysis (study) of documents as methods of obtaining criminological intelligence information are "present" not only in the considered, but also in other criminal intelligence activities.

In sociology and criminology, the observation is classified on various grounds. In particular, it can be controlled and uncontrolled, included and non-included, systematic and random, direct and indirect (Osipov, 2009).

The controlled observation is characterized by a preliminary determination of elements of the studied object, drawing up a plan of observation records and meticulous writing of its results. During the uncontrolled observation only the immediate object is outlined in advance, and in the course of the study the social or socio-psychological atmosphere of the phenomenon or event is clarified, the boundaries and the most significant elements of the object are determined, and initial information about them is collected.

During the non-included (external) observation the researcher or his assistants are outside of the studied object. The included observation means the obligatory presence of the researcher in the studied environment as a direct participant in the examined processes. At the same time, the degree of his involvement can vary from active to externally passive participation, from open to hidden, from partial to full inclusion in the working process. For the purposes of intelligence criminology, of course, the complete and covert included observation is the most preferable, because with its help it is possible to obtain information, access to which is unreal during external and difficult during other types of included (internal) observation.

The random (irregular) observation is characterized by a short-term study of a previously unforeseen situation. During the systematic observation, on the contrary, planned and regular recording of actions, phenomena, processes over a certain period of time is common.

Finally, the direct observation means the perception of the manifestations of the studied objects with the help of the natural sense organs of the observer, and indirect – with the help of instruments,

other technical equipment or other people. The last classification differs from the traditional concepts of observation as a sociological method, but it can be adopted by intelligence criminology.

It should be noted that criminologists point at the complexities of the included observations applying. At the same time, the attention is drawn to its ethical aspect, ensuring the safety of researchers, the difficulties and specifics of infiltration into the criminal environment, the "crisis of patience" of the observed objects, etc. (Nathan, 2017). Of course, there are problems associated with criminal intelligence infiltration and the included observation, but they are not considered in this study, since they relate to the organization and tactics of the criminal intelligence activity and constitute a state secret according to law.

Speaking about the survey as a method of criminological intelligence research, the following information must be added to the above mentioned data. The polling as a scientific method has been known for a long time and consists in collecting primary empirical information about objective and (or) subjective facts from the words of interviewees, otherwise referred to as respondents. In criminological intelligence researches, as well as in criminology or penitentiary criminology, any type and variety of surveys can be used: written and oral, free and formalized (standardized), questionnaire and in the form of an interview. The questionnaire survey (questioning), in turn, can be periodical (via newspapers and magazines), postal and handout, and interviews – personal and telephone, individual and group, in-depth and directed, with open and closed questions (as in the questionnaire), etc. Each of the types (varieties) of the survey is selected taking into account the specific conditions of the study and, except for situations of hidden survey, does not entail any special restrictions. As for the survey, the goals of which are hidden from the respondents, the need for it most often arises during the criminal intelligence infiltration into the criminal environment and manned surveillance for its participants (Alekseev, 2018). At the same time, the requirements for conspiracy objectively dictate the need for the exclusive or predominant use of free, personal, individual, in-depth or directed survey in the form of an interview. It means that such a survey should be carried out in this way: without a previously prepared written plan of the conversation (questionnaire), although on a given topic; personally by a researcher or a well-trained interviewer, as a rule, a full-time unofficial collaborator, and only in exceptional cases

– by an experienced confidant; separately with each respondent.

Characterizing the cognitive possibilities of the analysis (study) of documents, also known as the documentary method, it is necessary first of all to note that for the sciences of the criminal law cycle, in particular criminology and the theory of criminal intelligence, broader sociological understanding of the document as any material object containing information in a fixed form is acceptable and specially designed for its transmission in time and space (Weisburd, 2015). This definition covers official and unofficial documents intended for public or only personal use (for example, diaries or other secret records about the connections of criminals, their illegal incomes, etc.).

Sociology distinguishes written (handwritten and printed, documents of permanent and temporary storage, scientific and periodical publications, statistical reporting and personal documents), iconographic (film, video and photographic documents), phonetic (technical carriers of sound information – magnetic tapes, cassettes, disks, etc.) documents.

The rapid development of electronics and the practical use of its achievements in all spheres of public and private life gave rise to a new type of documentation – electronic (programs, files, floppy disks, etc.) (Suharev, Gir'ko, 2017).

All of these types of documents have a certain value for the purposes of criminological intelligence researches. According to the nature and content of documents, the conditions for their study (field or laboratory), the degree of access to them, etc. specific methods of analysis are selected. During the documentary method applying it is important, first of all, to be guided by an elementary rule: this method is especially valuable when the document is the only or main source of the necessary information. After clarifying this circumstance and making a decision to use the documentary method, we can select one of the two main types of analysis for the documents research – traditional (classical) and formalized (content analysis).

The traditional (classical) analysis is understood as the use of the whole variety of mental operations aimed at interpreting the information contained in the document from a certain point of view adopted by the researcher in a particular case. With the help of classical analysis, a qualitative definition, understanding and interpretation of the content of documents is achieved. It is designed to reveal the deep, hidden sides of the document. At the same time,

an inevitable drawback of such an analysis is its subjectivity.

The content analysis or formalized qualitative and quantitative analysis of documents involves the translation of textual or other documentary information into the language of quantitative indicators to avoid subjective assessments. However, it is necessary to find such features of the document that would be easily perceived and at the same time objectively reflect the essential aspects of its content.

If we take into account the peculiarities of criminological intelligence research and the above mentioned data about the limits of the use of the considered method studying documents in the process of criminal intelligence activity, then it should be recognized that the application of this method in intelligence criminology is rather restricted and will mainly be reduced to laboratory study of documents in criminal records. At the same time, however, it is possible to analyse not only the internal documents of law enforcement units, but also documents specially obtained for study from an external, controlled environment.

Finally, we want to add a few words about the scientific and methodological potential of the criminological intelligence experiment. According to the opinions of scientists, the issue about experiment in criminology has always been sharply controversial and it was solved, as a rule, from the standpoint of either complete rejection or limited use, in particular, in the field of crime prevention. Only a comprehensive study of the experiment in criminology made it possible to draw a conclusion not only about the possibility, but also the necessity of its application – keeping certain rules. This conclusion belongs to N.P. Kosoplechev, who notes in one of his works: «A criminological experiment is a social activity, predetermined within certain limits, within the framework of law and in compliance with moral norms in order to test hypotheses about the causes and conditions of committing offenses and about optimal measures to prevent them in order to develop effective forms and methods of crime prevention and its legal regulation» (Kosoplechev, 1983). From the above mentioned statements, we can conclude that the criminological intelligence experiment is hardly real in its pure form. That is why, as shown above, it can probably only be combined with the sting operation as the criminal intelligence measure. Theoretically, it is possible, but the criterion of truth, as you know, is practice (Efimenko, Skomorohov, Shihanov, 2010).

4 CONCLUSIONS

It becomes obvious that no large-scale criminal intelligence and preventive measures are currently performed without the involvement of criminological knowledge and skills at both the federal and regional levels. The natural result of such «interaction» is the crime solution, the search and detention of perpetrators, the suppression of the activities of criminal groups, the seizure of weapons, ammunition and explosives, the prevention and suppression of the smuggling of strategically important raw materials and metals outside Russia, illegal import, movement within the country and transit transfer of weapons, drugs, illegal migrants, prevention of terrorist acts, kidnapping and hostage-taking, detection of stolen vehicles, identification and registration of new individuals and groups having keen interest for law enforcement officers.

Thus, the possibilities of intelligence criminology as an interdisciplinary area of crime research with the involvement of forces, means, methods of criminology, and theory and practice of criminal intelligence activity seem to be very promising, actually not used, but potentially inexhaustible. The proposed combination of two scientific disciplines can enrich both the theory of criminal intelligence activity and criminology. Of course, the formation of intelligence criminology is fraught with significant theoretical and practical difficulties, but it seems to be an inevitable process.

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