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Police Intelligence Collection and National Security Intelligence

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Abstract

Until 1945, police intelligence remained a key source of national intelligence. Of particular importance for counterespionage and counterterrorism, police networks also provided strategic intelligence on countries with which police cooperation took place and, in times of war, facilitated operations on enemy territory. From 1929, for instance, the Cairo Police coordinated a global intelligence network ranging from Europe to China and the United States which although primarily dealing with the international narcotics trade also combated political unrest. From 1934, U.S. law enforcement combated first German, then Soviet intelligence activities, and from 1940 in Central and South America as well. From 1942, Swedish police liaised with and supported resistance movements in Nazi-occupied Europe at the same time that they also collected intelligence through liaison with the German Gestapo. By dealing with both sides in a conflict, police intelligence not only acquired comprehensive data but also enabled second-track negotiations. However, with the Cold War emergence of more formalized and compartmentalized national intelligence services, police intelligence collection was gradually disregarded. This mindset continued until the 9/11 terrorist attacks which again brought national intelligence out of the diplomatic reception rooms and onto the streets of dangerous neighborhoods. Voices were again heard arguing for the use of international police networks for national intelligence collection. This working paper describes the different police collection disciplines, addresses how police intelligence collection has evolved under conditions of increasing oversight and privacy concerns, and argues for the importance of including police intelligence collection in a variety of national intelligence tasks.

Presently, an estimated ten to fifteen million police officers serve worldwide.[1] They are embedded in the population they are tasked to protect. Their presence is ubiquitous, along remote borders, coasts, and rivers, in villages, towns, and cities, along highways and major roads, in financial centers and national and international transportation hubs, such as railway terminals, ports, and airports. Collectively, they collect a truly enormous amount of information, often of the most sensitive kind, including into the lifestyle, conduct, and financial affairs of private citizens. They have powers of investigation, search, detention, and arrest.[2]

Contrary to popular belief, police agencies do not restrict their professional activities to ongoing or open criminal investigations only.[3] Nor are they supposed to. There is also the crime prevention mandate. To prevent crime, police collect information about what goes on within their jurisdictions and relevant surrounding regions, including abroad, and sometimes far abroad. This information can then be used to prevent crime by acting upon the intelligence produced, initiate criminal investigations of previously unknown crimes which thus are uncovered, and prepare assessments for national security tasks.

[1] Michael D. Bayer, *The Blue Planet: Informal International Police Networks and National Intelligence* (Washington, D.C.: National Defense Intelligence College Press, 2010), 13.
[2] Based on a paper by the author first presented at the NISA International Conference, The Hague, Netherlands, November 2019.
[3] For a list of well-known intelligence scholars who unwittingly have propagated this belief, see Bayer, *Blue Planet*, 23.

The information derives from all sources accessible to police. Police in any country have a broad range of available sources at their disposal, including but not limited to reports from the public or other government offices of suspected crimes or behavior, vehicle registration monitoring, CCTV monitoring when this option is legally available, records of criminal histories, border crossings, passport, and immigration data, air and sea passenger lists, open source and social media collection (through special cybercrime units), financial data on individuals, corporations, and banks (through financial intelligence units), humint (through police detectives and operatives), and telephone and data monitoring (through warrants to monitor suspects).

The collected information is customarily crosschecked, with other new sources of information as well as existing law enforcement databases, such as records of criminal histories and border crossing information, to identify suspicious patterns and individuals. Needless to say, all these activities are closely regulated by law and oversight authorities. Yet, the enormous amount of information that can, and is, collected by legitimate means gives the police organization a unique advantage as an intelligence collector. In addition, by virtue of their access to this variety of sources together with a series of formal and informal international police networks, including but not limited to Interpol and Europol, police intelligence officers are able to gain a far more comprehensive picture of an ongoing situation or phenomenon than any other single agency within the field of intelligence collection or analysis.

Finally, there is what some describe as the 'culture of the badge', or of the 'thin blue line'. There is a notion among police officers throughout the world of fighting a common enemy – crime – and sharing a common culture – the desire to do good, by protecting the innocents and helping those in trouble or those who have been wronged. This notion transcends borders, politics, ethnicity, and religion.[4] Police agencies, particularly in their international cooperation, tend toward professional autonomy from the political centers and relative independence from the centers of political decision-making and political supervision.[5] These aspects of policing facilitate cooperation between law enforcement agencies from very different legal and political systems. It is not unheard of for police cooperation to take place between countries as different as the United States, Cuba, Russia, and China. Although it would be incorrect to say that all police organizations are free of political interference, the notion of fighting a common enemy, and of doing so outside politics, is a strong one in policing. It is this notion which enables the easy formation of formal and informal international law enforcement networks. Police officers from democratic as well as totalitarian states find common ground in the understanding that serious crime is serious crime, regardless of religion or ideology. This notion is encapsulated in the statement by Johannes Schober (1874-1932), Chief of Police in Vienna, upon the formation in 1923 of what would become Interpol: "Ours is not a political but a cultural goal . . . It only concerns the fight against the common enemy of mankind: the ordinary criminal."[6]

Until the end of the Second World War, police intelligence remained a key source of national intelligence. Of particular importance for counterespionage, countersubversion, and counterterrorism, the international police networks also provided strategic intelligence on those countries with which police cooperation took place and, in times of war, facilitated intelligence and sabotage operations on enemy territory. Police intelligence collection was then frequently regarded as a vital tool for national intelligence assessments.

Why was this so, and are there implications for the present?

The Formation of International Police Networks

The possibly first international police network was devoted solely to intelligence. In response to the revolutionary unrest in Europe of 1848, the Prussian Police was instrumental in forming the Police Union of German States in 1851, which had the aim to collect and exchange information on extremists of various kinds. Lasting until 1866, when the Austro-Prussian War disrupted German unity, the Union collected information on a number of suspects, including Karl Marx and Friedrich Engels.[7]

The next initiative to establish an international police network was probably the decision to create national police intelligence bureaus on prostitution as part of the 1904 International Agreement for the Suppression of White Slave Traffic. It had been noted that human trafficking was a growing problem, since moving prostitutes abroad reinforced the criminal networks' control over them. The bureaus were expected to be in direct contact with one another and report foreign prostitutes in their respective countries to the

[4] Ibid., 17-18.
[5] Mathieu Deflem, *Policing World Society: Historical Foundations of International Police Cooperation* (Oxford: Oxford University Press, 2002), 224-8.
[6] Ibid., 124.
[7] Mathieu Deflem, "Bureaucratization and Social Control: Historical Foundations of International Police Cooperation," *Law & Society Review* 34:3 (2000), 739-78; Deflem, *Policing World Society*, 49-51.

countries of origin. Twelve European countries including Russia but also Brazil, China, India, and the United States agreed to participate in the exchange.[8]

By then, initiatives took place on several continents to establish procedures and standards for international police cooperation. Monaco organized the First Congress of International Criminal Police in 1914, just before the outbreak of the First World War. The Monaco Congress failed to have an impact, in part because of the ensuing war but also because it was organized by legal experts and political officials, not by police professionals.[9]

After the war, police organizations resumed cooperation. Representatives from all major European countries as well as Egypt, Japan, China, and the United States gathered in Vienna in 1923 for a congress which resulted in the foundation of the International Criminal Police Commission (ICPC), the forerunner of the International Criminal Police Organization, or Interpol for short.[10]

Cairo's Central Narcotics Intelligence Bureau

All these international collaborations were fundamentally formalized international networks. However, of equal or possibly yet higher importance was the emergence of *informal* international police networks. One of the first informal international police networks was the counter-narcotics network established by the Cairo Police soon after the establishment of the Vienna organization. From 1929, the Cairo Police coordinated a global intelligence network ranging from Europe to China to the United States which although primarily dealing with the international narcotics trade also combated political unrest. The Cairo network can be described as the prototype informal international police network.

The Cairo network was the creation of Sir Thomas Russell Pasha, K.B.E., C.M.G. (1879-1954). Being a young gentleman without private means, Russell had joined the Egyptian civil service in 1902 as a Sub-Inspector. By 1911, he was Assistant Commandant of Police, first in Alexandria, then in Cairo. He became Commandant of Police in 1918 and held this position until he retired in 1946.[11]

In 1929, Russell pushed for the establishment, and became the Director, of the new Central Narcotics Intelligence Bureau (CNIB) of the Egyptian Government. Having seen the effects of widespread drug abuse, Russell's plan was to disregard all the gentlemanly rules of the game of detection and fight the enemy with his own weapons, secrecy and money. Soon it became obvious that to combat narcotics trafficking, international police cooperation was essential. The same networks which controlled the narcotics trade in Egypt and much of the Middle East also operated in Europe (including in Switzerland, Austria, Germany, and France), and the leader of the network, an Armenian known as Thomas Zakarian, enjoyed partial diplomatic immunity through a Greek associate. There were links to Italy, the Balkans, and Turkey as well. Russell's Bureau began a cooperation with the League of Nations' Advisory Committee on Opium and Other Dangerous Drugs. Soon, Russell and his associates detected yet more transnational narcotics trafficking networks, including in China, the United States, and South America, so the CNIB established cooperation with police in these countries as well. By 1935, the Cairo Police had the complete support of its own government and that of other countries in the fight against narcotics, and the drug traffic was greatly reduced as a result.[12]

The United States Initiate Police Counterintelligence Operations Abroad

But police officers had other intelligence duties as well. In 1934, U.S. President Franklin D. Roosevelt issued a secret directive to the Bureau of Investigation (in the following year renamed the Federal Bureau of Investigation, FBI) to investigate whether American Nazi groups were working with foreign agents. In 1936, the President and Secretary of State tasked the Bureau to collect intelligence on the potential threats to national security posed by communist groups as well. Henceforth, U.S. federal police combated both Nazi German and Soviet intelligence activities. The FBI eventually uncovered some 50 spies operating in America before the United States entered the war, including a major espionage ring led by German agent

[8] Deflem, *Policing World Society*, 69.
[9] Ibid., 102-3.
[10] Ibid., 124-8.
[11] Sir Thomas Russell Pasha, *Egyptian Service 1902-1946* (London: John Murray, 1949); Ronald Seth, *Russell Pasha* (London: William Kimber, 1966).
[12] Russell Pasha, *Egyptian Service*, 225-9, 236-64; Seth, *Russell Pasha*, 175-95.

Fritz Duquesne. In 1940, when President Roosevelt ordered the FBI to establish a Special Intelligence Service (SIS), the counterintelligence mission was extended to Central and South America as well.[13]

Brazil and Argentina alone had, by then, more than half-a-million inhabitants of German origin, so German intelligence had established a number of intelligence networks there. In response to this threat, more than 340 FBI agents and support officers went undercover into Central and South America as part of the SIS, tasked to use their police intelligence skills to carry out a counterintelligence campaign on foreign territory.

The result was a success. By 1946, the FBI agents had identified 887 Axis spies, 281 propaganda agents, 222 agents smuggling strategic war materials, 30 saboteurs, and 97 other agents. They had located 24 clandestine Axis radio stations and confiscated 40 radio transmitters and 18 receiving sets. Some of the radio networks were used to pass false information back to Germany.[14]

While counterintelligence had been a traditional police activity in many countries for centuries, what was new about the FBI operations was that they took place abroad. After the war, the newly formed CIA was asked to take over the FBI's operations in South America. As a result, many of the FBI agents serving there were hired by the CIA.

Swedish Police in the Second World War

Beside the traditional police practice of counterintelligence, the Second World War also displayed the obvious utility of using police intelligence networks for national intelligence tasks.

During the Second World War, Swedish police liaised with and supported resistance movements in Nazi-occupied Europe, at the same time that they also collected intelligence through liaison with the German Gestapo. By dealing with both sides in a conflict, police intelligence not only acquired comprehensive data but also enabled second-track negotiations with hostile powers.

As part of existing international police cooperation, Swedish police had maintained links with the various German police organizations, including the Gestapo. There were good reasons for this. Already in 1936, a Comintern operative named Ernst Wollweber, a German seaman and communist, had begun sabotage operations in the Baltic Sea region. Wollweber's organization, known as Organization Bernhard and consisting of some fifty members, particularly recruited Scandinavian sailors for the purpose of carrying out acts of sabotage against German ships and ports. Communists by then maintained a strong position in the seamen's trade union. Wollweber's organization continued clandestine activities in Sweden until the last members were arrested in fall 1941.[15] In total, they blew up at least sixteen German ships, four Italian ships, two Japanese ships, two Spanish ships, and one Polish ship, with some loss of life.[16] Because of Wollweber's sabotage activities, Swedish and German police early on began to cooperate in countersubversion. In 1938, for instance, two Gestapo officers visited Stockholm to liaise with their Swedish counterparts.[17] However, following the outbreak of war in 1939, Sweden discontinued cooperation with the Gestapo.[18]

Nonetheless, contacts between Swedish police and the Gestapo were resumed in early 1941. By then, Sweden had established a joint military-police security service under the authority of the Minister of Social Affairs, Gustav Möller. With Möller's approval, the head of the Swedish security service's Stockholm district, Martin Lundqvist, in March 1941 travelled to Berlin to meet the Chief of the Security Police and

[13] Sanford J. Ungar, *FBI: An Uncensored Look Behind the Walls* (Boston: Atlantic-Little, Brown, 1976), 225; Deflem, *Policing World Society*, 197. See also Stanley E. Hilton, *Hitler's Secret War in South America, 1939-1945: German Military Espionage and Allied Counterespionage in Brazil* (Baton Rouge: Louisiana State University Press, 1981).

[14] FBI official history, FBI web site, https://www.fbi.gov/history/brief-history/world-war-cold-war, accessed 8 November 2019.

[15] Tore Forsberg, *Spioner och spioner som spionerar på spioner: Spioner och kontraspioner i Sverige* (Stockholm: Hjalmarson & Högberg, 2003), 123; Boris Grigorjev, *Mötesplats Stockholm: Underrättelsekriget i Sverige 1939-45* (Nacka: Efron & Dotter, 2008), 47, 212-17.

[16] Rickard Sandler et al., *Parlamentariska undersökningskommissionen angående flyktingärenden och säkerhetstjänst 2: Betänkande angående utlämnande av uppgifter om flyktingar* (Stockholm: SOU 1946:93), 55-94 (for a summary of pre-war sabotage, p.58); Mert Kubu, *Gustav Möllers hemliga polis: En bok om spionaget i Sverige under andra världskriget* (Halmstad: Rabén & Sjögren, 1971), 152-3. See also Wilhelm Agrell, *Stora sabotageligan: Kominterns och Sovjetunionens underjordiska nätverk i Sverige* (Stockholm: Atlantis, 2016).

[17] Grigorjev, *Mötesplats Stockholm*, 64.

[18] Wollweber was arrested in May 1940 at the Norwegian border when he attempted to enter Sweden on a forged passport. Germany then demanded his extradition. Sweden opposed the extradition, and encouraged the Soviet ambassador to declare that Wollweber was a Soviet citizen, was guilty of crimes in the Soviet Union, and accordingly should be deported to the Soviets. Having delayed the issue as long as possible, Sweden in 1943, after the Soviet victory at Stalingrad, deported Wollweber to the Soviet Union. After the war, Wollweber ended up in East Germany where he eventually became Minister of State Security from 1953 to 1957. Agrell, *Stora sabotageligan*.

Security Service, Reinhard Heydrich, who controlled the Reich Main Security Office or *Reichssicherheitshauptamt* (RSHA).[19] The Germans interpreted the Swedish visit as a desire to resume cooperation. In November 1941, SS-*Hauptsturmführer* (Captain) Hans-Hendrik Neumann arrived in Stockholm to man a liaison office.[20] However, the Swedish foreign ministry never accepted a diplomatic appointment for Neumann. Moreover, cooperation grew less close during 1942 and from 1943 was gradually phased out.[21]

In early 1942, the same Martin Lundqvist who in the previous year had visited Heydrich initiated a rapidly growing cooperation with Danish and Norwegian resistance.[22] So did others within the Swedish police organization. In spring 1942, the director of Sweden's National Laboratory of Forensic Science, Harry Söderman (1902-1956), was invited to London by the Norwegian exile government's minister for justice.

Söderman, a Swedish police officer and criminologist also known by his nickname 'Revolver-Harry', was a pioneer of modern criminology in Scandinavia. From 1939 to 1953, he was the first head of the National Laboratory of Forensic Science.[23] He was the author, together with Chief Inspector John J. O'Connell of the New York City Police Department, of *Modern Criminal Investigation*, which went through several editions and as late as in the 1960s was described as the standard work in its field throughout most of the free world.[24] When Söderman died, he was known as Europe's leading active criminologist. Before that, he was instrumental in reviving the International Criminal Police Commission (ICPC), which in 1956 became Interpol, in the chaotic years following the end of the Second World War.[25]

So, when Söderman in 1942 was invited to London, he was already known to police officers throughout the world. The British and Norwegians now wanted his help in the raising and training of Norwegians in Sweden as paramilitary troops that would be used, in time, to liberate their native country. In February 1943, Söderman agreed with a Norwegian diplomat to establish the training of what was referred to as Norwegian volunteer policemen. In reality, they were trained for combat operations. From July 1943 onwards, some 15,000 men were given paramilitary training with the intention of assuming control of Norway when the German presence there faltered. From late 1943 onwards, Danish volunteer policemen were trained, too, reaching a total of 3,000 men. Both units were deployed to take control over their respective countries when German control there weakened.[26] Training was not the only support offered. From January 1944, Swedish police intensified cooperation with Danish and Norwegian resistance groups and also smuggled arms to them.[27]

During the war, Söderman may even have conspired with some of his German contacts, including Arthur Nebe, head of Germany's Criminal Police, to detain Adolf Hitler with the help of British commandos. However, if so, this led nowhere.[28] His Norwegian operations, on the other hand, were highly successful. Shortly before the German forces in Norway surrendered, Söderman was authorized to travel to occupied Norway's capital Oslo. He knew that there were at least 5,000 political prisoners held by the Gestapo in Oslo's Grini concentration camp and other prisons. Immediately upon the announcement of the German surrender, Söderman commandeered a Gestapo car and with the help of a Gestapo officer, SS-*Hauptsturmführer* (Captain) Krause, proceeded to Grini to order the release of the prisoners and a resumption of Norwegian control over the camp. Söderman then continued to the other prisons in Oslo, where he repeated the action. Due to the continuing uncertainty, Söderman for a time assumed command as de facto chief of police in Oslo, until the Norwegian authorities could move in and take over.[29]

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[19] Sandler et al., *Parlamentariska undersökningskommissionen angående flyktingärenden och säkerhetstjänst 2*, 72-4; Kubu, *Gustav Möllers hemliga polis*, 203-5.

[20] Kubu, *Gustav Möllers hemliga polis*, 83-4, 216. Kubu reprints a letter from *Der Chef der Sicherheitspolizei und des SD*, Heydrich's formal title, requesting the issuing of a diplomatic passport to Neumann for his role as police attaché. Ibid., facing p. 65. Kubu's information about an SS-*Gruppenführer* (Lieutenant General) Georg Müller seems to derive from a misunderstanding.

[21] Wilhelm Agrell, *Stockholm som spioncentral* (Lund: Historiska Media, 2006), 61-2.

[22] Sandler et al., *Parlamentariska undersökningskommissionen angående flyktingärenden och säkerhetstjänst 2*, 51.

[23] Ingvar Kopp, *The Fantastic Life of Harry Söderman, 1902-1956* (Linköping: National Laboratory of Forensic Science, n.d.).

[24] Harry Söderman and John J. O'Connell, *Modern Criminal Investigation* (New York: Funk & Wagnalls Company, 1935).

[25] Harry Söderman, *Policeman's Lot*, (New York: Funk & Wagnalls Company, 1956), 382.

[26] Harry Söderman, *Skandinaviskt mellanspel: Norska och danska trupper i Sverige* (Stockholm: Forum, 1945; reprint edn 2011), 14-18, 32, 160, 174, 250.

[27] Forsberg, *Spioner*, 171-4. By then, Swedish military intelligence and the SIGINT authority, too, had begun to assist Norwegian and Danish resistance. Bengt Beckman, *FRA:s förbindelser med norska motståndsrörelsen under kriget* (Försvarets Historiska Telesamlingar, 2003; www.fht.nu/Dokument/FMGem/fmgem_publ_dok_fra_forbindelser.pdf).

[28] Söderman, *Policeman's Lot*, 376.

[29] Söderman, *Skandinaviskt mellanspel*, 275-300.

Changes during the Cold War

However, with the Cold War emergence of ever more formalized and compartmentalized national intelligence services, police intelligence collection was gradually disregarded outside the law enforcement organizations themselves. The same process took place in most Western countries, so here it may be sufficient to describe what happened in the United States, which became the model for many developments elsewhere. What happened is perhaps best demonstrated by the 2002 Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001. The report explains how "a phenomenon known as the 'Wall' significantly hampered the free flow of information between the intelligence and law-enforcement entities."[30] The phenomenon was then described in the following terms:

> The "Wall" is not a single barrier, but a series of restrictions between and within agencies constructed over sixty years as a result of legal, policy, institutional, and personal factors. These walls separate foreign from domestic activities, foreign intelligence from law-enforcement operations, the FBI from the CIA, communications intelligence from other types of intelligence, the Intelligence Community from other federal agencies, and national-security information from other forms of evidence.
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> Following World War II, the National Security Act of 1947 created the Central Intelligence Agency, our first peacetime civilian intelligence organization. Two fundamental considerations shaped that Act: the United States would not establish an organization that coupled foreign and domestic intelligence functions, and the FBI's domestic jurisdiction would be preserved. To satisfy these aims, the Act provided that the CIA would not have police, subpoena, or law enforcement powers and would not perform internal security functions.
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> Generations of intelligence professionals have been trained in the belief that the CIA should not play an internal security role. They also learned that sensitive information should be disclosed only to those with a demonstrable "need to know" the information within the rigidities of a national security classification system. In addition, law enforcement personnel have long recognized that confidentiality, protection of witnesses, and secrecy of grand jury information are essential to the successful investigation and prosecution of crimes. Thus, in the law-enforcement and foreign intelligence professions, security practices and strict limits on sharing information have become second nature.[31]

As customary in public policy, intentions were good. Until 1975, significant cooperation indeed continued between law enforcement and other intelligence agencies in counterintelligence and countersubversion. However, the series of newspaper leaks of domestic intelligence operations that in 1975 resulted in the establishment of the Church Committee (formally the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities) which was tasked to investigate abuses by a number of federal intelligence organizations, including the Central Intelligence Agency (CIA), National Security Agency (NSA), and Federal Bureau of Investigation (FBI), changed the nature of the 'Wall'. The barrier now expanded to encompass all relationships between the agencies concerned and between them and law enforcement. In 1996, a Permanent Select Committee on Intelligence study explained what changed:

> One of the unwritten but significant side effects of these investigations was behavioral in nature. The years that followed the investigations were marked by some reluctance on the part of the two cultures to form interactive relationships. This over-caution was based more [on] a perception that closer association meant increased political risk than having any basis in prohibition of law.[32]

Soon the 'Wall' grew into something more pompous, or perhaps one should say ill-omened. In 2001, a Special Agent of the FBI then involved in the investigation of Al-Qaida concluded:

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[30] Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001: Report of the U.S. Senate Select Committee on Intelligence and U.S. House Permanent Select Committee on Intelligence Together with Additional Views, December 2002 (S. Rept. No. 107-351 107th Congress, 2d Session / H. Rept. No. 107-792) (TOP SECRET), 363. Declassified.

[31] Ibid., 363-4.

[32] 104th Congress, House of Representatives, Permanent Select Committee on Intelligence, *IC21: The Intelligence Community in the 21st Century* (Washington, DC: Permanent Select Committee on Intelligence Staff Study, 1996), 277.

> In addition to the wall, the system as it currently exists, however, seduces some managers, agents, analysts and officers into protecting turf and being the first to know and brief those above. Often these sadly-mistaken individuals use the wall described herein and others, real or imagined, to control that information.[33]

In effect, the system set in place to provide safeguards for the due process of the administration of justice and ensure confidentiality of sensitive information due to the fear of leaks and scandal led to turf wars and cultural clashes between different agencies. It followed from this that for non-law enforcement agencies, the safest way to keep the police out of the loop was not to contact them for information in the first place. Because even a request for information revealed an interest, and that in itself was a loss of a presumed monopoly of information.

However, even after the Second World War, police intelligence had never quite disappeared. Police detectives and others continued to use intelligence methods, although for more modest tasks. Then, in the 1950s, organized crime again increased its hold over American cities. As a means to combat this, 26 local and state law enforcement agencies in 1956 met in San Francisco to establish the Law Enforcement Intelligence Unit (LEIU), which henceforth worked to improve the sharing of organized crime intelligence among the agencies.[34]

Yet, few academic scholars included the police in their studies of national intelligence organizations. The lessons of the pre-Cold War days were forgotten. This mindset continued until the 9/11 2001 terrorist attacks on the United States which again brought national intelligence out of the diplomatic reception rooms and onto the streets of dangerous neighborhoods. Suddenly, voices were again heard arguing for the use of international police networks for national intelligence collection.[35]

In fact, the twenty-first century saw formal international police cooperation develop to yet higher levels than in the past. In 1999, the European Police Office, now known as the European Union Agency for Law Enforcement Cooperation (Europol), commenced operations to handle criminal intelligence and combat serious international organized crime and terrorism through cooperation between competent authorities of EU member states. Interpol is still in operation, too, and through its system of Notices and Diffusions, it continues to disseminate relevant crime intelligence to its many member states.

While it is well known that Interpol issues so-called Red Notices, with the aim to locate and arrest persons wanted for prosecution or to serve a sentence, there are other Notices, as well. Yellow Notices are issued to locate missing persons, often minors, or to help identify persons who are unable to identify themselves, while Blue Notice are issued to collect additional information about a person's identity, location, or activities in relation to a crime. A Black Notice aims to collect information on unidentified bodies. However, there are other Notices which are directly linked to police intelligence collection. These include the Green Notice, which aims to provide warning and intelligence about an individual's criminal activities, when the person is considered to be a possible threat to public safety; the Orange Notice, which warns of an event, a person, an object, or a process representing a serious and imminent threat to public safety; and the Purple Notice, which is issued to collect or provide information on modus operandi, objects, devices, and concealment methods used by criminals. To this can be added the Interpol-United Nations Security Council Special Notice, issued for groups and individuals who are the targets of UN Security Council Sanctions Committees. Finally, there is the system of diffusions. A diffusion is an alert mechanism or request for cooperation. Less formal than a notice, a diffusion is circulated directly to all, or some, member states. Needless to say, diffusions, too, must comply with Interpol's Constitution and the Rules on the Processing of Data.[36] Taken together, the notices and diffusions form an important means of intelligence dissemination.

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[33] Joint Inquiry into Intelligence Community Activities Before and after the Terrorist Attacks of September 11, 2001: Hearings before the Select Committee on Intelligence, U.S. Senate, and the Permanent Select Committee On Intelligence, House of Representatives, Vol. 1, September 18, 19, 20, 24, and 26, 2002 (S. Hrg. 107-1086), 370.

[34] Marilyn B. Peterson, "Developments in Law Enforcement Intelligence Analysis," National Defense Intelligence College, *Can't We All Just Get Along? Improving the Law Enforcement-Intelligence Community Relationship* (Washington, DC: National Defense Intelligence College, 2007), 3-20, on 3-4. The Association of Law Enforcement Intelligence Units (LEIU) web site, https://leiu.org, accessed 8 November 2019.

[35] Among them, National Defense Intelligence College, *Can't We All Just Get Along?*, 1; Bayer, *Blue Planet*, 141-8.

[36] Interpol web site, https://www.interpol.int/How-we-work/Notices/About-Notices, accessed 8 November 2019.

Implications

Having argued for the importance of again including police intelligence collection in a variety of national intelligence tasks, it is time to address what some would refer to as the controversial issues inherent in such a proposal.

As noted, established military intelligence agencies and security services since the 1970s were almost invariably strongly against the involvement of police in national intelligence tasks. Their chief argument, in most cases, is that police organizations are more prone to releasing sensitive information than other intelligence agencies. The argument typically goes that all data held by police agencies are public and intended to be presented to a court of law.

However, contrary to popular belief, not all data held by police agencies are 'open' or public. When police agencies do not follow the same types of security classification as other agencies (and many do), they commonly employ a system based on what is called Law Enforcement Sensitive or For Police Use Only. The rationale is the same as in other types of security classification, with an emphasis on the protection of sources, methods, and personal data.[37]

Other intelligence organizations at times also claim that police agencies are more prone to leaks. However, if this ever was true, which is debatable, this argument seems increasingly irrelevant in the post-Snowden era. In effect, these concerns seem more often to be attempts at turf protection by military and intelligence agencies, aimed to forestall feared encroachments by police agencies.

The efforts displayed by some intelligence agencies and security services to keep the police out of playing a national intelligence role might give the casual observer the notion that police organizations make the corresponding efforts to gain this very role. However, this is often far from reality. Many senior police commissioners would rather wish to stay out of the national intelligence role. With crime levels rising in many countries, they see many risks and few, if any, rewards in allocating scarce resources to national intelligence, for which, they would argue, other and better funded agencies have been established.

Like in other branches of government, there is a perceived need for oversight of police and police intelligence activities. Most Western countries have accordingly introduced legislation which include a range of privacy safeguards and oversight institutions. In Sweden, further regulation was even introduced in 2010 to protect – from the police – the personal data of those suspected of criminal activities.[38] The trend to introduce increasingly stricter oversight regulation seems to be unavoidable in Western society, and whether good-intentioned or not, it is reducing the efficiency of police intelligence work. Over time, it might be difficult to sustain the existing informal international police networks. Already some Western countries have imposed strict rules on what kind of data may, and may not, be shared with police in other countries. Britain, which has gone farther than most, does not routinely share criminal record information with overseas authorities and effectively advise convicted criminals not to disclose this information when they go abroad.[39] Other Western countries may move in a similar direction.

This is a far cry from how policing was handled in the past. When in 1917, before his appointment to Commandant of Cairo Police, Russell wrapped up a massive corruption case within the Egyptian government, the defense counsel of the accused complained that the police had used unconventional methods in collecting evidence. Russell explained: "all they could do was to say that listening in to conversations on the telephone was a dirty trick and not legal. I say, dirty tricks for dirty people."[40] The accused and his accomplices were convicted.

Conclusions

This paper argues for the importance of including police intelligence collection in a variety of national intelligence tasks.

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[37] On personal data, see the EU's General Data Protection Regulation (GDPR); elsewhere personal data are also known as Personal Identifiable Data (PID) and Personally Identifiable Information (PII).

[38] Police Data Act (*Polisdatalagen*; 2010:361).

[39] "If I lie on the ESTA form, will I be found out? The short answer is: probably not. The US authorities do not have access to criminal record information held on the Police National Computer. However, if the authorities have particular concerns about an individual, they may request criminal record information from the Home Office by making an application through Interpol. Such requests, however, are rare." National Association for the Care and Resettlement of Offenders (NACRO) web site (https://www.nacro.org.uk/resettlement-advice-service/support-for-individuals/travelling-abroad-and-immigration-to-the-uk/declaring-your-criminal-record-when-travelling-to-specific-countries/the-united-states/), accessed 10 November 2019. NACRO is a charity which operates with Her Majesty The Queen as Patron, so can be assumed to represent British values.

[40] Seth, *Russell Pasha*, 128.

Police intelligence collection can, and frequently does, play a vital role in a variety of national intelligence tasks. Police have special access to sources of intelligence not easily exploitable by other intelligence agencies and can bring to the table a wealth of intelligence not otherwise available to the intelligence community. Besides, although there are formal means of international police work, focusing on mutual legal assistance treaties (MLATs), Interpol, Europol, and inter-governmental letters rogatory (which are formal requests for judicial assistance that can be used in a court of law), much, perhaps most, international police work still takes place through informal channels, phone calls or emails to colleagues known from informal police networks. This holds particularly true for intelligence information, which is not intended for presentation in a court of law since it does not form part of a formal crime investigation.

Counterterrorism, in particular, is far better handled by police intelligence than other intelligence agencies, despite the current tendency to treat terrorism information as national security intelligence rather than crime data. Contemporary terrorism is closely linked to other types of organized crime, and police intelligence can make good use of the variety of law enforcement databases as well as the international police networks.[41]

Among many benefits of using police intelligence, the following have been particularly noted:

1. Police agencies are flexible, accustomed to the ever-changing, mutating aspects of crime, including international crime.
2. Since crime adapts swiftly to changing circumstances, police often need to work quickly and police networks can adapt, adjust, and respond quickly to issues that require immediate action.
3. The culture of policing can, and does, transcend borders, politics, religion, nationalism, and other impediments to cooperation.
4. Police agencies, particularly in their international cooperation, tend toward autonomy from the negative effects of political supervision.
5. Police intelligence units' ability to collect information extends from the poorest villages and back alleys of society to the highest levels of industrialized communities.[42]

As in other fields of intelligence, growing oversight and privacy concerns will reduce the efficiency of police intelligence. However, current fears of rising crime rates may reverse this trend, enabling the retention and perhaps reinforcement of the traditional international police networks.

By unleashing the full potential of police intelligence collection also for national intelligence tasks, it is possible to gain a dramatic increase in combined intelligence capability, which, yet more importantly, can serve as a force for good in an increasingly uncertain world. Moreover, this would be in the spirit of the Vienna Chief of Police Johannes Schober, whose aforementioned 1923 statement easily can be paraphrased as: "Ours is not a political but a cultural goal, which concerns the fight against the common enemies of mankind: threats, violence, and instability."

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[41] Michael Fredholm, *Transnational Organized Crime and Jihadist Terrorism: Russian-Speaking Networks in Western Europe* (London: Routledge, 2016).
[42] Bayer, *Blue Planet*, 98-9.

