

**INTELLIGENCE AND
PRIVATE INVESTIGATION**

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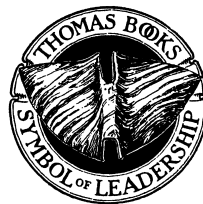
**Developing Sophisticated Methods
for Conducting Inquiries**

Edited by

HANK PRUNCKUN, PH.D.

Charles Sturt University

(With 10 Other Contributors)



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*To Isobel, a bright, talented young medical student
and government licensed private investigator, who
was the inspiration for this book.*

PREFACE

Private investigation is the theme of countless novels. The genre is so popular that it has captured the imagination of millions worldwide. This is especially true when it comes to the portrayal of the so-called hard-boiled detectives that have been depicted in stories by legendary writers such as the late Dashiell Hammett. But the reality of private investigation work is often less glamorous than portrayed in novels as private investigators spending long hours poring over records in archives, making field observations, or simply sitting silently observing a location while they wait for their “target” to appear.

Hundreds of books have been written about private investigation work and these include manuals and training texts about how to acquire a private investigator’s license, as well as the proliferation of fictional accounts that range from the classic stories by the likes of Raymond Chandler, Mickey Spillane, and James Cain; through to the modern writers including Marcia Muller, Sara Paretsky, and Sue Grafton.

However, this book is different – it does not deal with private investigation from these traditional perspectives. What makes this book different is that it examines how private investigation has grown into an exacting and sophisticated occupation that is an honourable career pursuit. In its totality, private investigation is a multi-billion dollars industry that spans the world. Certainly, its practitioners include some of the hard-boiled types characterized by Hammett, but in the post-9/11 world, private investigation demands sophisticated intelligence methods for conducting inquiries.

This book examines this issue and the way the private investigation industry has evolved over the decades, from what could be said was the watershed period of the 1930s to the present. The book looks at the key issues in what it describes as *private intelligence*. That is, intelligence activities which are practiced by operatives other than law enforcers and operatives employed in national security or the military. So, in the context of private investigation, private intelligence means the skills, ability, and knowledge that a private investigator needs in order to conduct the demanding tasks that have emerged since 9/11.

In order to do this, I have brought together a number of subject area experts who have turned their attention to these issues. Each contributor addresses a key practice issue with regard to private intelligence. More importantly, they do this by couching their discussions in the context of free societies, and in particular, those countries bound together in an intelligence alliance known as *the Five-Eyes* – Australia, Britain, Canada, New Zealand, and the United States.

The book begins with a look at private intelligence and why it is important to present-day private investigation. Chapter 2 is an overview of the topic and they set the scene for an examination of the specific various intelligence issues that follow. These include the skills that are now needed to perform in the post-9/11 world, which, as you will see in Chapter 3, are manifestly different to the skill-set displayed by Hammett’s “Continental Op” in, say, *Red Harvest*.

The next eleven chapters take the reader progressively through a number of intelligence-related topics that have direct application to the current investigation environment – for instance, producing target profiles, using open-source intelligence, and conducting political intelligence operations. The post-9/11 private investigator may find him- or herself engaged in the pursuit of domestic terrorists or violent gang members; or tracing clandestine organizations with regard to their illicit financing.

Unlike the period prior to 9/11, private investigators now need to exercise the highest standards of security and hence the chapters on counterintelligence and clandestine communications are included. When the infamous Watergate burglars conducted their private intelligence operations in the early 1970s, their counterintelligence practices were rudimentary and their communications involved passing messages via a number of off-the-shelf Radio Shack TRC100B citizens’ band (CB) radios that operated on 27MHz. This meant that anyone who had a radio receiver or radio scanner tuneable to those frequencies could eavesdrop on their conversations. This is not an acceptable practice in today’s domestic intelligence environment where not only the operatives’ lives would be at risk, but that of their clients, and arguably, the community’s well-being.

Unlike Hammett’s Continental Op who could conveniently weave his way through legal and ethical issues when pursuing “the truth,” the events of 9/11 have left all intelligence practitioners, including private investigators that now practice the craft, with legal and ethical lessons to learn. So, there are chapters on each of these key issues.

Finally, the book contains several features that will appeal to students and instructors of private investigation courses, as well as intelligence subjects at college or university level. These features will also find appeal with the general reader or those who are interested in a self-development study. For instance, each chapter contains a set of key terms and phrases, a number of

study questions, and a learning activity. These study aids help readers to consolidate their learning; they offer instructors and professors a way of using the text for classroom instruction, or assigning selective chapters for background readings.

I would like to thank all the contributors for the time and effort they put into thinking about their issue and the way it has impacted on the private investigation industry. They all wrote with passion and dedication in order to illustrate the most important points for the reader. Each contributor is academically well-qualified and a peer-recognized specialist in his or her area (in addition, four were government licensed private investigators). This expertise has added something special to this collection of writings and the reader will no doubt benefit from it. My gratitude goes out to you all – Tony Buffett, Mark Bradley, Mick Chesbro, Jeff Corkill, “Beer” Duvenage, Rick Sarre, Becky Vogel, Patrick Walsh, Levi West, and Troy Whitford.

Hank Prunckun, PhD
Sydney
2013

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The information provided in this book is for academic purposes and is not intended as legal advice. Readers need to consult an attorney over questions they may have about legal issues regarding the application of intelligence or investigation methods. Hence, the editor, authors, and publisher will not be held responsible for any loss suffered by any person, or body corporate that is directly, indirectly, or consequentially attributed to reliance on the information provided in this book.

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**INTELLIGENCE AND
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Chapter 1

PRIVATE INTELLIGENCE AND INVESTIGATION

HANK PRUNCKUN

INTELLIGENCE-LED INVESTIGATIONS

Repeatedly, it has been argued that the world changed after 9/11. To catalogue all of the changes society has experienced – political, economy, technological, social, and psychological – is pointless as the changes are so numerous and they have become accepted, commonplace and pervasive. Suffice to say that these impacts are most noticeable in the area of security. Take as only one example the impact it has had on air travel – anyone who has flown pre- and post-9/11 knows first-hand the numerous changes to processes and procedures, as well as the techniques and technology now in everyday use to cater for the new risks posed. Inescapably, we live in a post-9/11 world.¹

But what about private investigation? Has this specialized field of inquiry been impacted? The short answer is “yes” – security is related to private investigation as a complementary function (generally accepted under the concept of “public policing”).² But how have the events of 9/11 and the subsequent attacks on London, Madrid, Bali, and Mumbai impacted on the practice of private investigation? It will be argued in this anthology that these events have brought about a number of challenges that now require private investigators to use structure thinking methods – intelligence – to meet these challenges. In law enforcement investigation, this is referred to as intelligence-led policing. Intelligence-led means a system where “. . . data analysis and . . . intelligence are pivotal to an objective, decision-making framework. . . .”³ It is now imperative that private investigators adopt these sophisticated methods.

In order to discuss intelligence in relation to private investigation, we need to first step our way through a few scene-setting topics in the same way sands traverse an hourglass – from the general to the specific. We will first examine the question what is intelligence; we will then look at the types of intelligence that are practiced to understand where private intelligence fits in. From this point we will discuss what we mean by private intelligence before we start to look at private investigation. In this regard, we first describe the theory behind private investigation and how we define it in the context of this book. It is at this juncture that we look specifically at the traditional services offered by private investigators in order to outline the challenges we see for private investigation in an intelligence-led world post-9/11.

WHAT IS INTELLIGENCE

Simply put: intelligence is research conducted in secret. The term distinguishes research conducted as part of an undisclosed operation or project to understand some phenomenon. The reason one would conduct an intelligence operation – that is, a secret operation – as opposed to a research project is that it needs to be kept secret to protect safety of personnel, ensure surprise is not lost, not alert others to the goal being pursued, or any number of other related reasons.

The outcome of an intelligence operation is to be in a position to make decisions that are based on fact and reason, and as such, have some level of probability attached to choosing one option of dealing with a problem or issue over other options. Definitions of intelligence are many and varied, but there essentially four meanings:

1. Actions or processes used to produce knowledge;
2. The body of knowledge thereby produced;⁴
3. Organizations that deal in knowledge (e.g., an intelligence agency); and
4. The reports and briefings produced in the process or by such organizations.⁵

Knowledge in the context of intelligence equates to *insight*, or viewed another way, the ability to *reduce uncertainty*. Insight and certainty offer decision-makers the ability to choose options that enable them to take better control over the “unknown,” or stated another way, to understand the subject of their inquiries.

TYOLOGY OF INTELLIGENCE

There are several types of intelligence that are practiced today – national security intelligence, military intelligence, law enforcement intelligence, corporate or business intelligence, and private intelligence. An explanation of each of these types of intelligence is not necessary. Their names indicate adequately the focus of their interests and suggest the kinds of targets they seek.

However, it is important to note the environments in which these types of practitioners operate can overlap – for example, an investigation into the capability of a terrorist cell may be of interest to local law enforcement agencies as well as to agencies involved in national security, the military, and some private security firms. Moreover, with regard to military intelligence, it is in some cases intimately aligned with national security because it not only informs military commanders of the intent and capabilities of an adversary, but also political leaders who are responsible for authorizing the use of military force and directing strategic military policy.

Five-Eyes

This book will focus on private investigation in what has been termed the *Five-Eyes* countries of Australia, Britain,⁶ Canada, New Zealand, and the United States. As these countries are members of an intelligence gathering and sharing allegiance,⁷ it was considered appropriate that we discuss private intelligence within the scope of the member countries to this compact.

PRIVATE INTELLIGENCE

What may not be clear from the description of intelligence typologies is an account of what private intelligence might comprise. One could argue that private intelligence is a sub-set of corporate/business intelligence. Others might say that it forms a unique type of intelligence practice deserving of its own category. Regardless of how it may be viewed, private intelligence is the craft of conducting research in secret by individuals and businesses for fee or reward.

Although a cursory glance of private intelligence would lead one to conclude that the craft's practitioners would be private investigators, many, and

perhaps most, are not. This is because *intelligence* is about structured thinking – devising research questions, formulating data collection plans, collecting and collating data, and finally analyzing these data items. So, many of those who practice the craft are other than private investigators. Some, for instance, come from backgrounds in policy; some are subject area experts; some might be methodologists; some are data analysts; and so on.

But this is not to say that all of these private intelligence partitioners have policy, analytical, or research backgrounds; some are private investigators. Private investigators have a history of being associated with intelligence work dating back to the beginnings of the industry. Even today, PIs are recruited as “operations officers”⁸ in the clandestine services of the Central Intelligence Agency (CIA).⁹

Defined

Private intelligence can be defined as those principles, processes, practices, techniques, and materials used by non-government entities to gather information and analyze these data in secret.¹⁰

A Few Early Examples

From time to time, businesses and people have a need to conduct inquiries into matters that may fall outside the jurisdiction of law enforcement, or law enforcement does not have the manpower to assist – as in the case of private security augmenting law enforcement. In such cases, the role of the private investigator comes to the fore. The private investigator provides the means for facilitating an inquiry.

In Europe, the first acknowledged private investigation agency was that of *Le Bureau des Renseignements Universels pour le commerce et l'Industrie* (or in English, The Universal Intelligence Department for Trade and Industry).¹¹ Rather than use the term *investigation* or *detection*, the French company that began service in 1833 used the term *intelligence*. Like its military origin,¹² the term intelligence is used to refer to research that is conducted in secret.¹³ And, arguably, secret research is a good description of what investigation involves.

Granted, intelligence involves far more than what investigation entails, but nonetheless, the fact that Europeans (well, at least the French) were thinking along the lines of private intelligence rather than private investigation is an interesting linguistic taxonomy. It is especially interesting in the post-9/11 period, as the expansion of private investigation services has branched into intelligence and counterintelligence.

Like the French who linked private detective work with intelligence, Britain's MI5, which was created in October 1909, began life in the rented of-