SECURITY ASSESSMENT IN THE FUNCTION OF COVERT POLICE ACTIVITY

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Abstract: The state has always tried to timely collect data about occurrences that can negatively affect the preservation and protection of vital social interests by its intensity and manner of expression. In that way, it sought to secure a certain "advantage" and organize the entities of its security system in a way that guarantees an adequate response to the destructive effect of various security phenomena. The method of collecting data is conditioned by the availability of the sources from which the data is to be collected. Having in mind the fact that the most important data are under a special protection regime (stored as classified information), the techniques for collecting them must be adapted to their conspiratorial character and must be hidden (secret).Covert police operations are an important instrument in collecting such data and information that cannot be collected in any other way and are important for criminal proceedings and for opposing the most difficult forms of crime. These operations are carried out covertly, without the knowledge of the person against whom they are directed, and their implementation temporarily restricts human rights and fundamental freedoms, primarily the right to privacy. In this regard, given their sensitivity, the security assessment is a very important segment in the planning, preparation and implementation of covert police activities.The paper points to the purpose and necessity of covert policing in the collection of important data for criminal proceedings. What is particularly emphasized is the specificity of covert data collection. Special attention is paid to the importance of quality security assessment referring to its specificity in the process of planning, preparing and implementing covert police operations.

Keywords: covert operations, security assessment, data collection.

INTRODUCTION

The security of each society has always been conditioned by timely data and information about phenomena which threaten the proclaimed values of the society by their intensity and type of their manifestation. Security system factors

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(including police authorities) plan and take various activities based on the collected data, in order to ensure that they are adequate to the intensity of certain phenomena and threats. The data and information collection is done using public or secret sources, using different collection techniques. Bearing in mind the fact that the most important data and information is classified data, covert operations are imposed as a collection mechanism that is adequate to the conspiratorial character of such data.

Covert operations are mostly related to military operations which are conducted with different objectives, but they are also a very reliable mechanism in the activities of police authorities in situations when it is not possible to collect relevant data of importance for the criminal procedure and to achieve satisfactory effect in the detection, prevention and proving of serious crimes by using the so-called traditional police methods. In that case, covert police operations are used as a proven mechanism, which secures detection, prevention and proof of the most serious crimes, especially criminal offenses with elements of organization.

Bearing in mind the sensitivity of covert operations at all stages, their use requires timely and detailed preparation. In particular, this means a quality security assessment, as a basis for planning and a precondition for the successful use of each, especially the undercover police activity.

COVERT POLICE OPERATIONS

Operation, as a general term, in initial theoretical considerations, was used to mark the army movement to the battlefield. However, over time, the theory of operations has gone beyond military frameworks, because state subsystems, government organizations and agencies are engaged in the process of planning, preparation and execution and the possibility of achieving the defined goals depends on the success of their efforts. Operations are prepared and done continuously, in accordance with defined operational plans so that the goal is achieved quickly and economically. In theory, operations are divided on the basis of different criteria, but the basic division mostly involves combat and non-combat operations. One type of the operations from the category of non-combat operations are intelligence operations (Kovac, 2010:3).

In their essence, intelligence operations are operations which are not public. As such, they are used in situations when it is not possible to achieve a specific objective using an open, public approach. In this regard, covert operations may also include covert operations conducted by the police in order to collect data for the detection, prevention and proving of the most serious crimes. Such data and information are primarily collected for the purposes of criminal proceedings. This in most cases involves classified data that cannot be collected by traditional police activities, but rather using covert techniques, which in essence are not different from the techniques used by intelligence services. The police authorities accomplish the primary objective of these operations - detecting, preventing and

proving the most serious crimes by using (implementing) different undercover techniques (Nincic, 2019:83). In this regard, covert police operations represent a legally-based procedure in which covert operative-tactical activities and actions are used by police, in order to collect operational data or the documentation of certain actions of person/persons for whom there are indications (grounds of suspicion) for the criminal offense, or collection of evidence against the person/persons for whom there are indications (grounds of suspicion) for the committed criminal offense (Dundovic, 2009:37). In fact, covert police operations are investigative methods that use various forms of 'disguise' to gain the confidence of the criminal environment in order to determine the type and extent of the crimes committed or being planned. In modern conditions, when organized forms of crime are widespread, police actions that are conducted through covert police operations are the only reliable mechanism for detecting, preventing and proving criminal offenses of organized crime, and such actions are characteristically of covert nature.

The term action should be understood as a specially organized act of the security forces which is focused on resolving one or a group of security related issues different from the usual activities in terms of the intensity of operational actions: which is expressed more; act focused on a narrowly defined objective, which can be a special security issue or destroying crime object or a security object that protects security ; for the realization of objectives, as a rule, a special organization is established or an existing one is used, but adjusted to the defined goal which is to be achieved by the action, which can be extended to a narrower or wider area, depending on the content of the defined objective; such a special organization with its work intensity has its starting and finishing time (Kostic, 1977:199). All police actions (operations) target individuals or criminal groups. However, those targeting criminal groups must take into account all the specifics of criminal organizations (first of all, clandestine actions) both in the preparation phase and during the operationalization of such operations.

As secrecy is a logical consequence of a criminal organization in the furtherance of its objectives, which are basically criminal in nature, members of such an organization will characteristically try to act maximally discreetly. This secrecy can be absolute (which is practically impossible because there is always a certain circle of persons who know about the existence and functioning of a criminal organization) and relative, which is more frequent, and means that state authorities do not have information on the existence or functioning of a criminal organization. In this case, it is factual or formal ignorance. If the state authorities are really not familiar with the existence and functioning of a criminal organization, this is factual secrecy. However, if the state authorities have information about the existence and functioning of a criminal organization, but that information cannot be given sufficient credibility, then it is formal secrecy (Шкулић, 2003:47). In this sense, the use of covert (secret) police operations, in itself, is an activity and its planning, preparation and realization means that it must be strictly confidential and take place far from the public. The secrecy allows all activities related

to covert operations (from planning through preparation to realization) to take place in such a manner that the criminal environment is not able to determine their scope, the "target group", towards whom are directed, as well as the results achieved and the "cost-effectiveness" of their implementation, in relation to the planned objectives.

Covert police operations include different methods with varying degrees of infiltration into the criminal environment. Known operations include: (*light cover operations*), when the covert agent is not permanently staying in the criminal environment, is not becoming a part of its structure, but appears only occasionally in some role, and these operations do not require special training and special control; (*deep cover operations*) require personal training, preparation, and logistic support. A covert agent is inserted into a criminal environment and cooperates with its members (Fejes, 2006: 407). According to the duration, covert police operations can be divided into long-term, short-term and ad hoc operations. *Long-term operations* span several months of certain actions, individually or combined, which help in the collection of possible information or evidence. *Short-term covert operations* relate to a period of up to a month, and sometimes to a period of only a few days or even hours. *Ad hoc operations* are conditioned by the impossibility of postponing implementation, so they are implemented as soon as possible with a shorter preparation and that is why they should not be complex (Dundovic, 2009: 41).

The main objectives of covert police operations, among other things, are:

- collecting data and information which criminal offenses a criminal organization has committed or is preparing to perpetrate;
- identification of all persons associated with a criminal organization, regardless of whether they are members or they prepare or commit criminal offenses or provide logistic support;
- identification of criminal organization leaders;
- collecting information that is not available to the police (narcotics price, scope of operations assessment, identification of associates, identification of the criminal organization assets, etc.);
- identification of the degree and type of "cooperation" with representatives of state bodies (police, prosecutor's office, court, etc.);
- identification of the criminal case objects;
- identification of the places unfamiliar to the police where members of a criminal organization gather or hide (secret hiding places - "bins");
- the collection of data and information important for the infiltration of the covert investigator into the criminal environment, especially those important for establishing a connection between the covert investigator and the suspect;
- collecting crime evidence which could not be collected by other (traditional) police techniques;

- identification of potential informers;
- collecting information about "fraternal" criminal organizations, with special target on cooperation, planned or performed joint actions;
- collecting information about rival criminal organizations and possible conflict areas (spatial and temporal dimension);
- collecting other data and information in accordance with the covert operation plan.

Based on the defined goal, in accordance with the covert operation plan, preparations are made for its realization. Bearing in mind the specificity of such activities (the need for confidentiality of all phases, above all), it is necessary to identify phenomena which may influence the process of preparation and implementation, or realization of the ultimate goal of the undercover operation and their effects.

SPECIFICATIONS OF COVERT DATA COLLECTION

Data collection is an activity that has had a different purpose throughout the history of society's development. On the one hand, those who had the invasive ambitions sought to collect data and information that targeted "holes" in defense targets of the attack, providing an advantage for a quick and efficient way of realizing their invading goals. The other party also tried to conceal the attack and set up its defense system so it can guarantee security. Both tried to collect information about the opposite side and to secure advantage over the opponent. However, what is common to them is that the most important data (on both sides) was classified, and had to be dealt with accordingly in a confidential way, in an effort to prevent their detection by undertaking various measures for protection.

The same relation to this type of data has remained to date, where the most important data is classified. The secret as a phenomenon appeared with the concept of social class and a society in which the classes were opposed to one another. This resulted in the fact that people, or narrow/broad groups and communities and states, deliberately and in an organized manner, hid data from one another and kept certain data and facts as elements of a secret. This conspiracy is all the more deliberate, more persistent and secretive if it is aimed at protecting significant interests and information. Under the influence of the same principles, the opposite tendency and necessity is to discover and find out others' secrets. Thus, the secret became the main object of the work of the two aforementioned information functions, and during the development of human society, specific tools and methods for the execution of these functions were developed (RSUP, 1974: 18).

Data collection includes the use of various techniques. Quite naturally, these techniques can be different in relation to the "visibility" of the source from which they are collected, so they can be public and secret. Special techniques are applied to covert (secret) data collection, bearing in mind the conspiratorial nature of

the sources which have such data. This "specialty" is reflected in the sensitivity of planning, preparing and implementing covert operations, which are performed with the aim of collecting this type of data. However, covert data collection also means the temporary limitation of human rights and fundamental freedoms (above all, the right to privacy) of the targeted persons, bearing in mind that the fact collection is conducted without the knowledge of the subject, who is not aware of such official measures. This fact, in particular, is important in planning, preparation and realization of such data collection techniques.

Regardless of which group of techniques is used in the operational work, as the basic system of legally defined, confidential or secret operations of the law enforcement authorities, complexly guided outside the criminal and administrative process and other official acts of these authorities, and serves to suppress and prevent criminal offenses, primarily by collecting, checking and using information about events, environments or persons that have become the subject of a legally motivated interest, with the aim of detecting and aiming evidence (Костић, 1987:27).

Secret methods of collecting information use secrecy to collect information about objects of interest, even though they are not even aware of it. Such a covert (secret) methods of data collection may include the use of informants, interception of information, electronic and physical surveillance, and photographing. When those methods are used in such a way as to temporarily limit the individual's privacy, they are called *intrusive methods of investigation* and those are special investigative measures or special investigative techniques. Any use of such methods must be in accordance with the law and used only for specific, legitimate purposes (Hutton, 2012:92). By using these methods, security services can come up with very important, but also sensitive data that can be used to act in the direction of preventing some of the threatening activities directed against the vital values of society as well as for initiating criminal proceedings. Bearing in mind the nature of the collected data and the type of rights that derogate from these actions, it is very important to establish multiple, impartial and independent control over these actions (Mirkovic, 2017:90).

Notices about the criminal offense and perpetrator mean all of information about the facts that may be important for successfully conducting criminal proceedings and that we obtained within and out of the process of collecting. However, these notices also include data in a narrower term. We have to abstract that the term data, unlike the term notice, has the subjective component or the understanding of the bearer of the evidence. Therefore, data is an objective category and it refers to legally relevant facts that can be reliably determined (Peric, 1971:9). Intelligence data is a product created through the process of collecting, classifying and analyzing data for dissemination of useful information that typically assesses events, locations, or opponents, to enable the appropriate allocation of resources in order to achieve the desired outcome. Information is generated from data, as data that can be used or can be applied to the current context. Information is

the data that we will use in improving our predictions, forecasts and assessments (Metscher, Gilbride, 2005:3).

Bearing in mind the purpose of collecting data by the police authorities (data relevant for the criminal procedure), the most important data related to the functioning of the criminal environment, especially in dealing with organized crime, it is necessary to plan and prepare the realization of police operations (especially covert ones that are aimed at collecting data important for detecting, preventing and proving the most serious crimes), which must be consistent with and respect all the specificities of the covert techniques.

This means that specificities of covert data collection, among other things, include the following:

- use of covert data collection is (despite the hidden character) strictly defined by the framework;
- limited availability of classified information, which due to their importance are always under the "special regime" of protection;
- a limited number of persons to whom covert (classified) data are available;
- the difference in their "capability" for the proper selection of the most important data and information;
- "closeness" with the "target" of the covert operation (covert data collection which is, for example, done by using methods of surveillance and technical recording of communications, surveillance and technical recording of premises, secret photographing and video documentation, using technical means for monitoring and positioning, differs from covert data collection by engaging a covert investigator, using controlled delivery techniques or simulated jobs);
- covert police operations have special requirements such as selecting a person with special mental/physical characteristics (especially when it comes to infiltration operations);
- danger of entering a "punitive zone" in the course of covert police operations (especially when engaging a covert investigator).

SECURITY ASSESSMENT AND COVERT POLICE ACTIVITY- SPECIFICITY OF PRODUCTION

In general, the term *assessment* represents the process of determining the value of something, the value of some area of the life and activity (*Речник*, 1973:265). In terms of security, an assessment represents an analysis of certain factors which, individually or together, affect the level of security in particular communities or societies, but also an analysis of the readiness of the system and security services to confront the endangering activities (Ђорђевић, 1986:299). The main objective of the security assessment, to be more specific, is the establishment of such a protection system which guarantees reducing the possibility of harmful event and

which by own stratification prevents the exploitation of the vulnerability of the existing protection system and increases attackers' costs or significantly reduces their potential "gain" and the negative effect of harmful event (Nincic, 2017:390).

The amount of data and information that is required to make a quality security assessment can never be determined in advance. It takes as much information as is sufficient to describe the danger whose possible manifestation is assessed and negative effects of security challenges, risks and threats. Data collection is necessary until sufficient level for assessing is reached and in accordance with the principle of completeness, as one of the basic principles which is necessarily respected when making a security assessment. During data and information collection, it is necessary that they meet some basic requirements, such as timeliness, completeness and representativeness, which makes it easier to create a quality security assessment.

Criminal acts of organized crime, cyber crime, international criminal offenses envisioned by the Geneva Conventions and additional protocols, as well as by other international conventions, require a longer period to collect facts and evidence that would be necessary for the court if they are to be collected in a lawful manner and therefore confirm justified suspicion that a certain perpetrator has committed a criminal offense, and this applies in particular to special types of evidence which is required for very serious crimes. Primarily because these crimes are a "cream" of crime and have a high degree of social danger in themselves, among other things, the criminal justice system is highly motivated to incriminate these "special" crimes. This specialization is reflected both at the organizational and the legislative levels (Plazinic, Stojkovic, 2015:14). In this regard, bearing in mind what kind of crimes and perpetrators are involved, it is quite natural that certain techniques can match the gravity of such offenses by their "specialty" and contribute to the collection of evidence. Therefore, special investigative methods and covert police operations, as a tool for their operationalization, require precise planning and preparation in which a security assessment has a great importance.

When it comes to the security assessment which is used as a basis for the planning, preparation and realization of covert police operations, it must be in line with all the specifics that this type of police action contains. As a precondition for its production it is necessary to, in accordance with the defined goal of covert police operation, look at all the risks (legal, technical and operational) of such operations. *Legal risks* basically represent risks of unlawful use of covert operations (use of covert operations without a legal framework; enforcement by a body without given jurisdiction for such an action; enforcement in relation to offenses that are not legally defined as acts for which prevention, detection and proofing can be undertaken by covert investigative techniques, etc.). *Technical risks* include risks that can be caused by the installation and use of technical means during a covert operation (technical means may not work or could be detected). *Operational risks* are the risks related to the manner of conducting a covert operation, from the preparation to the final realization (conducting a covert operation without prior

security assessment, engagement in the operation of persons who, in terms of their mental/physical characteristics, fail to meet the requirements of a specific operation, engagement of persons who are not adequately trained, endangering of covert operation's direct executors, etc.) (Нинчић, 2019:91).

The primary goal of a security assessment is to identify all the facts and circumstances which may influence the planning, preparation and use of a covert operation, determine the important assumptions concerning the criminal offense and possible perpetrators and define the method (technique) of collecting evidence which must be on the same level as a crime for whose detection, prevention and proving a covert operation is conducted. In this sense, it is necessary to meet the following requirements:

1. Merging all (current) information we have about a criminal organization that is the subject of a covert police operation. This means:

- currently available information about the criminal organization (size, number of members, hierarchical connection, indicators of criminal activity by type, place and time with manifest forms and manner of operation, specialization for certain types of crimes, specificity in the mode of operation, possible connections with representatives of state authorities, material capacities available to the criminal organization, places of assembly, etc.);

- currently available information about the organizers and members of the criminal organization (their past, criminal records, earlier criminal and felony sanctions, professionalism in committing certain crimes, horizontal and vertical connections, "real" authorities among members of the criminal organization, data on finances and properties in the country and abroad, etc.).

2. After merging the currently available information, actions are taken to expand them with additional information, which includes information on usual daily activities of the suspect (organizers or members of a criminal organization), such as:

- define the narrow and wider circle of persons with whom they are in contact, the frequency of such contacts and their character (contacts with family members, "business" contacts with representatives of other criminal organizations, etc.);
- the most visited places (space and time dimension);
- the way of dressing, behaving and "level of violence" in behavior;
- usual means and ways of communication with the narrow and wider circle of persons they are in contact with;
- special preferences and hobbies;
- certain vices (drugs, alcohol, gambling, etc.).

3. If some additional information is obtained from an informer or associate, it is necessary to:

- assess the reliability of the source and data, with an assessment of the relevance and completeness of the data and the possibilities for their use;

- identify the motives for co-operation of the data source (to establish "real" motivation, but also to continuously assess the motivation of the data source as it changes over time);

- find out whether the informant is capable of assisting the police in undergoing and future covert operations.

4. Based on the collected data, it is necessary to:

- determine the general and special causes and objective conditions for the functioning of the criminal organization through defining its «profile» (areas of operation - murders, narcotics, arms traficking, human trafficking, prostitution, etc.; specificities, human and material resources of the criminal organization, cooperation with state authorities, etc.);

- predict the behavior of the criminal organization members through defining their «profile» (behavior assessment in different situations, possible «patterns of behavior», members who can be the «weakest» link in the organization and suitable for making contact with in the course of an infiltration operation, etc.).

5. Covert police operation risk assessment, which includes a timely analysis of legal, technical and operational risks, which may have an influence on the planning, preparation and implementation of the undercover operation. On the basis of the determined elements, a conclusion is drawn and it defines the covert operation risk level which is used as a parameter to "recommend" the use of a covert operation or, if the risk is too high, suspend such an operation.

6. Based on defining the previous elements, a general conclusion with an assessment is made, which has to give a complete picture of covert operation conditions, what phenomena and how intensely they would affect its implementation, what are the greatest security risks, chances of achieving a defined goal, the "cost-effectiveness" assessment of the undercover operation.

7. In accordance with the conclusion and the objective of a concrete covert operation, assessment and selection of the most acceptable method of covert investigation is made. This means defining the basic parameters, such as:

- identification of the facts that need to be determined in order to prove the specific criminal offense;

- determining concrete directions of action in order to achieve the defined goal;

- the order of the individual phases of proving, depending on what specific criminal act is investigated;

- the time frame needed for evidence collection;

- the optimal way of contact with external bodies (prosecution, court, etc.).

8. Assessment of the resources which are necessary for the realization of a covert operation and which include:

- human resources (tactical teams, logistic support, medical assistance. etc.);

- technical resources (communication means, surveillance and monitoring, special vehicles, etc.);

- financial resources (funds for operational needs, funds for technical and operational preparation, etc.).

The quality of all the previous elements determines the quality of the security assessment. If they essentially reflect the actual state of the observed phenomenon, then the security assessment will be valuable and useful. This means that it will contribute to choosing the most effective way of implementing a covert police operation and the collection of data and information of crucial importance in the criminal procedure, which may play a decisive role in an effort to prove the most serious crimes.

CONCLUSION

By collecting various types of data and information, the police try to identify various criminal activities and their perpetrators. In modern conditions, the perpetrators of criminal activities (especially those with characteristics of organized crime) try to make them secret, covert. Therefore, information about such activities is secret that can be disclosed only through methods that match their conspiratorial character.

Covert data collection techniques are the techniques which police use to collect data and information important for criminal proceedings. They are conducted without the knowledge of the targeted person, who is not aware of their official character, so they interfere with human rights and fundamental freedoms, especially the right to privacy. Therefore, the covert police operations that use covert data collection techniques must be precisely planned. As a necessary condition in the planning, preparation and realization of a covert police operation, there is a security assessment, which defines all important factors for a covert operation. Because of that, a quality security assessment must include the planning, preparation and realization of a covert police operation in a manner that is in line with its purpose - collecting evidence for the prevention, detection and proving of the most serious crimes.

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