

Criminal Investigation and Intelligence Gathering – the Future Prospects of Criminal Procedure and the Regulation of NCOZ and BIS

Abstract

The paper examines the legal and practical issues of deeper cooperation and coordination between NCOZ and BIS, two primary bodies responsible for the domestic security, counterintelligence and counter-organized crime in the Czech Republic. The aim of the paper is to present a brief and comprehensive, yet complex list of issues which is based on a thorough research. These issues must be tackled and resolved by the legislator in case any deeper cooperation and coordination of BIS and NCOZ is to be considered in the future. First, the paper looks at the alarming increase in modern organized crime rates. The paper considers this trend to be a real and present national security threat which justifies innovative legislative steps. Complex criminal cases, like DOZIMETR, point to the disturbing reality of crime-politics nexus. The penetration of the decision-making process by the organized crime is a sufficient basis for serious debate on how the legal authority of NCOZ and BIS should be strengthened. Moreover, the threat of „going dark“ and the continuous danger of enemy foreign intelligence remain on the horizon. Second, the paper presents a comprehensive and easy-to-understand model of NCOZ investigative activities and BIS intelligence gathering. This model is used as the basis of further analysis of potential NCOZ-BIS cooperation. Third, the paper analyses interagency cooperation models in the United States. Specifically, it focuses on task forces, fusion centers, and the FBI intelligence gathering system. The analysis of the U.S. interagency cooperation models is compared with the model of NCOZ and BIS activities. Finally, the Czech and the U.S. approach to investigation and intelligence gathering is compared. It is not the aim of this paper to propose specific legislative drafts. However, the paper presents a list of issues, which are all based on the previous analysis of the Czech and the U.S. approach. This list is intended to help to navigate the future debate on the domestic security in the Czech Republic.

Key Words:

Interagency Cooperation

Criminal Investigation

Intelligence Gathering