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Features of Disclosure of Illegal Possession of Non-Cleared Cars Committed by Organised Groups

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Abstract

The purpose of the study is to examine the specific features of disclosure of illegal possession of non-cleared cars committed by organised groups. The methodological basis of the study is a holistic and coordinated system of methods, which allowed properly analysing the subject of research. In particular, scientific methods of analysis, synthesis, induction, and deduction are used. The theoretical basis of this study was the papers of Ukrainian researchers on the disclosure and investigation of illegal possession of cars committed by organised groups. The scientific originality of the study consists in determining, based on the study of investigative practice, scientifically based recommendations of Ukrainian researchers to improve the effectiveness of disclosure and investigation of illegal possession of cars committed by organised groups. The analysis of the specific features of disclosure of illegal possession of non-cleared cars committed by organised groups gave grounds to identify the cities where illegal possession of such cars is most often committed, outline the characteristic actions to prepare for the commission of such criminal offences, establish the most common methods of illegal possession of non-cleared cars and ways to implement them, provide proposals for disclosure of illegal possession of non-cleared cars committed by organised groups

Keywords:

illegal possession of a vehicle; non-cleared car; theft; disclosure; investigation; organised groups

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Introduction

Criminals regularly target non-cleared cars. In recent years, the structure of crime in the motor vehicle market the commission of illegal possession of non-cleared cars has been systematically widespread. The largest number of stolen cars with foreign registration is in Kyiv, Odesa, and Lviv regions. Undoubtedly, foreign citizens who came to our country in their own cars also suffer from criminal groups of hijackers specialising in the illegal possession of non-cleared cars with subsequent sale or disassembly for spare parts.

Analysis of the papers of Ukrainian researchers, namely: V.P. Bakhin, O.M. Bryskovska, V.O. Hapchych, V.P. Zakharov, Yu.F. Ivanov, D.O. Karabanov, L.M. Kyselevska, O.V. Karas, P.P. Lutsiuk, V.A. Myslyvyi, B.F. Mytsak, O.O. Moroz, A.O. Mykhailychenko, S.Ye. Petrov, N.O. Popova, D.A. Patreliuk, I.V. Pshenychnyi, M.O. Svirin, E.V. Skrypa, O.V. Solodkyi, D.V. Strelchenko, O.L. Khristov, R.V. Shchupakovskiy, and others – indicates a lack of theoretical findings on the investigation and disclosure of illegal possession of vehicles committed by organised groups. A substantial number of scientific papers are devoted to the methodology of Investigation and legal analysis of crimes committed by organised groups, namely: textbooks and monographs of S.S. Boskholov, G.A. Zorin, D.V. Strelchenko, A.Ya. Tereshonok, O.V. Tankevych, V.V. Liutyi, K.O. Chaplynskyi and others, which relate only to the general principles of detection and investigation of illegal possession of vehicles by organised groups. However, most of the issues of disclosure of illegal possession of non-cleared cars committed by organised groups remain ignored by researchers.

The purpose of the study is to determine, based on the analysis of investigative practice and the best practices of Ukrainian researchers, in which regions illegal possession of such cars are most often committed; outline the characteristic actions to prepare for the commission of these criminal offences, determine the most common ways of illegal possession of non-cleared cars and ways of their implementation, provide proposals for the disclosure of illegal possession of non-cleared cars committed by organised groups.

Results and Discussion

The analysis of criminal proceedings and operational search cases of this category gives grounds to assert that during the preparation for the commission of illegal seizures of such vehicles, the criminal group uses special means of monitoring for the relevant object (monitoring the parking place, parking of vehicles, the schedule of the day of the owner or driver of the car). Not only the place is investigated to plan preparatory activities and eliminate obstacles, but also the storage conditions of the cars to prepare various technical means, tools for entering

the garage, other premises, or vehicles. Methods of penetration into the storage areas and into the vehicle itself differ depending on the qualification of the criminal [1]. Organised groups are characterised by penetration methods that do not cause visible damage to the car to preserve its marketable appearance. Illegal possession of a non-cleared car is a fully structured measure that involves the preparation, execution, concealment, and process of selling such a car.

Illegal possession of non-cleared cars occurs in the following ways:

- open – when potential buyers who arrived to inspect the car with “europlates”, get into it and flee;
- robbery, for example, in May 2018 in Puschcha-Voditsa, employees of the Head of the National Police in the Kyiv region found an Audi A4 car with Lithuanian license plates, which three weeks earlier in Brovary was stolen from the owner during an armed attack. When the man arrived at the service station, three people ran up to him, put a gun to the side of his torso, ordered him to move away, then got into the car and disappeared [2];

- secret: for example, they sell a car with a second set of keys. After that, they arrive at night, pick up the car, restore the documents and put the car up for sale again.

The commission of robberies on drivers in most cases prevailed, in comparison with the illegal possession of non-cleared cars. First, the mobile group (2-3 people among the members of the criminal group) goes around the places of bus stops, parking lots, and conducts so-called reconnaissance. The collected information is transmitted by means of communication available in the group to the capture group, whose members are in full readiness and arrive at the specified place. When the victim gets out of the car, a collision occurs with the perpetrator, armed or unarmed, which forces the victim to abandon the vehicle [3].

After illegal possession of such a vehicle, depending on the purpose for which the car was stolen, members of organised groups are driven to places of “stay”. If for disassembly for the purpose of selling spare parts, such places of “stay” are searched for and equipped more carefully. If the goal is to sell an undamaged non-cleared car, then it is driven immediately to another district, or region by resellers [4]. Criminals search for documents for such a car by brand, model, color (often to legalise a stolen non-cleared car, they place ads for the purchase of cars beaten after accidents).

Many schemes for the sale of stolen vehicles have been identified. The sites still contain offers “will sell Polish/Lithuanian/any documents for a car”. These are fakes, however, if there is an offer for “documents”, then it can be concluded that the number of illegally imported or stolen cars that need them is also substantial. They started making license

plates and holograms for license plates. The level of execution of fakes is low, but a person who has never seen a real Lithuanian or Polish hologram on the number will be quite satisfied with this.

The study of criminal proceedings on illegal possession of vehicles provides an opportunity to establish the purpose of possession of non-cleared cars by organised groups. Such cars are seized for the purpose of sale in 76.2% of cases, for disassembly and parts sale – 15.8%, for the commission of another crime – 6%, for another purpose – 2%.

Statistics on organised crime-related thefts in the EU remain almost stable. The car theft market in the EU has changed, as has the role of conventional destinations for stolen cars (particularly Eastern Europe). Supply and demand form the structure of the vehicle theft market in Bulgaria, and contraband models in the source countries of Spain. Car theft and trafficking are common on the Bulgarian black market. This nuanced historical approach, which considers a wider range of factors in destination countries, can help explain recent changes in European vehicle theft markets [5].

The most typical places of sale of non-cleared cars that were illegally seized are both cities in Ukraine and in territories that are not under its control (the temporarily occupied territory of the Luhansk and Donetsk regions, the Autonomous Republic of Crimea), and in neighbouring countries.

For effective disclosure and counteraction to illegal possession of cars, it is advisable to: 1) immediately deploy the investigative and operational group at the scene of events, involve specialists of expert units, employees of operational and technical support units to take part in their work, use photo, video equipment, and other special technical means to collect evidence [6]; 2) establish the presence of video cameras in places of parking lots, near supermarkets, houses, gas stations, shops, traffic flows, near office premises, and government agencies, at airports. Such electronic devices allow you to monitor what is happening around the clock. It is also advisable to identify vehicles with video recorders that passed near the crime scene from the place of work to the place of residence or vice versa [7]; 3) check all similar cases of illegal possession of vehicles (in relation to certain models, in a similar way, in a particular area, in the same period); 4) check persons who are registered with law enforcement agencies, and persons who received operational information about their possible involvement in the crime, it is important to periodically study information about organised criminal groups and persons who are subject to operational registration, check their vehicles [8]; 5) fully use the secret capabilities of operational workers in operational positions in the criminal environment and at criminal facilities, conduct intelligence activities in places of accumu-

lation of the criminal element and sale of vehicles, its parts, aggregates, etc.; 6) in criminal proceedings, which have data on the commission of crimes by organised groups with interregional connections, it is advisable to raise the issue of the possibility of creating an investigative and operational group of the gunp or interregional investigative and operational groups; 7) use the capabilities of operational and technical support units, operational services in such criminal proceedings; 8) use the capabilities of operational and technical services, departmental information and search engines, and information resources of other organisations, mass media, and individuals, social media (platforms for sharing opinions and news). This gives the ability to display the events (in particular criminal offences) in the physical world – social networks [9]; 9) restore on-site service lists are repair shops vehicles, service stations, and disassembly of vehicles, and employees (including retired) of these objects; 10) conduct checks on the legality of the establishment and registration of the relevant entities; 11) work out the probable location of stolen vehicles or parts thereof, in particular: service stations, where the repair and re-equipment of vehicles; private workshops, which perform welding, alignment (straightening), painting, repair of components and assemblies of vehicles; notary offices, car exchanges, beauty stores, expert institutions that conduct evaluation of motor vehicles (including private experts-avtotehna), car, called to implement, spare parts and accessories, places of spare parts on the market; revision (Internet portals) periodicals, which contains ads about buying and selling motor vehicles involved in road traffic accidents and accompanying documents, and uncleared vehicles or those that are trying to sell at a lower cost [8]; 12) to systematise current information in respect of such business entities and individuals; 13) for the detection of stolen vehicles available to employees on their service areas to explore the courtyards, streets, lanes, green spaces, garages, the garage cooperatives, car parks, garages, public, private and collective enterprises, car, car washes, and other possible storage places of the vehicles and the roadside service station; 14) in case of detection of a car in a “stay” it is advisable to involve specialists of forensic to obtain DNA samples from the surface of the car (interior, trunk, door handles etc.) [10]. Exposure by criminal police units of persons involved in the illegal possession of cars is conducted both in the general complex of operational search measures aimed at identifying persons and facts of operational interest (operational search) and within the framework of an operational search case.

If persons who prepare or commit illegal possession of a vehicle are identified during criminal proceedings, documentation is conducted within the

framework of criminal proceedings, and secret investigative (search) actions are conducted [11].

Since crime is constantly improving the technical equipment of devices that facilitate the commission of a crime, the use of a “bait car” with European license plates is an effective means of documenting a criminal offence committed by a group of individuals. This method is advisable if special units block possible escape routes for criminals and monitor such a car by operatives who will be nearby in another car. Such “bait cars” should not differ from other cars, so that the criminal does not have any suspicions, it is necessary to install hidden video cameras that will record all their actions. It is necessary for the employees of the Criminal Investigation Department of motor vehicles to conduct daily analysis, in the particular, cartographic and operational situation on the roads and road network of the region by the method, time, places of illegal seizures, and the brand and model of the vehicle. According to the results of this analysis, changes should be made to the deployment of posts and patrol routes of such vehicles, that is, a “bait car” under the supervision of a car with operational workers. The method of placing “bait cars” in all areas in places where illegal carjacking acts are committed will be effective for identifying organised groups and individuals who commit such illegal acts [12].

The process of operational search should be continuous (permanent): operational verification can be formally completed, members of a criminal group are brought to criminal responsibility, but operational interest in the structure of organised criminal groups of a common criminal orientation should be preserved, as for the materials obtained on a specific operational search case implemented. The next stage of operational and analytical search can begin with them [13].

The scientific originality of the results obtained consists in determining, based on the study of investigative practice and scientifically based recommendations of Ukrainian researchers to improve the effectiveness of disclosure and investigation of illegal possession of cars committed by organised groups, the specific features of disclosure of illegal possession of non-cleared cars committed by organised groups. The scientifically based theoretical provisions, conclusions, and proposals formulated in the study can serve as a basis for further research on improving the effectiveness of disclosure of illegal possession of non-cleared motor vehicles.

Conclusions

The study of the issue of the specific features of disclosure of illegal possession of non-cleared cars committed by organised groups gave grounds to identify the regions and cities in which illegal possession of such cars is most often committed, establish characteristic actions to prepare for the commission of such criminal offences, determine the most common ways of illegal possession of non-cleared cars and ways to implement them, provide proposals for disclosure of illegal possession of non-cleared cars committed by organised groups. For effective detection of such criminal offences, comprehensive operational search measures are conducted aimed at identifying persons and facts of operational interest (operational search), and within the framework of an operational search case. It is advisable to use the covert capabilities of operational employees in the criminal environment and at criminal facilities to conduct intelligence activities in places where the criminal element accumulates and sells such vehicles, their parts, aggregates, etc.

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Особливості розкриття незаконного заволодіння нерозмитненими автомобілями, вчиненого організованими групами

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Анотація

Мета дослідження – вивчити питання щодо особливостей розкриття незаконного заволодіння нерозмитненими автомобілями, вчиненого організованими групами. Методологічне підґрунтя наукової статті становить цілісна й узгоджена система методів, що дала змогу належно проаналізувати предмет дослідження. Зокрема, використано наукові методи аналізу, синтезу, індукції та дедукції. Теоретичним підґрунтям цієї публікації стали праці вітчизняних учених щодо розкриття та розслідування незаконного заволодіння автомобілями, вчиненого організованими групами. Наукова новизна публікації полягає у визначенні на підставі вивчення слідчої практики науково обґрунтованих рекомендацій вітчизняних вчених щодо підвищення ефективності розкриття та розслідування незаконного заволодіння автомобілями, вчиненого організованими групами. Висновки. Аналіз особливостей розкриття незаконного заволодіння нерозмитненими автомобілями, вчиненого організованими групами, дав підстави визначити міста, у яких найчастіше вчиняють незаконні заволодіння такими автомобілями, окреслити характерні дії з підготовки до вчинення таких кримінальних правопорушень, встановити найпоширеніші способи незаконного заволодіння нерозмитненими автомобілями та способи їх реалізації, надати пропозиції щодо розкриття незаконного заволодіння нерозмитненими автомобілями, вчиненого організованими групами

Ключові слова:

незаконне заволодіння транспортним засобом; нерозмитнений автомобіль; викрадення; розкриття; розслідування; організовані групи