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Relevant Issues of Counteraction to the Illegal Seizure of Vehicles Committed by Organised Groups

Oleksandr V. Bogatykov*

National Academy of Internal Affairs
03035, 1 Solomianska Sq., Kyiv, Ukraine

■ **Abstract.** The purpose of the study is to establish the main aspects of countering illegal possession of vehicles committed by organised groups. The methodological framework of the study is based on empirical and theoretical research methods. Among the empirical methods used were surveys of criminal investigation officers and investigators of the National Police of Ukraine, and analysis of data from the open section of the Unified State Register of Court Decisions. Theoretical methods include analysis and synthesis, analogy, comparison, and generalisation. The scientific novelty of the findings lies in the fact that the article comprehensively, based on the use of cognitive methods and the examination of the effective practice of the National Police of Ukraine, establishes the necessary modern aspects of counteracting the criminal environment regarding the illegal seizure of vehicles. It is advisable to apply a system of comprehensive measures to counteract the commission of such criminal offences through operational and tactical forecasting of the processes taking place in the criminal environment, based on the systematic collection of data and its analysis to help eliminate the circumstances that provide the basis for the commission of illegal seizure of vehicles by organised groups, through operational and search and other measures to prevent and counteract organised groups committing such crimes. Informing the population informed about the sources, and circumstances that influence the commission of such criminal offences, about the mechanisms of criminal behaviour of offenders will encourage citizens to participate in the prevention of such crimes

■ **Keywords:** illegal seizure of a vehicle; counteraction; organised group; criminal offence; integrated approach

■ Introduction

Historically, the traditional domains of professional crime were theft, embezzlement, banditry, and fraud, which provided members of criminal communities with sufficient profit [1]. Most scholars addressing the issues of organised crime highlighted the clear specialisation of types of criminal business and emphasised that extremely high activity was observed in the sphere of trafficking in narcotic drugs, psychotropic substances and precursors, weapons, human trafficking, trafficking in precious metals and stones, illegal seizure of vehicles for sale [2].

In recent years, Ukrainian and international scholars and practitioners have identified a tendency

towards the increase in the process of intellectualisation, qualification and professionalisation of criminal activity. Such activities are more often characterised by criminal encroachments that maximise profits [3]. Given the recklessness and aggressiveness of criminal offences, criminals more often target qualified crimes, which, on the one hand, provide quick and maximum benefit, and on the other hand, obstruct their timely investigation and prosecution.

Experts believe that huge criminal profits with minimal risk and costs make the illegal vehicle business extremely attractive for organised criminal communities and turn it into one of the main sources of profit. Criminal vehicle business should be considered the criminal acts committed for the aim of illegal seizure of vehicles and selling such vehicles or their parts for the purpose of personal illicit enrichment.

In most cases, registered crimes under Art. 289 of the Criminal Code of Ukraine are not solved, and therefore such proceedings are not referred to court, criminals remain unpunished and continue

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■ *Corresponding author

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to commit criminal acts. Toughening the penalties for the illegal seizure of vehicles does not solve the problem of effective counteraction to such crimes.

Counteraction to these crimes has a specific character, which is primarily due to the subject of the relevant encroachments, and the affiliation of the investigated "craft" to a type of organised crime.

The description of organised groups, criminal organisations committing illegal seizure of vehicles, provides objective awareness of law enforcement officers both about individual cases of illegal vehicle business and about the state of combating crime in general.

Such knowledge allows law enforcement officers to analyse and forecast the crime environment, and to establish the exchange of information about persons, and members of organised groups who commit such illegal seizures, about the facts of their illegal activities.

The purpose of this study is to determine the main (important) modern aspects of counteraction to the illegal seizure of vehicles committed by organised groups, to identify the factors that hinder to counteract such criminal offences, to determine the features of effective counteraction to such criminal activities based on the analysis of investigative practice, studies by Ukrainian scientists.

The scientific novelty of the findings consists in the fact that the article comprehensively, using the methods of cognition and studying the positive practical experience of the National Police of Ukraine, establishes the necessary modern main aspects of counteracting the criminal environment regarding the illegal seizure of vehicles.

■ Results and Discussion

Criminologists consider organised crime as a single systemic set of various types of crimes committed professionally in the form of a permanent trade by the efforts of persons who are united in specially created stable, well-concealed and protected from detection formations, and an organised criminal group as a stable managed community of criminals who commit crimes as business and have created a system of protection from social control through corruption [4].

The main feature of an organised group is stability, and of a criminal organisation – hierarchy.

According to Part 3 of Art. 28 of the Criminal Code of Ukraine, a crime is considered to be committed by an organized group if several persons (three or more) participated in its preparation or commission, having previously organised into a permanent association for the purpose of committing this and other (other) crimes, united by a single plan with the distribution of functions of the group members aimed at achieving this plan, known to all members of the group [5].

Organized criminal groups that specialise in the illegal seizure of vehicles that have been operating for years have developed certain algorithms and tactics of criminal activity, which they adhere to when committing criminal offences. Such organised groups operate based on role distribution according to criminal specialisation and experience. Some of them search for customers of the vehicles, others, according to the customer's order, the brands of vehicles, learn about the places and methods of their storage, and collect the necessary information about the owners and drivers of the intended vehicles, experts in electronic systems and starting the engine disable anti-theft electronic systems and start the engine, racers who drive the vehicle to a certain pre-equipped place, which other persons find and equip with "jammers", other tools for interrupting the factory numbers, dismantling, means of transportation, etc. Also, the persons who produce false documents, sell and legalise the profits of such illegal vehicle business.

The high latency of the illegal seizure of vehicles committed by organised groups is caused by a remarkable organisation, careful planning, and distribution of roles, depending on the criminal specialisation between the members of such a group, discipline in execution and a high degree of concealment and disguise of criminal acts of illegal seizure and legalisation of the vehicle [7].

The illegal activity of organised groups committing illegal seizure of vehicles tends to increase the level of its organisation and legalisation. Participants of organised groups related to the criminal transport business systematically adopt the best practices of criminal activity from foreign "colleagues" [8].

Analysis of criminal proceedings on the fact of illegal seizure of vehicles committed by organised groups has concluded that the illegally seized vehicles were detected in various places. The spots are determined by how expensive the neighbourhoods where the vehicle was found are. Often, criminal offenders abandon low-value vehicles in residential areas in nearby courtyards among the cars of residents. Criminal offenders hide expensive vehicles in pre-rented garages arranged through phones using forged documents or straw parties.

With regard to the illegal seizure of vehicles committed for further paid return to the owner, such criminal offences involve primarily specialised sectoral criminal groups and groups with a more complex organisation, not only with a clear division of roles but also with a pronounced hierarchy: organised criminal organisations, which in most cases have an intra-regional character and a stable criminal influence in a particular territory.

It is worth noting that the proceeds from the sale of the illegally seized vehicle are used by members of organised criminal groups primarily for the development and maintenance of such groups (invested in the development of criminal transport business) [9].

Members of organised criminal groups and criminal organisations resort to countermeasures, they are visually familiar with the criminal police officers who fight against the illegal seizure of vehicles. Members of criminal organisations monitor personnel changes in the police force related to this field of service. Besides, most criminal organisations have information about the police officers and their personal vehicles, their make, type, state registration number plate, places of residence of some officers, their families, etc.

According to the results of the study, 68% of operatives of the Criminal Investigation Department, and 46% of investigators who participated in the detection and investigation of this type of criminal offence, noted that criminals used certain measures of influence against them, ranging from threats to bribery attempts.

Criminal structures more often use various countermeasures to complicate the operational and investigative activities of law enforcement agencies and the investigation of criminal proceedings. This actualises the need to use the complete arsenal of operational and investigative forces, means and measures not only under normal circumstances but also creating them artificially to increase the effectiveness of the anti-crime efforts and neutralise the criminal activity of leaders and active participants of organised criminal groups and criminal organisations [10; 11].

It is advisable to reinforce both internal and interagency cooperation of operational and investigative and procedural activities to detect, prevent and investigate such crimes. A satisfactory result directly depends on the extent to which law enforcement officers are able to analyse and predict the crime environment, to establish the exchange of information about individuals, members of organised criminal groups, as well as the facts of their illegal activities.

Counteraction to the illegal seizure of vehicles committed by organised groups and the selec-

tion of the necessary operational and investigative measures (which are used mainly in combination) should be offensive and based on the recommendations of operational and investigative tactics, considering the nature of the criminal environment.

The most effective counteraction to the illegal seizure of vehicles committed by organised groups is complex operations that involve significant forces and means of law enforcement agencies [12; 13].

■ Conclusions

The efficiency of counteraction to the illegal seizure of vehicles is conditioned by both the professional and organisational activities of law enforcement officers. However, such conditionality is not fully effective without a comprehensive approach that includes predicting the occurrence of such criminal offences by organised groups, identifying the factors that encourage its detection and progress, and applying appropriate preventive measures.

The study revealed that the actions of such criminal groups regarding the ways of committing and concealing such crimes have become more daring, and professional skills are constantly being improved and modified.

Therefore, preventive activities aimed at reducing the illegal seizure of vehicles committed by organised groups include informational and preventive efforts conducted by law enforcement agencies among the public, primarily through the media.

The promotion of propaganda among the population, criminological expertise on the sources, circumstances that lead to the commission of such criminal offences, the mechanisms of criminal behaviour, and methods of preventing the illegal seizure of vehicles committed by organised groups will contribute to the effective participation of individuals in the prevention of such crime. Therefore, it is necessary to reinforce the interaction of law enforcement agencies with the media by raising awareness about the most recent means, methods and tools of committing vehicle thefts and the most common places of commission, the most crime-prone regions, and popular brands of vehicles among such criminal offences.

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Актуальні питання протидії незаконним заволодінням транспортними засобами, учиненим організованими групами

Олександр Володимирович Богатиков

Національна академія внутрішніх справ
03035, Солом'янська площа, 1, м. Київ, Україна

■ **Анотація.** Мета статті – встановити основні аспекти протидії незаконним заволодінням транспортними засобами, учиненим організованими групами. Методологічне підґрунтя наукової статті становлять емпіричні й теоретичні методи дослідження. Серед емпіричних методів використано опитування оперативних працівників карного розшуку та слідчих Національної поліції України, аналіз даних відкритої частини Єдиного державного реєстру судових рішень. З-поміж теоретичних методів застосовано аналіз і синтез, аналогію, порівняння, узагальнення. Наукова новизна отриманих результатів полягає в тому, що в статті комплексно, на підставі використання методів пізнання та вивчення позитивного практичного досвіду Національної поліції України встановлено необхідні сучасні основні аспекти протидії кримінальному середовищу щодо незаконних заволодінь транспортними засобами. Доцільно застосовувати систему комплексних заходів протидії вчиненню таких кримінальних правопорушень шляхом оперативно-тактичного прогнозування процесів, що відбуваються в кримінальному середовищі, на підставі систематичного збору інформації та її аналізу щодо сприяння усуненню обставин, що дають підґрунтя вчинення незаконних заволодінь транспортними засобами організованими групами, шляхом проведення оперативно-розшукових й інших заходів щодо попередження та протидії організованим групам із вчинення таких злочинів. Профілактичне інформування населення про джерела, обставини, що впливають на вчинення таких кримінальних правопорушень, про механізми злочинної поведінки зловмисників спонукатиме до участі громадян у попередженні таким злочинам

■ **Ключові слова:** незаконне заволодіння транспортним засобом; протидія; організована група; кримінальне правопорушення; комплексний підхід