

DAUGAVPILS UNIVERSITY

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Synopsys of the Doctoral Thesis

**PROBLEMS OF IDENTIFICATION AND DETECTION
OF PARTICULAR CRIMES RELATED TO
PROPERTY**

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in Law Science**

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The Doctoral Thesis and the Synopsys are available at the Fundamental Library of Daugavpils University, the National Library of Latvia, and on DU website – www.du.lv

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GENERAL DESCRIPTION OF THE WORK

Topicality of the chosen theme and novelty of the research

The topicality of the theme of the doctoral thesis is closely related to the research of the most common criminal offenses against property among criminal groups in the context of Latvia and the countries of the European Economic Area. Border transparency, rapid development of transport networks and other challenges related to globalization create not only new opportunities for active economic, political and cultural cooperation, but also cause serious threats to public security in a rapidly evolving technological age, both on national and international level. The introduction and development of modern technologies contributed in some degree also to the adaptation of representatives of organized crime to the situation. There is a constant race between the introduction of the latest technologies in the field of crime identification and detection, and activities of representatives of professional criminality aimed at preventing or effective hiding of the formation of crime traces.

The latest available information suggests that the most significant profitable offenses are becoming more professional and sophisticated. However, the scientific and methodological basis for their prevention and combating is experiencing a certain stagnation with the liquidation of the Latvian Police Academy in 2009 and retirement of the leading specialists in the theory of operational activities and tactics of criminalistics. The last significant research in the field of detection of the largest number of types of crime was carried out almost 20 years ago („Kriminālistiskā metodoloģija” [Methodology of criminalistics] - a group of authors under leadership of A.Kavalieris). There is no need to explain that the criminogenic situation and methods and tools of committing crimes have changed significantly in the meantime. This requires not only a thorough analysis of the situation in this area, but also, on this basis, introduction of new methods and continuous development of opportunities of their applications.

Scientific and scientific practical research in this field forms the methodological basis for the fight against criminality, but in some cases also for prevention (preventive measures of operational activities).

The novelty of the doctoral thesis is determined by current issues in the field of spread of criminality, as well as dynamics of development of criminal activities, which creates the need to develop not only applied but also fundamental research in the field of identification and detection of criminal offenses. Forms of organized crime, such as trafficking in human beings, illegal turnover of drugs and arms, as well as money laundering are a constant focus of society and, consequently, of applied and scientific research. In turn, a number of sufficiently dangerous and enough popular types of professional/ labour crimes are currently under-investigated, despite their significant financial component in the total structure of criminality. The following crimes may be regarded as criminal offenses which, in addition to all of the above mentioned, have a significant international component:

- theft of motor vehicles;
- fraud using modern technologies;
- theft of cultural and religious objects.

All these offenses are also characterized by the illegal transfer of the item of a criminal offense in the international space.

The aim and tasks of the doctoral thesis

The aim of the work is to perform an analysis of certain crimes related to property threats, identifying the problems of their detection and developing effective solutions, thus contributing to the guarantee of public and individual security. In order to achieve the advanced aim, the following tasks were set:

- to perform analysis of the content of the criminal offenses under research in the national and international aspect;
- to analyse the methods and tactics of detection and investigation of the types of criminal offenses under research;
- to identify and analyse the problems and challenges identified in recent years in the detection and investigation of criminal offenses under research;
- on the basis of a detailed study of the peculiarities of the committing of the criminal offenses under research, to develop effective and up-to-date methods of their identification.

In order to achieve the goal of the research, the following in-depth research questions are formulated:

1. What are the major new challenges in the field of crime detection and prevention over the last 30 years?
2. How did tactics change over the last 30 years in the field of identifying and detecting property crimes?
3. What new methods of operational work and criminalistics tactics could be considered the most perspective in the field of identification and detection of property crimes?

Description of the methods used in the research

The following scientific research methods have been used in the development of the work:

- **the method of grammatical interpretation** in order to ascertain the specific aspects of the legal framework in relation to certain criminal offenses against property, to clarify the meaning of these legal provisions from a linguistic point of view;
- **the historical method of interpretation** in order to clarify the differences and correlations between the legal framework and case law concerning qualification and investigation of property crimes at different stages of history;
- **the systemic method of interpretation** in order to clarify the activity of the provisions of the Criminal Law, which prescribes liability for criminal offenses of a property nature, in the common system of legal rules;
- **the teleological method of interpretation** in order to clarify the meaning of the legal provisions by which its drafters sought to achieve the most useful and fair settlement of criminal legal relations in accordance with the principles of humanity.
- **the comparative method** in order to clarify the different and joint features of the mechanism of criminal activity under research, to study relevant concepts, to compare the heterogeneity of their understanding in different scientific works. The comparative method has also been used to summarize and compare existing case law and normative regulations in different countries;
- **the historical method** in order to clarify the dynamics of the types of criminal offenses under research in course of the development of society, the development of their mechanism, as well as criminal-legal solutions for combating them. However, more attention will be paid to the development of measures and methods of the prevention, identification and detection of criminal offenses under research, making adaptation to changing criminal environment;
- **the method of analysis and synthesis** had been used to study national, international and foreign legislation, legal practice, various types of scientific publications, opinions, conclusions and recommendations of competent authorities and working groups. Using the analytical method, the content of various concepts, phenomena and forensic activities and its elements will be studied. The analysis forms the theoretical basis for conclusions and evaluations. In turn, with the help of synthesis, the structure of the doctoral thesis, the harmonious inclusion of the research results in the content of the dissertation are formed, and scientific theses and proposals are formulated;
- **the methods of induction and deduction** had been used throughout the research to process a sufficient amount of information. With the help of the induction method, the author came to general conclusions about the content and development dynamics of certain types of criminal offenses. In turn, using the deduction method, new knowledge about the mechanism of criminal offenses was acquired, imperfections in the work of law enforcement institutions were clarified

and proposals were made to eliminate the identified imperfections and inconsistencies in order to ensure effective identification and combating of searched criminal offenses;

- **the modelling method** was used to find out the structure of criminal activities, criminalistics activities and counter-actions to investigations, to create models of criminalistics situations and to develop effective solutions to these situations before the relevant criminal offense is committed (surpassing, preventive measures). The modelling method was used in conjunction with analysis and synthesis methods. Based on the research and in-depth analysis of large-scale information sources, logical generalizations were made and proposals for the improvement of regulatory framework and practice were named.

Approbation of the results of the doctoral thesis

1. Trofimovs I. Kibernoziegumu kategorijā ietilpstošo nodarījumu klasifikācija. Daugavpils Universitātes 7.Starptautiskās zinātniskās konferences zinātnisko rakstu krājums, Daugavpils, Akadēmiskais apgāds „SAULE”, 2013, 212.-221.lpp. ISBN 978-9984-14-638-6.
2. Trofimovs I. Ierobežojumu samērība ar leģitīmo mērķi.-Baltijas starptautiskās akadēmijas III Starptautiskā jauno pētnieku un studentu zinātniski praktiskās konferences zinātnisko rakstu krājums, Rēzekne, BSA, 2013, 355.-359.lpp. ISBN 978-9984-47-077-1.
3. Trofimovs I. Interpol and Europol tools in crime detection in Latvia and Criminal police cooperation with colleagues in other countries. Academy of criminalistic and police studies. - Belgrade, ArtGribič Illustrated Studio, 2014, Tom II, Volume II. ISBN 978-86-7020-190-3, 111-119 pages.
4. Trofimovs I. Moderno tehnoloģiju izmantošanas attīstības iespējas Operatīvās darbības likuma kontekstā. Valsts policijas koledžas IV Starptautiskās zinātniskās konferences materiāli. - Rīga: VPK, 2015. ISBN 978-9984-14-186-7, 109.-125.lpp.
5. Trofimovs I. Pierādīšanas aspekti administratīvo pārkāpumu lietvedībā nelegālo alkoholisko dzērienu tirdzniecības apkaršanas jomā.-Administratīvā un kriminālā justīcija: 37.-48.lpp. ISSN 1407-2971, 2016 4 (77), Rīga, Baltijas Starptautiskās akadēmijas un Rēzeknes Tehnoloģiju akadēmijas Izdevums, 2016.
6. Trofimovs I. Ceļu satiksmes negadījumi un to pierādīšanas īpatnības. - Socrates: Rīgas Stradiņa universitātes Juridiskās fakultātes elektroniskais juridisko zinātnisko rakstu žurnāls. Rīga, Rīga Stradiņa Universitāte, 2016, Nr.3(6), ISSN 2256-0548, 51.-69.lpp.
7. Trofimovs I. Psiholoģija operatīvajā darbībā. - Administratīvā un Kriminālā Justīcija: Baltijas Starptautiskās akadēmijas un Rēzeknes Tehnoloģiju akadēmijas izdevums. Rīga, 2017 1 (78), ISSN 1407-2971, 47.-58.lpp.
8. Trofimovs I. Ivančiks J., National security strengthening through the operational activities law.-Journal of Security and Sustainability Issues, ISSN 2029-7017 print/ISSN 2029-7025 online, 2017, 6(3), 2017, Pieejams: [https://doi.org/10.9770/jssi.2017.6.3\(6\)](https://doi.org/10.9770/jssi.2017.6.3(6)), 391-400 pages, (SCOPUS database).
9. Trofimovs I. Ivančiks J., Psychological aspects of operational and investigative activities as a factor of strengthening of national security.-Journal of Security and Sustainability Issues, ISSN 2029-7017 print/ISSN 2029-7025 online, 2017, 7.(1): Pieejams: [https://doi.org/10.9770/jssi.2017.7.1\(5\)](https://doi.org/10.9770/jssi.2017.7.1(5)), 55-65 pages, (SCOPUS database).
10. Trofimovs I. Atsevišķu mantisko noziegumu vispārējs raksturojums pārrobežu aspektā, Valsts policijas koledžas V Starptautiskās zinātniski-praktiskās konferences materiālu krājums, Rīga: VPK, 2018. ISBN 978-9934-8717-9-5.
11. Trofimovs I., Ivančiks J., Teivāns-Treinovskis J. Evaluations of security measures and impact of globalization on characteristics of particular property crimes.-Journal of Security and Sustainability Issues, ISSN 2029-7017 print/ISSN 2029-7025 online, 2019, 8 (4), Pieejams: [https://doi.org/10.9770/jssi.2019.8.4\(2\)](https://doi.org/10.9770/jssi.2019.8.4(2)), 569-579 pages, (SCOPUS database).
12. Trofimovs I. Noziegumu, kas saistīti ar prettiesiski atsavinātu transportlīdzekļu apriti, izmeklēšana. Mācību līdzeklis. Daugavpils: Daugavpils Universitātes Akadēmiskais apgāds „Saule”, 2020. 84 lpp. ISBN 978-9984-14-914-1.

13. Trofimovs I. Ar reliģiskiem priekšmetiem saistītu noziegumu raksturojums, Latvijas Zinātņu akadēmijas Vēstis. A daļa: Humanitārās un sociālās zinātnes, 74.sējums, 3.numurs, Rīga, 2020, 114.-132.lpp. ISSN 1407-0081.
14. Trofimovs I., Teivāns-Treinovskis J. Impact of globalization on the cooperation related to the investigation of transnational crimes.-Journal of Security and Sustainability Issues, ISSN 2029-7017 print/ISSN 2029-7025 online, 2020, 10.2(5): Pieejams: [https://doi.org/10.9770/jssi.2020.10.2\(5\),423-435](https://doi.org/10.9770/jssi.2020.10.2(5),423-435) pages, (SCOPUS database).

Participation in international scientific conferences in Latvia and abroad

1. Baltic International Academy, Latvian Academy of Arts Latgale Branch, Baltic School of Psychology and Management, Warsaw School of Social Administration, "Eastern Latvia Creative Services Centre", State Research Institute of Systems Analysis of the Chamber of the Russian Federation, III International Conference of Young Researchers and Students, "Time of Challenges and Opportunities: Problems, Solutions, Perspectives", 16.05-18.05.2013, Rēzekne - Rīga, presentation topic "Proportionality of Restrictions with Legitimate Purpose".
2. Academy of criminalistics and police studies, International scientific conference "Archibald Reiss Days", 3-4 March 2014, Belgrade, Serbia, topic of speech "Interpol and Europol tools in crime detection in Latvia and Criminal police cooperation with colleagues in other countries".
3. Daugavpils University 9th International Scientific Conference "Social Sciences for Regional Development 2014", 17.10.-18.10.2014, presentation topic "Problems of Improving the Law of Operational Activities in Relation to Integration into the Legal System of the European Union".
4. State Police College, IV International Scientific Conference "Use of Modern Technologies in the Work of Law Enforcement Institutions and in Education of Their Employees", 6.10-7.10.2015, presentation topic "Development Opportunities for the Use of Modern Technologies in the Context of the Law on Operational Activities".
5. Daugavpils University, 11th International Scientific Conference "Social Science for Regional Development 2016", 14.10.-15.10.2016, presentation topic "The concept and meaning of psychology of operational activities".
6. Daugavpils University 12th International Scientific Conference "Social Science for Regional Development 2017", 20.10.-21.10.2017, presentation topic "Foreign normative regulation in the field of operational activity".
7. V International Scientific Conference of the State Police College "100 Years of Evolution of State Internal Security. Development. Dynamics. Problems", 10.10.-11.10. 2018, presentation topic "General characterizations of certain property crimes in a cross-border aspect".
8. Daugavpils University, 61st International Scientific Conference, 11.04.-12.04.2019, presentation topic "Separate types of crime investigation methodology".
9. Daugavpils University, 62nd International Scientific Conference, 28.05-29.05.2020, presentation topic "Factors influencing the formation of evidence".
10. 35th Eurasia Business and Economics Society Conference, April 7-9, 2021, Rome, Italy, presentation topic of an online paper "Influence on national security of the suddenness factor in the process of criminal investigation".
11. European Union Agency for Law Enforcement Training (CEPOL) & Mykolas Romeris University, Lithuania, Science Conference, 5-7 May 2021, online, "Pandemic Effects on Law Enforcement Training & Practice: Taking early stock from a research perspective".
12. European Union Agency for Law Enforcement Training (CEPOL) & The Innovation by Law Enforcement Agencies Networking (ILEAnet), Conference 2021, 9-11 June 2021, online, "EUCrimACon 21 - European Criminal Analysis".

The theoretical basis of the doctoral thesis consists of the used legal normative documents, scientific literature; practice of the State Police, Interpol, Europol, courts and other law enforcement institutions; case law/ judicature, periodicals and other sources of information/ reference objects.

In order to achieve the aim of the research and the set tasks, the author has chosen

different types of reference objects, among of which monographs and scientific articles of the following authors are of great significance in the research of the studied topic: A.Kavaleris, J.Ivančiks, A.Vilks, U.Krastiņš, V.Liholaja, S.Kaija, R.Balodis, J.Konovalovs, L.Makans, J.Teivāns-Treinovskis, V.Zahars, J.Zīle, A.Evardsons, S.Čeponis, A.Lācīte, J.Mašošins, D.Mežulis, U.Miķelsons, J.Neimanis, E.Krutova, I.Sokolovska.

Among foreign researchers, the most actively on researched issues were focused: A.James (The United Kingdom), Inge S.Bleka, Lawrence J.Fennell, Barry AJ.Fisher (The United States), T.Averyanova, R.Belkin, N.Alekseyev, I.Krilov, J.Kornouhov, J.Rosinsky, I.Kozhevnikov, V.Bayakhchev, L.Butorin, D.Samokvasov, V.Meshcheryakov, G..Sinilov (Russian Federation), A.Hakberdiyev (Uzbekistan), etc.

1. SUMMARY OUTLINE OF THE DOCTORAL THESIS

1.1. Theoretical justification of the research

The theoretical basis of the doctoral thesis is formed by the legal literature of Latvia, various countries of the European Union, the United Kingdom, the United States and other countries in the field of theory of operational activities and criminalistics, as well as in the field of criminal law, criminology, psychology, execution of criminal sentences and in other fields. The author used the findings displayed in monographs, scientific publications; as well as practice, case law, periodicals and other sources of information of the State Police, Interpol, Europol, courts and other law enforcement institutions were used. Respecting the fact that our country is a member of the European Union, the legal framework and scientific thought in the field of operational activities and forensics in Latvia and other European countries were analysed with particular interest. However, the author also drew attention to the legal framework of other countries such as Ukraine, Uzbekistan and the Russian Federation. The monographs and scientific articles of the following authors are of great significance in the research of the studied topic: A.Kavaleris, J.Ivančiks, A.Vilks, U.Krastiņš, V.Liholaja, S.Kaija, R.Balodis, J.Konovalovs, L.Makans, J.Teivāns-Treinovskis, V.Zahars, J.Zīle, A.Evardsons, S.Čeponis, A.Lācīte, J.Mašošins, D.Mežulis, U.Miķelsons, J.Neimanis, E.Krutova, I.Sokolovska; among foreign researchers: A.James (The United Kingdom), Inge S.Bleka, Lawrence J.Fennell, Barry AJ.Fisher (The United States), T.Averyanova, R.Belkin, N.Alekseyev, I.Krilov, J.Kornouhov, J.Rosinsky, I.Kozhevnikov, V.Bayakhchev, L.Butorin, D.Samokvasov, V.Meshcheryakov, G.Sinilov (Russian Federation), A.Hakberdiyev (Uzbekistan).

1.2. The main results of the research

In total, the work consists of five chapters. The first chapter analyses the essence and historical development of criminological and criminal legal characterizations of certain property crimes, as well as deals with the concepts of certain property crimes and their content.

In the second chapter, a scientifically theoretical research was carried out concerning the legal regulation of operational activities and the observance of human rights principles in this field in Latvia and abroad, as well as the importance of psychological knowledge in operational work has been searched.

In the third chapter, the mechanism of implementation of certain property crimes and the mechanism of its investigation, which forms the scientific basis for the recommendations formulated in the work for the investigation of these crimes, were examined.

In the fourth chapter, the possibilities of cooperation in the criminal investigation process were analysed, examples of good practice were identified and proposals for the solution of the identified problems were developed.

1.2.1. General characterizations of certain property crimes in a cross-border context

Criminal offences against property include a wide range of criminal activities, mainly carried out by highly mobile organized criminal groups and other criminals operating throughout the European Union. The ever-increasing number of reported crimes in recent years is a particular problem in many of the Member States¹. New threat objects and new

¹ Teivāns-Treinovskis J., Trofimovs I. Impact of globalization on the cooperation related to the investigation of transnational crimes.-Journal of security and sustainability issues, 10.2.(5), Pieejams: [https://doi.org/10.9770/jssi.2020.10.2\(5\)](https://doi.org/10.9770/jssi.2020.10.2(5)), (SCOPUS database), [aplūkots 1.04.2021.], pages 423-435.

methods of threat implementation appear, the detection of which would require the development of up-to-date criminalistics methods. They are absolutely necessary, because organized criminality has significant, internationally available financial resources, state-of-the-art technologies and, finally, people who are ready to commit any type of ordered crime.

From the scope of criminal offences against property, the author of the work researches crimes of a increased degree of danger with a cross-border aspect: criminal offences related to vehicles as an object of danger; theft from cultural and religious sites where the objects of danger are churches or religious items; fraud, which involves the use of modern technical means and new technologies.

Criminological and criminal legal characterizations of unlawful alienation of vehicles

According to Section 197 of the Criminal Code of the Latvian SSR (later the Criminal Code (CC) of the Republic of Latvia) “Unlawful unwarranted driving away of a mechanical means of transport or sailing ship (in Russian: *угон*)², the person was held criminally liable if its intention was only to go for a drive using transport vehicle, but there was no purpose of misappropriation. As a result, the criminals, while being detained at the time of entering into or driving the vehicle, provided such evidence that it would be possible to avoid criminal liability or have only the qualifying features provided for in Section 197. Namely, a person gets into a vehicle, starts the engine and/ or drives away; thus the person already handles with the acquired vehicle at his own discretion, as with own property. It is an obvious part of seizing property, not to mention leaving or hiding it later. Therefore, by the law of 6 June 1996, the legislator excluded such a type of criminal offense as illegal unwarranted driving away deleting Section 197 from the CC of Latvia, and supplemented the subjects of a criminal offense of Section 139, Paragraph five with the concepts of cars and other mechanical means of transport³.

On 17 June 1998, the Saeima of the Republic of Latvia adopted the Criminal Law currently in force in Latvia. Until 3 July 2019, liability⁴ for the theft of vehicle in Latvia was provided for in accordance with Section 175 of the Criminal Law - theft, or Section 180 of the Criminal Law (if the value of the vehicle did not exceed one minimum monthly salary) - theft, fraud and misappropriation in the small amount. Theft of vehicle, depending on its value, was classified in accordance with Section 175, Paragraph one of the Criminal Law or pursuant to Section 180 of the Criminal Law, which are less serious crimes. The vehicle, as an object of the threat of crime, was not separated from the general concept of the subject of the criminal offence. As a result of application of the provision of Section 175 of the Criminal Law, a situation arisen in practice that for theft of a mobile phone in the amount of 100 EUR from a bench in a yard of an apartment house and theft of a vehicle with a value not exceeding fifty minimum monthly wages from the same yard, the criminal is called to responsibility according to Section 175, Paragraph one. However, committing theft of a vehicle, the offender must first get into a vehicle: - the door lock must be opened, the ignition lock must be approached and the engine must be started; and these are obstacles which will allow the offender to act with the vehicle at own discretion. However, the theft of a mobile phone in the amount of EUR 100 from a vehicle, of course by getting into, was qualified pursuant to Section 175, Paragraph three. The author has addressed the problem related to aspects of the application of Section 175, Paragraph three of the Criminal Law in his scientific publications and presenting results at the following scientific conferences: "The concept of “getting into” in criminal law", 2009, “Getting into as a qualifying feature in criminal law”, 2013, “Vehicle like an object of a crime”, 2016, “General characterizations of certain property crimes in a cross-border aspect”, 2018. Professors U. Krastiņš⁵ and J. Neimanis⁶ also pointed out important

² Уголовный кодекс Латвийской Советской Социалистической Республики. Ведомости Верховного Совета и Правительства Латвийской ССР. 1961. Nr.3. М-во юстиции ЛатвССР. – Рига: Авотс, 1983. С.187.

³ Grozījumi Latvijas Kriminālkodeksā. Latvijas Republikas likums. Latvijas Vēstnesis, Nr. 105 (590), 18.06.1996. Pieejams: <https://likumi.lv//ta/id/63356?&search=on>, [aplūkots 22.04.2020.].

⁴ Grozījumi Krimināllikumā. Latvijas Republikas likums. Latvijas Vēstnesis, Nr. 123, 19.06.2019. Pieejams: <https://likumi.lv//ta/id/307635-grozijumi-kriminallikuma>, [aplūkots 7.12.2020.].

⁵ Krastiņš U., Liholaja V., Niedre A. Krimināllikuma zinātniski praktiskais komentārs 3. - Rīga: Firma „AFS”, 2007. 14.–15.lpp.

aspects of the application of Section 175, Paragraph three of the Criminal Law, which correspond to theft of a vehicle which is committed by getting into a vehicle, namely that in fact, when applying Section 175, Paragraph three of the Criminal Law, crucial is, whether the theft is committed by breaking and entering into a vehicle. The purpose of Section 175, Paragraph three of the Criminal Law is to threaten with a more severe criminal punishment for those criminal offenses in which a perpetrator of the criminal offense has applied special psychological energy i.e. in fact, committed theft by breaking and entering, i.e. committed burglary. As a result, in order to determine criminal liability for theft of a vehicle, the legislator, in amendments of 6 June 2019, expressed the disposition of Section 175, Paragraph three in the following wording: “(..) theft, if it has been committed by entering a vehicle, apartment or other premises, or if it has been committed from a storage facility or from a system connecting storage facilities, as well as for a person who commits theft of a vehicle (..) “.

In addition, Interpol, when implementing the classification of crimes, included theft of vehicle in the concept of “crime of means of transport”, which is related to vehicle theft and its illicit trafficking in, as well as to illicit trade in of spare parts. The financial loss from the sale of counterfeit car spare parts is 45 billion USD a year⁷. Vehicle theft directly affects the individual owners, has a financial impact on insurance companies, injures the reputation of car manufacturers and, in most cases, is linked to other activities of organized criminality. Organized criminality groups from post-socialist countries have a long history of criminal activities in the EU countries. For example, Russian and Belarusian criminal groupings stand out by using physical force and intimidation of victims. Groupings from Poland⁸ and Lithuania are characterized by aggressive methods of vehicle theft. The purchase, transfer and sale of vehicles stolen by an organized criminal group involves little risk and good profit. In addition, the illegal spare parts market is a profitable source of income for criminal organizations and offers many practical applications. This phenomenon has not only a financial impact on the industry, but it also endangers drivers, because illegal spare parts, most likely, do not meet recognized safety standards. In recent years, the use of the Internet has led to a dramatic increase in the resale of illegal vehicle parts, making it a serious problem for car manufacturers, law enforcement and regulatory authorities, as well as for public health organizations around the world⁹.

Analysing the above mentioned opinions, the author concludes that the prevention and detection of vehicle theft, taking into account all aspects, including cross-border aspects, is very important both from the point of view of protection of property, as well as of protection of state and public interests.

Criminological and criminal legal characterisation of fraud

Recent researches show that the capabilities of traditional organized criminal structures are expanding. New cybercriminal organized groups are formed, the members of which have the widest knowledge in the field of information technologies, as well as opportunities to use the latest innovative technologies, incl. for unlawful purposes¹⁰.

Interpol¹¹ and Europol¹² reports show an increase in fraud crimes around the world and in Europe. In the European Union, Europol estimates that an average criminal group of 6-10

⁶ Neimanis J. Starp mašīnām un motoriem. Krimināllikuma 175. panta trešās daļas jēdziena “zādzība no transportlīdzekļa” iztulkojums. Jurista Vārds, Jūnijs 2016 /NR. 24 (927) Pieejams: <http://www.juristavards.lv/doc/268791-starp-masinam-un-motoriem/>, [aplūkots 8.12.2020.].

⁷ Havoscope Global Black Market Information. The Black Market. Counterfeit Auto Parts. Pieejams: <https://www.havoscope.com/tag/counterfeit-auto-parts/>, [aplūkots 4.07.2020.].

⁸ Pullat R. An Inside View Of Organized Crime In Estonia On The Example Of Three Criminal Organizations. Administratīvā un Kriminālā Justīcija, 2017, 4 (81), pages 3–10.

⁹ Vehicle crime. Crimes. Interpol. Pieejams: <https://www.interpol.int/Crimes/Vehicle-crime>, [aplūkots 4.07.2020.].

¹⁰ Vilks A. Jauno tehnoloģiju izmantošanas tendences noziegumu novēršanas un apkarošanas jomā. Zinātniskie raksti: 2010.g. sociālo zinātņu nozares pētnieciskā darba publikācijas. - Rīga, Rīgas Stradiņa universitāte, 2010. 201.lpp.

¹¹ Forum to forge a more united path in tackling global security threats. Interpol. Pieejams: <https://www.interpol.int/News-and-media/News/2017/N2017-039>, [aplūkots 23.04.2020.].

¹² Serious and organised crime threat assessment. Europol. Pieejams: <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>, [aplūkots 4.07.2020.].

members earns around EURO 1.5 million a year¹³. The most topical types of fraud are: fraud related to excise tax goods; investment fraud schemes; remote commercial fraud schemes; payment procedure fraud; value added tax fraud; insurance fraud; fraud related to social allowances and services; procurement procedure fraud; loan and mortgage fraud.

The progress of the objective manifestation of fraud often makes difficult to classify fraud as a crime. In most cases, victims' behaviour is vicious, as they hope to gain money by handing over money or property to a swindler often in an illegal or morally condemnable way, or by acting obviously credulous, and the victim does not always explain truly the mechanism of realization of criminal offence or even does not turn to law enforcement institutions, thus making significantly more difficult or impossible to detect and investigate fraud.

At the moment, liability for fraud is set out in Section 177 of the Criminal Law. Comparing it with the Criminal Code of the Republic of Latvia, a significant innovation is Section 178 of the Criminal Law "Insurance Fraud". A new provision related to fraud is also included in the Criminal Law, which establishes liability for theft, fraud or misappropriation to a small extent (Section 180).

The international security organisations Interpol and Europol are involved in the fight against fraud in globalisation processes. A special body has been set up in Europe: the European Anti-Fraud Office, which is tasked with detection and investigation of fraud cases where financial funds of the EU are involved. This is to ensure that all EU taxpayers' money goes to projects that promote the creation of new jobs and growth in Europe. In Latvia, such cases of fraud are investigated by the competent authorities of the Ministry of Finance and the Ministry of the Interior. The majority of criminal proceedings related to fraud are investigated by the State Police. Unfortunately, this type of criminal proceedings is often terminated and crimes are not detected because investigators do not have the appropriate legal, technical and practical experience. Currently, fraud according to a partially defined system and competence is combating by several structural units of different levels of the State Police: the Department for Combating Organized Crime of the Main Department of the Criminal Police, the Department for Combating Economic Crimes, regional departments and stations of the State Police. Section 4 of the the Department for Combating Economic Crimes of the Main Department of the Criminal Police of the State Police conducts investigations of various types of fraud: combating violations against the security and data of the information system; combating infringements of intellectual property, incl. combating infringements committed using high-technologies. A very limited number of investigators, operative employees, specialists for technical support and electronic evidence research are involved in criminal investigations. Such approach complicates the investigation of these crimes and contributes to the spread of fraud.

Today's society is largely characterized by increasing mobility of people, urbanization, anonymity and a weakening of social control. Organized criminality makes very good use of these conditions. Economic prosperity and well-being in the western countries also allow organized criminality to enter legitimate business. The Internet has facilitated the opportunity of committing new criminal offenses and made it possible to improve the methods of committing "old" or traditional criminal offenses¹⁴. In the global world, it is possible to use the Internet to order crimes and run your illegal business from anywhere in the world, even in your own home, without even having to meet other people involved in the crime. The author fully consolidates with the position of Professor A. Vilks on this issue, namely: "Today, a significant challenge for the world civilization is criminality as a national and transnational problem, the impact of new technologies on society. With the development of new technologies and access to the international market, criminality has crossed national borders and spread globally. There are 3,600 international criminal organizations in the European Union (criminality is spreading globally)"¹⁵.

¹³ Kuchalski K. Organised Crime New challenges and response. European Law Enforcement Research Bulletin Nr.19 (2020): Pieejams: <https://bulletin.cepol.europa.eu/index.php/bulletin/article/view/424>, [aplūkots 4.07.2021.].

¹⁴ James A. The Criminal Networks. The challenge to Policing the 21st Century? SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche. Pieejams: https://doi:10.7396/2005_3_C, [aplūkots 16.02.2021.], pages 20-28.

¹⁵ Vilks A., Kipāne A. Mūsdienu sabiedrības kriminoloģiskie aspekti. -Rīga: Rīgas Stradiņa universitāte, 2020. 23.lpp.

Within the limited scope of the research, it is not possible to fully classify and investigate all types of fraud, because they vary in manifestation and often combine several types of fraud. The author considers as necessary to provide insight into the cross-border spread of remote commercial fraud committed with the help of the latest technologies. The International Classification states that in remote commercial fraud schemes, the fraudster uses mass communication means, including telephone, the Internet, post, television, and radio, to communicate with victims requesting money or other valuables¹⁶. Researching the points of view of scientists, the concepts of fraud and remote commercial fraud defined by the UN, Interpol and Europol, as well as fraud implementation schemes, the author defines *the concept of remote commercial fraud* as follows: "remote commercial fraud is the acquisition of someone else's property or rights to such property by using modern communication technologies and tools, abusing trust or using fraudulence. "

Criminological and criminal legal characterization of crimes related to cultural objects

Throughout the history of humanity, culture and religious traditions have made a positive impact on development and stability. For honest citizens, cultural objects are the cultural and historical heritage of high value of the state and nation. The theft of cultural objects differs drastically from other thefts, both with the object and subject of the threat, with the way how the crime is committed, with well-founded worrying of society, as well as with the huge interest of the mass media, which arise wide resonance in society.

Despite wars, revolutions and the atheistic regime ruled for fifty years, as Professor V. Zahars rightly points out, the majority of the Latvian population is religious and recognizes the conservative values that have been proven for centuries¹⁷. Professor R. Balodis, in addition, in his research shows that 70% of Latvian citizens and 60% of non-citizens trust in churches¹⁸. In total, 69% of the population in Latvia are religious, in 2019 officially registered religious organizations indicated the number of 1,321,847¹⁹ members of religious organizations per 1,907,675 inhabitants in Latvia²⁰. There are 1163 religious organizations registered in Latvia, which own 1021 churches²¹. The topicality of preventing and combating the illegal turnover of cultural objects in Latvia is confirmed by the statistical data of IC of the Ministry of Interior on the illegally alienated cultural items. For example, in the period from 2010 to the end of 2020, 992 thefts of cultural items were committed in Latvia, more than 1,791 cultural items were stolen or lost, and 65%²² of the total range of stolen cultural objects are items of sacral significance i.e. religious items (paintings, icons, statues, liturgical objects, vases, cups, clocks, books, weapons and other objects).

The theft of religious items in the present territory of Latvia was punishable after the adoption of Christianity²³ in the 13th century - during the Livonian period, during the Polish-

¹⁶ European Union serious and organised crime threat assessment (SOCTA 2021). Europol. Pieejams: <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, [aplūkots 23.04.2021].

¹⁷ Zahars V. Kritiskas pārdomas par atsevišķiem cilvēkdrošības aspektiem Latgales reģionā. – Daugavpils: Daugavpils Universitātes Sociālo zinātņu fakultātes Starptautisko zinātnisko konferenču rakstu krājums, II daļa "Valsts un tiesību aktuālās problēmas," 2013. 244.lpp.

¹⁸ Balodis R. State and Church in Latvija. State and Church in European Union. Third Edition. - Nomos Verlagsgesellschaft, Baden-Baden, Germany 2019. Pieejams: http://blogi.lu.lv/tzpi/files/2019/10/State-and-Church-in-EU_R.Balodis.pdf. [aplūkots 17.02.2020.], 298.lpp.

¹⁹ Ziņojums par Tieslietu ministrijā iesniegtajiem reliģisko organizāciju pārskatiem par darbību 2019.gadā. Tieslietu ministrija. Pieejams: <https://www.tm.gov.lv/lv/2019-gada-publiskie-parskati>, [aplūkots 17.02.2021.].

²⁰ Iedzīvotāju skaits un tā izmaiņas. Latvijas oficiālā statistika. Pieejams: <http://stat.gov.lv/lv/statistikas-temas/iedzivotaji/iedzivotaju-skaits/247-iedzivotaju-skaits-un-ta-izmainas?themeCode=IR>, [aplūkots 17.02.2021.].

²¹ Ziņojums par Tieslietu ministrijā iesniegtajiem reliģisko organizāciju pārskatiem par darbību 2019.gadā. Tieslietu ministrija. Pieejams: <https://www.tm.gov.lv/lv/2019-gada-publiskie-parskati>, [aplūkots 17.02.2021.].

²² Statistiskā informācija par Latvijā nelikumīgi atsavinātiem kultūras priekšmetiem. Iekšlietu ministrijas Informācijas centrs. Pieejams: <http://www.ic.iem.gov.lv/lv/zudusie-kulturas-prieksmeti>, [aplūkots 14.07.2020.].

²³ Штейман И. Из истории государства и права Латвии. - Рига, SIA „JUMI”, 2005. С.9.

Lithuanian Commonwealth according to the Lübeck Law and Magdeburg Law²⁴, pursuant to the Statutes of the Grand Duchy of Lithuania²⁵, and during Swedish Reign from 1721. The Penal Law of 1497²⁶ acquired a concept: *church tatba* (in Russian: *церковная татьба*), which was the theft of sacred objects from the temple, that, due to the duality of the object of the violation, was also a crime against property and a crime against the Church. The commitment of *church tatba* was punishable by the death penalty. According to the Russian Regulations on Criminal and Correctional Penalties, the following liability was provided for: for robbery committed in a church; open theft in the church and theft from the church²⁷. The Penal Laws of 1903 on violation of sacredness provided for liability under Sections 77-98²⁸ of Chapter Two, "On Violation of the Rules of Protection of the Faith". However, only the religious items of the Roman-Catholic, Orthodox, Armenian-Gregorian and Evangelical-Protestant churches have been recognized as the object of the crime. This meant that in the territory of present Latvia, the legal provisions protected not the faith itself, but only a few privileged denominations. In 1933, the Penal Code received the Chapter 17 "Criminal Offences against the Religious Feelings of the Faithful and Piece of Deceased" (Sections 300-305)²⁹. As a result of such legal regulation, the freedom of conscience and feelings of the faithful of all legally existing denominations in Latvia was protected by legal norms. After the adoption of the Russian Criminal Code of 1926 in 1940, its provisions protected neither faith itself nor religious items unless they were recognized as antiques, art collection or monuments. However, Section 206 "Destruction or Damage of Monuments" prescribed liability for intentional damage or destruction of historical, archaeological, art or architectural monuments, as well as natural objects under state protection³⁰. In 1979, specialists of the Scientific-Research Institute of Restoration of the Ministry of Culture of the USSR inspected the churches and took photo fixations and partial descriptions of the icons. Registers of icons and church books were compiled. On 22 August 1991, the Latvian Criminal Code with amendments came into force, however, religious items were not separated from the common concept of "property". On 1 April 1999, the Criminal Law entered into force, where Section 151 provided for liability for intentional infringement of religious rituals, if they do not violate the law and are not related to the violation of personal rights³¹, but on 13 December 2012 this section was excluded at all³². Section 229 prescribed liability for destruction or damage of a cultural monument under state protection. Currently, after the amendments, Section 229 has the following wording: "Illegal activities with cultural items". The concept of a cultural monument is defined in Section 2 of the Law "On Protection of Cultural Monuments", stipulating that the following are recognized as cultural monuments: immovable cultural monuments (separate objects - buildings, works of art, equipment and items, separate burial sites; complex objects - archaeological sites, architectural ensembles and complexes, historical centres, streets, squares,

²⁴ Brežgo V. Dinaburgas pilsētas privilēģija 1582.gads. – Daugavpils: Latgales Pētniecības institūta izdevniecība, 2009. 31.lpp.

²⁵ Штейман И. Из истории государства и права Латвии. - Рига, SIA „JUMI”, 2005. С.7.

²⁶ Самоквасов Д.Я. Курсъ истории рускаго права. - Москва, Типографія Императорскаго Московскаго Университета, 1908. Pieejams: <https://books.google.lv/books?isbn=5446075331>, [aplūkots 17.02.2020.], С.4.

²⁷ Уложение о наказаніяхъ уголовныхъ и исправительныхъ. Подписано Его Императорское Величество НИКОЛАЙ, Петергофъ, 15.08.1845. Pieejams: https://vk.com/doc20559902_437521740?hash=4a7bdf15570fc55da2&dl=69e1aa427fe5224329, [aplūkots 2.02.2020.], ст.2130, 2140, 2149, 2166.

²⁸ Sodū likumi 1903.gada 22.marta. Rīgā. Tieslietu ministrijas sevišķas komisijas sagatavojumā. 1930. Pieejams: https://dspace.lu.lv/dspace/handle/7/12811903_gada_22_marta_sodu_likumi_1930_sn234990.pdf, [aplūkots 22.02.2020.]. Otrā nodaļa.

²⁹ Sodū likums 1933.gada 24.aprīļa. Pieņemts Ministru kabinets Latvijas Republikas Satversmes 81.panta kārtībā 24.04.1933. Spēkā no 01.08.1933. Pieejams: https://dspace.lu.lv/dspace/handle/7/12831933_gada_24_aprila_sodu_likums_1934_sn113455.pdf, [aplūkots 22.02.2020.], XVII Nodaļa.

³⁰ Уголовный кодекс Латвийской Советской Социалистической Республики. Ведомости Верховного Совета и Правительства Латвийской ССР. 1961. Nr.3. М-во юстиции ЛатвССР. – Рига: Авотс, 1983. С.206.

³¹ Krimināllikums. Latvijas Republikas likums. Latvijas Vēstnesis, Nr. 130 (6469), Pieejams: <https://likumi.lv/doc.php?id=88966>, [aplūkots 16.04.2018.], 151.p.

³² Grozījumi Krimināllikumā. Latvijas Republikas likums. Latvijas Vēstnesis, 202 (4805), 27.12.2012. Pieejams: <https://m.likumi.lv/doc.php?id=68680>, [aplūkots 21.03.2020.].

blocks of residential area, cultural layer of towns and other settlements, cemeteries, cultural and historical landscapes, memorial sites, historical sites and territories); movable cultural monuments (separate objects - archaeological finds, antiquities/ artefacts, elements of non-movable monuments, historical relics, works of art, manuscripts, rare printed works, cinematographic documents, photographic and video documents, sound recordings, complex objects - historically formed complexes, funds and collections of individual objects, which are of inseparable cultural and historical value³³. It is important to know whether a church has the status of a protected cultural monument and it is or is not included in the list of nationally protected cultural monuments. If the status has been granted, then it is characterized as a qualifying feature within the concept of Section 229 of the Criminal Law. The author did not study the situation regarding the granting of the status of a cultural monument to sanctuaries throughout Latvia, however, researching the status of 74 churches in Rēzekne, Rēzekne and Viļāni municipalities, it was found that only 45³⁴ churches have been granted the status of a cultural monument. From March 2012 to 9 October 2012, thefts were carried out in 23 churches in Ludza, Balvi, Rēzekne and Viļāni municipalities, of which only 8 churches had the status of cultural monuments, in total 141 religious items were stolen. After several months of investigation and international cooperation, the police managed to find out the possible perpetrator of the theft and to detain a citizen of the Republic of Lithuania during the international operation. During the inspection of the vehicle of a citizen of the Republic of Lithuania and search at home in Lithuania, 9 icons were taken out, which were stolen from churches in Latgale. Continuing the investigation, three other members, citizens of the Republic of Latvia, of the criminal group were identified and detained, and one icon was taken out in Great Britain during the auction³⁵. This proves that trafficking in of illegally obtained cultural property is a low-risk crime, a high-profit deal for offenders linked to organized criminality³⁶, and this joints together countries of origin, transit and destination countries. Over the last ten years, we have seen a growing trend in the illicit trafficking in cultural goods from Middle Eastern countries affected by armed conflict.

An effective data exchange between the relevant governmental authorities and the society, including dealers and owners of cultural items, is important to limit trade in stolen cultural items. The Interpol database is a key tool in the search for stolen works of art, accessible to law enforcement authorities, authorized users and the general public worldwide. As at 1 March 2020, 51780 descriptions and images of cultural objects were included in this database³⁷. In Latvia, the Information Centre of the Ministry of the Interior has created its own database, providing an e-service - "Determining the Status of Cultural Property and Creating a Description of Cultural Items", where all owners and holders of cultural objects have the opportunity to create and save descriptions and photographs of the objects with the aim that descriptions and photographs may be submitted to law enforcement authorities in case of loss of such objects.

1.2.2. Use of potential of operational activities in identification and detection of crimes

Operational activity is an important composition of legal activities that helps to ensure personal, public and national security, which is important both for individuals and for the state system as a whole.

Improvement of the legal regulation of operational activities in Latvia

³³ Par kultūras pieminekļu aizsardzību. Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, Nr.10., 05.03.1992. Pieejams: <https://likumi.lv/doc.php?id=72551>, [aplūkots 23.04.2020.], 2.p.

³⁴ Pieminekļu saraksts. Nacionālā kultūras mantojuma pārvalde. Pieejams: <http://mantojums.lv/lv/piemineklu-saraksts/?t=®ion=2&group=0&type=2>, [aplūkots 16.04.2020.].

³⁵ Latgales apgabaltiesas 2017.gada 19.decembra spriedums kriminālprocesā Nr.11331031512. - Nepublicēti materiāli.

³⁶ Cultural property is part of our heritage, history and identity. Interpol. Pieejams: <https://www.interpol.int/Crimes/Cultural-heritage-crime>, [aplūkots 21.07.2020.].

³⁷ Works of art. Database statistics. Inerpol. Pieejams: <https://www.interpol.int/Crime-areas/Works-of-art/Database>, [aplūkots 16.02.2021.].

The author considers that the aims and tasks of operational activity must be clearly defined in the law, because operational activity measures for the implementation of other tasks and aims are prohibited³⁸. In the doctoral thesis, the author analysed the regulatory enactments of Latvia, Lithuania, Estonia, Ukraine, Poland and Russia in this field.

The Latvian Law on Operational Activities (LOA) was amended eleven times³⁹. Examining the amendments in details, the author concludes that the listing mentioned in the amendments made in Section 2, Paragraph one, Clause 4 of the Law on Operational Activities is related only to the search of such criminally acquired property that may be subject to arrest. The made amendments are in conflict with the aim of the Law on Operational Activities - to protect the life, health, rights and freedoms, honour, dignity and property of persons; and as a result of which the opportunities of subjects of operational activities to protect the property rights of persons, i.e. the right to compensation of damages were reduced.

The author considers that the addition of Section 4 of the LOA with Paragraph seven is unjustified, because the prohibition to obtain information purposefully during measures of operational activities in the time when the professional assistance of sworn advocates, doctors, psychologists and clergypersons of registered religious organizations is provided, except in cases when against such persons operative development is performed, means that if the object is not under development, then operative inquiry may not be performed during the activity of a doctor or psychologist. As explained by assoc. Professor A.Lieljuksis: "Purposeful acquisition of information means that the official is aware that a person is provided with private assistance from the assistance providers listed in the norm, with the intention to obtain this information using the measures provided for in the Law on Operational Activities"⁴⁰. The author considers that the term "private" does not fit into this explanation and proposes to exclude it so that there is no discussion arisen about what service was provided - private or not. However, fulfilling the researched norm of the law, in the opinion of the author, a situation may arise when it will not be possible to conduct an operative inquiry of the doctor of the reception department about the possible origin of bodily injuries to the patient. Consequently, there are grounds to conclude that the made amendments are in conflict with the purpose of the Law on Operational Activities - to protect the life, health, rights and freedoms, honour, dignity and property of persons.

Section 7, Paragraph six in the Amendments to the Law on Operational Activities excludes the provision of the previous wording that a judge's approval is not necessary for the performance of operational activities in a special manner against detained, suspects, accused, tried and convicted persons in the premises of the subject of operational activities or penitentiary institutions. For example, these persons are persons who have information, the subject of the operational activity is interested in, and the decision-making time regarding the possibility to receive this information is very limited, sometimes a few hours. Obtaining the judge's acceptance on the general conditions for carrying out the measure in a special way would be very difficult in practice, and even when this permission is obtained, while the relevant documents are being drawn up – it will no longer be topical⁴¹. The mentioned amendments are in conflict with the provisions of Section 18, Paragraph two of the Law on Operative Activities that the process of operational activities may begin before the commencement of criminal proceedings, it may take place during the criminal proceedings and continue after its completion.

When amending Sections 9 and 10 of the Law on Operational Activities, the legislator motivated that the mentioned measures (acquisition and observation of the preserved data) are considered to be an interference into the person's private life if it lasts for more than 30 days. However, despite the united motivation, the conditions for implementing the measures are

³⁸ Operatīvās darbības likums. Latvijas Vēstnesis, Nr.131., 30.12.1993. Pieejams: <https://likumi.lv/ta/id/57573-operativas-darbibas-likums>, [aplūkots 22.07.2020.], 2.p.2.d.

³⁹ Grozījumi Operatīvās darbības likumā. Latvijas Republikas likums. Latvijas Vēstnesis, Nr.57., 22.03.2016. Pieejams: <http://likumi.lv/ta/id/281095-grozijumi-operativas-darbibas-likuma>, [aplūkots 26.08.2020.].

⁴⁰ Lieljuksis A. Operatīvās darbības tiesiskās un praktiskās problēmas- Rīga: Rīgas Stradiņa universitāte, 2021. 71.lpp.

⁴¹ Ivančiks. J. Piedāvāto grozījumu operatīvās darbības analīze. Administratīvā un krimināla justīcija, Nr.3 (64)/2013. 5.lpp.

different. The author considers that in this case the legislator did not fulfil the purpose of the amendments - to ensure greater clarity of LOA norms, because, in the author's opinion, the united conditions for realizations of implementation should be established, for example, only with the approval of a judge, specially authorized by a head of the district (city) court.

Analysing the procedure for obtaining a permit to carry out operational activities which violate the fundamental rights of persons, it can be concluded that in all the searched countries they can be carried out with the permission of different levels of courts. In Latvia – with the approval of the Chief Justice of the Supreme Court or a judge of the Supreme Court specially authorized by the Chief Justice. In Estonia, the permit is issued by the Chairperson of the Tallinn Administrative Court or an administrative judge appointed by him/ her. In Ukraine – these measures are taken on the basis of a decision of an investigating judge. In Russia, the examination of the materials is usually carried out by a territorial court at the place where such events take place or at the location of the subject of the operational activity, that applies for it. In Lithuania and Poland, permission, according to the reasoned decisions, is issued by the chairperson of regional courts or their authorized judges. In addition, the Lithuanian and Russian legislators provide that, if there are reasonable concerns about the possibility of declassification of investigative measures, materials relating to conduct of investigative measures may be submitted to any district court. The author considers that taking into account the international experience and the fact that special investigative activities are performed with the approval of an investigating judge, however, similar in essence and by implementation methodology, operational measures with the approval of a judge of the Supreme Court should be carried out in a special manner, as well as taking into consideration that the time for making a decision is limited, and that judges specially authorized by the chairperson of the district (city) court already accept the acquisition of operational data from electronic communications providers, it would be reasonable and useful to amend the Law on Operational Activities, providing that special types of operational measures are accepted by judges specially authorized by the chairperson of the district (city) court, as well as for conspiracy purposes any district (city) court may accept the performance of the said measures.

Legal basis is a fundamental element without which no institution can exist. Legal practice convincingly proves that the out-of-date regulatory framework in the field of operational activities develops into the incompetence of operational staff, investigators, prosecutors and judges, into inability to use the results of operational activity targeted, which, in the long run, significantly reduces the effectiveness of crime combating measures. But not only the out-of-date regulatory framework in the field of operational activities reduces the effectiveness of measures to combat crime. As Associate Professor A. Lieljuksis points out in his monograph reasoned, the results of skilful and successful use of the information obtained in a result of operational activity, unfortunately, are not so successful as it was intended⁴². In order to successfully realise the tasks of combating crimes, the state must equip operational staff with an appropriate regulatory framework that reflects changes in the country and in the world, and the state must also improve the system of selection, training and professional development of these staff.

Observation of the principle of proportionality of the restrictions of human rights when taking measures of operational activities

The requirement to respect fundamental human rights is related not only to the delinquency against which human rights restrictive measures are directed, but also to the rights of victims of criminal offence, as well as the rights of testifying persons in the corresponding situation and persons involved in the proceedings, whose protection requires violation of the rights of the offender⁴³. Any other activity that is performed outside the scope of the Law on Operational Activities is not considered to be an operational activity, is prohibited and punishable. Some human rights are not subject to any restrictions. These are, for example, the right to life, the right

⁴² Lieljuksis A. Operatīvās darbības tiesiskās un praktiskās problēmas. – Rīga: Rīgas Stradiņa universitāte, 2021. 13.lpp.

⁴³ In the same place, 58.lpp.

to the physical integrity of the human person, the prohibition of slavery^{44,45} e.c. They are so-called. absolute human rights (Jus cogens rights), which must not be restricted in any way⁴⁶. One of the great thinkers of the 21st century, John Skorupski, a professor of philosophy at the University of St Andrews in Edinburgh, in relation to impermissibility of torture and heartless attitude, affirms enough justified, that “one of such violations, which is outside the “red line” is torture or humiliating treatment. So, even if we are sceptical about human rights, the prohibition defined in Article 3 of the European Convention on Human Rights is not in dispute - unless if we do not want to contest the very essence of human rights itself. I have the right not to be subjected to torture by your; not because I am special in some way, but because everyone has that right.”⁴⁷ However, most part of human rights are not absolute, and taking into consideration that there is the need to ensure the protection of the interests of society and individuals, which in certain circumstances are more important than the protection of such human rights, and for implementation of such aims, law enforcement authorities have the possibility to limit the protection of human rights. Therefore, it is important that there is adequate control over the performance of operational activity, within the framework of which the evaluation is carried out whether the intervention into the person's private life is not excessive.

The operational activity must be performed with as less as possible intervention into the fundamental rights of persons - the operational activity must correspond to the type of threat and degree of danger. A. Kavalieris points out in the monograph “Special Investigation Activities”⁴⁸ that the principle of proportionality stipulates that restrictions of human rights, which unavoidably occur in the investigation and detection of crimes, must be proportionate to the severity and danger of these crimes. G. Vasiļevičs, S. Kazaka V.Meškovs, N.Sokolovs and J.Teivans-Treinovskis⁴⁹ were of similar opinion. Thus, analysing the regulation of the Criminal Procedure Law and the LOA, it is necessary to agree with A. Kavalieris that the criterion of proportionality is to be found in conformity of the restriction with the severity of the crime and degree of danger. The principle of proportionality requires the reasonable balance between the interests of society and individuals, when public power restricts person's rights and legitimate interests⁵⁰. Consequently, it is necessary to assess, whether a balance is ensured between a person's right to privacy and the inviolability of correspondence, on the one hand, and the purpose of the activities of the subject of operational activity, on the other hand.

The growing number of complaints in recent years shows that subjects of operational activities have a number of serious problems in observance of human rights and fundamental freedoms, and that the internal investigation mechanism has not always worked effectively and transparently (European Court of Human Rights - Baltiņš v. Latvia, in case No. 25282/07, Taraneks v. Latvia, in case No. 3082/06, Bērziņš v. Latvia in case No. 25147/07; Meimanis v. Latvia in case No. 70597/11, Šantare and Labažņikovs v. Latvia in case No. 34148/07, Judgment of the Constitutional Court of the Republic of Latvia in case No. 2010-55 -0106, Judgment of the Supreme Court of the Republic of Latvia SKA 996/2013 and others). Analysing the judgments of the European Court of Human Rights and the Constitutional Court, it can be concluded that the principle of proportionality in the restriction of human rights includes several criteria: whether the prescribed means is appropriate for achieving a legitimate aim, whether it is possible to achieve

⁴⁴ Latvijas Republikas Satversme. Latvijas Vēstnesis, Nr.43., 01.07.1993. Pieejams: <http://likumi.lv/doc.php?id=57980>, [aplūkots 28.03.2020.], 93.p.

⁴⁵ Cilvēka tiesību un pamatbrīvību aizsardzības konvencija. Eiropas Padome. 04.11.1950. Latvijas Vēstnesis, Nr.143/144., 13.06.1997. Pieejams: <http://likumi.lv/ta/lv/starptautiskie-ligumi/id/649>, [aplūkots 24.10.2020.].

⁴⁶ Levits E., Muižnieks N., Garsvāne S. u.c. Cilvēktiesības pasaulē un Latvijā.–Rīga: SIA Izglītības soli, 2000. 277.lpp.

⁴⁷ Skorupski J. Human Rights.The Philosophy of International Law (ed.Samantha Besson &John Tasioulas). - Oxford, Oxford University Press, 2002, page 368.

⁴⁸ Kavalieris A. Speciālās izmeklēšanas darbības. - Rīga: Izdevniecība RaKa, 2003. 21 lpp.

⁴⁹ Василевич Г.А., Казака С., Мешков В.М., Соколов А.Н., Тейван-Трейновский Я.С. Специальные следственные действия. Коллективная монография. Калининград: КЮИ, 2010, С.42.

⁵⁰ Latvijas Republikas Satversmes tiesas Spriedums lietā Nr. 2010-55-0106. Pieejams:

http://www.satv.tiesas.gov.lv/upload/spriedums_2010_55_0106.htm, [aplūkots 16.02.2020.], 18.p.

the legitimate aim using other means which does not restrict or restricts human rights to a less extent, a reasonable balance between the activity of state power, which restricts the rights of a person, and the goal pursued by state power. If the analysis of a legal norm which prescribes restriction establishes non-compliance with at least one of the above-mentioned criteria, the restriction shall not be recognized as complying with the principle of proportionality. In the context of operational activities, the cornerstone of observance of the principle of proportionality should be considered the compliance of operational measures and their nature with the type of threat, the degree of danger. However, such a conclusion does not mean that the above criteria included in the principle of proportionality are of secondary importance. Such a conclusion is made in order to form a general idea of the essence of observance of the principle of proportionality of human rights restriction in the context of conducting operational activities, which could be appropriate and applicable in the daily work of officials belonging to the subjects of operational activities.

Belief in the prohibition of violation of human rights is undermined whenever guilty officials are not brought to liability for their actions. If information about such violations has appeared, but a quick and effective response is not followed, persons who tend to do so, will soon begin to think that they can act safely and stay unpunished. In that case, any attempt to implement human rights principles through careful recruitment and professional training of the staff is sabotaged. Failure to take effective action to prevent human rights violations inevitably contributes to destroying the values that form the basis of a democratic society. In turn, where officials have to appear before court for their actions or idleness, it is perceived as a message that such actions are not allowed, and allow the society to believe that no one is above the law.

The importance of knowledge of psychology in the theory and practice of operational activities

Knowledge of psychology is extremely important in clarifying the truth. In order to clarify the truth and undertake appropriate conclusions, it is necessary to know and follow the regularities of psychology. Knowledge of these regularities is absolutely necessary in order, when elaborating, proposing and choosing tactical techniques, the aim of which is the psychological influence on some of participants of the process, be able to forecast person's reaction and thus to determine its potential effectiveness, as well as to prevent the use of techniques that could lead to self-gossip⁵¹. Knowledge of psychology also gives an opportunity to control personal cognitive, emotional and will processes, to test and direct these processes to other people, to help making right decisions. It is impossible to understand human behaviour, including criminal behaviour, without knowing psychology of personality, psychological mechanisms and motives, socio-psychological phenomena and processes. Such knowledge cannot be acquired only by studying scientific literature and investigating criminal matters, ignoring the study of the personality of a real offender - all his/ her passions and needs, complex and unique life course, sometimes tragic fate, the specifics of individual image.

Nowadays in Latvia, according to the classification approved by the Latvian Council of Science, legal psychology is not mentioned as a sub-branch of psychology. The author agrees with the systematization of legal psychology worked out by U. Miķelsons⁵², which, according to the author's opinion, includes: psychology of development of legal norms; psychology of lawyer's work in the private field; criminal psychology, which studies the circumstances of the subjective side of criminal offenses and behaviour of deviants, as well as the problems of victimology, when studying the regularities of the behaviour of crime victims; investigative psychology; court psychology, psychology of operational activities; penitentiary psychology and probation psychology. It should be noted that legal psychology is a compulsory study course for lawyers and as a sub-program for psychologists, but there is no separate study course in psychology of operational activities. Only at Latvian Police Academy were composed classified publications

⁵¹ Kavalieris A., Konovalovs J., Mašošins J. u.c. Kriminālistiskā taktika. -Rīga: LPA, 1998. 15. lpp.

⁵² Miķelsons U. Juridiskās psiholoģijas jēdziens un nozīme. Pieejams: http://www.eksperts.gold.lv/Juridiskas_psihologijas_jedziens_un_nozime.pdf, [aplūkots 8.04.2020.], 6.lpp.

related to the psychology of operational activities, for example, publications of J.Ivančiks, L.Makans in the scientific edition of Professor A.Kavalieris⁵³. Since 2010, after the liquidation of Latvian Police Academy, the theory of operational psychology has not been studied and developed, and we came to the situation that, unfortunately, law enforcement institutions employ many people whose knowledge of psychological aspects of human behaviour is below average level. This is one of the reasons for often low-quality actions and violations of law. The official of the subject of each operational activity inevitably grounds on psychology data in the work process, not always recognizing it. It is an empirical, everyday psychology based on personal experience, life messages and recognition of people. However, operational staff members need not only empirical knowledge, but also theoretically grounded systemic knowledge. In operational work, the employee must use knowledge of criminal psychology, knowledge of psychological peculiarities when conducting criminal investigative operational measures, and observe psychological peculiarities of conducting investigative activities, when performing inspection of event scene, search and detention, interrogation of victims and witnesses, interrogation of the accused and suspect, interrogation during confrontation, interrogation of minors, identification, investigative experiment, on-the-spot examination of evidence, etc.

Researching the validity of the opinions of scientists V.Konovalovs⁵⁴, J.Ivančiks, L.Makans⁵⁵ and G.Sinilovs⁵⁶ on the necessity to use the results of psychological research in operational activities, as well as the practice and personal experience existing and gained in Latvia, the author formulates three specific features of operational activities:

1. Operational activities are characterized by covert conflict interaction with the criminal environment. Therefore, the operational activity is carried out comparatively; it is a reflexive activity, i.e. it has a characterization impact on the person to be inspected and developed; it is related to a certain risk due to insufficiently comprehensive information on criminal events and persons involved, and, therefore, is to a certain extent, occasional in nature; objectively speaking, operational measures may have an unsuccessful outcome and undesirable, even dangerous, consequences due to the constant counteraction of criminal elements; it is extreme because it uses a variety of organizational forms and tactical techniques in the circumstances of time limitedness, it is exposed also to professional risks and physical hazards.
2. Operational activity is characterized by: counteraction of the persons to be inspected and developed; constant analysis and forecasting of the results of own activities and activities of criminal elements; constant readiness to act in emergency situations; strict emotional and will control.
3. Operational activities must be based on a qualitative normative legal basis, i.e. they are regulated by applicable laws and moral norms; involves the attraction of a variety of forces, means and methods, i.e., are implemented as a complex and collective activity; are always coordinated with operational conditions and specific tactical situations; are very dynamic due to frequent changes in the operating environment.

The range of mentioned specific features of operational activities is by no means full, but only the most important ones are mentioned. Even an incomplete list of these features convincingly proves that this activity, like any other, has essential psychological components, but the human psyche forms its constant, necessary and quite dynamic element. It follows that, it is necessary to include psychology of operational activity into the study of legal psychology and theory of operational activity. The aim of operational psychology is to provide knowledge about logical psychological regularities related to obtaining initial information about planned or committed crimes, which determine the setting of predictions and versions; about regularities in the analysis of problematic situations in case of insufficient information and operational risk; about regularities related to heuristic (intuitive, unconscious) methods of operational thinking.

⁵³ Ivančiks, J., Makāns, L. Aģentūras darbs. Mācību grāmata.- Rīga: LPA, 1994. Izdevējdarbības reģ. apl. Nr.2-0891, 94. lpp.

⁵⁴ Коновалова В.Е. Психология в расследовании преступлений. – Харьков, Вища школа, 1978.

⁵⁵ Ivančiks, J., Makāns, L. Aģentūras darbs. Mācību grāmata. - Rīga: LPA, 1994. Izdevējdarbības reģ. apl. Nr.2-0891.

⁵⁶ Синилов Г.К. Введение в оперативно-розыскную психологию. - Москва, Норма: ИНФРА-М, 2016. С.43.

The author defines the concept of operational psychology as the science that studies mental phenomena and processes, which take place during performance of the functions of operational activities for the protection of individuals, society and the state from criminal threats, that studies its mechanisms and regularities.

It is possible to make a logical generalization from the above mentioned that psychology of operational activities is a practically oriented, applied branch of science according to its aims and tasks.

Operational activities prescribe various contacts of employees with interested persons. Such contacts usually take the form of conspiratorial contact with the object. In practice, this process of communication takes place according to specific laws of psychology. Operational contact is based on the connection of psychological nature, cooperation, i.e. a set of relationships and dependences that are formed in the process of human interaction.

According to the author, in order that the operational contact forms and develops successfully, three rules must be definitely and systematically implemented. First, the ability to interest the companion of conversation in the need for ongoing conversation. Second, creation of atmosphere of mutual trust in the meeting process. Third, the skilful use of psychological methods during the receipt and transmission of information⁵⁷. As all these provisions are interrelated, no one of them can be absolute, each of rules is subordinated to the others. In the work, the author deeply studied and described the features of these three rules and concludes that psychological techniques for making operational contact, i.e. for obtaining information, are based on general unconscious regularities of mental phenomena, which externally manifest as indirect, unconscious reproduction of messages and expressive physical actions.

In operational activities, it is not only necessary to help to remember the facts for finding out the truth, but also to achieve that they are true. Here, the methods of psychological influence create conditions for obtaining true and complete information from all persons indicated in the file about facts and events that are of interest to investigators and provide the necessary impact to persons who intentionally want to hide the truth and provide false information. Summarizing the opinions expressed in the scientific literature^{58,59} and formulating a personal position in the researched field, the author offers eight principles of psychological impact on object and basic methods of psychological impact. These are: the method of transmission of information, i.e., the purposeful transmission of a message about facts, events, knowledge; the method of persuasion – persuasion, on the one hand, is a many-sided impact on the personality to develop certain qualities and free himself from others, on the other hand - it is stimulus to action; the method of coercion, coercion should not be seen in isolation from persuasion, it is important that the object is aware to some extent that the used coercive methods are unavoidable; the method of emotional influence – the specific of influencing lies in the fact that it impacts the behaviour of the object without noticing it; calling and varying of thinking tasks – thinking task stimulates the analysis process of own action, activity, which is a compulsory condition for making certain decisions, for changing own behaviour and attitude.

In this regard, the author would like to emphasize that the precondition for the application of any psychological method is the admissibility of the technique, i.e. only such psychological influence is allowed, which guarantees the object the possibility to choose the action. Techniques that may give the impression that a hopeless state has arisen or even a situation that may be overcome only when acting as intended by the operational staff member are unacceptable as they may lead to unforeseen or inappropriate actions.

Knowledge of the regularities of psychology and use of various psychological methods in operational activities makes easier the work of the operative employees, helps to regulate and form

⁵⁷ Чалдини Р. Психология влияния. – Санкт-Петербург, Питер, 2000. С.156 - 180.

⁵⁸ Скотт П. Психология оценки и принятия решений. - Москва, Информационно-издательский дом “Филинь”, 1998. С.104.

⁵⁹ Чалдини Р. Психология влияния. – Санкт-Петербург, Питер, 2000. С.66 - 111.

mutual relations with interested persons, understand deeper the reasons of human actions, find out the objective reality, correctly assess and use cognitive results in practical operational activities.

Therefore, the acquisition of special knowledge in the field of clinical and social psychology is necessary for employees of law enforcement institutions who represent the subjects of operational activity, however, there is currently no specialized course in Latvia - psychology of operational activities, which significantly reduces the efficiency of operational activity. The author sees the necessity to introduce a course of psychology of operational activities in specialized educational institutions.

1.2.3. Possibilities of applying forensic theory in detection of certain types of crime

The criminalistics method answers the questions which specific tactical techniques are suitable to use in the investigation of the certain crime. The object of criminalistics methodology is the investigation of a criminal offense, but the matter is the organization of the investigation of a criminal offense. The subjects of criminalistics methodology are enquiry performer, prosecutor, judge.

Performing the research of expert opinions of criminalistics science in Latvia in the field of criminalistics and operational activities, among them: the monographs "Kriminālistiskā metodika"⁶⁰ [Criminalistics Methodology] and "Kriminālistiskā taktika"⁶¹ [Criminalistics Tactics] – a group of authors led by A.Kavalieris, "Noziegumu izmeklēšanas metodika" [Crime Investigation Methodology] - A.Kavalieris⁶², "Praktiskā kriminālistika" [Practical Criminalistics], "Izmeklēšanas darbības fiksācija, pēdu un lietisko pierādījumu savākšana un izpēte" [Fixation of investigation activities, and collection and study of vestiges and material evidence] - P.Grieznis⁶³, "Neatklāto un sērijveida noziegumu izmeklēšanas īpatnības" [Peculiarities of Investigation of Undetected and Serial Crimes] - A.Kavalieris⁶⁴, "Izmeklēšanas un kriminālmeklēšanas integrācija" [Integration of Investigation and Criminal Investigation] - Makans L. Miķelsons U.⁶⁵, "Automašīnu zādzību un nolaupīšanu izmeklēšana" [Investigation of Car Theft and Hijacking] - A.Kavalieris, V.Mikolajuns, A.Evardsons⁶⁶, "Pretdarbība izmeklēšanai: būtība, formas un veidi" [Counteraction to investigation: essence, forms and types] - Konovalovs J., Lācīte A.⁶⁷ et al.), as well as works of authors from other countries, for example („Kriminālistika" [Criminalistics] - group of authors led by I.Krilov⁶⁸, „Kriminālistika" [Criminalistics]" - group of authors led by T.Averjanova⁶⁹, „Kriminālistika" [Criminalistics] - led by V.Agafonov⁷⁰, „Noziegumu izmeklēšanas jautājumi" [Crime investigation issues] - group of authors led by I.Koževnikov⁷¹, „Izmeklēšana un pratināšanas māksla" [Investigations and the Art

⁶⁰ Kavalieris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika. - Rīga: SIA „P&Ko”, 2005. 595 lpp.

⁶¹ Kavalieris A., Konovalovs J., Mašošins J. u.c. Kriminālistiskā taktika. - Rīga: LPA, 1998. 196 lpp.

⁶² Kavalieris A. Noziegumu izmeklēšanas metodika: Mācību grāmata. - Rīga: LPA, 2000. 458 lpp.

⁶³ Grieznis P. Praktiskā kriminālistika. Izmeklēšanas darbības fiksācija, pēdu un lietisko pierādījumu savākšana un izpēte. - Rīga: Petrovskis un Ko, 2009. 520 lpp.

⁶⁴ Kavalieris A. Neatklāto un sērijveida noziegumu izmeklēšanas īpatnības. Mācību līdzeklis. - Rīga: LPA, 1996. 36.lpp.

⁶⁵ Makans L. Miķelsons U. Izmeklēšanas un kriminālmeklēšanas integrācija. Raksti 4. - Rīga: LPA, 1997. 246 lpp.

⁶⁶ Kavalieris A., Mikolajuns V., Evardsons A. u.c. Automašīnu zādzību un nolaupīšanu izmeklēšana. - Rīga: LPA, 1999. 66lpp.

⁶⁷ Konovalovs J., Lācīte A. Pretdarbība izmeklēšanai: būtība, formas un veidi. LPA Raksti. Nr.13. - Rīga: LPA, 2006. 44.-56.lpp.

⁶⁸ Алексеев Н.С., Крылов И.Ф., Лукашевич В.З. и др. Криминалистика.- Ленинград, Ленинградский университет, 1976. С.591.

⁶⁹ Аверьянова Т. В., Белкин Р.С., Корухов Ю.Г. и др. Криминалистика.-Москва, НОРМА, 2016. С.928.

⁷⁰ Агафонов В.В., Бурнашев Н.А., Филипов А.Г. и др. Криминалистика.-Москва. Высшее образование, 2007. С.441.

⁷¹ Кожевников И. Н., Баяхчев В. Г., Буторин Л. А. и др. Вопросы расследования преступлений. - Москва. Спарк, 1997. С.799.

of Questioning”- Inge S. Bleka, Lawrence J. Fennell⁷², „Noziedzīgo inscenējumu klasifikācijas teorētiskie pamati, to atklāšanas un izmeklēšanas metodes” [Theoretical Basis of Classification of Criminal Staging, Methods of Their Detection and Investigation] - A.Hakberdijev⁷³ et al.), the author concludes that the most part of conceptions, which developed 20 - 30 years ago in the studied field, essentially are behind the demands of present epoch, in turn, some of them (mostly the ideological and practical heritage of Soviet law) may not be used in Latvia, because there are conceptual differences in both – in principles of law and regulatory framework, as well as in practice of law enforcement institutions. The most significant researches in Latvia in this field were conducted in the 1990s, taking into consideration other technical possibilities and legal realities. Alterations in the existing methodology are connected with new techniques of committing and hiding crimes, with changes in the contingent of subjects of criminal offenses (participation of a criminal organization in committing crimes, etc.), with political and economic changes and other factors. In connection with the above mentioned, the author offers his methodological vision for the solution of current problems in the branch.

The concept of methodology for investigation of certain types of crime

The methodology of crime investigation contains gathered and scientifically based experience in limiting and combating criminality. Its purpose is to introduce and use in investigative practice the most appropriate methods and tools, to forewarn the investigator about errors and to prevent and eliminate the irrational use of time, energy and effort. Till now, criminalistics scientists have not developed detailed methodology for investigation of each type of crime, taking into account the characterizations of the corpus delicti and objective circumstances - the type or location of the crime, such as theft from an apartment, theft of a vehicle, etc.

In view of the above mentioned, the author proposes to include the following components in the methodology of investigation of certain types of crime:

1. Criminalistics characterization of a certain type of crime. Professor A.Kavaleris considers as criminalistics characterization the most characterization and most common set of interconnected features of a certain type of offence, which are manifested in the methods of crime implementation and hiding, in its realisation mechanism and conditions, as well as in the qualities of the subject - for some crimes also of the victim.⁷⁴ The author studied the structure of the criminalistics characterization proposed by Professor A. Kavaleris and, taking into account modern requirements, offers his vision of the structure of the criminalistics characterization of a crime: characterization of typical initial information; information regarding typical methods of committing and counteracting to a specific type of crime, and typical consequences of the use of such methods; characterization of the probable offender and possible motives and causes of the crime; characterization of the probable victim and information regarding typical objects of crime; information about typical circumstances of crime; way in which the police usually find out about them; information regarding the circumstances which contributed to the committing of crime. An analysis of this structure shows that it includes all the typical circumstances that need to be determined according to the understanding of the subject matter in a given category of criminal cases. The task of the investigator is to concretize them according to the specificity of the crime under investigation.
2. A description of the initial investigative activities and tactics of the subsequently following operational measures. In the initial stage, the investigator must act as prompt as possible. He / she must create an view of the incident, which he / she will have to investigate, be able to identify and gather as much evidence as possible, that might otherwise be lost or destroyed.
3. Specific character of tactics of further investigation activities.

⁷² Bleka Inge S., Fennell Lawrence J. Fisher Investigations and the art of the interview. Fourth edition - Cambridge, Butterworth-Heinemann, 2021. pages 236.

⁷³ Хакбердиев А.А. Теоретические основы классификации криминальных инсценировок, методика их выявления и расследования – Ташкент. Ташкентский Государственный юридический университет, 2021. Píejjams: library.ziyonet.uz/ru/book/118736, [aplūkots 18.08.2021.].

⁷⁴ Kavaleris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika.-Rīga: SIA „P&Ko”, 2005. 14.-15.lpp.

Investigation of a crime is a creative process in which there is no place for a schematic approach, unconsidered analogy, imitations, rash decisions. The methodology of investigation of certain types of crimes should not restrict the investigator's initiative and should not exclude non-standard decision-making. The methodology of investigation of certain types of crimes is only a set of recommendations, however, it should not be forgotten that these recommendations are a summarization of practical experience of investigators in course of many years, the implementation of which helps to prevent mistakes and negligence.

Criminalistics characterization of investigation of crimes related to the turnover of illegally alienated vehicles

In crimes where the vehicle is a threat object, the criminalistics characterization is based on the fact that vehicles are stolen, robbed, hijacked, fraud, and in most cases it is related to organized criminal activities, ranging from drug and human trafficking with the reason to finance activities of other criminals, to obtain logistical resources for committing another crime, for illegal migration and smuggling, and finally up to international terrorism, using vehicles as carriers of explosives or as a weapon of murder⁷⁵.

The *first* component of the structure of criminalistics characterization includes the description of typical initial information. Namely, a vehicle obtained by criminal means is the concern of an international organized criminal group that affects the whole world. For organized crime groups, the purchase, transfer and sale of stolen vehicles is a low-risk business for gaining profit⁷⁶. The objects of illegal activity of organized crime groups are mainly located in the more wealthy Member States of Western and Northern Europe⁷⁷. A small proportion of stolen vehicles are sold within the EU, but the most part of them, complete or divided in parts were transported by sea (18.4%), and through border checkpoints (69.4%) were driven away, using Eastern Europe, Central Asia, North Africa and the Middle East routes (according to Interpol's analytical report "Motor Vehicle Crime in Global Perspective"⁷⁸). In this criminal business, Latvia is used as the beginning, end of route or a part of the logistics stage of a stolen vehicle. There have been cases of detention of citizens of Latvia, Lithuania, Ukraine, Belarus, Russia, Kazakhstan, Azerbaijan and Germany traveling by cars stolen in Latvia, Lithuania, Germany, Belgium, France, Sweden, Poland and England, and destination of whose were Russia, Belarus or Central and Southwest Asian countries. The stolen car may also be driven by a car owner acting in good faith who has purchased the stolen car without knowing its status, or by a member of an international criminal grouping whose task is to deliver the stolen car to the country of destination or, possibly, to a specific customer.

The *second* component of the structure of criminalistics characterization includes information about techniques of committing theft of the motor vehicle and corresponding counteractions. After studying scientific and specialized literature, criminal proceedings, as well as based on personal experience, the author presents his methodological vision of detection of thefts of motor vehicles, based on two common methods of committing motor vehicle theft: 1. Technique of "rummaging" (hacker activity), when using a variety of electronic and digital techniques, transmitter codes are estimated, and blocking schemes of equipment manufacturers are bypassed, and, the most essential fact – it is performed by professionally trained specialists; 2. Traditional technique, when a careless owner does not lock the door, does not lift the window-glass, leaves the ignition key in the cabin, leaves the vehicle unattended when the engine is running, or a criminal finds lost keys of a vehicle, then hitting the window-glass or opening the ventilation pane, enters into cabin and after this, finding an appropriate substitute ignition key,

⁷⁵ Organised property crime. Crime Areas & Trends. Crime Areas. Europol. Pieejams: <https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/organised-property-crime>, [aplūkots 1.04.2020.].

⁷⁶ Vehicle crime. Interpol. Pieejams: <https://www.interpol.int/Crimes/Vehicle-crime>, [aplūkots 4.07.2020.].

⁷⁷ Organizētās noziedzības grupas (OCG) un citi noziedznieki. Europol. Pieejams: <https://www.europol.europa.eu/socta/2021/organised-crime-groups.html>, [aplūkots 1.04.2021.].

⁷⁸ Analytical report Motor Vehicle Crime in Global Perspective. Pieejams: [https://www.interpol.int/en/contentinterpol/search?SearchText=Motor+Vehicle+Crime+in+Global+Perspective&x=8&y=2-20140124%20WEBSITE%20public%20version%20\(1\)](https://www.interpol.int/en/contentinterpol/search?SearchText=Motor+Vehicle+Crime+in+Global+Perspective&x=8&y=2-20140124%20WEBSITE%20public%20version%20(1)), [aplūkots 16.04.2021.].

picking a lock, or without using ignition key, by removing or breaking the ignition switch panel, connects corresponding wires and starts the vehicle engine. There are also episodes when a vehicle is stolen, towed by another vehicle or even placed on a trailer, as well as using a tow truck/evacuator.

In order to avoid liability, criminals use the following techniques of counteractions to investigate theft of a motor vehicle: provide a storage place for the stolen vehicle; non-use of personal mobile phone during committing crime; select the dark time period during the twenty-four hours or prefer a place for committing crime where no video surveillance cameras are installed, there also are cases when jamming in video cameras is set using a noise generator; carry out observation and tracking of the owner of the vehicle to be stolen; use disposable gloves, specially prepared clothing, footwear and mobile phones during commission of the crime, leave only phone numbers of the participants of the crime in the memory of the telephone and in SIM cards; as far as possible, clarify the location of police mobile groups at the time of theft; after placing the stolen vehicle in the storage area, the smooth surfaces in the cabin are wiped, sometimes all surfaces are treated with eau-de-cologne and even with various fuels; observing conspiracy, perform further actions for the realization of the vehicle; themselves or indirectly try to influence the owner of the vehicle not to submit an application about theft to the police; themselves or indirectly try to influence the victim to pay for return of the vehicle without reporting it to the police; themselves or indirectly, try to attempt to influence the person conducting the proceedings and/ or operational employee to conduct the investigation in a low-quality or even in a criminal manner, propose to hide evidence, not to carry out certain investigative actions, to change against reward the security measure of the detainee for a non-custodial measure, or even to propose to cooperate in favour of criminal group.

Explanation of above described techniques is only one version. The choice of theft or methods of hiding its traces is influenced by a number of factors, namely the criminal experience of offenders, the level of intellect, criminal and other contacts, material security, time constraints, counteractions of the police and society.

The *third* component of the structure of criminalistics characterization includes the characteristic of probable offender and possible motives and intentions of the crime.

The characteristic of probable offender is determined by the methods of committing crime and the circle of persons to be examined⁷⁹. In the characteristic of probable offender, the author also includes the characterizations of supporters, because they have the same qualities of the characterizations. The following qualities can be used to indicate the characterizations of the probable offender: when the methods of the criminal offense are of primitive level, then it is highly probable that the crime was committed by a person or group of persons who either started criminal life or are from the lower strata of the criminal environment; when the techniques of criminal offence are refined and require not only inventive skills but also a high level of education and international contacts, then it is highly probable that this crime was done by a persons sentenced in the past for such crimes in a group of persons, and usually such crime is committed by organized criminal groups which are capable of committing it from the preparation stage to implementation. Most often, groupings cooperate with each other, each of them performing its function in a joint chain. Some groups specialize in certain type of crimes, while others commit several types of property crimes. Some groupings specialise in theft, hijacking or fraud of vehicles and/or documents, while others deal with the qualified redesign of number plates of vehicles or deal with international logistics, which has its own specificity, when carrying out logistics of an illegally acquired vehicle, and/ or logistics of already redesigned, "legalized" vehicle. The composition of a grouping may be ethnically homogeneous, it may be mixed, may consist of former classmates or childhood friends; it may also consist of former accomplices in the crime or of persons who have served sentence together, participants may be from the same locality, city, region, they may be from one country of origin, and may be from different ones. A participant of this group may be described as follows: a person with a stable neural system, but there are also aggressive persons

⁷⁹ Kavalieris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika.-Rīga: SIA „P&Ko”, 2005. 16.lpp.

and with unstable emotional state; such person has previous experience of detention, interrogation and counteraction; it has experience of serving prison sentence, is with a certain status and extensive contacts in the criminal environment, possibly on international level; a participant respects and most often observes the canons of the criminal environment; it has special knowledge, experience and skills and is with creative tendencies to realize criminal intentions or perform counteractions; in communication with others, co-workers, acquaintances and the public, such person could be both open and closed; it is with life experience, from different social backgrounds and may belong to parties or other public organizations or use them fraudulently for their own purposes; it is with negative attitude towards the police in total. In addition, it is important to identify and describe the leader of the grouping when performing the criminalistics characterization of the grouping. The leader of the grouping will be, most often, self-centred and with stable deformation of consciousness, nihilistic attitude towards laws, deformed perception of prevailing principles and moral norms, with uncritical attitude towards oneself and increased self-esteem, as well as consumptive grasping inclination for parasitic lifestyle, gaining it at the expense of others, most often do not use alcohol and drugs that cannot be said about group members. Usually, when questioning such persons, the interrogation is complicated, and it is likely that the interrogation will initially occur according to the conflict scenario.

The *fourth*, no less important component of the structure of criminalistics characterization includes the characteristic of potential victim and information about motor vehicle. The victim of the criminal offence participates at the initial stage of crime and in its realization. It is logically that, when studying the mechanism of committing crime, analysing the decision-making process, it is important to understand the behaviour and role of the victim⁸⁰. The characterization of the potential victim is important because there are three possible versions: first one - the vehicle is stolen; second one - the vehicle was not stolen because the informer was mistaken; third one - the theft of the vehicle is a stage version of the informer himself. The characterization of the potential victim is the basis for confirming one of the above versions. The author, studying the classification of victim behaviour in terms of victimology^{81,82,83}, came to the conclusion that, in case of vehicle theft, the probable behaviour of the victim could be: aggressive; initiative showing; passive; neutral.

The *fifth* component of the structure of criminalistics characterization includes information about the circumstances that contributed to theft of vehicle. The circumstances that contributed to theft of the vehicle can be divided into "internal" and "external" conditions. "Internal" conditions are circumstances, which may be affected by events and persons that are related to a particular motor vehicle. "External" conditions are those circumstances, which may be affected by events and persons that are not related to a specific vehicle.

Description of initial investigative actions and tactics of measures of operational activities following after that

Initial investigative actions are considered to be all investigative activities that need to be carried out after identification of an ongoing or past crime until its detection - until identification of the suspect – or until obtaining the information necessary for the preparation of a detailed further investigation plan.⁸⁴

Initial investigative activities related to the investigation of theft of vehicle include interrogation of theft informer, victim and witnesses, inspection of the incident scene, development of the version, as well as planning of the course of investigation. When interrogating or questioning the victim, features and characterizations of the criminally alienated property should be clarified as much detailed as possible.⁸⁵

⁸⁰ Vilks A., Ķipēna K. Kriminoloģija. Mācību grāmata.-Rīga: Nordik, 2004. 19. lpp.

⁸¹ Zīle J. Cietušais krimināltiesisko zinātņu skatījumā. - Rīga: Latvijas Vēstnesis, 2002. 42.lpp.

⁸² Ившин В. Г., Индрисова С. Ф., Татьяна Л. Г. Виктимология.-Москва, Wolters Kluwer, 2011. С.33.

⁸³ Малкина-Пых И. Г. Виктимология. Психология поведения жертвы. - Санкт-Петербург, Питер, 2017. С.28.

⁸⁴ Kavalieris A., Konovalovs J., Mašošins J. u.c. Kriminālistiskā taktika. -Rīga: LPA, 1998. 196 lpp.

⁸⁵ Kavalieris A., Makans L. Kriminālpolicista rokasgrāmata. – Rīga: LPA, 1999. 101.lpp.

When accepting an oral report about theft of motor vehicle, its national registration number, type, model, year of manufacturing, colour and other special features must be clarified. Using means of communication, theft must be reported to the police on duty, who will immediately report the stolen vehicle to the mobile post and to structural units in their area of responsibility. After registration of the application on the fact of vehicle theft in the electronic Event Log of the Information Centre, the data about the stolen vehicle simultaneously enters into the data array of the integrated information system "Wanted Transport" of the Information Centre of the Ministry of the Interior and into the Schengen Information System SIS, as well as into the CSDD (Road Traffic Safety Directorate) database and the information system "Mustang" of the State Border Guard. In practice, there are more and more cases where such timely information results in the detention of the offender before it reaches the intended vehicle hiding place or leaves the country⁸⁶.

In the event that the offender is detained by the police, victim or accidental passer-by at the time of the crime while attempting to start or drive off the stolen vehicle, the first urgent action is: detention; searching of a person by drawing up a record; vehicle inspection; interrogation of the suspect for the purpose of clarifying and recording its motives; determination and interrogation of the victim. When interrogating the victim and witnesses, it should be borne in mind that both the victim and the witness may give false evidence about the circumstances of the crime. For example, they may hide an unwelcome facts about their employment or personal relationship that may compromise them but may be useful in criminal proceedings. The list of questions depends on the circumstances of theft. The interrogation should identify the circumstances in which the victim was at the time of the committing crime (in a shop, at home, etc.), whether somebody distracted the victim's attention through conversations, calls, etc., as well as should clarify who being within reach, could commit theft or help offenders. Efforts should also be made to establish whether the victim has repeatedly noticed, within reach, the same vehicle or a person prior to theft, which could indicate a targeted tracking of the stolen vehicle. The victim and other passengers of the vehicle need to be interrogated in expressly detail about it if a new, high-class vehicle is stolen, because such cars are rarely stolen accidentally⁸⁷. If the victim has memorized the appearance of these persons, he / she must describe this in detail. It is necessary to take into account the possibility of staging the fake theft for various reasons (insurance fraud, impossibility to pay leasing or credit, clarification of civil legal relations, avoidance by the applicant or his/ her acquaintance of administrative penalty or arrest for the committed violation while driving vehicle). Therefore, during the interrogation, it is necessary to find out who owned the stolen vehicle - the victim him/ herself or another person, the institution where he/ she works, etc. Besides the victim, it is important to interrogate people who can tell something about the circumstances before theft, who saw the crime or noticed suspicious behavior of the offender or his accomplices. Such persons are street-sweepers, postmen, watches, workers of shops or warehouses, residents living next door or close by, drivers of public transport, passengers, buyers, sellers, etc.

When summarizing and analysing the information obtained during the initial investigation, versions should be proposed and its inspection planned in the course of further investigation. The following versions can be claimed concerning theft of the vehicle: the theft has taken place; the theft has not taken place and the informer has been mistaken; the theft is staged by the informer him/ herself (the version of fake theft staging is checked in almost all cases). Staging features: the vehicle is found after a road traffic accident with keys in the ignition lock; the vehicle is found after a road traffic accident, but the owner of the vehicle submits an application about theft of the vehicle later (sometimes after 2-3 days); the informer cannot determine the exact place or time of leaving the vehicle, and where or at which person keys are placed; the vehicle is in the parking spot of the removed vehicles, the owner is absent or is in a state of intoxication, but the informer of theft is silent about it. The version of the possible staging should be examined with the utmost care so that the victim could not trouble or complicate the examination and, in the case of non-

⁸⁶ Kavalieris A. Noziegumu izmeklēšanas metodika: Mācību grāmata. – Rīga: LPA, 2000. 108.lpp.

⁸⁷ In the same place, 109.lpp

approval, does not cause him/ her moral harm. The version itself is not evidence in the case, but it is possible to make decisions on the relevant actions in criminal proceedings based on the versions. Examples from practice show that this has been also done and gives positive results.

Specificity of further tactics of investigative activities

Further investigation of the types of case under study includes the following primary measures: detention; inspection of the found vehicle; search; interrogation of the suspect; presentation for recognition; on-the-spot examination of evidence; investigative experiment.

A tactical specificity of investigation activities of crimes of this category is the inspection of the found stolen vehicle. This should be done not only when the police has found the hidden stolen vehicle, but also when the vehicle has been unlawfully driven of without the intention to steal it or was left by the offender for another reason, such as fleeing from detention, if the vehicle was returned to its owners for pay, because damage or accident, etc. In all these cases, the main purpose of the inspection is to find and record possible traces of the offender - fingerprints, micro particles of clothing and others⁸⁸. After inspection of the found vehicle, its technical examination must be determined, if necessary, in order to specify the caused damages and the total amount of material damages, as well as to determine whether the vehicle has not been abandoned for technical reasons beyond the control of the offender. The inspection of the vehicle or numbered parts and assemblies of the vehicle, found separately, must also be carried out in other cases: when it has been found at the suspect identified in the investigation to determine whether it is a stolen vehicle; when another law enforcement or state institution (Border Guard, Road Traffic Safety Department and others) has reported that the vehicle with counterfeiting indications of number plates has been found or detained; when, during a search or other investigative action, the vehicle was found in a disassembled condition or any of the numbered parts of the vehicle were found.

In the course of further investigation, the most urgent action is the search in order to find and seize⁸⁹ evidence of possible theft of other vehicles (stolen property, tools used to commit the crime - lock picker, screwdriver, keys from the garage door, where the stolen vehicle may probably be hidden), important is also information about unidentified participants (identity documents, telephone numbers and address records), traces/ vestiges of the crime on the suspect's body (scratches, abrasions, injuries, dust, mud, etc.). The author's practice in investigation of such crimes shows that a pre-planned and tactically in-time search is one of the most effective investigative activities, often leading to valuable evidence in the case under investigation, and sometimes to evidence for the detection of another dangerous crime. After studying and analysing the general rules of search defined by criminalistics scientists (A.Kavaleris⁹⁰, T.Averjanova, R.Belkin, J.Kornoukhov and J.Rosinski⁹¹), as well as taking into account personal practical experience, the author offers the following search methodology: before going to search, it is necessary to study all the information related to the search object; when starting search, an eternal verity must be remembered - the safest way to hide what somebody is looking for is to leave it in the most visible place, so you have to look at such spots with additional concentration and care; search may not be carried out alone; one search participant must continuously monitor the present persons in order to prevent hiding of the wanted object or to determine the location of such object; searches must always be carried out carefully, without sparing the time, and spots in which is unpleasant⁹² or difficult to search must be inspected with particular care; beside found items, possible fingerprints and other traces of the searched person on the inner walls of the hiding spots shall be hunted for, preserved and recorded; when searching, criminalistics techniques must be maximally used, in particular searching tools and equipment; during the search, presented persons must not be allowed to use mobile phones, to get around or move any visible item in the room

⁸⁸ Kavaleris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika. -Rīga: SIA „P&Ko”, 2005. 136.lpp.

⁸⁹ Kriminālprocesa likums. Latvijas Republikas likums. Latvijas Vēstnesis, Nr.74(3232), 11.05.2005. - Pieejams: <http://likumi.lv/doc.php?id=107820>, [aplūkots 20.02.2021]. 179.p.

⁹⁰ Kavaleris A., Konvalovs J., Mašošins J. u.c. Kriminālistiskā taktika. -Rīga: LPA, 1998. 91-92 lpp.

⁹¹ Аверьянова Т. В., Белкин Р.С., Корухов Ю.Г. и др. Криминалистика. -Москва, НОРМ, 2016. С.578-584.

⁹² Kavaleris A., Makans L. Kriminālpolicista rokasgrāmata. - Rīga: LPA, 1999. 32.lpp.

under inspection, it is recommendable to instruct the police to observe invisible the locality of the spot under search. In addition, the search can be divided into first time search and repeated search. The author opposes to the authors of criminalistics textbooks about the issue when repeated search⁹³ should be carried out and considers that repeated search should be carried out in the following cases: when no wanted persons or items were found during the first search due to adverse conditions, such as the presence of curious crowd, counteraction of presented persons, unfavourable weather conditions, not enough alight site, without support of a dog leader with a police dog or other specialists, etc.; if the obtained operative information contains not only facts that the wanted item is still at the place of the search, but also exactly where it is located, then, in order not to disclose the source of such information, the search must not be started from this spot, i.e. the wanted object must be found seemingly by accident; if there is reason to believe that, during the first search, the wanted object was hidden in a spot unforeseen for the search, but after the search, while being in a certain mental relief, it was brought back or new objects were hidden.

The search methodology of means of transport involves inspection of the vehicle from the outside and inside. All types of devices, especially those fitted in addition, must be inspected from the outside of the vehicle. From the inside the following should be carefully inspected: the engine compartment, cabin interior, spots under front seats, their slits, spots behind and under the rear seats, all pockets - both in doors and seats, spot under the floor mats and seat covers, spot behind the sun visors, in the glove compartment; body of the vehicle, doors, luggage compartment and lower part of the vehicle should be carefully examined. There are cases when the object we are looking for was in car tires, petrol tanks, in engine, or specially installed hiding spots under the seat, in interior walls, etc. In addition, the vehicle computer network and the information stored in the memory must be examined. In order to carry out a high-quality search, the searcher must involve specialists with knowledge of vehicle design and information technology, as well as use a room equipped with a lifting mechanism for the search.

Important attention should be paid to the tactics of observation of the person who is being searched, to his/ her behaviour, reaction to the activities of the searchers. Following a search, the criminal police may be instructed to take appropriate operational measures to ascertain the reaction and conduct of the searched persons.

Investigation methodology of thefts from vehicle

The authors of criminalistics textbooks (A.Kavaleris⁹⁴, T.Averjanova, R.Belkin, J.Kornouhov and J.Rosinski⁹⁵, A.J.Fisher Barry⁹⁶) do not separate the methodology of investigation of thefts from vehicles from the general methodology of theft investigation. However, the author believes that the method of investigating of theft from the vehicle has its own specificity, namely, the object - the means of transport. The criminalistics characterizations of this criminal offence include information about the means of committing theft from the vehicle. The theft from the vehicle is not very different from the traditional theft of the vehicle by the method of commitment, because the object of danger is the same and the methods of getting into are also the same. The main difference is that in the first case, the vehicle stays in place, therefore, thieves try to vary their actions in different ways. The next component of the structure of the criminalistics characterization includes the characteristic of the probable offender. When describing the subject of the crime, it can be concluded from the court judgments studied by the author, as well as personal experience that offenders committing thefts from vehicle are mostly persons who have only recently started criminal activities and thus have little experience in this field, or are from the lower strata. due to laziness, low level of education and mental ability or for any other reason are engaged in thefts from vehicles.

In the case of theft from the vehicle, the traces found during the investigation are almost the only evidence seized at the accident scene. Therefore, the process facilitator and expert have a

⁹³ Kavaleris A., Konovalovs J., Mašošins J. u.c. Kriminālistiskā taktika. -Rīga: LPA, 1998. 85 lpp.

⁹⁴ Kavaleris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika. -Rīga: SIA „P&Ko”, 2005. 105-154.lpp.

⁹⁵ Аверьянова Т. В., Белкин Р.С., Корухов Ю.Г. и др. Криминалистика: Учебник. НОРМА, 2016. С.701-731.

⁹⁶ Fisher Barry A.J. Techniques of Crime Scene Investigation Seventh Edition. Boca Raton, USA. CRS Press. 2004. pages 382-403.

special role to play in ensuring that all traces are collected and preserved. Most of these crimes are committed in series, so two, five or even ten vehicles are picked clear in one yard.

Investigation methodology of vehicle hijacking

The most prestigious, two-year, three-year or last-year models are alienated in the most dangerous way - by a robbery attack, committing vehicle hijacking. The author of the work offers to supplement the existing methodology of Professor A. Kavalieris⁹⁷ of the investigation of vehicle hijacking in accordance with the present-day situation. The basis of the structure of the criminalistics characterization of the crime in question includes information about the methods of commitment of hijacking of vehicle. In the event of vehicle hijacking, the victim suffers material damage, and there is also a real threat to his/her physical health. There are few vehicle hijacking techniques, namely: criminals hide themselves in the cabin; criminals commit an unimportant car accident; one of the criminals distracts the driver from the planned main action, for example, asks to show a route on the map; criminals block the road with their vehicle; criminals approaches the driver or to take a seat in the cabin threatening with a gun or knife, beat, sometimes strangle the driver. After these actions, the criminals forcibly seize the driver and/ or owner and throw him/ her out of the cabin.

Investigation methodology of vehicle fraud

The author considers as necessary to improve the fraud investigation methodology previously developed by criminalistics specialists (including the fraud investigation methodology developed by Professor A. Kavalieris⁹⁸) in accordance with the present-day situation. With regard to fraud where the object of the crime is the vehicle, the methodology of committing this type of crime has its own specificities that differ from other types of fraud. The criminalistics characterization of this type of fraud includes information on techniques of committing fraud.

Investigation methodology of vehicle insurance fraud

The basis of the structure of the criminalistics characterizations of insurance fraud includes information about the methods of committing insurance fraud. The scope of initial investigation activities and the subsequent range of operational activities should be supplemented with the following: using the Information System "MUSTANG" of the State Border Guard, to find out when the vehicle referred to in the submission crossed the state border the last time, who was the driver and passengers; check the identity of the keys of the stolen vehicle and, according to the data of the manufacturer's company, a set of vehicle keys of the same model, because the owner fails sometimes to get back the original key, and then he/ she simply presents other keys in the hope of the best. The same should be checked regarding alarm panels, as well as in relation to the owner's credit history.

Content of the methodology of investigation of crimes related to fraud

There are incomparably many types of fraud according to criminalistics classifications, therefore, it is practically impossible to list them, as they vary in manifestations and often combine several types of fraud. The United Nations Office on Drugs and Crime⁹⁹ provides an international classification of fraud: excise fraud, investment fraud, remote commercial fraud, payment order fraud, value added tax fraud, insurance fraud, benefit fraud, EU subsidy fraud, procurement fraud, credit and mortgage fraud. The author has studied the cross-border aspect of remote commercial fraud committed using modern technical means and new technologies.

Criminalistics characterizations of remote commercial fraud

By researching the scientific and specialised literature, criminal proceedings (both pending and closed), as well as based on personal experience, the author identifies features of remote commercial fraud: offers seem "too good to be true"; a limited short period of time has been set for the decision to be taken; prepayment is required; personal information is requested by phone or

⁹⁷ Kavalieris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika.-Rīga: SIA „P&Ko”, 2005. 154.lpp.

⁹⁸ In the same place, 154.-160.lpp.

⁹⁹ International Classification of Crime for Statistical Purposes. United Nations Office. Pieejams: https://www.unodc.org/documents/data-and-analysis/statistics/crime/ICCS/Russian_iccs_2016_web.pdf, [aplūkots 6.07.2020.].

internet; the other party's negotiators use brutal sales techniques, insisting that immediate action is needed.

Taking into account the specificity of remote commercial fraud, the author identifies the following methods of committing remote commercial fraud:

- imitation of online auctions and online retail - trying to offer seemingly high-quality goods that could attract many consumers;
- fascination of victims to send money for the promised items, but then not delivering anything or just delivering an item that is much less valuable than what was promised;
- foundation of companies that offer work or accept deposits and then disappear in an unknown direction after receiving money;
- promotion of potential opportunities of business activities that, seemingly, will allow individuals to earn thousands of euros in a month working from home;
- calls to potential victim on a mobile phone and immediately hanging up - beeping without waiting for an answer (many people call back, even out of curiosity, without even realizing that it is a payable call);
- calls to victim, explaining that a call is being made from the police and informing that the victim's relative is in distress and is threatened with criminal punishment, but it is possible to save the relative from trouble by paying a certain amount of money in a short time;
- request of donations on behalf of non-existent organizations;
- proposals to individuals, by communicating, to help them to reduce credit interest rates by charging a fee;
- contacting potential victims who may receive a significant inheritance from a family member or from a person who deceased without heirs.

The purpose of fraudsters in such cases may be to obtain data of other users for sending mails from users profiles, to edit profile data, or even delete a profile by creating a page that visually resembles the home page of the required website. When it is opened, people are required to register repeatedly on the portal, and, at this moment, the victim hands over own e-mail and password to the fraudster. Bulk emails may also be sent where the sender simulates to be a man or woman interested in a romantic relationship. Victims who respond to such emails can be subjected to a long stream of emails or even phone calls confirming love. Finally, the victim sends substantial sums of money to his/ her "true love."

The fraudster may call and pretend to be an information technology specialist from a company (or as a bank employee), reporting breaches of the company's system security and requesting financial information from the victim, which is needed to test and/ or download remote access software; encourages the victim to contact bank and uses technology to stay on the line after the call is terminated, thus obtaining confidential financial information.

The next component of the structure of criminalistics characterizations includes the description of the possible offender and the probable motives and intentions of the crime. Fraud, like other crimes, is committed both individually and in groups. The psychological portrait of a fraudster is different from the psychological portrait of a thief. The crime is committed by criminal groups or OCGs, and criminals involved in fraud tend to have a high level of education and international connections, and, probably, have been convicted of such crimes in the past. If fraud is committed in a group, it is advisable to differentiate the characterizations of the potential offenders: the characterizations of the inventor of the fraudulent scheme and organizer are always significantly different from those who are simple doer of fraud. Evidence from investigative practice¹⁰⁰ testifies that the inventor of a fraudulent scheme may not even be involved in the implementation of the fraudulent scheme, but he is profiting from a criminalization scheme for a criminal group. The inventor is a person with a creative approach to the implementation of own plans, with knowledge of communication psychology and practical skills in communication. He/ she may even be unpunished, but definitely with contacts at the international level in the criminal

¹⁰⁰ Tiesu prakse lietās par krāpšanu. Latvijas Republikas Augstākā tiesa. Pieejams: www.at.gov.lv/files/uploads/files/docs/summaries/2009/tp_krapsana.doc, [aplūkots 5.04.2021.].

environment. The organizer must ensure that the fraudulent scheme is implemented in such a way that, while communicating with the victim, other executors are provided with information on the victim's whereabouts and the order how to receive the money. In addition to the role of an organizer, no less important is a person who communicates with the victim, his/ her skills and abilities. This could be an inventor of the fraudulent scheme or the organizer, or other salaried person, because it is necessary to negotiate with the victim with the aim to convince him/ her that exactly his/ her relative is in misfortune and has no chance to contact relatives or the police, and that the certain amount of money is required to help him/ her to get out. Verbal and non-verbal communication in a stressful environment requires special character features and professional skills that no each person can do. Other persons involved in the fraud scheme have booster functions, namely "covering up", monitoring, reception of money (in cash, by bank transfer, or with the victim at an cash point). The characterizations of these persons do not differ from the general characterizations of an criminal offender. Another component of the structure of criminalistics characterization is the manner, how the police usually become aware of fraudulent schemes implemented in this way. Usually, the police find out about the implementation of fraudulent method from the victim when the fraudsters have already received the money. This complicates the investigation, as the victim can often say almost nothing about the fraudster. There are also no traces typical for common crimes that can be used to identify a criminal. The only thing the victim can tell about the fraudster, at the best, is to name the phone number from which the fraudster called and describe the fraudster's voice. The last component of the structure of criminalistics characterization includes information on the circumstances that contributed to the implementation of the fraud scheme under research, namely:

- the social economic status, psychological condition, age, gender and specificity of mentality of the victim, as well as lack of legal knowledge, victimative behaviour;
- it is difficult and sometimes impossible to determine unambiguously the spot where the crime was committed;
- untimely notification and teaching of the public about possible ways of implementing the fraud scheme, by involving the media and educational programs.

Specificity of the tactics of initial and subsequent investigation measures

Initial investigation activities are seriously burdened by the fact that the victim, in the case under research, almost never sees the fraudster. In order to detect such fraud, a police officer has to work according to the situation. In general, three types of situations can be distinguished: the fraudster is known and is detained at the time of committing fraud or immediately after that; the fraudster is known but is hiding from the investigation, and the fraudster is unknown. In such a case, the investigator shall ensure: development of criminalistics characterization of the criminal offense; inspection of databases existing at the police; organization of criminal investigation activities¹⁰¹. The specificity of further investigative measures is determined by the inspection of the victim's and the fraudster's mobile devices and data carriers, as well as expertise which should be assigned. Mobile devices and data carriers store a lot of information that can be used to obtain investigative evidence.

During the examination, fingerprints, odour traces and/ or sweat traces of a potential criminal can be found and seized, which are useful for both DNA profiling and odourology, but by attracting a computer specialist, it is possible to obtain a significant amount of additional information: computer IP address, dislocation , date and time of access, and information viewed; contacts of memory directory; outgoing and incoming calls; stored SMS and MMS; emails; saved photo, video and audio files; information available on the SIM card. Technical means allowing to obtain evidence from information technology equipment and data are in a continuous process of development, they are of great amount and constantly are changing in its functionality, as well as

¹⁰¹ Кожевников И. Н., Баяхчев В. Г., Буторин Л. А. и др. Вопросы расследования преступлений. - Москва. Спарк, 1997. С.799.

their purchase requires financial resources¹⁰². In addition, there is a need for continuous training and improvement of both technical staff, as well as investigators and operational staff. In order to prove the guilt of criminal offenders, it is most likely that phonoscopic, computer, odorological and, very rarely, handwriting and dactyloscopic examinations will be necessary taking into consideration the capabilities of investigation to obtain evidence.

Content of the methodology of investigation of thefts of religious items

The objects of threat in case of theft of religious items are temples (Catholic and Orthodox churches, Old-Believers' prayer houses throughout the territory of Latvia), cemeteries and people's homes throughout the territory of Latvia. Theft of religious items from churches is usually carried out by criminal groupings with a strict hierarchy and division of roles, taking into account the skills of each member of the group, because it is necessary: to enter the room overcoming various obstacles; to choose the most valuable religious item correctly in a very short time interval and in a dark room; after the theft, sell goods on the "black market" or to a customer without disclosing that the religious item has been stolen. Account must also be taken of the fact that the circle of buyers of such religious items is narrow and closed. The author divides the implementation of the methods of theft of religious items into the following stages:

- *Preparatory phase.* The main specificity of this stage is related to the collection of information about the existence of a valuable religious item in a certain place. Sources of information could be: a member of a religious organization; a person who, due to the specifics of his/ her occupation or lifestyle, has access to information regarding the existence of a religious item in a specified spot; a list of cultural monuments on the website of the National Culture Heritage Board; maps and booklets issued by the local government, where the churches are marked, as well as other sources. After choosing a spot of possible criminal offence, criminals must inspect it in order to determine: whether there are really valuable religious items in that spot; the geographical location of the item, the access roads, what buildings are around the object, and the location of the territorial police force; whether the object is guarded or not, and what is the response time of the security company; what obstacles must be overcome to enter the object, etc. At the same time, criminals plan the route to and from the crime scene, taking into account the location of the police force on the route, and actually check it during the inspection.
- *Phase of theft commitment.* Criminals leave an observer on arrival at the crime scene, who is obliged to warn the accomplices that enter the object and identify the most valuable religious items in a short time, steal them and leave the crime scene. Stolen religious items are hidden in spots that cannot be linked to the crime performers.
- *Phase of realization of stolen religious items.* Implementing their greedy purpose for profit, criminals themselves or with the help of supporters sell stolen religious items both on the black market or legally, however, concealing the fact that the religious items had been stolen. The investigation must also take into account the fact that the circle of buyers of religious items is narrow and closed, and that stolen religious items will be realized far from the place of theft and often even in another country. Criminals always do their best in order not to expose their activities, so for their own safety, the basic condition of this phase is the realization of stolen religious items as far away as possible from the place of theft. Namely, in another city, region, even country. In practice, there were cases when icons stolen in Latvia were found at an antique auction in Great Britain¹⁰³.

In order to avoid liability, criminals use the following countermeasures: strict conspiracy and disguise to hide their identities at all times; collection of information on the deployment of police and security forces, patrol routes and response capabilities; organization of storage spots for stolen

¹⁰² Ministru kabineta 2016. gada 6. aprīļa rīkojums Nr.248 „Par Valsts policijas attīstības koncepciju” Latvijas Vēstnesis, 69 (5641), 11.04.2016. Pieejams: <https://likumi.lv/doc.php?id=281390> [aplūkots 20.07.2020], 42.lpp.

¹⁰³ Latgales apgabaltiesas 2017. gada 19. decembra spriedums kriminālprocesā Nr.11331031512. Nepublicēti materiāli.

items. The characterizations of the probable offender have such features as: specialized knowledge of the probable offender in the sphere of assessment of religious item (the range of such persons in the criminal environment is quite narrow), thefts, almost always, are committed by preliminary agreement and, moreover, by the assistance of accomplices (organizers, instigators or supporters) who had not been directly involved in theft of religious items.

Another not less important component of the structure of criminalistics characterization is the description of the probable victim and information about the stolen religious items. When describing the potential victim, it is important to mention that the probability of the version of staging the theft or misleading by an informer is low. In this case, the victims are religious, conservative and socially respected people, the spiritual staff of religious organizations, who will not tell a person of another religion to much, but will never lie, because the lie is a sin. In case of theft of religious items, the victim needs to report the amount of the loss. This is the first problem, because the value of a holy cross or icon can undoubtedly be determined if the item is available, but if the item is stolen, it can only be evaluated wordily by the victim. Consequently, the second problem is that most often, as confirmed by practice, the victim is of a respectable age, often with hearing or vision problems and other peculiarities typical for this age. The third problem is the low level of trust in law enforcement authorities and the belief in justice in general.

In addition to the victim's information, the police may receive information about religious items located in churches (lists of icon pictures and church books with inventory numbers) in the archive of the Monument Documentation Centre of the State Inspection for Protection of Cultural Monuments; however, the mentioned archive contains data regarding 1979. The information is also available from the electronic service of the Information Centre of the Ministry of the Interior, the main purpose of which is to facilitate the creation and storage of descriptions and photographs of the objects by the owners and holders of movable cultural objects so that they can be submitted to law enforcement authorities in case of the loss of such objects¹⁰⁴, which are almost unused by the victims. Without an accurate description, even if a stolen religious item is found, it will not be possible to prove who exactly owns the found object. In practice, the police often face cases where theft took place long before the fixing of the fact of theft. In these cases, the fact of theft is established by a clergypersons only when they arrive to perform religious rites. The last component of the structure of criminalistics characterization includes information about the circumstances that contributed to theft of a religious item. As most significant problems, the author considers the following ones:

- most churches are not equipped with a security alarm connected to the on-call department of the security company;
- the response time of the security company is more than 10 minutes;
- the church is located in a sparsely populated area and is open only for religious rites when needed;
- the victim is unable to give an accurate description of the property or to submit photographs;
- clergypersons do not compile description of cultural objects and do not attach photographs using the offered public e-service;
- public accessibility to information about religious objects and items, for example, on the Internet, in information centres of municipalities and religious organizations.

Specificity of the tactics of initial and subsequent investigation measures

When receiving an oral report on theft of religious items, the whereabouts of the stolen religious objects, their special features must be clarified, and mobile postings and structure units in their area of responsibility, as well as the nearest regional police departments must be notified immediately. At the same time, the area where the offender is located must be blocked. The

¹⁰⁴ Elektroniskais pakalpojums „Kultūras objektu apraksta veidošana”, Latvijas Republikas Iekšlietu ministrijas Informācijas centrs. Pieejams: <http://ic.iem.gov.lv/ko/index.php>, [aplūkots 07.07.2020.].

blockage is done with the aim to prevent criminals from leaving and disappearance. The effectiveness of the investigation of these crimes is determined by the interrogation skills and abilities of the police officer, because both the informer of theft, victim and witnesses are most often religious people, and it is necessary to know and follow these belief traditions during communication with them. The next initial and mandatory investigative action is the inspection of the crime scene, regardless of when the crime became known. It is not possible to commit a crime without leaving traces, only ability and desire to find it are necessary¹⁰⁵. At the spot of theft of religious items, taking into account the professionalism of the criminals, it is possible to find the following traces, which may be suitable for the performing expertise: traces of the hands (fingers and palms); traces of biological origin; traces of shoe soles; odorological traces; traces of the tools and mechanisms of crime; vehicle tyre prints. In order to determine where the offender came from and where he/she went to, and possibly where he/ she hid him/herself or hid stolen goods, it is mandatory to involve a police dog for inspection of the crime scene. Particular attention should be paid to the method of getting into, which can provide an indication not only of the tools by which the entry was made, but also of the potential offender, as the methodology for implementing the entry method is unique and inherent to a particular offender.

1.2.4. Counteraction to the investigation and possibilities to overcome it

From the very beginning of the existence of society, criminality has also existed in one or another manifestation form¹⁰⁶. Historically, the tools used to counteract to investigation of crime have always depended, to a large extent, on the existing political system, traditions and scale of values generally accepted in society.

Concept, content and subjects of counteractions to investigation

Counteraction measures are the action and behaviour of individual criminals and criminal groups to hinder or prevent law enforcement actions against them. OCG use a variety of counteractions to identify and mitigate the law enforcement actions¹⁰⁷. In the past, counteraction to the investigation has mainly meant various forms and techniques of hiding crimes in relation to certain investigative activities or investigation of certain types of crime¹⁰⁸. At present, victims and witnesses are sometimes also interested in counteractions to investigation. Insufficiently effective prevention and overcoming of counteraction to investigation is one of the reasons for the stagnation of the qualitative and quantitative activities of law enforcement institutions. This may also explain the high level of latent criminality in the country.

Analysing the scientific^{109,110,111} and educational literature of criminalistics, the author defines counteraction to investigation as an action or inactivity committed with intent to prevent or even stop the full, objective and comprehensive clarification of the circumstances of the criminal offense during the investigation and court trial. A distinction must be made between “internal” and “external” counteractions in relation to a particular crime. An “internal” counteraction is defined as countermeasure performed by those or other persons involved in any form in investigation:

¹⁰⁵ Kavalieris A., Makans L. Kriminālpolicista rokasgrāmata. – Rīga: LPA, 1999. 16.lpp.

¹⁰⁶ Zahars, V., Stivrenieks, M. Security and safety enforcement: Execution peculiarities. -Journal of Security and Sustainability Issues, 2016, 6(1), Pieejams: [http://dx.doi.org/10.9770/jssi.2016.6.1\(5\)](http://dx.doi.org/10.9770/jssi.2016.6.1(5)), (SCOPUS database), [aplūkots 1.04.2021.], pages 71–83.

¹⁰⁷ Organizētās noziedzības grupas (OCG) un citi noziedznieki. Europol. Pieejams: <https://www.europol.europa.eu/socta/2021/organised-crime-groups.html>, [aplūkots 1.04.2021.].

¹⁰⁸ Kavalieris A., Birmans U., Heinens B. u.c. Kriminālistiskā metodika. -Rīga: SIA „P&Ko”, 2005. 14.-18.lpp.

¹⁰⁹ Аверьянова Т.В., Белкин Р.С., Корухов Ю.Г. и др. Криминалистика. – Москва, НОРМА, 2000. С.717.

¹¹⁰ Konovalovs J., Lācīte A. Pretdarbība izmeklēšanai: būtība, formas un veidi. LPA Raksti. Nr.13. – Rīga: LPA, 2006. 47. lpp.

¹¹¹ Krastiņš U., Liholaja V., Niedre A. Krimināllikuma zinātniski praktiskais komentārs 3. – Rīga: Firma „AFS”, 2007. 375.-378. lpp.

suspects and accused persons, witnesses and victims, specialists and experts, possible witnesses and incidental persons at the crime scene, etc. They are all familiar with some information about the event, as well as certain efforts to change, destroy or not to disclose this information and/ or its carriers. An “external” counteraction is a measure of persons who are not related to this event and to the person conducting the investigation, or who is related to a person conducting the proceedings because of procedural, official professional or other relationships, or because of coherency of another nature. Subjects of “internal” counteractions realize their intentions mainly by hiding the crime. Subjects of “external” counteractions - by exerting influence, pressure on the person conducting the investigation, in this way creating conditions for performance of unlawful activities, disciplinary offense or commitment of crimes.

Forms of counteraction to investigation and ways of their implementation

Forms of counteraction to investigation may be: overt or covert counteraction, active or passive counteraction, direct or indirect counteraction, etc¹¹². In turn, the content of each form can manifest itself in different ways of its implementation. Counteraction to investigation in an open form may be carried out by demonstratively refusing to give evidence, giving false evidence, threatening the person conducting the proceedings, etc. Countermeasures in covert form can already begin at the stage of preparation for a crime, as well as at the time of committing crime, when maximum effort is made not to leave or destroy traces/ vestiges, to hide the tools of crime, to stage a crime or to take action for securing alibi. In the course of investigation, this may take the form of bribing witnesses and victims, pressuring them to give false testimony in favour of the performer of counteractions.

Hiding of a crime can be defined as an action aimed at delay of the investigation by concealment, destroying, disguising/ masking or falsifying traces of a crime and its carriers. In this case, it include not only the active form of human behaviour - action, but also the passive form of behaviour - inactivity. In terms of content, the methods of concealing a crime may be divided into the following groups:

- concealment;
- destroying;
- disguising;
- falsifying;
- staging/ fake action.

Means and methods for overcoming of counteraction to investigation

The means and methods how to overcome counteractions to investigations, observed in investigative practice and developed in criminalistics theory, are related to investigative and criminal investigation activities, as well as to involvement of population and media resources. The author evaluated the most important of them in detail:

- inspection;
- interrogation.

Operational activities and criminal investigation measures play a key role in overcoming of counteractions to crime concealment. They are initiated within the framework of an investigative task at the discretion of the operative officer; they may be performed independently of the investigative activities, but may also be used along with operational tactical combinations. Measures such as inquiry of population, gathering of factual information, inspection of various objects, overhearing of telephone conversations and gathering information from technical means of communication are particularly effective. When studying the theory of counteraction to investigation, the author relied to a large extent on the teaching of Professors R.Belkin and J.Konovalovs. Because of changes of circumstances, the criminal environment also modifies

¹¹² Konovalovs J., Lācīte A. Pretdarbība izmeklēšanai: būtība, formas un veidi. LPA Raksti. Nr.13. – Rīga: LPA, 2006. 48. lpp.

existing forms and manners of counteraction to investigations of criminal offences. Therefore, the law enforcement system needs to be improved accordingly. In today's technocratic society, offenders use more increasingly and purposefully the opportunities of digital environment to pursue their criminal goals, which is clearly linked to the transfer of the activities of law enforcement institutions to the digital environment in order to combat criminality effectively. Prevention of counteractions to investigation, identification of its motives, forecasting of the forms and implementation methods of counteraction both at the initial stage of investigation and during performance of investigative activities is one of the necessary conditions for its successful neutralization and disclosure of activities of counteraction performers. Understanding of counteraction is a compulsory prerequisite for an objective, comprehensive and complete investigation of all circumstances of criminal offence, ensuring a fair punishment of guilty persons.

1.2.5. Potential for co-operation with other police services and other law enforcement authorities in the criminal investigation process

No one, including an official in uniform, an official of subjects of operational activities, an expert or a prosecutor, may perform his/ her duties without the assistance and close support of all other members of the team. The key to success is the cooperation of many law enforcement institutions in performing complex and resource-intensive functions.

Cooperation between Services of the State Police

In the course of investigation of a crime, a person conducting the process cooperates with the criminal police, who carry out the criminal investigation process. This includes operational activities and criminal investigation measures. Science¹¹³ and practice testifies that the categories of crimes researched in the work are most often disclosed in the course of criminal investigation. The author, as an official of the subject of operational activities, used all types of measures of operational activities and criminal investigation within the framework of the criminal investigation process. As a result, the author came to the conclusion that in the investigation of any criminal offense it is necessary to carry out operational and/ or criminal investigation activities, because this allows: to corroborate strengthen evidence about the committed criminal offense; to gather evidence about other criminal transactions; to detain previously undetected criminals; to prevent planned crimes. The interaction between a person conducting the process and operational staff in implementation of the joint task, i.e. in detection of criminal offenses, is based on the interrelationship between the investigative activities and measures of operational activities. The success of the co-operation is largely determined by the timely actions taken by the person conducting process and operational staff. Mutual cooperation must be targeted. It should not be an end in itself, but a prerequisite for effective cooperation between the person conducting process and operational staff, which is aimed to the prevention, detection and investigation of criminal offenses.¹¹⁴ Delay or later execution of the task reduces importance of the information obtained in the process of operative search, or importance of the information may be lost on the whole. This applies not only to the activities carried out by operational staff independently, but also to the actions carried out jointly with the person conducting process. In order to ensure the effectiveness of cooperation, according to the author, some provisions must be taken into consideration: its initiator must be the criminal police¹¹⁵; when involving staff from other services, attention should be paid to the fact that a staff member of a particular service carries out activities in his/ her field; cooperation must not restrict the essential interests of another offices; in the course of cooperation,

¹¹³ Kavalieris A. Noziegumu izmeklēšanas metodika: Mācību grāmata.– Rīga: LPA, 2000, 109.lpp.

¹¹⁴ Ivančičs J., Trofimovs I., Teivāns-Treinovskis J. Evaluations of security measures and impact of globalization on characteristics of particular property crimes.-Journal of security and sustainability issues. 2019, 8 (4), Pieejams: [https://doi.org/10.9770/jssi.2019.8.4\(2\)](https://doi.org/10.9770/jssi.2019.8.4(2)), (SCOPUS database), [aplūkots 1.04.2021.], pages 571-579.

¹¹⁵ Makans L. Miķelsons U. Izmeklēšanas un kriminālmeklēšanas integrācija. Raksti 4.- Rīga: LPA, 1997. 164 lpp.

activities must be coordinated; counteractions towards police activities are possible.¹¹⁶ In the course of criminal investigation, practicable co-operation may take place as follows: *daily co-operation*, i.e. order police officers, in the course of performance of their direct duties, actively collect information relevant to the criminal police. As a result of *long-term* (more than 2-3 days) cooperation, stationary posts are organized according to the previously prepared plan. In practice, however, the exchange of information is not so successful as it should be. The exchange of information is a two-way process involving, on the one hand, criminal police officials and, on the other hand, order police officers. And subjective reasons play here an important role – there is indisposition or simply inability to hand over information and, possibly, consideration, that it is not necessary or is unimportant. A similar problem is faced abroad. In his research, Professor A. James from the University of Liverpool draws similar conclusions to those made by the author of this doctoral thesis about the causes of poor information exchange, and highlights a problem with “philosophical roots”, namely: ‘the most important task is not to get information as much as possible, but to know how to share it rationally with involved parties’.¹¹⁷ The author will dedicate his further research papers to the study of this topical and very interesting theme. The conditions for positive co-operation may be the following: the structural unit is relatively small, around 170 people, an area to be serviced is of about 2500 km², population of about 70,000, and most of the police officials are natives born and grown up here, they have a good knowledge of vicinity and people. In such circumstances, communication between police officials is easy and does not cause inconvenience. In personal practice, the author has convinced that one of the most important rules for successful crime detection is close cooperation between the operative employee and the person conducting the process, as well as joint planning of activities throughout the pre-trial investigation, and in special cases after reading the court judgment.

Practice testifies that more qualitative investigations is carried out by specially created structural units or groups consisting of an operative employee and investigator. Besides this, the effectiveness of co-operation increases when the investigation is supervised by a specialized supervising prosecutor, who later supports prosecution at court. Therefore, the author considers that there is a need that the operative employee would ensure the operative “escort” from the beginning of the criminal proceedings until the moment when the court judgment enters into force, and, if necessary, also during the serving of the sentence.¹¹⁸ In order to achieve the joint goal, the person conducting the process performs investigative and special investigation activities, while the operative employee performs operative and criminal investigation activities and participates in investigative and special investigation activities. It can be stated that all activities in the investigation process are closely related, and only in a result of the interaction between the people conducting the process and the operative employee is it possible to detect a crime successfully.

Use of opportunities for cooperation between the state police and other law enforcement authorities

The author evaluates the co-operation between the State Police and the Prosecutor's Office as purposeful and of good quality. However, there are problems with co-operation between supervising prosecutors and investigators of the State Police – persons conducting the process. According to prosecutors, the problems are as follows: lack of knowledge, understanding, motivation and involvement of investigators, overwork of investigators, turnover and insufficiency of the staff. In its turn, investigators name the following problems: differences in opinion between prosecutors and investigators, lack of joint practice and understanding between prosecutors,

¹¹⁶ Ivančiks J., Trofimovs I. Psychological aspects of operational and investigative activities as a factor of strengthening of national security. -Journal of Security and Sustainability Issues, 2017, 7.(1), Pieejams: [https://doi.org/10.9770/jssi.2017.7.1\(5\)](https://doi.org/10.9770/jssi.2017.7.1(5)), (SCOPUS database), [aplūkots 1.04.2021.], pages 55-65.

¹¹⁷ James A., Phythian, M. Wadie F. & Richards J. The road not taken: understanding barriers to the development of police intelligence practice. The International Journal of Intelligence, Security, and Public Affairs. 2017. 19:2. Pieejams: <https://doi.org/10.1080/23800992.2017.1336395>, (SCOPUS database). pages 77-91.

¹¹⁸ Trofimovs I. Speciālo izmeklēšanas darbību būtība. - Daugavpils: Daugavpils Universitātes Akadēmiskais apgāds „Saule”, 2011.

disproportionately high demands from prosecutors, unclear, useless instructions.¹¹⁹ Most of these problems are not relevant to the criminal investigation process, although the author agrees with some conclusions. Firstly, until 31 December 2016, criminal police officers, investigators and operative employees did not have mandatory legal education, respectively, they did not have knowledge in this area. Secondly, not all prosecutors also had knowledge and understanding of the principles and conditions of conducting the criminal investigation process. Thirdly, the corporate interests and ambitions of both parties hinder them from finding a common denominator to communicate for fulfilment of the joint purpose. As a result, being inexperienced or without knowledge of the criminal investigation process, the operative employees do not carry out operational activities and criminal investigation measures after the transfer of the criminal procedure to the Prosecutor's Office for starting a criminal prosecution, and the prosecutor does not encourage to continue the process of the criminal investigation, considering that this issue is not within the jurisdiction of the Prosecutor's Office. According to the author, the level of education and skills of police inspectors authorized to conduct investigations does not meet present-day requirements. The State Audit Office has quite rightly acknowledged that investigators have currently a lack of knowledge, because only a part of police officials conducting investigations have a second-level higher education, and only about 47% of investigators with a higher education have a degree in law science.¹²⁰ But in 1987, more than 93%¹²¹ of investigators had higher legal education. The author fully identify himself with the competent opinion of Professor Ā.Meikališa that “such conclusions of the State Audit Office are significant, they actually show that the state has not ensured the performance of investigation at the appropriate level. In fact, the leaders both structures of the state power - the legislature and the executive have demonstrated for decades a completely disinterested attitude towards improvement of investigation, sometimes acting even openly against the need to ensure their quality (abolition of the investigative staff, abolition of the Police Academy, etc.), and undermining previously achieved goals”.¹²² In practice, criminal prosecutions or even trials are sometimes more complicated, for example, the following information about the intents of a convict while in custody is being obtained: to continue the criminal activity; to take revenge (accomplices being at liberty are instructed to inflict bodily harm) on victims, witnesses or participants; about the clarification and location of evidence; about intents, which hinder investigation and/ or intents to avoid an investigation or court trial, etc. The subject of the operational activity must verify the received information in co-operation with the Prosecutor's Office and take appropriate measures in case of credibility, but for various reasons this is not always the case.

The prevention and detection of criminal offenses in prisons is not possible without close co-operation between the structural units of the Criminal Police and the Prisons Administration. The commitment of crimes in prisons is mainly related to the co-operation between the prisoner and his / her contact person outside the prison. The prevention and detection of criminal offenses in prisons could reduce repeated commitment of criminal offences after serving a prison sentence; according to the statistics data, around 50% of prisoners commit repeatedly criminal offences after release.¹²³ The activities of the officials of the security department of the Prison Administration actually end at the borders of the prison, where the competence of the Criminal Police begins and vice versa, thus there is a need for mutual co-operation between the services. Cooperation is needed to detain offenders on both sides - in the prison and beyond it. The appearance of means of communication in prisons is a problematic issue, as the availability of mobile phones in prisons

¹¹⁹ Pirmstiesas izmeklēšanas efektivitāte Valsts policijā. Revīzijas ziņojums. – Rīga: Valsts kontrole, 2017. Pieejams: http://www.lrvk.gov.lv/uploads/reviziju-zinojumi/2016/2.4.1-6_2016/rz_vp_20.09.2017_bez-ip.pdf, [aplūkots 26.07.2020.], 71.lpp.

¹²⁰ Turpat 18.-20.lpp.

¹²¹ Zlakomanovs N. Izmeklēšanas priekšnieka atmiņas.-Rīga:P&Ko,2000,145.lpp.

¹²² Meikališa Ā. Izmeklēšanas efektivitāte Latvijā: problēmas un iespējamie risinājumi. Ā.Meikališa, K.Strada-Rozenberga. Kriminālprocess, Raksti 2015-2020, - Rīga: LU Akadēmiskais apgāds, 2021, 618.-619.lpp.

¹²³ Zahars V. Kriminālpolitika: mūsdienu tendences un procesi.-Daugavpils: Daugavpils Universitātes akadēmiskais apgāds “Saule”, 2014. 107.lpp.

offers prisoners wide opportunities to commit criminal activities while being in prison. Mobile means of communication give prisoners a wide range of options, allowing criminal leaders to control their accomplices at liberty, instruct them to commit criminal offenses, and engage in direct criminal activities such as commitment of fraud using telephone.¹²⁴ Thus, the presence of mobile phones among prisoners can cause significant damage both to the Prison Administration in achieving its operational goals and to the safety of individuals and the public. The possibilities for co-operation between the security department of the Prison Administration and the Criminal Police to detect crimes both inside and outside prisons are very wide. However, these opportunities are not fully used in daily routine. Firstly, it is hindered by the lack of human resources in both of the above mentioned structural units. Secondly, the officials of these structural units lack special education and professional competence.

Opportunities for cooperation between Interpol, Europol and law enforcement authorities of third countries with the State Police

The General Secretariat of the International Criminal Police Organization (Interpol) maintains databases and provides various electronic services, the use of which helps to combat successfully the widest range of crimes. Accessibility of these databases and services is provided to national law enforcement authorities through Interpol's closed communication system I-24/7 or the closed section INSYST on the Interpol's website. It is possible to use 18 databases.¹²⁵ Thanks to the Motor Vehicle Database (SMV), about 130 countries shared data with Interpol on stolen vehicles in their country. In 2018, 89 million requests were made, resulting in 143,000 found vehicles being wanted.¹²⁶ At present in Latvia, only the on-call duty unit¹²⁷ of the International Cooperation Office of the Main Criminal Police Department of the State Police is connected to the closed communication system I-24/7 of Interpol. The closed INSYST section of the Interpol website can only be used in full from one workstation located in the on-call duty unit of the International Cooperation Office. In Latvia, the Interpol databases and the Schengen Information System - SIS operate integrated with the Integrated Information System - IIS of the Information Center of the Ministry of the Interior, which allows law enforcement authorities to search data in three databases simultaneously. The Integrated Information System IIS of the Information Center of the Ministry of the Interior contains information on persons/ objects searched by Interpol, throughout the territory of the Schengen States and in Latvia, and the fact that IIS is, practically, available to every law enforcement officer in Latvia, makes IIS an important and effective tool in international and national search of wanted persons/ objects.¹²⁸

In addition, Latvian law enforcement institutions have the opportunity of exchanging data with Interpol on DNA and conducting DNA testing online; however, unfortunately, the mechanism and certain procedures have not been devised at the national level relating cases where it would be useful for our investigators to include DNA profiles in this database. In the absence of a system, an investigator rarely sends DNA profiles for verification or storage in the Interpol database. The same applies to the Interpol fingerprint database, respectively, to its use. The closed section INSYST of the Interpol website also provides information on the activities and experience of Interpol and the Member States in the fight against terrorism, financial crimes, corruption, environmental crimes, crimes related to cultural heritage and intellectual property, as well as in the field of combating other offenses. In the closed section of the Interpol website, it is possible regularly to carry out training on a wide range of topics and get acquainted with the experience of

¹²⁴ Trofimovs I. Moderno tehnoloģiju izmantošanas attīstības iespējas Operatīvās darbības likuma kontekstā. Valsts policijas koledžas IV Starptautiskās zinātniskās konferences materiāli. - Rīga: VPK, 2015. 110.lpp.

¹²⁵ Every search of our 18 databases is a potential break in a case for police worldwide. Databases. Our 18 databases. Interpol. Pieejams: <https://www.interpol.int/How-we-work/Databases/Our-18-databases>, [aplūkots 6.07.2020.].

¹²⁶ Stolen Motor Vehicle Database. Fighting vehicle crime. Interpol. Pieejams: <https://www.interpol.int/en/Crimes/Vehicle-crime/Fighting-vehicle-crime>, [aplūkots 6.08.2020.].

¹²⁷ Ministru kabineta 2016. gada 6.aprīļa rīkojums Nr. 248 „Par Valsts policijas attīstības koncepciju” Latvijas Vēstnesis, 69 (5641), 11.04.2016. Pieejams: <https://likumi.lv/doc.php?id=281390> [aplūkots 20.07.2020]. 38.lpp.

¹²⁸ Trofimovs I. Interpol and Europol tools in crime detection in Latvia and Criminal police cooperation with colleagues in other countries. Academy of criminalistic and police studies. - Belgrade, ArtGribič Illustrated Studio, 2014., Tom II, Volume II. ISBN 978-86-7020-190-3, page 111-119.

other countries. At present, it is practically impossible to use fully these opportunities in Latvia. In order to provide the necessary additional connection to the mentioned communication channels, additional financial resources are required for the purchase of network switches and workplace equipment. In addition, the State Police does not currently have specially trained staff to deal with the issues of ensuring technical communications between the State Police, other law enforcement agencies and Interpol.¹²⁹

The purpose of the European Police Office, Europol, is to support and strengthen the activities of the competent authorities of the Member States and their cooperation in preventing and combating organized crime, terrorism and other forms of serious crimes affecting two or more Member States.¹³⁰ To achieve these objectives, Europol has established and maintains the European Information System – EIS, as well as Analysis Work File - AWF. The main purpose of the EIS is to assist Europol and its Member States in detecting transnational organized crime. For that purpose, the EIS collects information from the Europol member states about the components characterising organized criminality (crime, person, identity document, criminal grouping, organization, means of communication, means of account, means of transport, weapons, currency, devices, chemical substances, multimedia applications) and their connection with a person or object of crime. Online work in a mode of input/ search of the EIS data at national level may only be performed by employees of the Europol National Office and a liaison officer of Latvian Europol. The European Information System - EIS and Analysis Systems of Analysis Work File - AWF help the EU Member States to identify, localize and neutralize international threats. However, Europol's actions in this context seem non-optimal. The author shares James' point of view¹³¹ that this is due to a lack of trust between Europol and the EU Member States, which leads to incapacity to share information. As a result, strategic intelligence products are sometimes incomplete. This fact indicates a situation in which interested persons would have reason for concern, because Europol's strategic intelligence efforts may become ineffective.

Opportunities for the Member States of the Schengen Agreement

After the signing of the Schengen Agreement, it became possible for Latvian nationals to exercise the right to free movement of persons and goods in the territory of the Schengen Area without border control.

In accordance with the provisions of the Schengen Agreement, the Schengen Information System - SIS was developed in order to maintain public order and security, including national security, and to apply the provisions of the Schengen Agreement to free movement of persons within the territories of the Schengen Contracting Parties using the information available in that system.¹³² The SIS is currently the world's largest centralized information system on persons and objects in search.¹³³ The database of the Schengen Information System, SIS, contains data on: persons wanted for extradition; foreigners with refused entry to the Schengen area; missing persons or persons who require temporary safekeeping because of protection or threat prevention; witnesses or persons who require to appear before court in accordance with a summons; persons or vehicles to ensure discreet surveillance or special control; objects items wanted for confiscation or for use as evidence in criminal proceedings.

¹²⁹ Ministru kabineta 2016. gada 6.aprīļa rīkojums Nr. 248 „Par Valsts policijas attīstības koncepciju” Latvijas Vēstnesis, 69 (5641), 11.04.2016. Pieejams: <https://likumi.lv/doc.php?id=281390> [aplūkots 20.07.2020]. 39.lpp.

¹³⁰ Padomes lēmums ar ko izveido Eiropas Policijas biroju (Eiropolu). Eiropas Savienības Oficiālais Vēstnesis, L 121/37, 15.05.2009. Pieejams: https://www.dvi.gov.lv/lv/wp-content/uploads/tiesibu-akti/es/Lemums_par_Eiropas_policijas_biroja_izveidi.pdf, [aplūkots 22.03.2020.].3.p.

¹³¹ Safjański, T., James A. Europol's crime analysis system-practical determinants of its success Policing: A Journal of Policy and Practice, Volume 14, Issue 2, June 2020, Pieejams: <https://doi.org/10.1093/police/pay021>, [aplūkots 15.01.2020.], (SCOPUS database), [aplūkots 1.04.2021.], pages 469–478.

¹³² Konvencija, ar kuru īsteno Beniluksa Ekonomikas savienības valstu valdību, Vācijas Federatīvās Republikas valdības un Francijas Republikas valdības Šengenas Līgumu par pakāpenisku kontroles atcelšanu pie kopīgām robežām. Eiropas Savienības Oficiālais Vēstnesis, L 239/19, 22.09.2000. Pieejams: [https://eur-lex.europa.eu/legal-content/LV/TXT/PDF/?uri=CELEX:42000A0922\(02\)&from=LV](https://eur-lex.europa.eu/legal-content/LV/TXT/PDF/?uri=CELEX:42000A0922(02)&from=LV), [aplūkots 22.03.2020.], IV Sadaļa.

¹³³ Krutova Ē. Kopējās izmeklēšanas grupas kā viens no starptautiskās sadarbības veidiem kriminālprocesā. Promocijas darbs. – Rīga: Latvijas Universitāte, 2013. 165. lpp.

Possibilities of the European Union Agency for Law Enforcement Training

The training of officials of law enforcement institutions is shared responsibility between the EU Member States and the Union institutions, and CEPOL tries to provide law enforcement officials with skills, knowledge and competence which they need to combat successfully threats to European security. CEPOL is an agency of the European Union, and since 1 July 2016¹³⁴, the official name of CEPOL is the European Union Agency for Law Enforcement Training, which supports, develops, elaborates, implements and coordinates training activities and training products, with a particular focus on the protection of human rights and fundamental freedoms in context of the law enforcement, especially in the field of the prevention and combating of such serious crimes which affect two or more Member States, as well as the prevention of terrorism, protection of public order, international monitoring of events of especial significance and planning and directing of the Union missions, which may also include training in the field of law enforcement management and language skills that comprises; courses, seminars (webinars), conferences, as well as e-learning and other innovative and in-depth training activities (approximately 500 e-learning modules are grouped into the following categories: organized criminality, criminality related to cybercrimes, fight against terrorism, fundamental rights, law enforcement cooperation and information exchange, management and other skills, higher education and research, public order and prevention measures, law enforcement technologies, criminalistics in special areas); joint training programs for law enforcement structures on specific teaching subjects at the European Union level. CEPOL unites the network of law enforcement authorities and educational institutions of the Member States for law enforcement officials, and liaises with one national unit in each Member State, operating in the network. On the Latvian side, this is the contact person in the State Police, who ensures communication with the contact persons of law enforcement authorities and educational institutions. Since February 2021, the author himself has participated in events organized by CEPOL. Summarizing the gained individual experience, the author came to the conclusion that cooperation with CEPOL is necessary for both - law enforcement authorities and educational institutions. Practitioners may acquire exclusive knowledge and skills to perform their duties, and academic staff can identify educational and scientific gaps to improve own performance.

Among international institutions, it is necessary to mention the European Coast Guard Agency, Frontex, that also take part in the detection of crime. Frontex supports effective, unified and high-level border controls in the EU Member States; coordinates activities and EU events with the aim of jointly respond to emergency situations at the EU's external borders; develop a combined tool to combat illegal migration flows, organized criminality and terrorism at the EU's external borders. It also brings together border control experts, researchers and representatives of the branch to ensure that new technologies meet the needs of border control institutions, as well as harmonizes border and coast guard education in the EU and the Schengen associated countries.

¹³⁴ Eiropas Parlamenta un Padomes Regula 2015/2219 par Eiropas Savienības Tiesībaizsardzības apmācības aģentūru (CEPOL) Eiropas Savienības Oficiālais Vēstnesis L 319/1. Pieejams: <http://data.europa.eu/eli/reg/2015/2219/oj>. [aplūkots 20.02.2021.].

2. MAIN CONCLUSIONS AND PROPOSALS

As a result of the development of the Doctoral thesis, the set goal has been achieved and the replays to the in-depth research questions have been provided. Namely:

- the main problems in the field of the detection and prevention of crime over the last 30 years are that most criminalistics concepts run far behind the requirements of the modern era, and the current rules of the Criminal Law in force do not pay due attention to the criminal legal protection of some objects; and in turn, some norms of the Law on Operational Activities are not only inefficient but also mutually contradictory;

- changes in tactics related to identification and detection of property crimes over the last 30 years have been largely technical in nature, they are lacking a sufficiently high level of theoretical basis to take into account modern technologies used to commit crimes and significantly changed structure of criminalistics characterisation of criminal offenses of certain types;

- increase of the importance of the psychological component in operational work, improvement of the set of measures for successful prevention/ elimination of countermeasures to investigation, as well as elimination of obstacles for the use of opportunities of internal and external cooperation at the national and international level may be considered the most promising methodologies of operational work and criminalistics tactics in identifying and detecting crimes against property.

During the in-depth analysis of these issues, proposals were developed which are aimed at the development of the sub-branch of science of criminalistics and operational activities, as well as at the expansion of the opportunities of application of criminalistics theory in the detection of certain types of crime. As a result of the research, the author proposes the following theses for defence:

1. The group of criminal offenders which activities are related to the area of property, particularly, unlawful alienation/ misappropriation of motor vehicles, cultural and religious objects is characterized by high public dangerousness and resonance, as well as explicit cross-border dimension, which significantly complicates the detection and investigation of such criminal offenses. Researching the Latvian scientific base in the field of criminalistics science and operational activities, it was concluded that most of the concepts run far behind the requirements of the epoch, while some of them are not usable in Latvia. The most significant research in Latvia in this field was conducted in the 1990s, when other technical possibilities and legal realities existed. Alterations in the existing methodology are related to new ways of committing and covering up crimes, to changes in the contingent of the subjects of criminal offences, political and economic changes and other factors. The author proposes to include in the methodology of investigation of a certain type of crimes a detailed structure of the criminalistics characterization of a certain type of crime, description of the tactics of the initial investigative activity and subsequent operational measures, as well as specificity of tactics of subsequent investigative measures.
2. Criminal offenses related to unlawful alienation/ misappropriation of motor vehicles cause not only significant damages to their owners but also have a financial impact on insurance companies, injure reputation of car manufacturers and, in most cases, are linked to the activities of organized criminality. From 1 April 1999, liability for theft of a motor vehicle in Latvia is provided pursuant Section 175 or Section 180 of the Criminal Law. The motor vehicle as a threat object of criminal offence was not singled out separately. As a result, there was a disproportion in the practice of applying provisions of Section 175 of the Criminal Law, when punishment for theft from a vehicle (Section 175, Paragraph three of the Criminal Law) were on average higher than for theft of a vehicle itself (Section 175, Paragraph one of the Criminal Law). This allowed criminals, especially members of a group or organized crime group, to avoid appropriate and fair punishment. As a result of the amendments of 6 June 2019 to Section 175 of the Criminal Law, this problem was resolved by expressing the disposition of Section 175, Paragraph three in the following wording: **“(3) For a person who commits theft, if it has been committed by entering a**

vehicle, apartment or other premises, or if it has been committed from a storage facility or from a system connecting storage facilities, as well as for a person who commits theft of a vehicle...”, which closed this gap in the studied law.

3. The concept and content of fraud have changed significantly over time. At present, the concept of remote fraud itself is not entirely clear at the level of application of the law. Studying the concepts of fraud developed by the UN, Interpol and Europol, as well as fraud implementation schemes, the author defines the concept of modern remote fraud as follows: remote commercial fraud is the acquisition of someone’s else property or right to such property using modern communication technologies and tools, or maliciously using trust or fraudulently. The prevention and detection of remote commercial fraud is burdened both by the use of modern technologies and modern technical means, such as computers, mobile phones and other smart assistants, which require from fraudster good ingenuity and enough high level of knowledge in the corresponding field, as well as that there are also significant proportion of latent fraud.
4. Religious and cult objects have a special place in the criminal law of several countries. In the territory of Latvia until 1940, increased liability for theft of religious items was provided. It still exists in most European countries. After the occupation of Latvia and its incorporation into the USSR in 1940, threat objects of a criminal offence such as religious items were included in the common concept “property”. The current Criminal Law also does not pay due attention to the criminal legal protection of religious items. In order to be able to impose a proportionate punishment on guilty persons, taking into account not only the material but also the spiritual value of a religious item, the author proposes to supplement the objects of a criminal offense in Section 175, Paragraph four of the Criminal Law with the concept of a religious item, proposing Section 175, Paragraph four as follows: **“(4) For a person who commits theft, if it has been committed on a large scale or if it has been committed by an organised group, as well as commits theft of narcotic, psychotropic, powerfully acting, toxic or radioactive substances, or explosives, firearms, ammunition or item of religious significance...”**.
5. The current Criminal Law provides an opportunity to apply the provisions of Section 229 and to bring a charge for destruction or damage of a cultural monument under state protection, for desecration, illegal smuggling outside the Republic of Latvia and illegal alienation/ misappropriation, but only if the object (a temple) has been granted the status of a cultural monument. There are two problems have been identified in practice: 1) the offenders were not called to account pursuant to Section 229, only pursuant to Section 175, and the author sees mostly the investigator’s incompetence in such a case, which can be eliminated by focusing on the training and professional development of investigators; 2) In practice, many church managers do not apply for the status of a cultural monument, not only because the church does not corresponds to the status of a cultural monument, but also because they believe that it is not important for believers whether the church has such status or not, most important is belief. In order that the church as an object of social significance would have adequate legal protection, it is necessary to amend Section 229 of the Criminal Law, expressing Section 229, Paragraph one in the following wording:“(1) **“(1) For a person who commits illegal, storage, movement, forwarding, alienation of a cultural item/ antiquity, i.e. cultural monument, item of a church or museum holdings, or especially protected document from library holdings, protected by the Republic of Latvia or by another State, or commits illegal bringing out of the Republic of Latvia or bringing in the Republic of Latvia thereof, if it has caused significant damage...”**”.
6. The Latvian Operational Activities Law was amended eleven times. Despite the fact that the legal framework for operational activities complies with modern requirements and norms of international human rights, some norms require amendments, which are demanded by evolution of the principles of general human rights, as well as the by application of new technologies and real practice of law enforcement institutions. In recent

years, especially after the liquidation of the Latvian Police Academy, changes in the Operational Activities Law have been related to improvement of the protection of fundamental rights of persons, preventing preclusion of involuntariness and uncontrolled activities of subjects of operational activities and abuse of official service, and not to increase of efficiency of operational activities itself. In addition, some provisions of the law, in the author's opinion, are still contradictory. According to Section 2, Paragraph one, Clause 4 of the Operational Activities Law, the task of operational activities is, inter alia, searching for property acquired through crime that may be subject to arrest. This norm of the Law contradicts the aim of the Operational Activities Law - "protection of the life, ... and property of persons", as a result of which the possibilities of the subjects of operational activities to protect the property rights of persons, i.e. the right to compensation of damage, were restricted. Compensation of damage is not always linked to the arrest of property. In order to cover the entire spectrum of property interests, the author considers it necessary to amend Section 2 of the Operational Activities Law, expressing Section 2, Paragraph one, Clause 4 in the following wording: **"4) searching for property acquired through crime, and also other property (also financial resources) that may be subject to arrest in relation to committing a criminal offence or which may be confiscated until adoption of procedural decision;"** . ;

7. The amendments of 2016 related to Section 7, Paragraph six of the Operational Activities Law excluded the condition that a judge's approval is not required for the performance of operational activities in a special manner against detained, suspect, accused, tried and convicted persons in the premises of the subjects of operational activities or penitentiary institutions. As a result, in practice, being in the premises of the subject of the operational activity, detainees often share information about the circumstances of the crime or whereabouts of the offender, the wanted person, in order to prevent or detect a threat to national or public security, but this extremely important and urgent information is not available to the subject of operational activities. This is contrary to the purpose of the Operational Activities Law and the provisions of Section 18, Paragraph two, according to which Operational activities procedure may commence before criminal proceedings are initiated, may take place during the criminal proceedings and continue after completion thereof. In order to eliminate these contradictions, the author proposes to amend Section 7 of the Operational Activities Law, expressing Section 7, Paragraph six in the following wording: **"7) (6) The approval of a judge shall not be necessary for wiretapping of conversation of a detained, suspect, accused, persons on trial and convicted in the premises of the subject/ body performing the operational activities, as well as in cases where the subject/ body performing the operational activities, on the basis of a written submission by a specific person, is wiretapping the conversations."**
8. Judges specially authorized by the chairperson of a district (city) court already accept the acquisition of operational data from electronic communications merchants if the data to be retained have been demanded for a period exceeding 30 days. The author considers that in order to ensure larger clarity of the Law, it would be reasonable and expedient to amend the OAL, stipulating that prolonged surveillance (tracing) of a person would be permitted with the approval of a specially authorized judge of a district (city) court, excluding from the current wording the norm that prolonged surveillance (tracking) of a person would be permitted only in cases of operative development/ operational activities and to express Section 10, Paragraph four of the Operational Activities Law in the following wording: **"(4) Surveillance (tracing) of a person shall be regarded to be prolonged investigatory surveillance (tracing) which during the particular operational activity procedure secretly lasts more than 30 days. Prolonged investigatory surveillance (tracing) is permissible with the approval of a judge specially authorized by the chairperson of a district (city) court. "**
9. Measures of operational activities, by definition, must be taken immediately (operatively) - that is, in a limited period of time, the coordination of their

implementation may not be more complicated and longer than special investigative measures, the degree of urgency of which is usually much lower. In the author's view, an absolutely illogical requirement of the Law on Operative Activities is the approval of a justice of the Supreme Court for special measures of operational activities which by their nature and implementation methodology are analogical to special investigative activities which are performed with the approval of an investigating judge. The author, taking into account the practice of application of analogical norms in other countries, as well as the fact that the decision-making time is limited, and the fact that judges of a district (city) court already accept the acquisition of operational data from merchants of electronic communications, proposes to amend the Operational Activities Law, prescribing that special measures of operative activity shall be approved by judges specially authorized by the chairperson of a district (city) court, as well as for the purposes of conspiracy the performance of the said measures may be approved by a judge specially authorized by any district (city) court regardless of the territorial location of the subjects of operational activity, and to express Section 7, Paragraph three as follows: **“(3) Measures of operational activities, in the course of which there is significant infringement of the fundamental rights of persons, shall be conducted according to a special method – i.e. with the approval of a judge specially authorized by the chairperson of a district (city) court regardless of the territorial location of the body/ subject of the operational activities, or if it is provided by law – by approval of the prosecutor.”**, as well as to replace the words in Section 7, Paragraph four, first sentence; in Section 9, Paragraph six, first sentence, and in Section 37 Paragraph three, first sentence **“... of the Chief Justice of the Supreme Court or ...of the Supreme Court specially authorized by his or her”** with the words **“...specially authorized the chairperson of a district (city) court”**, and in Section 23², Paragraph four, second sentence, the word **“Supreme”** with the words **“district (city)”**.

10. Psychological aspects significantly affect the efficiency of operational activities, as well as arouse practical and scientific interest. The psychological component is of great importance in the theory of operational activities: regularities of interaction of the subjects of operational activities - operative employees and secret assistants; psychological aspects of criminal activity of individuals, organized criminal groupings, especially their motivation, psychology of criminal subculture, dynamics of motives depending on various objective factors, etc.; specific regularities of the psychology of fight (conflict relations) of operational employees and persons who commit a crime; psychological methods and techniques for obtaining operational information used in the process of activities of operational search; psychological aspects of organising of events of operational search. The author of the doctoral thesis formulates the basic tasks of operational psychology as follows: research of the actual state of the relations between the subjects of operational activities and citizens, and the criminal environment; promotion of the professional and psychological growth of the personality of the subjects of operational activities in accordance with the law enforcement functions to be performed; development of psychologically well-founded recommendations for the development of confidential relations between the persons involved in the operational process, in order to resolve problematic situations and conflicts arising in this process.
11. Criminalistics characterization of a crime - a probable model of an incident that serves as a basis for investigative versions. The author offers his vision of the structure of the criminalistics characterization of a crime, which includes: characterization of typical initial information; information regarding typical methods of committing of a specific type of crime and counteractions to it, as well as typical consequences of the use of such methods; characterisation of the probable offender, and the possible motives and causes of the crime; characterisation of the probable victim and information regarding typical objects of crime;

the manner how the police usually find out about them; information regarding the circumstances that contributed to the commitment of the crime.

12. Persons involved in the criminal environment are characterized by placing obstacles in the work of law enforcement authorities; they always and willingly apply various forms and types of counteraction. When circumstances change, the criminal environment also modifies existing forms and methods of counteractions against investigation of criminal offences. Accordingly, the law enforcement system needs to be improved without interruption. Effective investigation and prevention of countermeasures require an understanding of the methods and techniques used by law enforcement authorities to inquire about the criminal environment. Countermeasures against investigation may begin at the stage of preparation for a criminal offense, or it may begin or continue during investigation, trial and even during serving a sentence. Countermeasures may be directed: against the investigation process; against the person conducting the proceedings; against accomplices, witnesses, victims, as well as friends, co-workers, relatives, etc. The author developed a complex set of measures to be carried out by the officials of the subject of operational activities in order to prevent successfully such counteractions. In addition, in order to keep back persons from such an action, the author proposes to include it in the Criminal Law as an aggravating circumstance and to supplement Section 48, Paragraph one with Clause 18, expressing it in the following wording: **“18) the person carried out an active counteraction against investigation in the course of criminal investigation.”**
13. Effective detection and prevention of criminal offenses requires the coordinated work of different State Police services. According to the author, there are several reasons for successful cooperation. Firstly, it is a weak exchange of information, especially in the criminal investigation process. Secondly, the purpose of the notification database – is to ensure that the database is documented, and that the risk information required for criminal intelligence is available to police officers for the performance of their duties, has not been fully achieved. Thirdly, the structure of the State Police is rather fragmented, where several services are operating in sufficient isolation from each other. The forthcoming reform of the State Police could partially solve this problem. Besides, some problems related to cooperation of police investigators with the prosecutor’s office have been identified. Despite successful co-operation in total, officials of prosecutor’s office have in many cases been forced to refuse criminal prosecution due to the low quality of investigations and the low level of operational activities. In addition, large number of prosecutors have a weak understanding of the content and possibilities of operational activities in the pre-trial process, which, to some extent, reduces the effectiveness of co-operation. And the only way to solve these problems, in the author's opinion, is the increase of the professional knowledge of investigators, operational employees and prosecutors by conducting specialized training courses in the field of operational activities.
14. At present, the most promising opportunity for international cooperation is access to databases maintained by the General Secretariat of Interpol. However, limited access, the technical capabilities of a single workstation essentially limit the ability of officials involved in combating criminality to use databases and electronic services offered and maintained by Interpol. To provide the necessary additional access, additional financial resources and specially trained staff are needed. The situation is similar with the European Police Office – the use of the European Information System, which collects information from the Europol Member States about the objects of organized criminality and their links to a specific person or crime. Also here, co-operation is not optimal, there is a lack of a unified approach to the use of the European Information System by the Member States regarding the information input, many Member States, including Latvia, do not provide sufficient intelligence information, which prevents them from actively exchanging intelligence information.
15. The International Criminal Police Organization, the European Police Office, the European Union Agency for Law Enforcement Training and the European Border and Coast Guard

Agency - Frontex, offer a wide range of training courses. The working language of such training courses and international conferences is English, and this is the only factor impacting the accessibility of training. Existing knowledge of English among law enforcement officers is based mainly on education acquired in educational institutions or by self-learning, as a result of which a number of good and professional specialists in their field lose the opportunity to increase and enrich their knowledge with the experience of other countries, as well do not use a chance to establish and maintain contacts with foreign colleagues, necessary for implementation of work tasks. The author proposes to eliminate this factor simultaneously in two ways: firstly, by raising the level of English language skills through self-learning and/ or at the expense of the employer, and secondly, by using the institution's resources - translating materials and organizing classes on the most relevant topics.

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