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TACTICAL FEATURES OF THE SCENE OF THEFT FROM MOTOR VEHICLES INSPECTION

In the article, the author considers the concept of investigative inspection and its types, among which the importance of inspection of the scene for the investigation of thefts from motor vehicles is highlighted. The essence, tasks of inspection of the scene of such crimes are resulted. Tactical techniques, which provide the purpose of inspection, are characterized. The features of the initial and working phases of its conduct are considered.

Keywords: theft, motor vehicles, investigative inspection, inspection of the scene, tactical technique.

The investigation of any criminal offense in general, and the theft from motor vehicles in particular, is impossible without investigative (detective) actions regulated by the Criminal Procedure Law and aimed at collecting and checking previously obtained evidences in certain criminal proceedings. Investigative (detective) action is the primary method of gathering evidences, moreover the primary means of comprehensive, complete and impartial investigation of all circumstances of the criminal proceedings and the truth statement in the investigation. The most important investigative (detective) action, aimed at collecting criminally relevant information about the crime and its participants, the mechanism of the theft from motor vehicles and other circumstances of an incident, is investigation. A variant of the latter is inspection of the scene, on which most of the evidence base of the crimes under consideration is based. Therefore, tactical features of this investigative (detective) act, due to which its objectives are achieved, should be revealed.

In forensic literature, most of the works on crime investigation considered the concept, tasks and tactics of inspection of the scene, in particular: R. Belkin, O. Bilenchuk, S. Cherniavskyi, Yu. Chornous, Ye. Ishchenko, V. Kuzmichov, V. Obratsov, M. Saltevskyi, Yu. Shepitko, M. Yablokov, A. Volobuev and others. However, the tactics of inspection of the scene from motor vehicles has the features

that are not reflected in the writings of scholars. Therefore, the study of tactics of inspection of the scene is actual and necessary for the theory and practice of theft from motor vehicle investigations.

The purpose of the article is revealing the essence, purpose and tactical features of inspection of the scene of theft from motor vehicles.

The main material. Investigation inspection is the procedural action of the investigator, where the latter identifies, with the persons indicated in the law, directly perceives, examines, evaluates and records the state of properties and features of material objects connected with the investigated circumstances, in order to identify the factual data (evidence) and establishment of circumstances relevant for truth in a criminal proceeding [1, p. 18].

In particular: 1) by object of inspection: terrain, premises, things and documents, housing or other possession of a person, a corpse, exploration (inspection of the body of a living person), other objects (motor vehicles, animals and their corpses, etc.); 2) in sequence: initial repeated; 3) by volume: main and additional; 4) by subjects of conducting: an investigator, a prosecutor, an operational officer on an order, a court, etc.; 5) with the involvement of a specialist: simple and qualified [2, p. 411–416].

According to V. Shepitko, one of the most difficult types of inspection is an inspection of the scene. However, to clear up the nature of such investigative (detective) action, it is necessary to distinguish between such concepts as the scene of an incident and the crime scene. The scene of the incident refers to the premises or the location where the crime has been committed or where there are material traces associated with the crime. The crime scene and the scene of an incident are concepts that do not always coincide: the scene of an incident is wider concept, because it involves discovery of signs related to the crime; the crime scene is a place of direct committing of criminal intent, which has caused certain material changes (the presence of signs of forced entry, shoes, blood, etc.) [3, p. 217]. In the investigation of the theft from a motor vehicle, the scene of an incident matches the crime scene. The only exception may be the theft of the motor vehicle combined with theft from a motor vehicle.

This investigative (detective) action include such tasks as: 1) direct study by the investigator of the location of the event to clarify the nature and circumstances of the incident; 2) identification, collection, consolidation, research, evaluation of traces and material

evidence; 3) obtaining information for nominating and verifying the versions of the incident being investigated; 4) obtaining data for the organization of operational and search activities and use of public assistance, prosecution of a suspect, verification of his/her personality, motives for committing a criminal offense; 5) identification of the causes and conditions that promote or facilitate the commission of a criminal offense [2, p. 419].

During the investigation of the theft from the motor vehicle, the inspection of the scene of the incident should not to be delayed, since in most cases, the scene is the street (parking, courtyards, route, etc.), where from morning intensive movement begins, and traces left by the criminals may quickly disappear.

For effective implementation of inspection of the scene of theft from the motor vehicle, tactic is of great importance. Considering general rules for inspection of the scene that are characteristic of all inspections in investigation of any crime features relating to the inspection of the theft from motor vehicle will be reflected.

Thus, tactical receptions of inspection of the scene of the incident, developed in the forensic literature [3, p. 230–237], should be noted, especially related to the inspection of theft from motor vehicle. Thus, the important *tactical methods during the inspection of the scene of theft* from motor vehicle are:

1) comparison of the primary data and the scene situation. Such activity involves comparing received from the applicant (a driver, an owner of motor vehicle, etc.) information on a theft from the motor vehicle with the situation at the time of an investigative and operational group's arrival to the place of theft. First, it should be established whether there has been a theft from the motor vehicle, not the staging or committing another crime;

2) analysis of individual traces at the scene. Such tactical method will be effective, since during theft from the motor vehicle, there remains a mirror image of the part of the offender's footwear, the palm of the hand, the working part of the gun, the bottom of the canister and other tanks, as well as the separated parts of the offender, his clothes, tools, stolen items, etc. at the scene of the event. An analysis of the information will make it possible to put forward versions regarding crime mechanism, the type of a crime and its participants. However, it should be kept in mind that there are extrinsic signs and items that do not refer to theft or may not be relevant to theft (for example, found at the motor

vehicle shoeprint may be motor vehicle driver's, or fingerprints found in the motor vehicle cabin also belong to the driver);

3) modeling of theft from the motor vehicle committed. Such a tactical technique allows detecting discrepancies between established actual data and detected trace information at the scene. Of course, this refers to an apparent theft model, which an investigator creates virtually in his head or on paper in the form of charts, drawings, photos, etc.;

4) involvement of the applicant, such as the driver of the motor vehicle, the owner of motor vehicle, another person (the guard of the parking lot, the average citizen who saw the broken glass in the motor vehicle or other signs of the crime), in the inspection. Participation of such persons in the inspection enables to determine the limits of such investigative (detective) action, to establish additional places for abandonment (destruction) of offender's traces, and to analyze the behavior of such person in order to expose the staging.

Evidently, all the tactics used during inspection of theft of a motor vehicle have a single purpose that is to identify as many traces of the crime as possible, to establish circumstances of the crime and to expose committers. Thus, comparison of the primary information received from the applicant with the situation on the scene and the detected traces makes it possible to recreate the crime itself (to model actions of the offender for committing the crime, during and after its commission), to reveal the staging, and so on. Detection and analysis of established facts, detained trace information should ultimately generate a logical sequence of criminal actions that have led to identified consequences. It means interdependence between a personality of the offender, a trace picture, a way of committing, a situation, tools, etc.

Normally, inspection of the scene has three phases, in particular: preparatory (before departure to the scene and upon arrival), working and final. Requirements to them are standard, however, each crime has its own features, as well as inspection of the scene of theft from a motor vehicle, so we will indicate only on its features. Thus, at the preparatory phase, the prosecution and apprehension of offenders in hot pursuit should be foreseen; therefore, an investigative and operational group should be completed with a cynologist with a search dog. It may also be appropriate to invite a district police officer to obtain clarifications on the crime situation at his location, possibly a

series of theft, perhaps he may direct the investigator to the alleged offender or his/her whereabouts, etc.

Having arrived at the scene of theft from a motor vehicle, circumstances of commission of a criminal offense are found out, witnesses, the signs of persons, who have committed the criminal offense, and probable ways of their departure are identified. If necessary, measures to prosecute motor vehicles used in commission of an offense are taken. Persons, suspected of committing these criminal offenses, are being investigated and detained.

The investigator, as the head of an investigative and operational group, should determine the limits of such criminal offense inspection. As a rule, it is a parking of a motor vehicle and adjoining territory within a radius of about ten square meters. It is also urgent to choose an inspection method (this may be an eccentric method that is from the center to the periphery, and concentric that is from the periphery to the center), defining of its sequence, providing close-up, mid-range, overview and detailed photography, etc. [3, p. 221]. During inspection of theft from a motor vehicle, it would probably be appropriate to choose an eccentric method, since in most cases the center is clearly defined that is a motor vehicle.

Then the investigator together with other participants of inspection finds out what objects are located at the scene, investigates the whole complex of issues related to its situation, determines the mutual location and interconnection elements this situation, examines their appearance, state in details as much as necessary and possible in given conditions, fixes everything detected by means of photographing, drawing up of schemes, plans and drawings, as well as necessary notes for the fourth coming inspection report [2, p. 422].

In addition, in our opinion, the investigator's specific tasks, which should be solved by the results of inspection of the scene, should be focused on. In particular, it is necessary to find out the following: 1) whether theft from a motor vehicle has taken place in this case (here the investigator should evaluate the primary information and compare it with the traces of the crime and identify whether there has been a secret theft of property from a motor vehicle or other type of crime); 2) where the scene of the incident is, and where the crime scene is, and maybe they coincide (analysis of the court sentences has enabled to identify the case when an offender has, first, stolen a motor vehicle, been riding in it for some time, and then abducted

material assets from it); 3) way of committing (that is identifying methods of penetration into a motor vehicle); 4) whether there has been a preliminary preparation for theft (for example, if the offender has turned off a certain kind of signaling in a short period of time and due to certain technical means; if the arc of the hinged lock on the motor vehicle gas tank was cut by special technical means; if they have stolen 200 liters of fuel and lubricants, etc.); 5) if there are any traces of concealment of theft from a motor vehicle (for example, an offender's work in gloves, wearing the deep hood on the face, changing features of appearance, etc., such information can be obtained by viewing video surveillance cameras, if any, by inspection of a motor vehiclesalon for the presence or absence of fingerprints, etc.); 6) the number of criminals (for example, large weight and size of stolen property from motor vehicleenable to assume that there have been several criminals; the same idea can be assumed if several different treads of footwear at the motor vehicle, cigarette butts, and the like have been found); 7) escape routes from the place of theft (for example, the presence of motor vehicles or criminals or taxi; the direction of the traces, with the help of which the prosecution can be organized, etc.); 8) the purpose and motive of an offender (in most cases, certainly selfish); 9) time of committing theft from a motor vehicle (however, it is not always possible to identify the exact time of theft, in most cases, at the scene of the incident, the time interval, in which theft could occur, is fixed, for example, from which time a motor vehicle was left unattended at the scene); 10) the duration of the very theft (such data may be obtained after collection of trace information both outside a motor vehicle and inside, for example, opening of the door lock took 5 minutes, turning off alarm – 10 minutes, removal of stolen property – 5 minutes), or if the driver left a motor vehicle for 15 minutes, when he/she returned he/she saw two suspicious runners in a certain direction; 11) trace picture of an instrument for theft; 12) possible witnesses of theft (for example, whether someone could look out of the window of a residential building in the yard of which a motor vehicle was located; where the security guard of a motor vehicle was located at the time of the crime, etc.); 13) what were the causes of the fat of motor vehicle (for example, leaving an unlocked motor vehicle while the driver was changing the broken wheel, leaving a gap in a motor vehicle window, a driver's telling strangers about filling the full tank of the cargo truck with fuel and lubricants on the eve of theft, not replacing broken door

lock by the driver, etc.); 14) and other circumstances of theft from a motor vehicle (for example, which are not quite typical for such crime, when the offender, by breaking the lock of the garage, stole property from the motor vehicle that was inside).

Certainly, the list of circumstances that are to be established during inspection of theft of a motor vehicle is not exhaustive, as the variability of actions of criminals is sometimes very striking, and each case of theft can vary considerably. Nevertheless, it should be noted that during inspection of theft from a motor vehicle it is necessary to collect all the information, and even that which at first glance seems insignificant.

Consideration should be given to the staging of this kind of crime. There are cases when the owner of a motor vehicle or a driver in order to conceal another crime (appropriation of someone else's property), own enrichment (for mercenary motives) phases theft from a motor vehicle. In the disclosure of such activities, competent tactics in inspection of the scene is important in order to identify the traces not characteristic of such activity, or the presence of unnecessary traces or the absence of traces where they should remain. For example, the presence of clamp traces on the lock, which shackle has been crippled during forced entry to a motor vehicle according to victim's statement, is also a negative circumstance that is the presence of traces, which should not have been according to natural development of the event [3, p. 227].

Working phase of inspection is divided into static and dynamic phases. However, in our case, inspection of the scene of theft from a motor vehicle, we propose division into certain zones (by the place of conducting), namely: 1) static, then dynamic phase of inspection of the location around a motor vehicle; 2) static, then dynamic phase of inspection inside of a motor vehicle (provided that theft has been committed from the salon of a motor vehicle).

Evidently, the static phase involves fixing the scene of theft without disrupting the situation that is to take forensic photos (overviews, mid-range, close-up and detailed) and fix everything in the report of the scene inspection. The description in the inspection report and the methods of photographing must coincide. In other words, the location of a motor vehicle is described, first, to show its relation to two immovable objects (in parallel, an inspector-criminologist makes mid-range photo fixation), then information about a motor vehicle, its brand, model, color, registration number,

etc. are indicated (close-up photography is taken), after that the investigator with the inspector-criminologist inspect the territory adjacent to the motor vehicle to detect traces or tools of the crime (if any they are described in the inspection report and overview photography is taken). When everything is fixed intact, the dynamic phase of inspection can be started with permission to touch everything, turn around, move, open and carry out other actions aimed at detecting traces of a crime and its participants.

However, it is important that if any detected traces (substances, objects, traces-reflections) have been detected, overviews should be taken (to show their relation to a motor vehicle to indicate the location of their mutual location), and then detailed (in the detected form using a scale ruler, and from different sides).

The dynamic phase of inspection of the place around the motor vehicle means to study the detected (traces, objects) on the territory adjacent to the motor vehicle. These can be tracks of shoes (both criminals' and the motor vehicle driver's or, in general, other persons' who are not involved with theft), cigarette butts, separated parts of criminals' clothes, lost items, etc. After fixing their location and general appearance, traces-items can be inspected for possible removal of traces from them and selection of the correct type of packaging; traces-reflections are extracted onto the media after fixation. For example, the detected mike is described, photographed and looked at to find fingerprints on it, etc.; traces of the cutting (the arc of the lock on the motor vehicle gas tank) are also photographed and then describe the location of the discovery, their number, color, size, and then pack in a hard paper envelope or box.

The dynamic phase of inspection inside the motor vehicle (provided theft has been committed from the motor vehicle salon) also covers the static phase. This is because the motor vehicle salon is inspected visually first in order to detect obvious signs of damage to its parts or visible traces. The motor vehicle salon is also photographed by taking middle-range, or in the case of detecting traces, even overviews and close-up. At this phase, all reasonable measures to find and identify traces of a criminal offense and the suspect in the salon of the motor vehicle and on separate objects are taken, for this the objects found are examined thoroughly in detail and in dynamics. If objects are found with traces on them, then they are packed to ensure preservation of such traces during their transportation, however, copies of traces are removed from those objects with traces that cannot be removed themselves (for example,

a dent on the hood of the motor vehicle is copied with silicone paste, and not the whole hood is removed).

In the article, considered information about the scene of theft from motor vehicle enables to conclude that such investigative (detective) action is extremely important for collecting trace information, forming the opinion on the identity of a criminal, reproducing all circumstances of the incident, etc. The tactics of inspection is of particular importance, because application of logically accurate tactical techniques leads to an effective, quick detecting and revealing of evidence, which will serve as an evidentiary basis in investigation of theft from motor vehicles.

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Технічні особливості дослідження місця події в разі крадіжки автотранспортних засобів

Розглянуто поняття слідчого огляду та його види, серед яких виокремлено значення огляду місця події для розслідування крадіжок з автотранспортних засобів. Наведено сутність, завдання огляду місця події таких злочинів. Схарактеризовано тактичні прийоми, які забезпечують досягнення мети огляду. Розглянуто особливості початкового та робочого етапів його проведення.

Ключові слова: крадіжка, автотранспортні засоби, слідчий огляд, огляд місця події, тактичний прийом.