

Possibilities of Applying Forensic Methodology in Latvia and the European Union

Professor Jānis TEIVĀNS-TREINOVSKIS¹
Ph.D. Igors TROFIMOV²

Abstract

The aim of the work is to perform an analysis of certain crimes related to property threats. To analyse the methods and tactics of detection and investigation of the types of criminal offenses under research and 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. The following scientific research methods have been used in the development of the work: the teleological method of interpretation; the comparative method; the method of analysis and synthesis; the methods of induction and deduction; the modelling method. Main conclusions: 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; changes in tactics related to identification and detection of property crimes 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.

Keywords: criminalistics, methodology, investigation, threat object, psychological condition.

JEL Classification: K42

1. Introduction

The topicality of the theme 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. The new socioeconomic and political conditions have created broad scope for the emergence and application of still unknown, i.e. new forms of committing crime³. The introduction and development of modern technologies contributed in some degree also to the adaptation of representatives of organized crime to the situation⁴. 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 the liquidation of the Latvian Police Academy in 2009 is experiencing a certain stagnation. 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.⁵

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 theme is determined by current issues in the field of spread of criminality,

¹ Jānis Teivāns-Treinovskis - Dean, Faculty of Social Sciences, Daugavpils University, Latvia, janis.teivans@du.lv, orcid.org/0000-0002-1440-2153.

² Igors Trofimovs - Department of Law, Daugavpils University, Latvia, igors.trofimovs@du.lv, orcid.org/0000-0001-7539-9499.

³ Nováčková D., Peráček T., Strážovská L., Mucha B., *Financial crime in economic affairs: case study of the Slovak Republic*, „Juridical Tribune - Tribuna Juridica”, 10 (Special Issue), 2020, pp.143.

⁴ Ivančiks J., Trofimovs I. *National security strengthening through the operational activities law*, „Journal of Security and Sustainability Issues”, 6(3), 2017, p.392.

⁵ Ivančiks 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”, 8 (4), 2019, p.571.

as well as dynamics of development of criminal activities⁶, 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 society⁷. In turn, a number of sufficiently dangerous and enough popular types of 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.

2. Material and methods

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

3. Literature review

The criminalistics method answers the questions which specific tactical techniques are suitable to use in the investigation of the certain crime. 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”⁸ [Criminalistics Methodology] and “Kriminālistiskā taktika”⁹ [Criminalistics Tactics] – a group of authors led by A. Kavalieris, “Noziegumu izmeklēšanas metodika”¹⁰, [Crime Investigation Methodology] - A. Kavalieris, “Praktiskā kriminālistika. Izmeklēšanas darbības fiksācija, pēdu un lietisko pierādījumu savākšana un izpēte”¹¹ [Practical Criminalistics. Fixation of investigation activities, and collection and study of vestiges and material evidence]- P. Grieznis, “Izmeklēšanas un kriminālmeklēšanas integrācija”¹² [Integration of Investigation and Criminal Investigation] - Makans L. Miķelsons U., as well as works of authors from

⁶ Vilks A., Kipane A. *Economic Crime as a Category of Criminal Research*, „Journal of Advanced Research in Law and Economics”, 9(8), 2018, p.60.

⁷ Trofimovs I., Teivāns-Treinovskis J. *Impact of globalization on the cooperation related to the investigation of transnational crimes*, „Journal of security and sustainability issues”, 10.2.(5), 2020, p.51.

⁸ Kavalieris A., Birmans U., Heinens B. u.c. *Kriminālistiskā metodika*, Rīga: SIA „P&Ko”, 2005. 595 lpp.

⁹ Kavalieris A., Konovalovs J., Mašošins J. u.c., *Kriminālistiskā taktika*, Rīga: LPA, 1998. 196 lpp.

¹⁰ Kavalieris A. *Noziegumu izmeklēšanas metodika*, Rīga: LPA, 2000. 458 lpp.

¹¹ Grieznis P. *Praktiskā kriminālistika. Izmeklēšanas darbības fiksācija, pēdu un lietisko pierādījumu savākšana un izpēte*, Rīga: Petrovskis un Ko, 2009. 520 lpp.

¹² Makans L. Miķelsons U. *Izmeklēšanas un kriminālmeklēšanas integrācija*. Raksti 4, Rīga: LPA, 1997. 246 lpp.

other countries, for example („Криминалистика”¹³ [Criminalistics] - group of authors led by I. Krilov, „Kriminālistika”¹⁴ [Criminalistics]”- group of authors led by T. Averjanova, „Techniques of Crime Scene Investigation”¹⁵ - Barry A.J. Fisher, David R. Fisher, „Investigations and the Art of Questioning”¹⁶ - Inge S. Bleka, Lawrence J. Fennell, „Корыстно-насильственные преступления: криминалистический анализ”¹⁷ [Acquisitive-Violent Crimes: Forensic Analysis] V. Tishchenko 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 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. Alterations in the existing methodology are connected with new techniques of committing and hiding crimes, 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.

4. 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. Kavalieris 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. The author studied the structure of the criminalistics characterization proposed by Professor A. Kavalieris 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 and it is also necessary to study

¹³ Alekseev N., Krylov I., Lukashevich V. et al., *Criminalistics*, Leningrad, Leningrad University, 1976, p. 591.

¹⁴ Averyanova T., Belkin R., Korukhov Yu. et al., *Criminalistics*, Moscow, NORMA, 2016, p. 228.

¹⁵ Barry A.J. Fisher, David R. Fisher, *Techniques of Crime Scene Investigation*. Eighth Edition. Boca Raton, USA. CRS Press. 2012. p. 529.

¹⁶ Bleka Inge S., Fennell Lawrence J. Fisher, *Investigations and the art of the interview*. Fourth edition - Cambridge, Butterworth-Heinemann, 2021, p. 236.

¹⁷ Tishchenko V., *Violent crimes: forensic analysis*, Odessa, Legal literature, 2002. p. 417.

non-verbal information¹⁸. In order to find out the truth, to draw the appropriate conclusions, one must know the psychological characteristics of criminals and the causes of crimes committed and follow the laws of psychology¹⁹. And all this will ultimately facilitate timely and complete disclosure of crimes.

3. Specific character of tactics of further investigation activities. With the obligatory consideration of the suddenness factor. Suddenness is the key to success in criminal investigation process. The purpose of suddenness of the investigator's actions is to achieve the effect of their unexpectedness. Unexpected can be time of actions, place of actions, content of actions, participants of investigative actions²⁰.

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.

5. 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 murder²¹.

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 profit. The objects of illegal activity of organized crime groups are mainly located in the more wealthy Member States of Western and Northern Europe²². 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"²³). 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

¹⁸Tishchenko V., Vashchuk O., Hres Y., *Formation of the forensic approach to the study of non-verbal information in criminal proceedings*, „Juridical Tribune - Tribuna Juridica”, vol. 9(3), 2019, p. 642.

¹⁹ 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”, vol. 7(1), 2017, p.65.

²⁰ Teivāns-Treinovskis J., Trofimovs I., *Suddenness factor in criminal investigation process*, „Sociālo Zinātņu Vēstnesis”, vol. 1(34), 2022, pp. 142-156.

²¹ Ivančiks 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”, vol. 8 (4), 2019, p.578.

²² Organizētās noziedzības grupas (OCG) un citi noziedznieki. Europol. <https://www.europol.europa.eu/socta/2021/organised-crime-groups.html>, (consulted 1.02.2022).

²³ Analytical report Motor Vehicle Crime in Global Perspective. [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)), (consulted 1.02.2022).

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, 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 examined. 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 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 victim²⁴. 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, 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 vehicle²⁵.

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.

²⁴ 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”, vol. 7(1), 2017, p.60.

²⁵Trofimovs I., Teivāns-Treinovskis J., *Impact of globalization on the cooperation related to the investigation of transnational crimes*, „Journal of security and sustainability issues”, 10.2.(5), 2020, p. 55.

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. 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 country²⁶.

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. 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 accidentally. 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). 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 behaviour of the offender or his accomplices.

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-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.

Specificity of further tactics of investigative activities. 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 off 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 others.

In the course of further investigation, the most urgent action is the search in order to find and seize evidence. 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, 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

²⁶Trofimovs I. Noziegumu, *Kas saistīti ar prettiesiski atsavinātu transportlīdzekļu apriti, izmeklēšana. Mācību līdzeklis*. Daugavpils: Daugavpils Universitātes Akadēmiskais apgāds „Saule”, 2020, 61.1 p.

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 unpleasant²⁷ 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 under inspection, it is recommendable to instruct the police to observe invisible the locality of the spot under 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 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. Kavalieris²⁸ 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 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.

6. 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

²⁷Ibid, pp. 50.-6.

²⁸Kavalieris A., Birmans U., Heinens B., *Kriminālistiskā metodika*, Rīga: SIA „P&Ko”, 2005. 154.l pp.

several types of fraud. The United Nations Office on Drugs and Crime²⁹ 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 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 registered repeatedly on the portal, and, at this moment, the victim hands owner own e-mail and password to the fraudster. 15% of all users at least once encountered online scammers and lost their account data and even payment card data³⁰. 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

²⁹ International Classification of Crime for Statistical Purposes. United Nations Office. https://www.unodc.org/documents/data-and-analysis/statistics/crime/ICCS/Russian_iccs_2016_web.pdf, (consulted 1.02.2022).

³⁰ Shulzhenko N., Romashkin S., *Internet fraud and transnational organized crime*, „Juridical Tribune - Tribuna Juridica” vol. 10(1), 2020, p. 171.

characterizations of the inventor of the fraudulent scheme and organizer are always significantly different from those who are simple doer of fraud. 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 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. Verbal and non-verbal communication in a stressful environment requires special character features and professional skills that no each person can do. 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 activities. 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 profiling³¹ and odorology, 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 their purchase requires financial resources³². 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

³¹ DeMoor S., Beken T., Daele S., *DNA Databases as Alternative Data Sources for Criminological Research*, „European Journal on Criminal Policy and Research”, vol. 23(2), 2017, p. 179.

³² Matthew P., *The Value of CCTV Surveillance Cameras as an Investigative Tool: An Empirical Analysis*, „European Journal on Criminal Policy and Research”, vol. 23(3), 2017, p. 445.

investigation to obtain evidence.

7. 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 Latvia³³. 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 closed³⁴. 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. After choosing a spot of possible criminal offence, criminals must inspect it in order to determine: 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 (Russian Federation, historically a source of looted objects such as icons and other religious art³⁵). In the practice of the authors, there were cases when icons stolen in Latvia were found at an antique auction in Great Britain.

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 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

³³ Trofimovs I., *Ar kultūras objektiem saistītu noziegumu raksturojums*, „Latvijas Zinātņu akadēmijas Vēstis”, A daļa, 74(3), 2020, Rīga, 54.lpp.

³⁴ Ivančiks 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”, vol. 8 (4), 2019, pp.573-575.

³⁵ Thomas S., *Movement of Cultural Objects in and Through Finland: An Analysis in a Regional Context*, „European Journal on Criminal Policy and Research”, vol. 21(1), 2015, p.135-149.

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 too 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 information from the victims, 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 State Inspection for Protection of Cultural Monuments; however, the mentioned archive contains data regarding 1979. 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. 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 necessary. 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.

8. Conclusions

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.

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.

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.

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