

Features of the search for persons suspected (accused) of committing economic crimes

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Abstract. The article examines the issues related to the construction of typical intelligence cases arising in the search activity, in its narrow sense, by which the authors mean the search for known persons hiding from responsibility for the crimes committed. By identifying typical intelligence cases in investigative work, and ways to resolve them, operational officers would be able to more successfully solve intelligence tasks to find hiding persons. The methodology was made up of a universal dialectical method of cognition and a method of modeling. The authors proposed to single out a typical intelligence case arising in the search for a suspect (accused) of committing a crime in the field of economic activity. Based on the results of the study of cases of criminal records, typical features have been identified that are manifested in situations of the search for persons who have committed economic crimes. Based on those a typical intelligence case has been determined. An algorithm for the actions of operational officers is proposed, which contributes to a more effective search for suspects (accused) of economic crimes. The algorithm provides for various types of activities and practical recommendations for actions at various stages of the search.

Keywords: search activity, economic security, situational approach

1 Introduction

Economic criminality is a set of socially dangerous mercenary acts aimed at unlawful seizure of property and natural resources, infringing on the order of economic management, associated with the conduct of financial and economic activities, as well as aimed against the interests of commercial and other organizations [1]. The concept of “economic crimes” includes a broad group of crimes that the legislator grouped in chapters 21-23 of the Criminal Code of the Russian Federation, partly having similarities in their forensic characteristics.

In the 40s of the 20th century, E. Sutherland introduced the concept of “white-collar crime” into scientific circulation, which includes a set of crimes committed by socially significant persons in the field of business who are professionals in their field [2]. Crimes in the field of economic activity, according to V.V. Sverchkova, are deliberate socially dangerous acts that infringe on the economic security of the state, on the procedure for the

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production, distribution, exchange, consumption of material goods (services) established by the law and harm the material interests of the individual, society, and the state [3].

According to the portal of state statistics for 2020, 79129 economic crimes were registered in the Russian Federation, 30384 persons who committed crimes of this category were identified, 33121 episodes of criminal activity were sent to the court, 19133 crimes remain unsolved [4].

The hypothesis of the study is the assumption of the effectiveness of solving problems in the search for persons suspected (accused) of committing economic crimes through situational modeling, by highlighting a typical intelligence case and algorithmic presentation of subsequent decisions made by an operational officer.

The purpose of the study is to develop algorithmic tactical decisions made by employees of operational units in an intelligence case arising during measures aimed at establishing the whereabouts and detention of a person suspected (accused) of committing these crimes.

The objectives of the research are: 1. Defining the concept of a typical operation arising in the process of searching for persons who have committed economic crimes; 2. Determining the most effective tactical solutions for the search for persons of the considered category; 3. Determining the optimal algorithm of actions by employees of criminal investigation units in an intelligence operation.

2 Methods

The methodology of scientific research consists of the universal dialectical method, the situational modeling in the search work of operational units of the Internal Affairs Directorate based on the advanced experience and the study of the practical activity laws.

The problems of algorithmic presentation of intelligence activity have been given much attention in the studies of famous scientists (R.S. Belkin, L.G. Vidonov, N.L. Granat, L.Y. Drapkin, S.I. Tsvetkov, T.S. Volchetskaya, N.P. Yablokov, S.I. Davydov, D.V. Kim, and others).

3 Results and discussion

At present, the search for persons hiding from the bodies of inquiry, investigation and the court is entrusted by the departmental instruction of the Ministry of Internal Affairs of Russia to the units of the criminal investigation department. To solve the problems of search quickly and effectively, it is proposed to simulate the process of locating an escaped criminal in the form of intelligence cases. The most successful definition of an intelligence case was given by S. I. Davydov: "a set of spatiotemporal and other factors that are formed in connection with criminal behavior, characterizing the course and the process of intelligence activity, the conditions in which it is carried out, and at the same time exerting a controlling influence on its organization and tactics" [5].

In our opinion, a typical intelligence situation for the search of a person who has committed a crime in the field of economic activity has its characteristics:

1. The wanted person has financial capabilities: he has been in an illegal position for a long time, can easily leave the Russian Federation, buy false documents, change his appearance. During the investigation, his case, as a rule, is led by a defense lawyer by prior agreement.

2. The presence of contacts in state authorities to obtain information on the conduct of investigative and intelligence measures aimed at establishing the location, choosing a preventive measure, on the time of searches, and seizing the property of the wanted person.

3. The choice of the country of temporary residence is determined by the wanted person based on personal preferences and geopolitical relations of the country of choice with Russia. The key points are: the ability to quickly obtain citizenship (for example, when buying real estate or investing in the local economy), refugee status, the impossibility of extradition to the Russian Federation due to the lack of diplomatic relations or an extradition agreement.

4. The presence of open bank accounts and (or) depository cells in foreign banking institutions operating in offshore zones, as well as payment cards and other means of payment registered in the names of third parties, allows the criminal to freely make money transfers and relatively safely dispose of the stolen goods [6].

5. Continuation of criminal activity in the country of temporary residence by the wanted person using the well-developed and tested criminal schemes.

In the considered intelligence case, the following decision algorithm is proposed:

1. Initial measures (to collect information about the wanted person). In most cases, the disclosure of crimes in the field of economic activity is the result of the criminal intelligence analysis carried out by employees of the economic security and anti-corruption units of the Ministry of Internal Affairs of Russia. It is necessary to collect comprehensive information about the identity documents (civil passport, general civil passport, military ID) and other documents (driver's license, SNILS personal insurance policy number) of the wanted person in the information resources of the Ministry of Internal Affairs.

2. Protective measures. The presence of information about the identity of the wanted person allows blocking his movement through the territory of Russia using air and rail transport even before he is declared on the federal wanted list. Placing control over crossing the state border (it should be noted that after a person is declared wanted by the IC of the Ministry of Internal Affairs of Russia, this control is set automatically at the Border Administration of the FSB of Russia), control over the acquisition of air and railway tickets by "Search-Magistral" (information about the persons put on the wanted list is synchronized with the "Search-Magistral" software and hardware package) software and hardware package even before the person was declared wanted.

3. The main stage. The study of the previous movements (flights) of the wanted person will make it more likely to determine the country of his temporary location. This may be evidenced by repeated trips made earlier to certain states. Joint trips of the wanted person with other persons are the basis for their subsequent profiling along with his relatives and close ties. Determination of the sources of income of the wanted person (including his family members), circle of friends and business partners, analysis of ways of spending money on current accounts, establishing to which current accounts (including those registered in the name of third parties) are the subscriber numbers used by the wanted person "linked to". Considering the spread of communication opportunities, it is necessary to analyze the use of the accounts of the wanted person in social networks (determination of ID and IP addresses, as well as MAC and IMEI device numbers), and others. It seems to us that the success of the search for persons who have committed economic crimes largely depends on the quality of the intelligence measures at the stage before the initiation of a criminal case. Since it is at this stage that people in the overwhelming majority of cases are unaware of the presence of compromising materials in law enforcement agencies and do not take measures to conceal both their property, themselves, and their family members.

4. The stage of establishing the whereabouts of the wanted person. The main step in the situation under consideration is the announcement of an international wanted list of the disappeared person with the simultaneous change of the preventive measure to detention. Arrangement of active search measures to establish the whereabouts of the wanted person is carried out based on the relevant instructions [7]. Timely receipt of information about the intentions of the wanted person's relatives and close people to leave Russia, and sending an appropriate appeal to the NCB department of Interpol, allows organizing intelligence

activities on the territory of a foreign state. As a rule, it is easier for operational units to establish the whereabouts of a wanted person on the territory of a foreign state than to return them to the territory of the Russian Federation to bring them to criminal responsibility.

5. Stage of refusal to extradite. Despite the existing problems in the extradition of criminals, it is necessary to continue interaction with neighboring countries participating in Interpol to track the whereabouts of the wanted and initiate the extradition process.

An example of such interaction is the extradition in 2018 of a citizen of Moldova called B., wanted in the Russian Federation on charges of fraud. B.'s extradition was carried out by Poland after he was detained at a checkpoint on the border with Slovakia. To arrest B., the officers of the Criminal Investigation Department of the Ministry of Internal Affairs of Russia maintained correspondence through the NCB Interpol with the neighboring countries of Moldova. Previously, B.'s whereabouts were established in Moldova, but his extradition was not provided for by international treaties due to the citizenship of the country of residence. It is the fact from the archive of the CID of the Russian MIA Administration for the Kaliningrad Region for 2018

As it was noted in the press, “despite the policy (of sanctions) carried out against Russia by several countries, the General Prosecutor's Office of the Russian Federation continues to actively participate in international cooperation. On issues of extradition and legal assistance in criminal cases, we interact with foreign partners from almost 80 countries of the world.” In general, it was possible to maintain a high level of international cooperation, and with some partners, the level of interaction was increased (Italy, Greece, Switzerland, Spain, France, Cyprus) [8].

An opinion considering the rejections to extradite the wanted to the Russian Federation is expressed based on the fact that Russian penitentiary institutions are subject to wide international criticism, citing egregious facts of violation of the rights of prisoners [9]. An example of this is the refusal to extradite Olesya Fotinova to the Russian Federation [10]. Following this decision, in several cases, the British court did not even consider other arguments presented by the defense, for example, political motivation, and stopped the prosecution only based on Art. 3 of the European Convention on Prison Conditions [11]. This was the position of the courts prior to the consideration of the “Russia versus Kononko” case [12], in connection with which Russia announced its ability to provide the necessary evidence, and a number of Russian extradition requests began to pass through the British courts again [9]. In the Kononko case, the Russian authorities successfully interacted with the British authorities in extradition procedures. The British prison inspector visited the FSIN facility [13]. Thus, the decisive factors for making a positive decision on extradition to Russia were the results of specific checks of the conditions of detention in Russian penitentiary institutions, being the pinnacle of all the previously successfully carried out work on the international search [14].

4 Conclusion

Having considered a typical intelligence case that develops in the process of searching for persons of the considered category of criminals, it should be noted that the effectiveness of the search depends on the interaction of employees of operational divisions of the criminal investigation department, economic security and anti-corruption divisions. We see the way to activate such an interaction in registering operational cases for the search in both divisions, in the creation of joint operational groups, as well as in the improvement of the extradition process by concluding additional agreements with other states.

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