

UDC 343.2

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TRICKY IMPLEMENTATION OF SERIAL CRIMES AND FACILITIES OF ASSET RECOVERY

Introduction

Action against organized criminal groups for any investigating authority in states does not mean an easy task. On one hand the distribution of tasks can be challenging, on the other hand conspiratorial under hypothecation hierarchical relationship is characterized by the perpetrators of circles.

In my study I shall focus particularly on organized formed serial perpetration when perpetrators self-styled as the victim's adherent. Of course I had this discussion topic framework published by limiting itself, which for this reason can not fire the goal of the extensive detail.

The offending line in each case is characterized by more or less the degree of organization. The presence of organized crime result in serious damages to the subjective sense of security of the society.

The so-called «olding» is not a new destignation of acts of perpetrating groups who take advantage of senior people's gullibility, adherence to family, etc. when a crime is committed to their violation. The commission is based on the sharing of roles, which in itself makes the operation well organized and more

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efficient, because everyone can do their best during the well planned implementation. However, activity level remains unchanged and is not absolutely necessary for someone at a similar activity level like many others and for activities on the upper level. This way they are independent and no reliability for others is needed. Different workflow coordination and controlling shows a similarity mark which is well-kept for example in a legally operating long profitable company. The difference between illegal or violent actions, or in the hierarchy can only be measured in loyalty. Occasionally, so that the «criminal head» is not known to the «executing soldiers» and the level «managers». The principle wants to know as little as possible, which will gain importance during the interrogation; it is not known whether the offender is eligibly dependent, although they'd have the skill involved in it.

One of the main characteristics of organized crime circles series is to commit crime regularly. Maintaining a steady income to make the organization functional is indispensable, but also manifests itself in continues expansion.

It is necessary for the implementation of the detection and investigation of the highest degree of professionalism to proceed to the investigating authorities, This method allows completion of a series of committing the detection of crime series interrupt and proof is needed, and the purchase of used legality of detention of evidence.

Malfunctions of the dual approach statistics, crime has elucidated when similar types of crimes are attempting to merge, reducing inefficient detection indicators.

It is natural that when a series of crime is detected, similar crime committers will be the focus of the investigation. The series of crime must be able to recognize the characteristics of committing the conclusions. Series of offense are generally characterized by an open investigation and the operative investigation going on in parallel. Investigator and the operational case-owner

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keep in regular contact with each other and exchange information during the investigation.

The operational investigations generated information obtained directly use the open investigation, but in accordance with the rules of conspiracy, may provide guidance so that may direct your attention to the right direction.

Serial Nature

One very important area for the fight between the delinquency and the criminal investigation is the recognition and locate subject of series crimes. Improving detection indicators, reduction of losses, increase recoveries require offensive explore from the law enforcement organizations.

On serial crime, such as forensic concept – taking into account the experience of the past few years – we have heard more frequently in everyday life and meet it in the investigative work.

- The concept of serial committal: «It is an analogous, malicious act repeated offenses, which combines the motivation and the general purpose unit, as well as the close inter-relationship.»²

- Subjective: The person who performing the various investigation/solve activities, investigative, analytical, scout, who is involved in the investigation.

- Object: The information, news, and all the data that we need to analyse in our work.

- Goal: To make more effective investigations of serial actions, to recognize them, intermit them, in order to explore and impeach the perpetrator's circles.

- Result: The work carried out through versions from the likely to the certainty of exploration objective truth.

• 2 Dr. Barta Endre: A sorozat betörések felderítésének, bizonyításának elmélete és gyakorlata / Dr. Endre Barta: Briefing and verification of serial burglary's theory and practise (Rejtjel publisher 2001.)

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- Theoretical base: Through the analysis, the evaluation process is characterized by the theoretical basis of purpose limitation. The available data is analyzed on the basis of part-whole relationship made the right conclusions from the information fact occasion.

During the exploration, the series of acts carried out to determine the nature of the crime analysis and evaluation, permits that the previously implemented – possible links between crimes remained undetected and explore, and the other to become the same offense as potential offenders.

Crime as A General Mass Phenomenon

«The delinquency means a continuously changing social general phenomenon which means the committed crimes and their perpetrators in a certain geographical area in definite term»³

New crime types and commission methods were observable after the change of regime. The number of the crimes against the economy one or a property increased on a manner exceptionally as a result of the privatisation, the organized crime appeared on wider spectrum furthermore.

The delinquency as a phenomena has direct influence on everyday life. It can be observable in a lesser or greater measure all of every society. It is possible to bring it to an end hardly as a phenomena, but to ensure keeping him on a minimalized level is not a dead-end fight. The delinquency defines the quality of our living standard. The social champing and cooperation are necessary controls above the delinquency because of this. The consensus between the society's law-abiding citizens and the state's criminal investigation, crime prevention activity yields it collectively and shapes the public safety. The picture formed about the public safety and the subjective sense of security strongly shows a subjective picture.

³<https://www.ksh.hu/docs/hun/xftp/idoszaki/regiok/orsz/ismertbun.pdf> Előszó, 4. oldal

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In different groups of society opposite the crimes tolerance can differ, for this can be attributed by the subjective judgement.

The delinquency and the criminal plots threaten the individual's sense of security, the parts of which the personal and the financial safety are.

Modus Operandi

Gist of that modus operandi is generally that the perpetrator calls the victim by phone and introduce himself in a crying, pleading voice as the old person's grandchild. The story sometimes changes, but the method and its choreography are typically the same.

The offenders clearly realized that they can scare the elderlies most effectively with their loved ones in trouble.

On the grounds of the beginning of my study, scaring the elderly with the story that their loved ones is in trouble, which is especially true if the beloved relative is sobbing on the phone, saying «Only you can help grandma!». The victim without thinking take her money and gives it to the person who arrives for the money referring to her grandchild. The grandchild impersonator will be calling again, because if she is talking with him, she can not call the police or other relative. In some cases, when the victim starts to suspect during a call, that the offender says he is from the police and give the money to the person who arrives for it, because she is a victim of a fraud, but don't care, they will catch the offender.

It happens that the pursuivant will be covered for his partners by lookout and notation and when they realize the presence of police, they stop their activity.

The victim is reserved by the shocking pulses until the pursuivant arrives for the robbery what can also be jewelry not just cash. After that the «untrue-grandchild» wont answer the phone anymore, because he gets rid of the SIM card and the mobile phone, which he bought with stolen documents or by vulnerable fate, or by gullible people. In most cases the elderly, deluded people

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act by thinking logically without asking for help. In many cases they do not call back the «distressed relative» and confirm the veracity.

According to EUROPOL survey , behind this cases there are criminal organizations with international relationships. A separate group performs the selection of victims. A survey produced by the EUROPOL between 2006 and 2012 shows that 7500 old people were deceived by that «grandchild-trick» and stole 75 million euro.⁴

EUROPOL collect and organize data raised by the groups of offenders under a scheme set up specifically for this purpose since 2006.

The OLAF⁵ and OCG⁶ lend assistance to member states in promoting the exploration success.

The offenders with their high psychological-creating skills decide after the victim's first reaction to that pass themselves off as members of the family.

The acts are fraud misdemeanor and felony on the basis of Act C of 2012 on the Criminal Code Section 373.

On the basis of Criminal Code 373 Section 1 Article, (1) 'Fraud' shall mean when a person uses deceit, deception, or trickery for unlawful financial gain, and thereby causes damage.

The protected legal interest of fraud is the social interest linked to extend property rights. Conduct of the crime is to hold or continue to hold a false belief. Basis of that conduct is the hold a false belief, because the perpetrator makes a mistake by existing falsehood as real.

Hold a false benefit can take place by setting. The offender's deceptive conduct does not necessarily to have to be devious.

In view of the possible variants of possible behaviors, the legislature has not set a specific or exhaustive offense method.

⁴ <http://nol.hu/belfold/euromillioikat-csalnak-ki-az-idosektol-az-unoka-trukkel-1507499> download: 2015.10.25.

⁵ EU Anti-Fraud Office

⁶ Organised Crime Group

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Fraud is a result crime, terms of effect is the damage. A further condition of implementation to be a causal link between the criminal conduct and the damage.

Fraud is an intentional offense, intent of the perpetrator is the unlawful financial gain, the formation of intent should be preceded by deceptive behavior. The fraud has been finished by caused damages linked to conduct.

The basis of domestic practical experience the criminal groups divided into three parts.

First to be mentioned are the Guides, who are responsible for co-ordination of the logistics team that ensures that devices used to get convicted. Ex.: vehicles, telephones, SIM cards. Additional tasks are to delimitating the potential victims and to management postilions. The most common selection of victims are by using phone books and phone disk.

Postilions takes the money or jewelry from the victim. They can be replaced in the organization, they are loyal to interact with the hierarchy above them.

In case of realization the already caught offenders don't make incriminating statements to their fellows in crime, because its not their concern. As described above, if they wanted to they could not. In case of people that are caught in the act of committing a crime and if they recognized the crime they just say that an unknown person entrusted them to take over an unknown envelope and delivery it to a predetermined location.

Generally they claim that they undertook a courier role for a drink invitation in a pub or just for a few thousand forints as compensation.

«Grandchild-trick»

Offense against the law starts with dialing with the phone number of the victim and the forerunner of the legend. The legend is usually used in a story that older people are vulnerable to, shock them, thus paralyzing them off logical

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thinking.

- Sometimes the caller is logged as a relative who meet with an accident, road traffic accident caused by drunk drivers, and only escape impeachment by the authorities, if the other party immediately reimburse the damage done.

- Common story is that reference is made to a foreign organized criminal groups who belong to the legend handler «related» and therefore was kidnapped and detained, releasing it depends on finding someone who will instead settle the debt.

- Years ago, in the Hungarian news coverage it could be heard frequently in the domestic air rescue financial troubles. It was a good opportunity for those perpetrating fraud when elderly victims called by the perpetrators of that their beloved relatives are badly wounded in a bad accident and an air ambulance transport is needed to the hospital, but its necessary for them to pay the outlay amount that the social security will pay later.

- It is also seen that the caller stated that rapid help has become necessary because of buying a home, or they will lose the deposit, or a good bargain purchase fails.

In every case when selecting the legend the point is that the legend must be suitable for deciding on the victim's emotion, to be realistic why and the reason to hand over money or jewelry for an unknown person

The caller has to change his voice, if not, the victim can strike out that («it is not my grandchild sound level») it is a scam. Mature answers to these comments usually are the grandchild bite his tongue in the accident, he can not speak caused by the illness, or he is crying because of the trauma.

Over a few hours the perpetrators call round various people while they find a potential victim. Through the analyzing from the call history data it is clearly visible that subscribers to the corresponding call numbers usually follow each other in alphabetical order, as happens in the telephone book selection.

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A person without medicines who is awakened from a sleep is in a discombabulated estate which in can not concentrate fully. Stimuli of the outside world are less able to receive or respond to them like in a waking state.

The courier's clothes will be greatly recognizable in the future. Ex.: Hooded sweatshirt, baseball cap. If its possible, he pays attention in the corridor: only his outlines will draw of the lights. He is talking as much as necessary and almost leaving immediately.

Sometimes it happens when the victim takes the money or jewelry into the place of rendezvous, or just a taxi car as a courier comes to the victim's address.

The selection of potential victims less often, but preliminary data collections are also possible on perpetrators site, when they presented themselves as a charitable organization employees, municipal employees.

As mentioned, the callers have sophisticated flair, the ability to shape the conversation that the victim himself betray the essential informations, the respective first names what they can use in the construction of improvised story.

Asset Recovery

A large number of perpetrations express a negative impact to the subjective sense of security of the population.

The authorities and the judiciary are responsible for serving the needs of victims that caused the damage as much as possible can be repaid. As a result of these claims, on the basis of judicial experience was enacted in searching for, identifying and do recoveries for police tasks, income and other property-related offenses from criminal activities on 45/2010. (OT 25), The National Police regulations.

The statement introduction is: to The Police investigating authorities in an effective and proportionate use of available forces and means should strive to against property, as well as in other significant financial benefit promise crime

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detection, investigation and proving seek financial advantage from committing the crime, map out the perpetrators financial situation.⁷

The 18th state of the regulations sums up the possibilities of investigating authorities in order to request information for asset recovery.

According to the list we can get informations:

- data warehouse managed by the competent investigating authority analysis and evaluation department;

- from the personal data and address records;

- from vehicle registrations;

- from the court records;

- from the Land Registry records;

- from the prosecutor's office;

- from the courts;

- from the National Tax and customs office;

- from notarial records;

- from other police agencies;

- from public and professional supervising agencies;

- from the economic and financial representative agencies;

- from Europol;

- from Interpol.

While questioning the victims we must reveal them if they desire to enforce their civil claim in the proceedings, propose to the property of the defendant, specified portion of the property or assets of certain sequestration of.⁸

⁷ Instruction on do in order to explore, identify and recoveries of income and other assets related to the offense from the crime police tasks 45/2010. (OT 25.) ORFK regulations

⁸ Act XIX of 1998 on Criminal Proceedings Section 159 (1) Sequestration means the suspension of the right of disposal over sequestered assets and property rights. Sequestration may be ordered by the court. (2) If the proceeding regards a criminal offence where forfeiture of property may be applied, or if a civil claim is enforced and there is reasonable ground to fear that its satisfaction will be frustrated, sequestration may be ordered on the entire property of the defendant, designated part thereof or certain assets in order to ensure coverage for the above. Sequestration may be ordered in respect of the property, property part or individual asset which may be

It may be a financial institution requests addressed before the capture of offenders. A request addressed to the so-called «all financial institutions» can be mapped to the concerned people and their relatives banking relationships by taking care of obtaining copies of account statements.

With a forwarded request to The BISZ Central Credit Information Office we can get useful data for asset recovery from the individuals credit institution debts.

The person, address, vehicle, land registration and «Netzsaru» system can be mapped based on the TAKARNET to those affected and their relatives have a greater value of a car, what kind of value and number of pieces of real estate provides, when, from whom were in possession.

To The National Tax and Customs Office, the Regional Labour Centre, the National Health Insurance Fund official requests will be demonstrated that the defendants and their relatives have no legitimate source of income. The documented expenditure demonstrated against alleged lack of legal sources of income, some indirect evidence may support the suspicion of criminal lifestyle.

We can keep track perpetrators and their environment, mediated outside world lifestyle even of Internet social networks as well. It is advisable to take care of evacuating those photographics and comments that can be revealing in the light of the foregoing, and the suspect defense can be refuted by themselves.

Typically the perpetrators defend themselves with they had nothing to do with their relatives poperty.

During the house searches must be take a special attention to evidence of major expenditure accounts, contracts, costly foreign trips photoes categories of high-value items of furniture. It is recommended to accurate documentation and seizure.

subject to forfeiture of property but which is not in the possession of the defendant. The registration of the sequestration in authentic records shall be arranged for without delay. In the absence of authentic records as specified in a separate legal regulation, the business organisation affected by the sequestration shall be notified.

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If the legal requirements allow this, it is justified to seizure of offenders' owned vehicle.

Seals investigative stage of the proceedings ordered by the investigating judge.

It is recommended by the National Tax and Customs notification of findings made during the investigation, subject to the terms and conditions to start on those affected and their families in terms of wealth accumulation inquest.

- If the caller does not go away, out of turn they have to invite a relative of their family, or their neighbors.

- Try to keep most of their money in bank accounts, at their homes keep only a «spending money» what they need in a day. It is advisable to take their other valuables, jewelry into bank valut.

- Take care to their neighbors as well. If they see their old familiar round strangers, let's start to suspect and call the Police.

- All the residential community to be a few people who increasingly pay attention to the elderly, if necessary, call the police immediately.

-Finally, in an appropriate emphasis should be explained, it has utmost importance that the police obtain knowledge of the largest possible number of case, because of that they have to report all cases in the central hotline, or in person in the nearest police station, or in guard-house.

Summary and Conclusion

Quantitatively and qualitatively reducing crimes is a realistic goal which should be achieved by the police, working together with the local governments and other non-governmental organizations to reduce the number of opportunities for crime and to effectively participate to shape the public consciousness.

To reduce the risk of being victim, citizens' knowledge should be expand by methods for each offense and the possibility of prevention. Regional papers

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can be a major support to each capacitate humans can develop healthy self-defense reflex. Lack of financial means we can either retail patrolling to increase the level of safety.

Regional character «Victim-helper» information, information and advisory agency has a particular importance achieving the goals of preventive.

Operation of the Victim Protection Bureau also can be mentioned in this section. Raising awareness of victims' rights, asset protection advice may inform victims of crime during the case of official measures to be certified correct behavior, conduct of the proceedings. Social workers, Civil Guards, Association of Retired stories, old day-care and other charitable organizations may be involved in to educate people who living alone and the elderly, apart from the police. The public exposure of institutional information boards, leaflets may also provide help as well as similarly involved security and safety companies.

We need to encourage elderly to discuss a password with their adherents what they have to say at the beginning of calls, because of the identification.

We also need to teach them to do not share informations about themselves in case of incoming call and do not say their adherents names' at the beginning of the call.

Now has become commonplace in the perception that the fight against crime, law enforcement and the criminal justice effective interposing itself may not have sufficient means to compete with the growing attacks against property without citizens 'self-defense'.

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Boi L.

Складні випадки здійснення серійних злочинів і заходи щодо повернення активів

За даними дослідження Європолу, за серійними злочинами стоять злочинні організації з міжнародними зв'язками. Окремий група виконує вибір жертв. Дослідження, що проводилось Європолом між 2006 і 2012 роками, показує, що 7500 людей похилого віку були обмануті «онуковою витівкою» і обкрадені на 75 млн євро.

Ключові слова: відновлення активів, онук, трюк, серійне вчинення, організована злочинність.

Boi L.

Сложные случаи осуществления серийных преступлений и меры по возвращению активов

По данным исследования Европола, за серийными преступлениями стоят преступные организации с международными связями. Отдельная группа выполняет выбор жертв. Исследование, которое проводилось Европолом между 2006 и 2012 годами, показывает, что 7500 пожилых людей были обмануты «выходкой внука» и обворованы на 75 млн евро.

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Ключевые слова: восстановление активов, внук, трюк, серийное совершение, организованная преступность.

Bói L.

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According to EUROPOL survey, behind this cases there are criminal organizations with international relationships. A separate group performs the selection of victims. A survey produced by the EUROPOL between 2006 and 2012 shows that 7500 old people were deceived by that «grandchild-trick» and stole 75 million euro.

Key words: asset recovery, grandchild, trick, serial committing, organized crime.

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