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**Main directions and methods of operational search activity  
in process of detection of legalization (laundering)  
of incomes received by criminal way**

**Abstract:** Quantitative and qualitative characteristic of criminalistically significant signs have the most important informational meaning for successful resolution of the main objectives of investigation, then we may conclude that professional registration of tactical and methodic particularities of exposure, examination and usage of factual data that contain in traces of crimes (what especially important at preliminary stage of investigation), allows successful overcoming appeared problematic situations.

Initial data that is formed at this stage in cases of their optimal search, analysis and effective application by employees of law enforcement bodies allow firstly timely prevent prepared criminal offense, secondly, to use professionally the results of operational activity in process of proving, thirdly, in course of production of procedural actions to detect and examine new proofs. Performance of these tasks gives an opportunity to formulate sufficient evidential base for successful disclosure and investigation of more complicated and masked crimes, to number of which, first of all, it should be attributed legalization (laundering) of criminal incomes.

**Keywords:** operational search activity; legalization (laundering) of incomes; tracing information; investigative situation; ultimate fact; criminalistical situation studying; Law of RF ‘On OSA’; operational search information.

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Content and structure of standard operational search and investigative situations, which appeared in process of detection and investigation of legalization of incomes received by criminal way besides traditional forming impact of informational and tactical factors, is determined also by less influence of the way of crimes' commission. Entering in functional set of the way its structural elements (techniques, methods, acts etc.), their different combinations impact in various ways onto environment, interact with its different objects. In course of this interaction the specific traces (signs) of a way of crime is appeared, which in criminalistical attitude might be considered as informational signals [9; 1, p. 227-246; 8].

Quantitative and qualitative characteristics of tracing information, a level of its latency depend in much extent on particularities of the way of crime's commission. Certainly, to every specific way, which used by criminals at commission of separate offence, have its own criminal 'hand', its individual nature. However in science (but in practice!) we need to be disengaged from individual (single) and to be concentrated on generalization of group (particular).

For process of detection and investigation of considered type of socially danger offense the differentiation of crimes into the two main groups has a great significance:

- group of crimes, ways of commission of which directed only on legalization (laundering) created previous criminal incomes (first classification group);
- group of crimes, ways of commission of which simultaneously (or almost simultaneously) directed in creation of criminal funds, and their legalization.

This integration of two criminal aims and two directions of criminal activity sufficiently influences the both in the process of trace formation and quantitative and qualitative characteristics of tracing information, and in techniques and methods its detection, examination and usage. At the same time we should note that much criminalistically significant signs of crimes' ways relating to the both



classification groups may coincide in full between each other. This comes due to the fact that separate techniques, methods and actions of criminals influence on external environment though come in structure of the ways related to different classification groups of crimes.

However considerable number, not less important in informational attitude, signs is differentiated from each other with quite sufficient group characteristics. Namely these distinctions have a considerable forming impact on appearance of operational and investigative situations. In this connection with the fact that quantitative and qualitative characteristic of criminalistically significant signs have the most important informational meaning for successful resolution of the main objectives of investigation, then we may conclude that professional registration of tactical and methodic particularities of exposure, examination and usage of factual data that contain in traces of crimes (what especially important at preliminary stage of investigation), allows successful overcoming appeared problematic situations.

Initial data that is formed at this stage in cases of their optimal search, analysis and effective application by employees of law enforcement bodies allow firstly timely prevent prepared criminal offense, secondly, to use professionally the results of operational activity in process of proving, thirdly, in course of production of procedural actions to detect and examine new proofs. Performance of these tasks gives an opportunity to formulate sufficient evidential base for successful disclosure and investigation of more complicated and masked crimes, to number of which, first of all, it should be attributed legalization (laundering) of criminal incomes [10, p. 94-97].

There is existed a few definitions of a concept of crimes' detection. Perhaps, the most exact of them determines disclosure of crimes like an activity on investigation of socially danger deed, directed on reception of evidential or other information on criminal event and personality of guilty that sufficient for



elimination of problematic situation in respect of these important structural elements of a subject of proving [4; 7, p. 26-38; 3; 5, p. 25].

At the same time, multi-staged process of search, fixation, examination and usage of dominating part of polarizing (tactical), and moreover procedural (evidential) information, in great extent determined by trace-transmitting particularities of the way of crime's commission and trace-perceiving characteristics of reflecting environment (in investigated category of criminal deeds this is, first of all, the documents).

In connection with the fact that traditional process of trace-forming appears and develops in frames of criminal situation and concealment of the traces typically happens in bounds of post-criminal situation [2, p. 26-28], we may conclude about close informational ties of named situations with operational and investigative situations: the more traces of crime (potential proofs) are appeared the less of them concealed; more so it is possible an emergence of non-problem (favourable for disclosure) operational and investigative situations [12, p. 94-109].

In whole, supporting a concept of criminalistical situation modeling developed by T.S. Volchetskaya we would like to make some remarks:

1). First of all, we should note that an author does not include situational structures of the way of crimes' commission, when concealment of the traces is carried out not only in post-criminal situation but also in course of realization of other stages of the way. First of all, legalization (laundering) of criminal incomes is related to these criminal deeds.

2). Included in a content of criminal situation the structural elements: subject, object, process, situation, means, motives, purposes and results of criminal activity almost coincide with the content and structure of criminalistical characteristic of crimes. At the same time the author does not consider such important components like behaviour of criminals and victims, mechanism of trace-formation and localization of crime's traces [2, p. 28].



3). T.S. Volchetskaya considers distinguished by her criminal, operational, investigative, judicial and expert situations as one-ordered subsystems that seems wrong as criminal situation, which consists of pre-criminal, criminal and post-criminal situations, determined by criminal activity, whereas other kinds of situations associated with activity of law enforcement and judicial bodies on prevention, disclosure, investigation of crimes and examination of criminal cases.

4). Unlike the doctrines on criminal and judicial situations are integral parts of only one criminalistical situation modeling and are studied only by one science – criminalistics [2, p. 22-23]. Moreover, we believe that criminal situations, as they are actualized by actively operated subjects-criminals, in great extent should be studied by criminology and criminal law, and judicial situation – by criminal process, whereas in studying of the three others abovementioned situations, undoubtedly dominating role belongs to criminalistics.

5). Asserting that an object of criminalistical situation modeling is a variety of studied by criminalistics the situations, which are appeared and examined at the stages of institution, investigation and examination of criminal cases [2, p. 22], the author extended a number of the object of studying, having included in them not only criminal and post-criminal situations, but also pre-criminal situation, which more often emerge before institution of criminal cases.

6). At last, it casts doubt an assertion about the fact that one of the objects of criminalistical situation modeling is the situations that emerge in the criminalistical science [2, p. 22], as these ‘inner’ problems, which ever on determination of T.S. Volchetskaya are not related to criminalistical situations, are resolved by scientology, and also in course of historical, theoretical and methodical research conducted not only in frames of criminalistics and not in section of criminalistical situation science.

Nevertheless, inclusion by T.S. Volchetskaya of operational search situations (which may emerge also before institution of criminal cases) in sphere of research



of criminalistics, is seen very fruitful and perspective not only for this science but also for practical activity on detection and investigation of crimes, especially such latent and multi-staged, which are characterized with considerable timely and ever more territorial duration, like legalization (laundering) of criminal incomes. Almost all criminal cases of considered category are instituted on the results of operational searching activity. Wherein operational searching materials might be divided into the two big groups:

- the cases of operative register, which are formed in result of conducting of secret operational searching measures made on initiative of the inquiry bodies;
- the cases of operative register, which are formed in result of operational searching work conducted on signals (information) of credit financial, auditing and other bodies and institutions, information of mass media, and also citizens.

There are no especial informational distinctions in materials of the both abovementioned groups as the law enforcement bodies in the both variants of activity may use and use all set of operational searching measures enshrined in Article 6 of the Law 'On operational search activity' (hereinafter, the Law 'On OSA'). However such equality in the results of operational searching activity might be only achieved in cases of strict observance of the rules of conspiracy, making additional measures on legend and coding of conducting measures and non-admission of unauthorized information leakage, especially in the second variant of production of operational search measures.

Operational search activity might be divided into the two stages: production operational search measures (hereinafter, OSM) and other actions before institution of criminal case (first stage) and after its institution, parallel with conducting of preliminary investigation, upon observance appropriate norms and rules of interaction and registering of emerged on a case concrete (specific) situations (second stage). Main complexities, which operational employees of inquiry need to overcome are determined, mainly, by necessity to eliminate the difficulties of



problematic nature and preventing of negative influence of the factors of tactical risk, which permanently ‘accompany’ production of operational search situations. Specific features of operational search linked, mainly, with sufficient difficulties emerging in process of obtaining and using of information, without which it is impossible to fulfill the complicated tasks that set before bodies and officials carrying out operational search activity (Article 2 of the Law ‘On OSA’). Lawmaker differentiated these tasks on three main directions of operational search activity:

“1. Disclosure, prevention, constraint and detection of crimes, and also disclosure and establishing the persons who prepare, commit or committed them.

2. Search of persons, hidden from inquiry bodies, investigation and court, evading from criminal punishment, and also a search of missing persons.

3. Collection information about events or actions which can be threaten to state, military, economic or ecological security of Russian Federation” [11, p. 35].

These common tasks of operational search activity at their concretization with considering of particularities its conducting on researched category comes to the following:

1). Detection of the sources (carriers) of information and obtaining operative data about the facts, ways and canals of legalization of ‘dirty’ money, persons who involved to these deeds.

2). Establishing the episodes of criminal activity of persons involved in their commission and other circumstances of creation of ‘dirty’ funds.

3). Obtaining information about characteristic and amount of criminal funds, their localization in bank accounts, in securities, cash money, immovable and other property.

4). Detection of connections and relations between owners of criminal funds and persons assisting them in laundering, saving (concealing) and other operations (deals) on using of legalized capitals.



5). Conduct the measures on search of concealed criminal incomes with purpose of their further confiscation.

Analysis of the tasks of operational search activity shows that their successful resolution is impossible without preliminary obtaining of sufficient information for such type of tasks. Comparison of these tasks with the list of OSM (part 1 of Article 6 of the Law 'On OSA') consisting the content of researched activity, allows concluding about its searching directness, and also on probabilistic nature of operational information received in result of conducting these measures.

Degree of probability and level of reliability of operational search information depends on quantitative but ever more on qualitative parameters and canals of its receiving.

Problematic difficulties are undoubtedly main obstacle for successful conducting OSM. They have been determined by absence of concrete and sometimes approximate data about the sources (carriers) of information on events (facts), ways of commission of illegal deeds, about organizers, executors and other circumstances of legalization of 'dirty' money and property. As rule, before making operative decisions about production of OSM in respect of specific legal entities and physical persons, employees of inquiry bodies have a standard informational data that consist mainly of insufficient on volume and probabilistic on content information.

First standard base consists on data about way of life, behaviour and contacts of suspected persons, character and directness of economic and financial operations and deals, availability of big bank deposit and property, mostly registered at figureheads, bogus firms etc., allowing to conclude about laundering of criminal incomes.

Second standard base contains information about the facts of possible commission a crime by certain persons and capitals gained in result of that.





Third standard base contains information both the main offenses and laundering 'dirty' money.

Certainly, an optimal variant is availability in disposal of operational search bodies information that testifies both about facts of possible laundering of criminal incomes and the episodes of 'main offenses' (third standard base). However, operational data, which separately contains information either the facts of legalization of 'dirty' money (first standard base) or about episodes of creation of shady capitals (second standard base) can also serve as sufficient ground for beginning of operational search development and institution of a case of operative records (COR-Article of the Law 'On OSA').

However, as it was noted above, all information, which are contained in three standard bases, has neither reliable nor evidential nature, and therefore operational search versions, as rule, less probable than investigative versions as considerable part of actual base of the latter together operational data and other orienting information consist procedural proofs. In addition, even at preliminary stage of investigation a volume of initial data and accordingly actual base of evidential version is more considerable. These positive factors give opportunity to optimize a process of designing and checking of investigative versions, successfully to overcome problematic difficulties and receive reliable knowledge on criminal case [6].

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