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UNIVERZITET CRNE GORE
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arrs

SLOVENIAN RESEARCH AGENCY

THE ROLE OF UNDERCOVER INVESTIGATORS IN PREVENTING HIGH-TECH CRIMES

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Introduction:



Computer technology has become an inevitability and a necessity for all members of society.



The fact that computers are used in almost all aspects of our lives indicates the possibility of their various abuses.



If we consider numerous characteristics, we can observe that the primary characteristic of computer crime is a high phenomenological diversity, as well as the specificity of the perpetrators of these criminal acts, as well as the specificity of the cyberspace in which computer crimes take place.



Introduction:

WHAT ARE THE MOST COMMON TYPES OF CYBER CRIME?

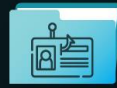
Top reported cyber crimes in the U.S. include the following:



Phishing



Extortion



Identity theft



Debit and credit card fraud



Personal data breaches



Sources: FBI Internet Crime Complaint Center, Norton, PNC Insights

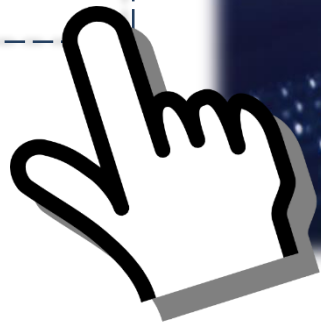
Organized crime is a specific form of modern forms of professional crime that differs in many characteristics from traditional forms of criminal association, as well as from classical forms of crime at national and international levels.



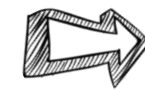
Investigative measures in high-tech crime



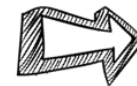
The provisions of the ***Criminal Procedure Code*** are relevant for detecting and proving criminal offenses that fall within the scope of high-tech crime, both general and those whose application is allowed only in cases of certain criminal offenses and under certain conditions.



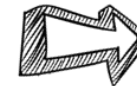
The legislator has provided for the following special investigative measures:



secret communication surveillance,



covert monitoring and recording,



simulated transactions,



computer data search,



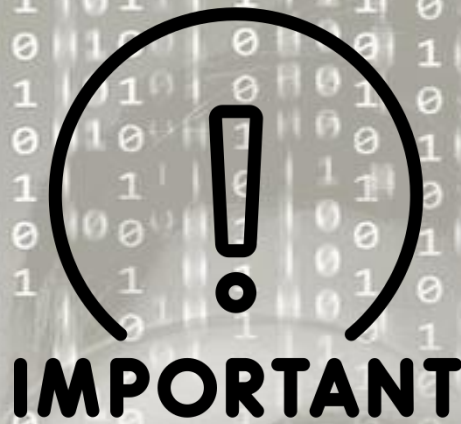
controlled delivery &



undercover investigator

The concept of an undercover investigator

- ✓ *The concept of an undercover investigator has developed due to the necessity to provide adequate access to evidence in criminal proceedings, which cannot be obtained through other methods. One of the most difficult criminal offenses that gave rise to this concept is the crime of organized crime.*
- ✓ *The modern era is characterized by a high degree of dynamics and rapid development of technology and science, which are increasingly being misused.*



The activity of an undercover investigator is of an intelligence nature, **inherently secret**, and directed towards both **detecting criminal offenses and gathering information** based on which already detected criminal offenses can be clarified and proven. However, their activities can also prevent criminal offenses that members of the criminal organization would otherwise commit. Similar subjects exist in other criminal procedural legislations.

An undercover investigator is most commonly defined in literature as a police officer who is given a changed identity for a certain period of time in order to secretly gather information from certain criminal circles, which can be used for the detection, clarification, and prevention of criminal offenses, primarily those related to organized crime.

An undercover investigator represents a kind of **"agent"**, that is, a person who discreetly gathers information about a certain organized criminal group or groups, or organized crime in general, by infiltrating the criminal group or covertly connecting with members of the criminal organization.

The basic characteristics of the institute of undercover investigator:

direct and active participation in evidence collection

operating under a changed identity in a criminal environment

acting on the basis of an individual court order

informing official authorities about their activities

gathering information on the activities of a criminal organization

intelligence-gathering activity

activity directed towards the discovery of criminal offenses

prevention of criminal offenses

possession of psycho-physical abilities for such work

presence of elements of deceit and trickery in work

operation at the border of legality

continuous exposure to danger to personal integrity

secrecy of work



Methods for selecting an undercover investigator



The method of selecting a person who will be engaged as an undercover investigator must be based on respect for certain principles, which are:

the principle
of
voluntariness

training and
qualification

psycho-
physical
characteristics

non-exposure

absolute
agreement to
the selection

Jurisdiction for appointing an investigator

A formal requirement for engagement is approval by the investigating judge upon proposal by the public prosecutor.

Jurisdiction for appointing an undercover investigator may be:

1

Primary

- Appointed by the Minister of Internal Affairs

2

Subsidiary

- Appointed by another person authorized by the Minister of Internal Affairs

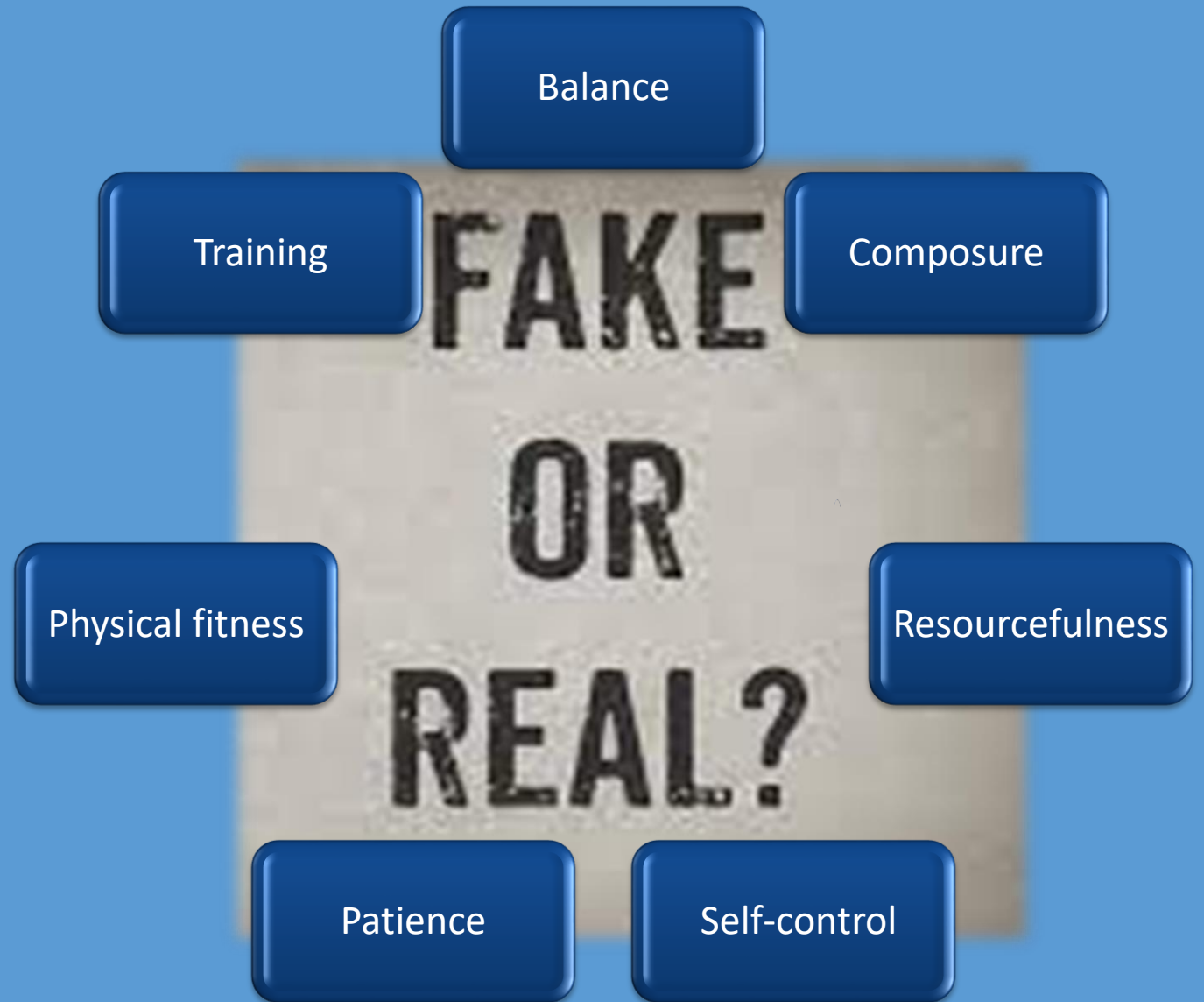
A person who wishes to be an undercover investigator must be adequately trained and qualified to operate in a criminal environment.

Psychophysical characteristics of an undercover investigator

Psychophysical characteristics are reflected in physical fitness, mental balance, and composure.

Fictitious documents include:

an ID card, driver's license, medical record, credit cards, military service book, insurance policy, work record book, clothing, jewelry, photographs, family pictures, etc.







Infiltration into a criminal group

The process of infiltrating a criminal group involves extensive preparation that must be carefully planned and executed in a way that leaves no possibility of discovery by any member of the criminal group. The two greatest dangers facing an undercover investigator are being discovered by the criminal group and becoming involved in the commission of a criminal act.







The preparation of an undercover investigator also involves equipping them with the necessary modern technical tools for maintaining communication and documenting criminal activities. It is essential for the undercover investigator to enter the criminal group spontaneously and to gain the trust of its members.

TIME DURATION OF THE INVESTIGATOR'S WORK

COUNTRY	TIME DURATION
	According to the Montenegrin CPC, an undercover investigator is hired for a period of six months with the possibility of extending his engagement for another six months.
	According to the CPC of Serbia, this measure can last six months, and there is a possibility that it will be extended twice for three months each, so that it can last twelve months at most.
	In Croatia the measure is applied for up to four months, with the possibility of an extension for another three months.
	In Slovenia, the measure is set for up to three months, with the possibility of extending it to a maximum of six months.

TIME DURATION OF THE INVESTIGATOR'S WORK

COUNTRY	TIME DURATION
	<p>In Italy, there are no legal time limits for the engagement of an undercover investigator, but it is left to the state prosecutor to determine the period for which the investigator is engaged, depending on the specific case.</p>
	<p>In Germany, as a rule, this measure is approved for a period of up to three months, but it can be extended for justified reasons, although the maximum duration of this measure has not been determined.</p>
	<p>In England, an undercover investigator is hired for a period of up to two months with the possibility of extension, but up to six months at the most.</p>
	<p>In the USA, a short – term covert mission lasts up to 6 months. A long – term covert mission lasts longer than 6 months.</p>

Considering the length of time, covert operations can be classified into three groups:



1

Long-term – which include several months of continuous collection of information and evidence about criminal acts and their perpetrators.

2

Short-term – which include the implementation of a measure lasting from a few days to a month.

3

Ad hoc- which include conditional covert operations that cannot be delayed.



CONCLUSION:

- ✓ Hiring an undercover investigator is a complex investigative method.
- ✓ Before undertaking such a task, it is necessary to carry out thorough analyzes and preparations, both on the part of the authority that issues the order on the implementation of this institute, and on the part of those who practically implement it.
- ✓ Traits of an undercover investigator: resourcefulness, intelligence, energy, willingness to take on a high-risk task.
- ✓ Knowing one's own goals and possibilities guarantee the business success of an undercover investigator.
- ✓ A special type of danger that occurs during covert missions is that the agent is being threatened from within his own ranks.

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Thank you for your attention