

The Analyse of “Modus Operandi” and It’s Role in the Revealing of the Authors of Pennal Dids of Fraud

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Abstract

Investigation itself puts its professional print on the investigator's psychology, developing his abilities, skills, interest and even other features, which shape the profile of a forensic investigator. The investigator is different from any other specialist, firstly because he is faced daily, with a lot of scenarios, people with different personalities, activities, the reasons of these activities, their consequences and their causes. The investigator is obliged to focus, relatively with ease and fastness in many situations and problems, focusing on them, analyze them deeply and objectively. The facts above mentioned allow the investigator to fast develop his skills within this main link and, based on them, to manage to discover the course of actions. This develops in him, the observation capacity, intuition, attention to details, a good memory, logical thinking and analysis. Throughout this paper, we shall present a few important aspects related to the investigator's psychology, subject of the criminal act, where we shall focus our attention of the investigator's psychology, psychology during the interrogation of the defendant, the investigator's psychology while interrogating the witness, but also the investigator self-control and its role in performing an investigation, all these seen through the critical eye of the professional. In the end, we shall present a few conclusions and recommendations for a complete and objective investigation.

Keywords: fraud, criminal characteristics, stereotype of frauds, "Modus operandi" of frauds, Recidivists fraud

1. Introduction

Noisy life, psychologically charged, who accompanies us all the time, makes us to think, more and more, for holidays and recreation, where this last one has become a separate business, which define the name of tourism. "False presentation, facts concealing, abuse of confidence" which make up the objective part of pennal act of frauding, they are empty juridical understaning, to which Modus Operandi gives life colour, the form of reality, thus giving life to them" (Vodinelic, V, 1985,) (Vodinelic, V, 1985,). The forms of fraud noticed into practice are varied. It would be impossible to count them imagine to analyse and work out all the speccialities and tricks. The most important thing into practice is the separation of the trickers into: ordinary or casual and professionals. The professional tricker is different from the way of committment of the pennal did in comparisohn to the ordinary one (Elezi, 1998)(Elezi, 1998). This diffrrence has to do with a very important element, linked to the solid stereotype abilities manifested by a professionalist to each case carried out by him. We can classify the professional trickers based on two criterias:

First criteria is according to the specialisation of the field where is exercising his activity.

Second criteria is based on the point that the frauderer remains anonymous to the victim, so he is not personally presented or since the first moment he gave his full address together with his generalities. The methodical recomendations of investigation and documentation of the frauds are based on this classification.

The most intelegent and foxy trickers oftenly act on behalf of their full name, addres without hiding their personality. In the cases when we have to do with trickers tha present themselves inkonito, the trick used by them shows clearly that we have to do with an acto of fraud. In the majority of those cases are manifested some of the main elements of the pennal act of fraud. In these cases the investigative and documentatiton activity consist in the identification and handcuffing of the author.

In the other group where he is presented by his full name and family name, which live an illgal life, "modus

operandi” is very perfect and refined, presenting big difficulties to prove the fact of existence of the act of fraud. Taking into consideration the great variety of tricks, ways and forms of presentation; there are methods and ways difficult to group them according to the above mentioned criteria i.e. the female trickers for marriage you can classify them to both options.

Professional trickers have extraordinary skills in order to adopt to the socio-economical and political changes. This thing is shown from the practice of our country in the period of democratic changes after 90-s. Person with such qualities; which have had privileges in all directions they adopt immediately after these changes, presenting themselves as persecuted, maltreated and disident ect.

Starting from this peculiarity we come to the conclusion that the pinpocket tactics almost do not change nothing for many years; while frauds, tricks they change continuously. This is one of the most dynamic and living activity. We classify the trickers according to the area of their activity into *lokal trickers and national or international* (Vodinelic. V, 1985,) (Vodinelic. V, 1985,). If a trick is proved to be successful many times the tricker will change his living place, moving to another one by making use of his honest friends who do not know him as a tricker.

2. “Modus Operandi” to the Professional Trickers for the Period 2000-2007 in Albania

A big spread manifested in our country in these last ten years carried out in different sophisticated ways and forms is the phenomenon of fraud through the forged official, personal documents, aiming to profit private or public wealth.

If we are going to refer the investigative and police practice in our country that kind of trick is increasing into continuously. In order to get a clear idea we will refer to some concrete criminal actings, in Tirana city and they are related to the criminal activity of the tricker named “K.K.”

The analyse of criminal actings of fraud in all their details happening in a certain space of time compose a clear example helping us to make more concret the solid type in the way of acting, formed to the persons who are inducted in that kind of criminal activity, the importance of a careful study of all the elements composing the *Modus Operandi* of a repeated tricker in raising ilup based versions, for the observing, revealing and documentation of the guilty of the penal did of fraud.

The author “K.K.” has an activity for many years, activity which has inducted the ways of stealing of the wealth through the fraud using forged documents creating thus a very standable type. He has managed to cheat different citizens up to selling of their apartments, using always the same way of acting.

He presented himself as a person looking to hire an apartment. Since at the beginning he was a regular client, serious, handsome. He paid the rent regularly at the fixed time for 3-4 months in advance, in most cases offered himself that way of payment in advance. He did this on purpose to have enough time at his disposal in order to realise his pre-planned actions. Immediately finished the contract with the house owner he had at his disposal some of the dates related to the generalities of the owner. He secured other missing dates by checking in other environments of the house in order to find documents such as certificates, attestations of ownership of the dwelling etc. In other cases being helped by other members of the group he opened the locked doors of the other rooms where personal valuable things were kept.

At the moment that all the needed dates were collected, he realises the falsification of the personal owner's certificate but with an altered photograph of another person who was his group member. Once securing the personal certificate of the owner of the dwelling he presented himself at *Hypothec Office* together with the person the photo of which was altered at the certificate in order to take the ownership attestation for the rent house. Having this document in his hand he contacted the real estate agency in order to sell the dwelling offering a good price to sell it as soon as possible, pretending that he was short of money and he needs them as “*he has won the American lottery*”.

At the first occasion he sold the house immediately based on forged documents allegedly as the real owner of the dwelling. In all the cases “K.K.” did not sign himself the contract but all the actions were done by the person whose photo was altered in the certificate who at the end of the operation was paid for that by “K.K.”. After that he left away without any trace or sign with all the money. When the real owner went to meet the tenant and to discuss for the coming rent he was surprised finding his dwell with a new owner.

The same author inducting the way of action, projects and steals the Saving Bank nr.4 using again forged documents. To achieve this criminal goal he has planned three possible options studied them very carefully.

¹ Practice of Tirana Court year 2000

2.1 First option

First of all he needs to reveal the richest deposition. In order to realise this he had prepared an authorization by the Regionaal Prosecutor office of Tirana, where he himself "K.K" was authorised to check the depositions of the citizens at this bank allegedly needed for pennial proceeding. He did not realise that action as he managed to bribe one of the officials of the bank to provide him the dates for the deposit of the citizen named "L.A"

As he realised the first goal in August 1999, the organiser "K.K" proposed to a close friend of him named "D.E" toward a price to create an incident resulting his detention at Kucova prison where he was going to present himself with all the generalities of the deposit owner from Berati "L.A". While "K.K" himself was going to present himself as the brother of the deposit owner who was going to take a procurement in order to take the money at Tirana Saving Bank. All this well organised plann would be carried out by the help of a corrupted policemen form Kucova Police Commissariat.

This option did not realised as his close friend refused to undergo such a sacrifice.

2.2 Second option

In this option the organiser decided as his target a thorough study of the family relationships of the deposit owner such as his wife, children, sisters and brothers. The goal of this study was to declare that the deposit owner "L.A" is dead and his deposit is going to be inherited to his son or his wife. For the realisation of this plann the author "K.K" planned special concrete duties for each member of the criminal group.

First: Finding of a woman and a child who will look likely as the real wife and son of the deposit owner "L.A".

Second: Falsification of a medical report in order to verify the death of "L.A" in a car accident near Peqini small city.

Third: Forging of the docum,ents from the civil office of "L.A", the transfer of her from Berati to Tirana and securing a death certificate.

Fourth: Finding two blank passports which would be forged to be used in the Saving Bank as identification documents to take the money.

Fifth: Opening of a legal inheritance and passing of the bank deposit in the inheritance of "the wife" or "the children" with a decision of Tirana court.

The successfull realisation of all the duties by each members of the group enabled that in January 2000 the "so-called widow", named "E.E" of the deposit owner "L.A" presented herself at Saving Bank nr4 in Tirana to take the sum of 250 000 lek .

They took the money without any difficulty at all being helped by the drier of the general Director of Saving Bank, who was a collaborator in that criminal group, named "R.A"

If we are going to take into cconsideration all the crimes committed by this group leded by "K.K" in a two year period of time and to analyse all the tricks one by one using in these crimes forged documents in all their elements and especially the way of actting of the authors we notice a lot of elements in common being present in each trick done by them. the presence of these elements in the author's way of acting clearly evidenced the creation of a stabel Modus Operandi of the author being an expert in such criminal activity. We find these elements in the way he acts and presents himself. More concretly they have to deal with his serious presence at every moment and every enviroment creating the impression of dealing with a correct and confidential person which clearly shown even by his outter appearance with a tie and a suit.

Another stable element noted in each case has to deal with a pre studing of the enviroments where he was going to act as well as of the persons whom he was going to cooperate with.

Another stable element, present in every trick has to do with the coolnes with which he operates in difficult moments at aany situation.

A present element at every trick dealing with the manner of his acting is that he has operated at any case through forged official documents and the waay of falsification used compared them with all the cases is almost the same one.

The last element found in all the tricks used by this group has to deal with the way of acting in the final phase of the realisation of the criminal goal. The author "K.K" in all the cases did not present himself, eg *to carry out the selling of the hired dwelling he did this on behalf of another person towards a promise for paying. He shows himself as a person who wants to help the "owner" of the dwelling to realise as soon as possible the selling.*

From the analyse of all these cases committed by this group in Tirana city and especially the common elements in the way of acting from the author's Modus Operandi comapring these with the Modus Operandi of the author of stealing

through forged documents at Saving Bank nr.4 as well as a better knowledge of the criminal situation in Tirana city from the office of economic-financial crime they raised the based version that this crime was carried by the repeated author "K.K" who at this period of time was detained on home arrest for a fraud done by him some time before. The future actions of the specialist of this sector proved and documented with material scientific evidences that the stealing of money from the Saving Bank nr.4 was committed by the professional trickster "K.K" in cooperation with nine other persons led by him.

Table 1. Fraud penna dids in comparison with the trick penna dids through the use of forged documents registered from the economic-financial crime office for the time period 2000 – 2006 in Albania –

Trickers	2000	2001	2002	2003	2004	2005	2006
Fraud penna dids	14	14	38	74	128	108	171
Tricks done by recidivists	8	8	12	19	26	29	27

Source: Albanian State Policy

Graphic 1. The ongoing of fraud penna acts and those of tricks carried out by recidivists in Albania from 2000 - 2007

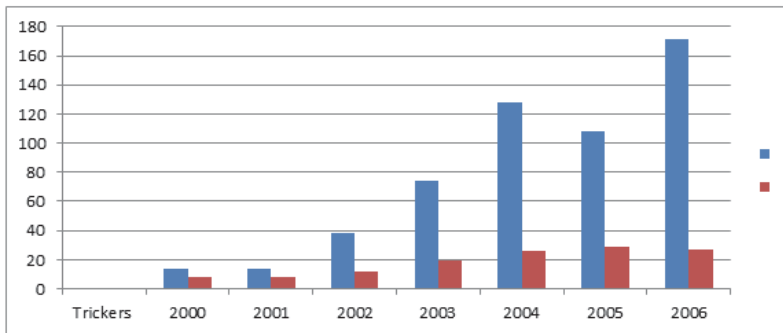


Table 2: Fraud penna dids in comparison with the trick penna dids through the use of forged documents registered from the economic-financial crime office for the time period 2007 – 2012 in Albania –

Year	2007	2008	2009	2010	2011	2012
Evidenced	254	429	288	362	337	465
Discover	191	409	281	353	334	461
Total of authors	220	467	335	400	379	446
Arrested	30	25	38	32	30	5
Prohibition persons	5	8	16	39	6	2
free	179	422	281	325	340	434
run away Persons	6	12	-	4	3	5

Source: Albanian State Policy

Graphic 2: The ongoing of fraud pennial actss and those of tricks carried out by recidivists in Albania from 2007- 2012

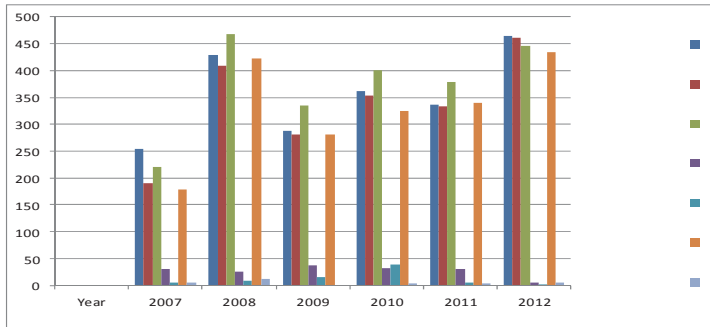
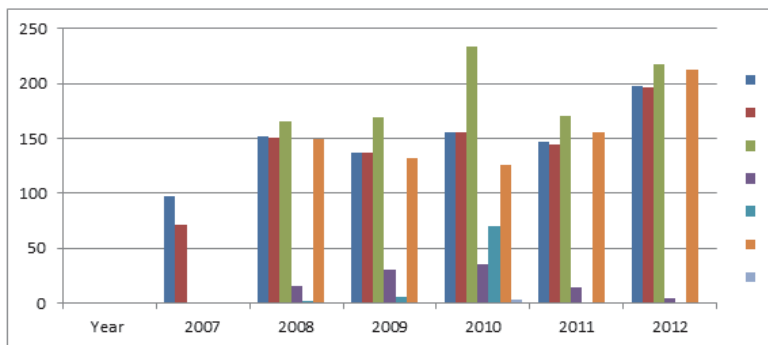


Table 3: Fraud pennial dids in comparison with the trick pennial dids through the use of forged documents registered from the economic-financial crime office for the time period 2000 – 2006 in Tirana -

Year	2007	2008	2009	2010	2011	2012
Evidenced	97	152	137	156	147	198
Discover	71	151	137	156	145	197
Total of authors	no information	166	169	234	170	217
Arrested	no information	15	31	35	14	5
Prohibition	no information	2	6	70	0	0
free	no information	149	132	126	156	212
L.D.P	no information			3		

Source: Albanian State Policy

Graphic 3: The ongoing of fraud pennial actss and those of tricks carried out by recidivists in Tirana region from 2007- 2012



If we will study carefully the statistic dates in the above table which show the partial state of the criminality in Tirana Prefecture for the period 2000 – 2007 we will notice that the frauds compared with the total pennial acts happened in those last four years they comprise a small percentage. They vary from 0.7% – 1.9%. In this percentage are included even those pennial acts carried out through forged official documents which are component part of economic-financial crime. This kind of trick compared to all the evidenced tricks in the above table include 38-50%. The indexes of this kind of fraud are increasing and enhancing year by year.

Another most important index which is evidenced through the above statistics which comprise the main objective of this work is that 49.4% of all the frauds carried out in the period of time from 1997 – 2000 are committed by repeated and professional authors engaged in such kind of crime. From the comparison of the Modus Operandi of the repeated author

in all the pennial acts committed from them we have noted a stable Modus Operandi and taking that into consideration enable us to reveal the authors in a short period of time.

Referring to the statistical database identified that depended the discover and identified many persons as doubtful for penal acts of fraud but around 85-95% of them are free, due to the inability of law enforcement agencies to prove with facts and evidence of illegal activities of these persons in the commission of offenses of fraud.

The procedure of revealing of the authors of fraud is not very easy because usually there are no evidence. In general the crime seen has no importance at all. A professional fraudster has a great experience from the former cases and he is able to hide his tracks. Since at the very beginning he takes into consideration that he would be followed that's way he directs all his actions according to a pre studied plan.

So we come to some conclusions that will help the investigative structures of the proceeding authorities aiming the prevention, revealing and documentation of the the pennial acts committed by a professional trickster.

3. Conclusions

All Criminality in Albania has shown new characteristics in those ten last years expressing these by new forms of crime, in the methods, means and ways which are becoming more sophisticated.

The new peculiarities that the crime has gained make necessary the enhancing of the investigative activity of the specialised structures fighting against crime .

An important role in the fast revealing of pennial acts is done by searching and revealing of the authors based in the analyse of their Modus Operandi.

The study of the author's "Modus Operandi" enables us to link the cases happened in certain times from the professional tricksters.

The analyse of the author's way of acting compose an important information to rise up based versions for possible authors who have demonstrated before the same way of acting in all the frauds committed by them .

This study helps us to reveal the consequences and conditions which have influenced to these pennial acts in general and the tricks especially making possible for us to give concrete recommendations aiming the prevention of these pennial acts in the future.

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