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## CURRENT METHODS OF VEHICLE THEFT AND LEGALISATION

### Introduction

**N**owadays, one of the most serious criminal threats is vehicle theft, especially of passenger cars. This threat is important because it determines relatively significant material losses on the part of the victims. Moreover, it may hinder the aggrieved person's normal functioning for some time (commuting to work, driving children to school or travelling for other purposes), especially if the loss of the vehicle as a result of criminal activities is not connected with the possibility of effective claims assertion, *e.g.* under an insurance contract, and even more so with the possibility of obtaining an equally functional vehicle (a substitute car or the purchase of a new one). The problem of car crime is also serious due to its scale. It is true that in 2018, the number of stolen cars in Poland, compared to the previous year, fell to 9075, *i.e.* by 1100<sup>2</sup>, but car theft still constitutes a significant challenge, and criminal groups dealing with car theft often operate internationally not only in terms of car theft but also drug trafficking, prostitution or counterfeiting documents. In their activities related to vehicle thefts, these criminal groups mostly follow similar practices, known to the Polish Police, Interpol (International Criminal Police Organization), and Europol (European Police Office)<sup>3</sup>, and yet their criminal activity continues.

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<sup>2</sup> PAP, 'Rz': in 2018, the number of car thefts decreased in Poland. *Electronic source:* <https://businessinsider.com.pl/motoryzacja/liczba-kradziezy-samocho-dow-w-polsce-w-2018-roku/lllf15j>, *accessed:* 28 August 2019.

<sup>3</sup> Safjański T, Europejskie Biuro Policji Europol. Geneva. Główne aspekty działa-

## Illegal profits as an incentive to steal cars

The theft of cars is mainly encouraged by illegal profits made by persons involved in the theft<sup>4</sup>. Although the direct executors of criminal orders consisting in vehicle theft usually receive only a few thousand PLN, this is still a sufficient motive for them to act on behalf of criminal groups. Usually the perpetrators are relatively young people, for whom the amount obtained for vehicle theft seems attractive. The greatest financial benefits from illegal activities are obtained by the persons who manage a criminal group, who are highly placed in it, and persons who are necessary in terms of organisation or logistics for the group to commit crimes consisting in vehicle theft, and who have access to knowledge, information or other resources crucial for the activities. Even the direct perpetrators are able to gain significant benefits from the theft of the most secure, expensive vehicles. The theft then concerns vehicles obtained illegally, 'ordered' by customers. On the other hand, they may also include the most expensive motorcycles or machinery and equipment, *e.g.* construction or agriculture equipment of a high value.

Table 1 shows the number of instituted investigations in vehicle theft and its detectability in 2000–2016.

Table 1

### The number of instituted investigations in vehicle theft and its detectability in 2000–2016.

Year	Number of instituted investigations	Detectability
2000	15,654	2.0%
2001	14,319	2.1%
2002	12,360	2.8%
2003	11,871	2.1%
2004	10,790	2.6%
2005	9357	3.8%
2006	5486	7.9%
2007	3428	12.8%
2008	2772	13.6%
2009	2452	16.4%
2010	2711	12.8%
2011	2625	8.9%
2012	2586	13.0%
2013	2642	10.0%
2014	2775	10.7%
2015	2528	10.5%
2016	2643	8.1%

nia. Perspektywy rozwoju. Warsaw, 2009, p. 238.

<sup>4</sup> Gabara E, Stanowisko Polski w zwalczaniu międzynarodowej przestępczości zorganizowanej. Toruń, 2004, p. 140.

Source: data from the Department for Fighting Car Crime at the Metropolitan Police HQ, Warsaw, 2017.

As shown in Table 1, according to data from the Department for Fighting Car Crime of the Metropolitan Police Headquarters, in the period from 2000 to 2016, the number of instituted investigations in the category 'vehicle theft' decreased significantly, while at the same time the detection of this type of prohibited act increased. It is necessary to emphasise that not all crimes are reported, therefore the level of detection is still unsatisfactory.

Illegal profits, which are a factor encouraging vehicle theft, are made, by the groups involved, in various ways. The primary source of material profit for a criminal vehicle theft group is the sale of vehicles. However, this is not the only or even the main source of profits for groups specialising in vehicle theft. These groups also profit from: the sale of criminally legalised stolen vehicles, the sale of stolen vehicle parts, the sale of stolen vehicle documents (the buyer can use such documents *e.g.* to legalise the car), forcing ransoms for returning stolen vehicles to their owners, the sale of stolen vehicle equipment, avoidance of tax or customs duties, and claiming compensation<sup>5</sup>, which often involves an insurance agent or even the owner of the vehicle, who sells his car to a criminal group at a low price and obtains compensation himself because he reports to law enforcement authorities that he has become a victim of car theft (this applies mainly to luxury vehicles when the owner is able to obtain tangible benefits from the illegal sale of the car to a criminal group, and from compensation, and these benefits are a factor in the vehicle owner's motivation).

Both criminal groups and, although much less frequently, individuals who decide to steal a car may also look for other sources of benefits resulting from the criminal activity which they carry out. An example is the use of a stolen vehicle to commit another criminal act, from which financial gains may be even greater than from the sale of the stolen car or its use in at least one of the other ways of gaining income from criminal activity shown above. While a stolen vehicle may also be used to commit an offence, that does not involve the acquisition of material gain by the direct perpetrators, theft intermediaries or principals, it is the financial motives that are the main drives for participating in car crime.

Only criminals without sufficient knowledge and devices that would allow them to steal relatively new models of vehicles are willing to take the least profitable methods of obtaining benefits for stolen cars, such as scrapping them. Such motives for vehicle theft may include individuals for whom even a small profit is sufficient to commit a criminal act. Criminal groups sell cars for parts, but more and more often illegally legalise and sell stolen vehicles. Both forms of seeking sources of income by vehicle thieves are popular in Poland. The sale of spare parts of a stolen vehicle is largely due

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<sup>5</sup> Krajniak O, *Zorganizowane grupy przestępcze. Studium kryminalistyczne*. Warsaw, 2011, p. 221.

to the conditions of the Polish market and its economic standard. Poles prefer to buy used-car parts if their vehicle breaks down. Original vehicle parts, available in the services of, among others, car manufacturers, and replacements usually require considerable expenditure. This is why motorists tend to buy used vehicle parts, and these often come from theft. Criminals try to manage existing market demand in this way<sup>6</sup>, while purchasers of used parts are generally unaware that they are buying stolen products. Another problem is the high average number of years of car use in our country. Older cars are more likely to break down, which stimulates demand for used parts. Components of older models of vehicles are usually no longer manufactured, which allows criminals to advertise the sale of car components even at legal, officially operating auction services, trade portals or in the automotive press. Criminals also cooperate with vehicle repair shops. While workshop owners are often aware that the components which they order come from theft, the buyers and repairers do not have this knowledge.

The willingness to make illegal profits from the exploitation of stolen cars is also due to Poland's location on an important transit route. Even if the number of stolen cars in Poland shows a permanent downward trend, the country will still be used by organised crime groups for transit purposes. Stolen vehicles from Western Europe are placed on the Polish market, whereas stolen cars from Poland are exported beyond the eastern borders and further afield. Vehicles are also stolen for the purpose of ransom demanded by the perpetrators or their principals from the car owners. The ransom usually amounts to up to 50% of the vehicle value. There are situations in which the payment of a ransom by the owner of the vehicle to the offenders does not result in the vehicle being returned. Offenders often steal goods-carrying vehicles for ransom, especially if they are illegal. This makes it more likely that criminal groups will not be reported to law enforcement. They can also fight for their zones of influence. Profits made by organised crime groups dealing with car theft are increased by robbery, extortion, and especially by theft of vehicles transporting a cargo. An important source of income for such groups is obtaining compensation under false pretences, *e.g.* for reported collisions, which were *de facto* fictional<sup>7</sup>, and even more so for the reported thefts of cars, even though they have actually been sold by their owners, who thus recover a significant part of the funds previously allocated to the purchase of vehicles and, in addition, receive a similar amount of compensation in order to share the benefits with (or participate in) organised crime groups.

Therefore, the problem of vehicle theft is a complex one, although it mainly covers the financial motives that cause crimes against property<sup>8</sup>.

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<sup>6</sup> Kopicik E, Skradzione auto znajdziesz w sieci. Ale tylko w częściach. *Electronic source*: <https://dziennikpolski24.pl/skradzione-auto-znajdziesz-w-sieci-ale-tylko-w-czesciach/ar/3204046>, accessed: 30 August 2019.

<sup>7</sup> Miksiewicz D, Sektor ubezpieczeń przykładem nowych obszarów działalności zorganizowanych grup przestępczych, [in:] Laskowska K (Ed.), *Oblicza współczesnej przestępczości zorganizowanej*. Białystok, 2014, p. 183.

<sup>8</sup> Wójcik J, *Przeciwdziałanie przestępczości zorganizowanej*. Zagadnienia

Criminals involved in vehicle theft have many opportunities to cash in stolen cars or parts. Although law enforcement authorities recover some of the stolen vehicles, prevention is the most effective tool, so it is important to know how vehicle thieves act.

## Vehicle theft methods

The structure, size, territorial area of criminal activity, and ways of making profits by vehicle theft groups vary, but their methods are similar. Only the most specific, organised car theft criminal groups are able to act so unconventionally that their functioning can be determined in terms of individual theft methods. Most organised crime groups specialising in car thefts use methods that will be described in this article.

The methods of theft, and also the use of stolen vehicles, are influenced by the composition of the criminal group. In addition to car thieves, for whom the most important thing is to know how to start the vehicle and drive it away from the scene of theft, there are also receivers<sup>9</sup>, who distribute stolen vehicles, purchase stolen vehicles from thieves or intermediaries, assist in the disposal of stolen vehicles, assist in their concealment, or accept stolen vehicles. Members of vehicle theft criminal groups may also include couriers<sup>10</sup> — persons transporting stolen cars from places of criminal appropriation to their further place of destination, *e.g.* where they are dismantled. When the group is dealing with the legalisation of stolen cars, the necessary role is played by forgers, in particular persons capable of forging vehicle identification markings, often IT specialists who are able to change such markings in electronic versions (in new car models), document forgers or entities obtaining legally valid documents which will be used to legalise a stolen vehicle, and entities which establish the identity of persons to whom the stolen vehicles can be registered. A criminal group may have a so-called chop shop, *i.e.* a storage place for stolen vehicles, where selected participants of the group meet and can, *e.g.* dismantle cars<sup>11</sup>, but also establish and correct their plans. Criminal groups dealing with car theft usually use deserted areas, and old ware-

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prawne, kryminologiczne i kryminalistyczne. Warsaw, 2011, p. 64.

<sup>9</sup> Policja zlikwidowała dziuplę w warsztacie samochodowym w Krapkowicach. Właściciel ma zarzut paserstwa. *Electronic source:* <https://nto.pl/policja-zlikwidowala-dziuple-w-warsztacie-samochodowym-w-krapkowicach-wlasiciel-ma-zarzut-paserstwa/ar/4142301>, *accessed:* 30 August 2019.

<sup>10</sup> Kradzione samochody trafiają do Polski. *Electronic source:* <https://www.autobaza.pl/blog/kradzione-samochody-trafiaja-do-polski>, *accessed:* 30 August 2019.

<sup>11</sup> Szymaczek M, Gdzie trafiają samochody po kradzieży — najbardziej zaskakujące ‘dziuple’. *Electronic source:* <https://www.auto-swiat.pl/wiadomosci/aktualnosci/gdzie-trafia-samochody-po-kradziezy-najbardziej-zaskakujace-dziuple/pesd0gb>, *accessed:* 30 August 2019.

houses as chop shops, although often the criminals are so bold that they use car repair shops or even special garages at the mafia bosses' residences, *e.g.* at recreational houses, near the forest or in other little frequented areas, to store stolen cars. The possession of a chop shop may encourage car criminals to use the theft methods which allow them to transport their cars to the criminal warehouse most quickly. On the other hand, not only the speed of action, but above all, caution in action protects criminals from criminal responsibility. During transportation to a chop shop, criminals often hide the vehicle in a truck.

The main factors determining the method of vehicle theft are: possibilities to distract the driver's attention and especially to provoke him/her to leave the car temporarily, identifying original security systems in a given car model before it is stolen (in order to make it easier for the thief to act), adapting the equipment used for vehicle theft in order to overcome its standard and possible additional security features (if any). Most methods of car theft are based on omitting the stage of having to open the vehicle, which is possible by creating a situation that will cause the driver to leave the car spontaneously. Then there is the elimination of the alarm, which may also not be necessary if the driver spontaneously leaves the vehicle, especially if he/she leaves the keys in the ignition. In such a situation, starting the engine does not require significant craftsmanship from the thief. If the method of stealing is not an attempt to provoke the driver to leave the vehicle, the thief usually uses a blade to unlock the vehicle door. The thief then deactivates the alarm by disconnecting its control unit or by using sound-deadening mounting foam. Thieves should know how anti-theft devices are installed. This allows them to quickly determine their likely location and then turn them off. A perpetrator should use devices that neutralise Global Positioning System transmitters (hereinafter referred to as GPS), which can be installed in the vehicle<sup>12</sup>, and use detectors to check whether such devices are in the car. By using devices that jam the operation of GPS transmitters, the thief also obstructs the operation of mobile transmitters through which a signal could be sent to a device notifying a vehicle owner of an attempted theft. In old vehicles (manufactured before 1996), thieves start the engine by triggering a short-circuit, while in newer cars, by affecting the operation of the transponder's communication system with the vehicle's controllers, and thus changing the operation of the computer system. The most difficult security devices for thieves are found in vehicles manufactured after 2003, however, they are also dealt with by thieves, who, in the vehicles they steal, first run a replacement anti-theft security system and then enter their own passwords or deactivate it in another way, using mainly IT knowledge. Thieves can also use the engine starters that are used in repair shops.

Most methods of stealing vehicles involve distracting the driver. These methods are used both by criminal groups that can deal with the security

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<sup>12</sup> Piątek P, Kradzież auta. Jak działają zagłuszarki sygnału GPS/GSM? *Electronic source*: <https://www.motofakty.pl/artykul/kradziez-auta-jak-dzialaja-zagluszarki-sygnalu-gps-gsm.html>, *accessed*: 30 August 2019.

systems of the latest vehicles and by groups that do not have advanced IT knowledge. Drivers' attention can be distracted using different techniques. One of them involves a specific item, such as a pram, being put on the road<sup>13</sup>. In reaction to such a situation, the driver may spontaneously get out of the car. The moment of the driver's inattention is exploited by a thief, who takes the driver's place behind the wheel and then drives away. Another method involves criminals signalling to the driver that he has a defective tire, or the offenders themselves damaging the tire of the selected car, and then following and observing the driver's reaction. The moment the driver leaves the vehicle, the thief takes his place behind the wheel. This technique is often combined with the thief using violence against the victim. A known, and still used, method is for a criminal group member to cause a small crash, usually by rear-ending a car selected for theft with a low-budget vehicle. In reaction to the crash, the driver is likely to get out of the vehicle. This moment is used by a thief to steal. Another method of distraction to prompt a driver to temporarily leave a car is to place a bottle partially filled with water in the wheel arch of the targeted vehicle. The sound of the bottle should make the driver get out of the vehicle. The moment of his/her inattention is then exploited by thieves<sup>14</sup>. An unconventional method is often used to steal vehicles from parking lots near shopping malls and involves cooperation of at least two members of a criminal group. One of them accidentally knocks a mirror from the passenger side of the vehicle with a cardboard box. He should be careful, because the best time for him to fold the mirror of the targeted vehicle is before the driver stops the car engine. This behaviour should provoke the driver to leave the vehicle to readjust the mirror. Meanwhile, the other member of the criminal group gets behind the wheel and drives away. Drivers on the road, especially of vans and trucks, are often pulled over by thieves disguised as police officers or other law enforcers. The thieves imitate an attempt to stop a vehicle for inspection and then steal the vehicle<sup>15</sup>.

Every car, regardless of the quality of its security, can also be stolen through other methods used by criminals. Members of organised crime groups are patient, as the groups usually have substantial financial resources from the theft of a significant number of cars. Therefore, selected members of a criminal group, tasked by their superiors with the theft of a given car, can spend a relatively large amount of time observing a potential victim in order to determine their habits and then take advantage

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<sup>13</sup> Potakowski D, *Przestępczość samochodowa jako przejaw działalności zorganizowanych struktur przestępczych*, [in:] Jasiński W, Mądrzejowski W, Wiciak K (Eds), *Przestępczość zorganizowana. Fenomen. Współczesne zagrożenia. Zwalczenie. Ujęcie praktyczne*. Szczytno, 2013, p. 185.

<sup>14</sup> Zieliński M, *Powraca dawna metoda złodziei aut 'na butelkę'*. Wykorzystują nieuważę kierowców. *Electronic source*: <https://moto.wp.pl/powraca-dawna-metoda-zlodziei-aut-na-butelke-wykorzystuja-nieuwage-kierowcow-6326731519530625a>, accessed: 30 August 2019.

<sup>15</sup> Potakowski D, *Przestępczość...*, *op. cit.*, p. 185.

of them to steal the vehicle. Car thieves observe the habits of drivers when they enter their properties, gates or parking lots. They wait for situations where a driver leaves the vehicle idling to open the gate, for example. If the driver does so, thieves take advantage of his/her inattention and steal the vehicle. This method is often used by groups that do not have advanced knowledge, especially IT knowledge, which allows them to steal a car. Another popular method of stealing vehicles used by such groups is the technique whereby perpetrators pretend to be interested in buying a vehicle. The thieves then arrange for a test drive with a potential car owner, who has publicly announced intention to sell the vehicle. During the meeting with the car owner, they convince him/her that they expect to be allowed to test drive at least a small section of road on their own. They may use violence if the potential seller of the vehicle is not willing to leave it. An unusual form of this kind of theft is so-called dealership theft. Offenders make an appointment with the seller of a new vehicle and pretend to be interested in buying the car. During a test drive, they make note of the unusual features of the car key, but after the test drive, they inform the seller that they are not yet sure if they want to buy it and need a few more days to make a decision. The thieves then make a replica of the key, taking into account the details, *e.g.* the key ring, and then make another appointment with the potential seller for a test drive with the same car to swap the keys after the test drive, thus obtaining the real ones. The vehicle is already locked by the remote control to the car in the possession of the criminal group, but the vehicle dealer does not realise this. After some time, in convenient circumstances, the thief appears for the third time at the point of sale, but this time he does not precede his visit with an appointment for a test drive. Using the car key, he starts the vehicle and drives away<sup>16</sup>.

If criminals specialise in vehicle thefts from outside shopping malls or spend a lot of time observing potential victims of their crimes, they are able to identify those who have gone shopping and have a child or children under direct care at that time, as well as the elderly, or infirm. The thieves steal car keys and then observe the behaviour of their victims and contact members of the criminal group outside. One of the group members hands over the keys to the vehicle of the robbed person to the criminals outside. In most cases, the person robbed of the keys is not even aware that he or she has become a victim of the crime, as the group uses people who specialise in pickpocketing. Even if a person who has been robbed realises that he or she has been a victim of a crime, they are not able to act quickly enough to prevent their vehicle from being stolen, with the help of the stolen keys. Increasingly, other people are also becoming victims of this method of vehicle theft, regardless of their social status, age or health condition. Looking for a car to be stolen, car thieves send a so-called observer to the parking lot belonging to the shopping centre in order to identify the vehicles selected for theft and their owners. The observer notices the appearance and clothing of the owner of the vehicle

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<sup>16</sup> *Ibid.*, p. 184.



desired by the criminal group, and informs the pickpocket in the shopping centre. The pickpocket aims to steal the keys from the person indicated by the observer, and once he steals the keys, he hands them over to the car thief who starts the vehicle and drives away<sup>17</sup>.

A spectacular method of vehicle theft which is also more risky than many other techniques consists in preceding the actual stealing with a burglary into the home of a car owner selected by a criminal group. Criminals steal the car keys and documents of the vehicle from the owner's house and then steal the vehicle. This method is applicable both to vehicles whose market price is relatively high and to car owners who live in poorly secured detached houses. Criminals usually find the car keys and documents in a drawer in the hallway. They may also steal the keys and documents of the vehicle from other places where the vehicle owner keeps them. For this purpose, they do not even have to risk breaking into the house of the owner of the car selected to be stolen. Often thieves follow the owner of the vehicle, and when he/she goes to a swimming pool, shopping centre or gym and leaves his/her belongings in a temporary storage locker, they steal the car keys and documents from there<sup>18</sup>.

Car thieves also tend to use other methods that do not necessarily involve merely distracting the driver or stealing documents. If criminals are very intent on the theft of a vehicle, *e.g.* at the request of a principal, they can force the driver to stop, *e.g.* by pulling up in front of him/her, and then force him/her to leave the car and hand it over. There are also bold cases where thieves force the driver to sign vehicle sales document in such a situation<sup>19</sup>. They may also, in other situations, make owners of the selected vehicles sign disadvantageous contracts for the sale of cars. There is also a conspicuous technique of stealing cars where the car owner moves away from their car and the criminals place the vehicle on a platform trailer and drive away<sup>20</sup> — mostly to their chop shop. In order to steal the car, they may use labels typical of services dealing with towing vehicles.

An alternative to profits from legitimised stolen vehicles is obtaining compensation under false pretences. Although it does not constitute theft of a car in the strict sense, it is included in the catalogue of car thieves' crimes<sup>21</sup>. It involves car crime and even, in terms of the amount of profits

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<sup>17</sup> Uważajcie na złodziei samochodów w centrach handlowych. *Electronic source*: <https://lojack.pl/blog/aktualnosci/uwazajcie-na-zlodziei-samochodow-w-centrach-handlowych>, *accessed*: 30 August 2019.

<sup>18</sup> Szymaczek D, Sposoby na złodzieja. *Electronic source*: <https://www.auto-swiat.pl/wiadomosci/aktualnosci/sposoby-na-zlodzieja/r80d2fn>, *accessed*: 30 August 2019.

<sup>19</sup> Potakowski D, Przystępczość..., *op. cit.*, p. 185.

<sup>20</sup> Uwaga! Złodzieje aut przebiegają się za pomoc drogową. Zobacz, jakie auta teraz kradną najczęściej. *Electronic source*: <https://auto.dziennik.pl/aktualnosci/artykuly/559201,metody-zlodziei-samochodow-ile-aut-skradzono-w-2017-dane-policji.html>, *accessed*: 30 August 2019.

<sup>21</sup> Miksiewicz D, Sektor..., *op. cit.*, p. 183.

illegally made by car criminals, is the only alternative to income from legalised stolen vehicles.

An increasingly serious threat from car theft groups is obtaining compensation under false pretences. The vehicle owner insures the vehicle and then reports the theft. In fact, however, the vehicle has not been stolen but sold abroad or disassembled into parts and sold. The car owner obtains compensation roughly equivalent to the value of the vehicle, along with the funds received for the sale of the car, holding back the information of the fact. If the facts are established by law enforcement authorities, a person who has lied to the insurer and the law enforcement authorities in the way shown above may be held criminally responsible before the court of law for, *inter alia*, fraud and obtaining compensation under false pretences.

It should be noted that not only the owners of cars purchased for a considerable amount of money, and independent of criminal groups, but also organised criminal groups, including groups working in cooperation with wealthy people who own luxury vehicles, follow this pattern. Thus, this practice poses a growing challenge to both law enforcement agencies and the criminal justice.

As we can see, there are many methods of stealing vehicles, used by criminals, which do not even require advanced knowledge or cooperation with IT specialists, even though new car models are equipped primarily with IT security systems. Car thieves often use deception. They observe their potential victims, take advantage of spontaneous opportunities or prepare for theft, *e.g.* by placing an obstacle on the road in order to force a driver to leave a vehicle. However, if they do not plan to sell a stolen vehicle for parts, and at the same time they expect high profits from selling a stolen car, they need knowledge on how to legitimise the stolen vehicle.

### Ways of legalising stolen vehicles

Legalisation of the vehicle consists in misleading both the entity registering the car and the potential buyer, the aim of which is to make the entity, as well as the hypothetical buyer, believe that the vehicle has been legally purchased and does not come from theft. Misleading even one market participant or public entity is considered to be the legalisation of a vehicle if the car is illegally owned by a given person and this person, or a person cooperating with them, performs activities aimed at creating a false belief in another person that the car to be sold comes from legal sources<sup>22</sup>.

In the process of legalising stolen cars, the thieves use documents that have been stolen or are at their disposal in an unauthorised or counterfeit manner<sup>23</sup>. These documents usually come from the United Kingdom,

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<sup>22</sup> Pływaczewski W, Świerczewski J, Policja polska wobec przestępczości zorganizowanej. Szczytno, 1996, p. 233.

<sup>23</sup> Gabara E, Stanowisko..., *op. cit.*, p. 146.

Germany, Belgium, Italy, the United States, France, Spain, and Denmark. This is because, in these countries, criminal groups including Poles often steal both vehicles and their documents, and also because documents from these countries are easy to forge, sometimes there is even the possibility to freely obtain original registration certificates from these countries. Potential buyers of vehicles in Poland usually have a problem with determining whether a registration document written in a foreign language is original, and unknowingly assume that they have not been cheated. In addition, in order to legalise the vehicle, criminals forge its identification markings. It takes a long time before public authorities, let alone the buyers of vehicles purchased from criminals, realise that a criminal act has been committed and the vehicle is stolen. Sometimes the documents are so well counterfeited that the public authorities are not able to confirm that a crime has been committed.

Offenders submit documents from other countries that are not even a legally binding basis for vehicle registration. An attractive price of a vehicle and time pressure generated by the seller of a stolen car is sufficient for most buyers not to try to verify whether the car is from legal sources. On the other hand, the media have an information policy of informing the recipients to check the credibility of vehicle sellers — especially those who offer cars at excessively low prices. An increasing number of potential vehicle buyers are aware that a car whose price seems not only to be surprisingly low, but also significantly deviates from generally accepted prices, may come from theft.

Profits from the sale of a legalised car are very high and may include — in the case of a luxury car — several dozen thousand euros. Therefore, it has become a trend among Polish car criminals to go abroad and commit crimes of vehicle theft outside of our country and then bring stolen cars to Poland. The most efficiently organised criminal groups specialising in car theft have been following this practice for many years. These cars are legalised in Poland because criminals show counterfeit, stolen or unauthorised registration documents to buyers and public entities. Moreover, vehicles offered on the Polish market by car criminals also have forged identification features<sup>24</sup>.

The methods of legalising stolen vehicles depend on whether the car is stolen or smuggled, and also on the ease of obtaining documents of the car necessary to create the belief that its source is legal, the places where the car has been stolen (divided mainly into Poland, other European, Asian and American countries), the access of criminals to persons capable of registering stolen cars in exchange for illegal payment, and on the effectiveness of law enforcement agencies in recognising particular activities related to vehicle legalisation (undertaken by car criminals)<sup>25</sup>.

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<sup>24</sup> Editing, Plaga kradzieży aut przy granicy. Niemcy są bezsilni. *Electronic source*: <https://gs24.pl/plaga-kradziezy-aut-przy-granicy-niemcy-sa-bezsilni/ar/5450946>, accessed: 30 August 2019.

<sup>25</sup> Potakowski D, Zwalczenie legalizacji pojazdów pochodzących z przestępstwa. Raport z badań. Szczytno, 2008, p. 35.

One of the most effective methods of vehicle legalisation is to precede the process of misleading future buyers as to the origin of the car by carefully selecting vehicles that are suitable for theft so that they can be easily legalised. This method applies to so-called identical cars, *i.e.* car thieves create identical registration documents for a stolen vehicle as those of a car that is similar to it<sup>26</sup>. A criminal group searches outside of Poland for a vehicle that is legally registered and then obtains its identification markings, *e.g.* by making a note of the markings that may be visible on the windshield of the vehicle on their own or by their contacts with corrupt officials if these markings are not easy to obtain. The criminals then choose to steal a vehicle similar in terms of make, colour and equipment to the car about which they have collected the information. Thieves steal the vehicle of their choice and forge its identification markings or modify the data contained in documents relating to the stolen vehicle by entering information identical to the identification data of the car which has been previously analysed by criminals. Criminals use stolen or counterfeited documents, import the stolen vehicle into Poland and offer it to buyers. In addition, there is an alternative technique for the legalisation of stolen vehicles using the 'cloned cars' method, which consists in stealing the registration certificate of a given car and then fabricating the identification marks of the stolen vehicle. These markings are falsified following the pattern of information on the car whose registration certificate is held by the offenders. However, the first technique is more effective. Criminals do not even risk that the loss of the registration certificate will be reported to law enforcement authorities. Due to the theft of a vehicle, the theft of another car's registration certificate increases the risk of the failure of the criminal act. The services usually analyse such situations, especially if the owner of the lost registration certificate reports its theft rather than, for example, its loss.

A popular method of legalising stolen vehicles is the use of forged documents confirming the purchase of a car by criminals. This method allows offenders to use company data, *e.g.* second-hand car dealers. Criminals may use the data of imaginary companies which do not operate either in Poland or abroad, as long as the criminal group maintains that the company is involved in car trading.

Criminal groups change a vehicle's identification markings using the method of counterfeiting documents confirming the acquisition of the vehicle. Stolen cars can be registered to so-called fronts, *i.e.* persons specially assigned for this purpose<sup>27</sup>, who get benefits from a crime group, *e.g.* a percentage of the profit. Many times, stolen vehicles are registered to people who do not even exist or to incidental people, but then criminals

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<sup>26</sup> jsy/mz, Ponad 300 zarzutów dla 7 osób. Oskarżenia o 'legalizację' kradzionych aut. *Electronic source:* <https://www.tvn24.pl/katowice,51/ponad-300-zarzutow-dla-7-osob-oskarzeni-o-legalizacje-kradzionych-aut,360109.html>, *accessed:* 30 August 2019.

<sup>27</sup> PAP/dad, Kradli luksusowe samochody na terenie Europy. 51 osób w rękach CBŚP. *Electronic source:* <https://warszawa.tvp.pl/42498524/kradli-luksusowe-samochody-na-terenie-europy-51-osob-w-rekach-cbsp>, *accessed:* 30 August 2019.

need to falsify the identity card or illegally make a copy of the identity card belonging to the person they refer to. However, groups dealing with car theft avoid giving true information. They often use this option with the person they have provided as a front. This person, however, if he or she cooperates with a criminal group and is questioned by law enforcement authorities, may be inclined to disclose their principals. However, the lack of existence of the company which the criminals have referred to will probably be established by law enforcement authorities more quickly than the cooperation between the car thieves and the straw man.

Car criminals are improving their methods of legalising stolen vehicles. Legalisation provides significant profits, which is why car thieves try to legalise vehicles in order to maximise the profits from each theft. The method related to the circulation of papers documenting the condition of vehicles has been improved. In the past, a popular technique for car thieves was to register vehicles made up of parts. Criminals allegedly sold the vehicle for parts to purchasing companies and then re-purchased parts of that vehicle to supposedly create a new car for which new registration documents could be issued. In fact, the vehicle was not disassembled and the whole operation involved dealing with false documents. This procedure allowed criminals to obtain a stolen vehicle registration. This criminal method has now been improved. Car theft gangs buy only vehicle components with identification marks from abroad. Once these parts reach Poland, they are treated as 'vehicles' and the procedure is carried out with the use of forged, unauthorised, and even original registration documents which, after a vehicle has been scrapped, have not been returned by the owner to a public entity in charge of car registration. The owner of the vehicle obtains a percentage of their profits from the offenders for his/her behaviour. This person should be held criminally responsible if the law enforcement authorities identify offences committed by a criminal group dealing with car thefts. This procedure is also becoming more widespread in Poland. Criminals can even purchase the body itself or other parts of the vehicle together with registration documents on the Polish market. This market is monitored by national law enforcement authorities, which makes criminals who deal with car theft even more vulnerable.

The legalisation of stolen vehicles is increasingly being carried out with the circulation of car registration documents in three countries<sup>28</sup>, e.g. in one of the countries outside of Poland, criminals agree with the owner of the vehicle that he/she will sign a contract with them to sell the car and issue documents to them, then the car is registered in another country outside of Poland and then sold to a person living in Poland — as a result, the vehicle is registered in the country. After the car has been registered in Poland, the rightful owner from the other country, who has made an arrangement with the criminals, reports that he/she has lost the car as a result of a criminal act committed by a third party. These are only selected methods of car legalisation. Criminals, striving to maximise

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<sup>28</sup> Potakowski D, *Przestępczość...*, *op. cit.*, p. 189.

profit, tend to sell stolen vehicles in connection with their legalisation. In turn, in an attempt to avoid criminal liability, they continue to develop new techniques in this area.

It's not just car criminals who are improving their skills. The existing state of law undergoing constant revision proves that action is being taken to curb the theft and legalisation of vehicles. Extending the scope of data contained in the central register of vehicles serves this purpose<sup>29</sup>. The records already contain information on significant damage to cars and vehicle inspections. The data are also updated on an ongoing basis. The principle of central records has been introduced to speed up the circulation of information between public authorities. This makes it increasingly difficult for criminals to legalise vehicles. However, statistics show that the problem of car crime is still ongoing and the main problem is the low level of detection of such offenders.

## Conclusions

Organised crime groups involved in car theft continue to pose a significant threat to public security. Although they cause particularly severe damage to property, they also use violence. Property losses suffered by victims are usually considerable because they concern goods of relatively high value, and even if they do not include expensive vehicles in individual cases, they disorganise the lives of the victims significantly. In order to increase the protection of vehicle owners and users, it is important to promote the knowledge of elementary methods of theft, as well as of the legalisation of cars used by criminal groups. It is possible that the knowledge of such methods will protect potential victims at least from property damage, and reduce the effectiveness of criminal activities.

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<sup>29</sup> Ustawa z 24 lipca 2015 r. o zmianie ustawy — Prawo o ruchu drogowym oraz niektórych innych ustaw (DzU, 2015, item 1273 as amended), Article 1(2-5) and (8), Article 80bh(1) and (3-5) and (6)(2-3) and (8).

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**Summary:** The article discusses motor vehicle theft and legalisation. Despite modern methods of securing this kind of property, such offences are still committed by criminals. This type of crime is determined by the large and fast financial profits, which criminals make not only from selling such cars, but also from ransoms obtained from the owners for returning the stolen vehicles. Criminal groups are also interested in vehicles carrying cargoes that are sold by the group or become objects of ransom obtained from owners. In the article, the author presents methods and techniques of stealing vehicles used by thieves in recent times. Moreover, the structure of criminal groups and the individual roles of their members are discussed. Furthermore, methods of legalising vehicles through previously stolen or counterfeited documents are presented, thanks to which buyers and public authorities are not able to get an idea of the practice. In most cases, the sale of properly prepared vehicles and documents is carried out under the pressure of time and attractive prices. In the last part of the article, the author presents the issue of obtaining compensation for stolen vehicles. This type of criminal activity is also a source of income for groups dealing with car theft.