

## USING ONLINE SERVICES TO REPORT A CRIME

### Abstract

The purpose of the study is to analyze the Russian and foreign experience in the introduction of online services for reporting crime and substantiate proposals for improving effective communication between the state and the population in the context of the development of digital technologies.

The features of online services for filing crime reports of various leading states in the field of e-government development are considered. The general trends and limits of the use of online services for filing a crime report in electronic form are revealed.

The conclusion is justified that the introduction of electronic crime reports should complement the ability to directly report a crime to the police and not compete with it. The prospects of using online services for reporting a crime by persons with hearing and/or speech impairments are determined. The ways of informing the persons who reported the crime about their rights are shown.

Keywords: criminal justice, online services, electronic interaction, digital technologies.

### Introduction

Access to justice is guaranteed by the constitutions of most modern States. Compliance with the rule of law when receiving, registering, and reviewing reports of a crime is still one of the most pressing issues that have a significant impact on the State's constitutional obligation to provide victims with access to justice (Article 52 of the Constitution of the Russian Federation).

The analysis of Russian statistical data for 2011-2018 suggests a steady increase in violations of the criminal procedure law when receiving, registering and reviewing reports of a crime identified by the prosecutor's office (from 2921344 violations in 2011 to 3730794 violations in 2018, that is, by 27.7%).

To ensure the timely and unhindered reception of reports of a crime, their proper registration and consideration, and the adoption of a legal

decision on them, it is essential to develop electronic interaction between the population and the state.

The demand for such interaction has increased significantly in the context of the pandemic during the introduction of restrictions on the movement of the population. At the same time, there has been a sharp increase in certain types of crimes. For example, in Russia in the spring of 2020, during the period of self-isolation, the number of criminal cases of telephone and Internet fraud increased by 76%.

In this regard, the experience of different countries on forming a new technological basis for the use of online services for reporting crime is of interest.

The purpose of this study is to analyze the Russian and foreign practice on the work of such services, to identify their role in ensuring access to justice, to substantiate proposals for impro-

ving legal regulation and practice of ensuring effective communication between state bodies and the public on the issues of filing, receiving reports on crime and their investigation in the context of the development of digital technologies.

### Theoretical Framework

It is known that the state program “Information Society” is being implemented in Russia. It is assumed that as a result of the implementation of this program, a wide range of opportunities for using information and communication technologies for various purposes will be created and available to any citizen, regardless of their age, health status and other factors (Stepanov & Pechegin, 2018).

In this regard, in the criminal procedure theory, intense discussions have developed about the possibility and necessity of using information (digital) technologies in the field of criminal justice, including the ways, risks and guarantees of the introduction of such technologies. Ensuring access to justice in criminal proceedings in the new digital reality is the most relevant for scientific development (Andreeva & Zaytsev, 2020; Andreeva, Zaycev, & Kudryavceva, 2020).

Given that one of the objectives of this state program is the development of services to simplify the procedures for interaction between society and the state using information technologies, the question arises about the possibility of using online services for reporting a crime (Andreeva & Kachalova, 2020; Maslennikova & Tabolina, 2019).

In Russia, concerning the problem of receiving and registering reports of a crime and launching an investigation, despite some efforts to organize this work, no effective steps have yet been taken to automate the process of receiving and registering reports of a crime, excluding the subjective factor in making a decision on registering such reports. In fact, there remains a “manual mode” of receiving, registering and reviewing a crime report (Vilkova & Maslennikova,

2019).

The official website of the Ministry of Internal Affairs of the Russian Federation contains an indication that the appeal in the form of an electronic document will be considered under the procedure provided for by Federal Law No. 59-FZ of 02.05.2006 “On the procedure for considering appeals of citizens of the Russian Federation”. However, electronic statements are still printed on paper, and further work is carried out with them as with traditional written statements about crimes.

Neither the Criminal Procedure Code of the Russian Federation (Article 141) nor the interdepartmental order “On Unified Accounting of Crimes” mention the possibility of filing a crime report in electronic form at all.

Some aspects of electronic communication between the state and citizens connected with their applications for a crime are found only in some departmental acts. Thus, for example, the Instruction on the procedure for Receiving, registering and Authorizing applications and reports on crimes, administrative offences, and Incidents in the territorial bodies of the Ministry of Internal Affairs of the Russian Federation contains in subparagraph 2 of paragraph 4 an indication of other information about crimes and events that threaten personal and public safety, as relevant information received by the security authorities by e-mail.

With the help of the reference and information Portal of state services of the Russian Federation in the module “Security and Law Enforcement”, citizens in 2017 in the pilot mode could apply to the internal affairs bodies with a statement about a crime. However, later, in the section “Security and law enforcement”, one tab remained working – “filing an appeal to the prosecutor’s office”. This tab only works in Moscow, Novgorod and Pskov regions.

The possibility of reporting a crime online is not available or is also used in a limited mode in such countries as France, Switzerland, Austria, Liechtenstein, Bahrain, Monaco, Israel, Poland,

Greece, and the Republic of Belarus. The experience of the leading states in the field of e-government development, which have already implemented online services for filing appeals to the criminal justice authorities, is all the more interesting for analyzing the interaction between citizens and criminal justice bodies.

In the post-Soviet space, among the member States of the Commonwealth of Independent States, the introduction of digital technologies is taking place with varying degrees of progress. Still, the central idea is the large-scale use of electronic means in the field of criminal justice (Maslennikova & Sobenin, 2019).

The Republic of Kazakhstan has achieved quite noticeable results in developing information technologies in the registration of statements and reports on crimes. The Criminal Procedure Code of the Republic of Kazakhstan (Article 181) states that an individual's application for a crime can be submitted orally and in writing or the form of an electronic document.

For the practical implementation of this provision, a particular module, "Registration of statements and reports on crimes through the electronic portal of the Committee on Legal Statistics and Special Records of the Prosecutor General's Office of the Republic of Kazakhstan" (hereinafter referred to as the Committee) was developed.

The algorithm of operation of the electronic module is as follows. With the help of an electronic digital signature or SMS notification, the applicant gets the opportunity to submit an application for a crime online through an electronic module on the Committee's website.

The submitted applications are transmitted in real-time to the automated systems connected to the Committee's server located in the preliminary investigation bodies. They are automatically registered in the electronic register of applications and messages. Employees who accept these applications do not have the opportunity to delete them or not register them, eliminating any possibility of hiding from registration.

Officials who have access to the Unified Register of Pre-Trial Investigations have a direct obligation to record information about the crime in the information book, an automated database, after receiving information about the crime. It contains all the information about the crime, including the reasons for the pre-trial investigation provided in Part 1 of Article 180 of the Criminal Procedure Code of the Republic of Kazakhstan.

The procedure for the operation of the electronic registration module is that specially authorized employees of the duty units enter information on the received application into the electronic database of the Committee. In real time, this information becomes available on the automated workstations of prosecutors who oversee the reception and registration of applications. The electronic book of application registration is displayed in full at the supervising prosecutor, allowing you to reduce the time for checking and identifying violations.

The ability to monitor the dynamics of the registration of statements and reports of crimes in real time has created the conditions for taking timely measures to prevent and prevent crime without waiting for the results of monthly, quarterly and annual reports. The applicant must be issued a document on the registration of the accepted application or report of a crime—a notification ticket with a unique identification number.

On the back of the tear-off ticket notification, the address of the electronic resource [http:// service.pravstat.kz](http://service.pravstat.kz), phone numbers for the SMS service-1012, for calls from a landline phone-8 800-080-7777, for calls from a mobile phone-1414. Using these electronic means, the applicant can obtain relevant information and data from the criminal prosecution authority that accepted the application.

In a subsequent applicant, knowing the unique number of the ticket, can through various ways, SMS messages, call centre, Internet – get information about admission and registration statements about the crime, its consideration of the adopted procedural decision. If the applicant

submitted the application in electronic format, he could get the information he is interested in in the “Electronic CUZ” module.

In case of emergency situations and lack of access to the information system, information about crimes is recorded in the paper journal of the unified register of pre-trial investigations.

The opportunity to file a crime report online via the police website or through the portal of public services is provided in countries such as Denmark, Australia, South Korea, the United Kingdom, Sweden, Finland, the Republic of Singapore, New Zealand, Japan, the USA, Germany, Netherlands, Norway, Estonia, Spain, Luxembourg, Iceland, the UAE, Ireland, Canada, Italy, Belgium, Portugal, Malta, Uruguay, Cyprus, Slovenia, Lithuania (Maslennikova & Topilina, 2020).

It is also worth noting that in France, it is possible to prepare a preliminary report of a crime (porter plainte), which the applicant can later sign with the police. On the platform, you are invited to fill in your personal data, describe the actual circumstances of the case, the time of the crime, the amount of damage and your address. The applicant is also warned for deliberately false denunciation.

The issue of identification and authentication when reporting a crime online is essential. The absence of reliable information about the person submitting the crime report may lead to the possibility of the applicant providing false personal data. States have different approaches to identifying and authenticating the applicant. In Australia, Great Britain, New Zealand, Japan, Germany, Estonia, Spain, Ireland, Canada, Italy, Belgium, Uruguay, Lithuania, Malta and Cyprus, you do not need to pass mandatory identification and authentication, but only provide your last name, first name, residential address, phone number and email address. Denmark, South Korea, Sweden, Finland, Singapore, the United States, the Netherlands, Norway, Luxembourg, Iceland, the United Arab Emirates, Portugal, Slovenia, and Kazakhstan provide for mandatory identification

and authentication when reporting a crime.

At the same time, identification and authentication in the states are carried out in different ways. In Kazakhstan, identification is carried out by phone number. However, for the vast majority of foreign countries, this identification is carried out using an account on the portal of public services. For example, in Singapore, the applicant is identified through the Sing Pass account, which is an analogue of the Russian Unified Identification and Authentication System (hereinafter referred to as ESIA) (Sadvakasova, Sadvakasova, & Khanov, 2019). In Germany, the applicant is warned that the information about his IP address will be saved. At the moment, on many portals of state and municipal services of the subjects of the Russian Federation, the identification of a person is carried out through authorization in the ESIA. In Finland, the identification of the applicant is also possible through the personal account in the bank.

Perhaps, when introducing an electronic form for reporting a crime in the Russian Federation, identification should be carried out through the ESIA. According to the Unified Portal of Public Services and Functions, as of December 2020, more than 103 million users were registered on it. At the same time, you can log in through this portal without an electronic signature; just confirm your identity. Thus, the ESIA is currently the most appropriate method for identifying and authenticating the applicant (Andreeva, Ivanov, Nesterov, & Trubnikova, 2019).

Identification by phone number is not very successful because many sites on the Internet allow you to receive an SMS message from another number. With this method, it won't be easy to track the applicant (Yagnik & Panchal, 2019; Shih, Chen, Syu, & Deng, 2019).

In direct connection with identification and authentication is the issue of warning the applicant of criminal liability for knowingly false denunciation. As a rule, on websites, the applicant is asked to put a checkmark next to the box about familiarization with the presence of criminal

liability for knowingly false denunciation (Vargas, Preto-Hodge, & Christofferson, 2019).

Information and communication technologies provide extensive opportunities for reporting a crime. For example, in the UK, an applicant may indicate the location of the criminal act on a map when submitting a crime report. This information allows you to automatically determine the jurisdiction according to the territorial criterion with subsequent verification by a law enforcement officer. With the help of pre-defined algorithms, it is also possible to pre-determine the jurisdiction according to the departmental criterion, based on the data on the alleged criminal act reported by the applicant. The applicant in the UK also provides contact information, personal data, attaches evidence, points to possible witnesses, the person who, in his opinion, committed this crime, describes the stolen item. When submitting a crime report, the applicant is asked to choose their status. If the applicant is a victim, they are also offered the opportunity to provide confidential psychological support. Of course, the experience of the UK deserves attention when developing online services in Russia for reporting a crime (Catalán Chamorro, 2020).

Along with the police website, there are other opportunities in the UK to report specific types of crimes. Hate mail crimes can be reported through the online platforms True Vision and Report Hate (Donoghue, 2017).

In Australia, there is a whole range of ways to report a crime online. It is possible to report a crime both on the website and through the mobile app (SAPOL) both on iOS and Android. You can use the app to initiate an emergency call. The police website also has the ability to track the progress of a crime investigation online (Kirby, 2020). There is an independent service that can be used to report cybercrime (Noone & Ojelabi, 2020; McIntyre, Olijnyk, & Pender, 2020).

However, in Australia, there is a unique opportunity for an applicant with a hearing and/or speech impairment to contact the police via a vi-

deo call via the National Relay Service (NRS) website.

According to Rosstat, the total number of disabled people in the Russian Federation is 11.9 million. This is almost a tenth of the country's population, which needs additional support from the state. Given the dependence of this category of persons on guardians, guardians, as well as the lack of physical opportunity to report a crime verbally or in writing, contacting the police with a video call through a website can sometimes be the only way to seek help.

Thus, the experience of Australia is of great scientific and applied interest for the creation of online services in Russia that allow not only remote access to file a report on a crime, immediately register it online, but also to receive electronic copies of decisions that provide or block access to justice: on the suspension of proceedings in a case, on its termination on various grounds, on involvement as an accused, on recognition as a victim, civil plaintiff, civil defendant, on sending the case to the prosecutor with an indictment document, etc.

In Denmark, you can report a crime through the police website, as well as through the Borger platform, which provides for mandatory digital self-service when reporting a bicycle theft. According to Article 742A of the Administration of Justice Act, a report (anmeldelse) that only concerns the theft and use of bicycles must be transmitted to the police using a digital solution provided by the police (digital self-service).

Thus, the applicant is deprived of the opportunity to report the crime orally or in writing directly to the police. It seems that the introduction of such restrictions is excessive. The term "digital inequality" is already actively used in the literature, defined as the stratification of society and states to receive and use information transmitted through new information and communication technologies (Cole & Stickers, 2017; Prescott, 2017; Saraceno, 2018).

In the Netherlands and Norway, only certain crimes can be reported online on the police web-

site. For example, about theft from a pocket, a bicycle, or fraud on the Internet. This experience is also noteworthy since it may be necessary to gradually introduce the possibility of reporting a crime online, starting with individual categories of crimes, gradually expanding their list.

It is also worth noting the desire of States to provide the necessary information on how to report a crime and the further movement of the criminal case in different languages. In South Korea, the police website contains information about the support system for victims of crime in 11 languages, including Russian. In Sweden, there is a public support body for victims of crime, Brottsoffermyndigheten, which informs victims of crime about their rights. The website of this body contains information about the rights of the victim in 16 languages, including Russian. This manual contains a detailed description of the actions of the victim in the event of a crime.

Unlike other forms of reporting a crime, when using an electronic form, states impose restrictions and provide for the possibility of filing only for certain categories of crimes (as a rule, it is possible to report theft). On almost all websites, the applicant is recommended to call an emergency number if there is an immediate threat or traces at the crime scene.

Thus, the analysis of the use of online services by the leading countries in the field of digital government development suggests that most of them provide online opportunities for reporting a crime. But they do it very carefully, considering the specifics of criminal proceedings, in compliance with several conditions and restrictions, some of which are due, among other things, to the peculiarities of national legislation.

### Methodology

The rapid development of technology and the transition to the digital economy of many modern states provide new opportunities for optimizing various areas of society, including when dealing with a crime report. This creates a basis

for rethinking theoretical concepts and requires interaction in the study of the same object (reporting a crime online) from the positions of different scientific disciplines.

Currently, the methodology of interdisciplinary research is not fully formed, and this also applies to this interdisciplinary research conducted at the intersection of the sciences: legal and information. In this regard, it is necessary to develop interdisciplinary research methodology at a new level of understanding of reality – digital.

This study is based on general scientific, interdisciplinary methods, that is, common to criminal procedure science and information science (for example, analysis, modelling, comparison), and specific methods. At the same time, the study identifies criminal procedure science as the main discipline and information science as an auxiliary discipline.

A systematic approach is widely used in the study, which is necessary for understanding such a category as the procedure for applying to criminal justice authorities in the framework of criminal proceedings in the new digital reality using online services.

To solve the problem set in the study, which has signs of scientific novelty, criminal procedure science is based on the provisions of information science, which is related to the analysis, collection, storage, search, classification and protection of information.

In this article, the understanding of information is given from the point of view of criminal procedure theory. When preparing a study on the use of online services for filing appeals to criminal justice authorities, it was taken into account that technologies develop according to their own rules and are limited in material capabilities. From the standpoint of criminal procedure science, this study aims to create a criminal procedure algorithm that allows for electronic interaction between the state and the population on reporting a crime and its investigation online.

The use of normative-value, functional, structural-functional approaches, as well as general

logical methods (analysis and synthesis, induction and deduction, abstraction and ascent from the abstract to the concrete, etc.) and methods of empirical research, allowed us to form in this paper a research methodology on the use of online services for filing appeals to criminal justice authorities.

### Results

The general trends observed in the studied countries in the organization of filing a crime report in the electronic form include:

1. the possibility of reporting a crime online only in cases that do not require an immediate response from law enforcement officials;
2. a limited number of categories of crimes for which an electronic crime report can be made;
3. the identification of the applicant both through national portals of public services and without mandatory identification and authentication;
4. warning the applicant about the responsibility for providing deliberately false information by ticking the appropriate box online;
5. giving the applicant the opportunity to attach evidence to the application, data about the person who may have committed the crime, the criminal and other information.

### Conclusion

Foreign experience of the use of online services for filing crime reports can be helpful for implementing the Concept of digital transformation of organisations and bodies of the Prosecutor's Office of the Russian Federation until 2025, and for the development of a concept of criminal justice, providing access to justice in the context of development of digital technologies and the creation of the state automated system "Access to justice", which should combine into a single platform investigation, prosecution and trial, providing access to justice in criminal proceed-

ings, and providing an opportunity to file a report on a crime online with attached documents, to receive electronic copies of decisions that provide access to justice or hinder it (on registration of a report on a crime, on suspension of proceedings in a case, on its termination, on recognition as a victim, on involvement as a suspect, accused, on referral of the case to the prosecutor, etc.), to promptly exercise prosecutor's supervision and judicial control over the legality and validity of decisions in order to ensure access to justice.

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