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# OBJECT OF OFFENCE AND CIRCUMSTANCES OF THEFTS FROM WAREHOUSES

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**Annotation.** The following components of the forensic characteristics of thefts from warehouses have been investigated: the circumstances of the commission of a criminal offense and the subject of the criminal offense. A forensic classification of warehouses has been developed depending on: the structure of the warehouse building: large, medium, small, separate rooms for storing products, open or covered areas; levels of protection: high, medium level of protection, without protection, the area is not protected; characteristics of the storage conditions of goods: refrigerated, freezer, insulated or heated, with different degrees of humidity (dry, wet); operating mode: 24 hours a day, working hours during the day, working depending on the need for this; location of the warehouse from access roads and settlements: in densely populated cities, in the immediate vicinity of cities, within a five-kilometer zone, in towns and small towns, in villages. The place, time and other components of the circumstances of the theft, their dependence on the object of the unlawful encroachment were investigated.

It was established that the circumstances of the commission of a criminal offense are an important element of the forensic characterization, which is closely related to the subject of the criminal offense and the traces left at the crime scene. It is proposed to divide the objects of the unlawful encroachment depending on the method of sale of the stolen goods into: objects intended for further sale; objects intended for their further use in industrial production or the service sector both by the thief himself and by the circle of his relatives, friends, acquaintances; objects used directly by the thief for his own consumption.

These elements are decisive for the development of other components of the forensic characterization, namely: methods of committing the offense, trace picture, characteristics of the offender and the injured party.

**Key words:** investigation, theft, forensic characterization, subject of the encroachment, circumstances of the commission of a criminal offense.

**Introduction.** Important elements of the forensic characterisation of any criminal offence are the setting in which it was committed and the object of the criminal offence. These elements of forensic characteristics are

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interrelated with each other, as well as with other elements, such as the trace pattern, the method of committing the offence, the identity of the offender and the victim. In the investigation of thefts from warehouses, these elements are essential for practical use at the initial stage of the investigation when building investigative versions, planning the investigation, solving a number of tasks, the main of which is to identify and detain the offender. In view of the above, and given the lack of scientific development of the methodology for investigating thefts from warehouses, such elements of forensic characteristics as the setting and the object of the offence should be given attention.

**Analysis of scientific publications.** Scholars have paid considerable attention to the development of elements of forensic characteristics as components of the methodology for investigating certain types of criminal offences. In the scientific works of V. Bakhin, A. Volobuiev, V. Zhuravl, O. Kolesnychenko, V. Konovalova, V. Kuzmichov, V. Lukashevych, E. Lukianchykova, G. Matusovskyi, O. Pchelina, M. Saltevsnyi, R. Stepaniuk, V. Tyshchenko, K. Chaplynskyi, V. Shevchuk, V. Shepitko and others have paid sufficient attention to the development of methods for investigating certain types of criminal offences, including those against property. However, in their works, insufficient attention is paid to the development of elements of forensic characteristics of the methodology for investigating thefts from warehouses.

**The aim of the work.** The purpose of the article is to define the subject matter of an unlawful encroachment and the circumstances of a criminal offence as elements of the forensic characterization of thefts from warehouses.

**Review and discussion.** The setting of a criminal offence is an important element of forensic characterisation, which is closely related to the object of the criminal offence and the traces left at the crime scene. The concept of 'setting' covers a set of conditions and circumstances that form a specific situation, causing certain interactions between people. It is also a state or set of conditions in which something happens. When analysing the setting of an offence, scholars focus on its components, considering, in particular, the place where the criminal offence was committed as part of the material environment. This environment includes not only physical space (a room or area), but also a set of objects, as well as regulatory factors that determine the order of activities or behaviour of people in everyday life or work.

Thus, O.V. Oderiy notes that the setting of the offence forms a set of conditions, circumstances and phenomena that determine the achievement of a criminal result, as well as the peculiarities of psychological connections and behaviour of persons involved in the crime [1, p. 94]. O.V. Luskatov defines that the setting of a crime is a system of various objects, phenomena and processes interacting with each other before and at the time of the crime, which characterise the place, time, material, natural and climatic, industrial and domestic and other environmental conditions, as well as other factors of objective reality that determine the possibility, conditions and some

circumstances of the crime [2, p. 412-413]. As a component of the setting of a criminal offence, E.V. Priakhin includes not only a piece of territory, but also a set of objects on it, the behaviour of participants and psychological relationships between them. It reflects the mechanism of the event and the specifics of the actions of the offender and other participants [3, p. 11]. According to V.M. Pletenets, the situation is not only a set of conditions (characteristics, circumstances, phenomena) of the environment in which the crime is committed, but also one of the sources of information about the unlawful event. Its study allows to establish the time and place from the point of view of topographic and territorial-administrative characteristics, the method of the crime, to identify and remove traces, to organise the search for witnesses, to identify and detain the offender in hot pursuit [4, p. 35].

First, let us consider the place of commission of the criminal offence as an element of the setting, namely the buildings related to warehouses, as they to some extent determine the subject of the unlawful encroachment. In the explanatory dictionary of the Ukrainian language, a warehouse is defined as a properly equipped place, building or room for storing something (products, materials, etc.) [5]. In the economic sphere, warehouses are understood as premises, territory or their combination for storing goods, cargo, as well as providing certain services [6]. Warehouses are used in a variety of areas: from manufacturing companies and wholesale trade to transport and logistics companies and customs. The main function of a warehouse is to accumulate and store inventory, as well as to ensure timely fulfilment of customer orders. Warehouses are an integral part of the logistics processes of any business, especially companies operating in the field of commodity trading and e-commerce. Warehousing services can be varied and include loading and unloading of goods, acceptance for safekeeping, sorting, accumulation, labelling, sticking, packing, palletising, preparation of documentation for goods, including for tax and customs authorities, etc.

Warehouses are classified according to several criteria:

1. Purpose: commercial; industrial; transit and transshipment; wholesale and procurement; supply.
2. By type of product: food; non-food (machinery, building materials); pharmaceutical; for chemical or other specific products.
3. By storage method: centralised, distributed; bunker, open or tank storage.
4. By temperature conditions: refrigerated; freezing; insulated; dry [6].

The indicators specified in the classification are not sufficiently complete. In general, there is no single standard for warehouse classification in Ukraine. In many cases, this classification is supplemented by more detailed characteristics such as ceiling height, logistics capabilities, throughput, security and fire safety systems.

Internationally, the classification of warehouses proposed by Knight Frank, which is one of the world's leading consulting companies, is generally accepted. According to this classification, warehouses are divided into classes: Class A: modern warehouses, usually one-storey, with ceiling heights

of 12 m or more, located near motorways or railways and having a high level of security, video surveillance and fire protection; Class B: Inferior to the modernity of Class A, with lower ceiling heights (up to 8 m), but still functional and more affordable, the location may be less convenient; Class C refers to low-level warehouses, usually converted premises that do not provide adequate microclimate or ventilation, have limited storage capacity for specific products with less effective security; class D is the cheapest option and is represented by hangars, basements or open areas that are not suitable for products with special storage conditions, in particular for perishable or susceptible to external factors, and their level of security depends on the owner [6].

Each of these warehouses has its own type of product that can be stored there. For example, Class A warehouses are suitable for storing sensitive and complex electronic equipment, medicines, and foodstuffs. Class B warehouses can store foodstuffs, electronics, household appliances and equipment. Class C warehouses can store non-food items, textiles, timber, plastic and metal products, and construction materials. Class D warehouses are used for short-term storage of auto parts, glassware, agricultural products, and textiles.

The above classification of warehouses used in the field of commercial and economic relations is directly related to the forensic classification, since the method of theft, the number and characteristics of the perpetrator of the offence depend on such criteria as the construction of the building, the method of storage of goods, the degree of security, location, and the mode of operation. Characterisation of the number and content of operations carried out in warehouses may be useful in determining the method of committing the crime, as theft may occur in the process of performing a particular technological operation with the goods.

Classification is the process of ordering certain objects, processes or phenomena by certain characteristics. Classification provides an opportunity for a deeper understanding of the objects to be classified, establishing their general patterns and properties, therefore, for the purpose of scientific analysis, detailed consideration of a particular phenomenon, it is used in forensic science. A scientifically based classification is practically and theoretically relevant for the forensic study of a crime scene, which will allow for a deeper understanding of this element of forensic characteristics in connection with others.

Classification is a logical division of a population into classes, types or subtypes. It is based on the principles of dialectics, formal logic, as well as philosophy and theory of law. The basic rules of formal logic require that the division be total (i.e., covering all elements of the original population), based on one ground, and that the members of the division do not overlap. In addition, the division should be consistent and gradual, moving from the general concept to the nearest specific types.

Taking into account the above and our analysis of forensic practice, we will provide a classification of the place of theft according to the forensic criteria we have identified.

1. Warehouses are classified by size and design features as follows:

- large warehouses: 12 m in height and over 300 m<sup>2</sup> in area, of capital construction with the possibility of moving inside by loading and unloading and transport vehicles with a multi-level structure of goods placement;
- medium-sized up to 300 m<sup>2</sup>, one-storey capital construction also with the possibility of using transport inside the building or hangar-type structures
- arched structures with metal coating;
- small up to 100 m<sup>2</sup>, low with one-level or shelving of products, without the possibility of using unloading vehicles inside the premises. These can be permanent structures, hangars or premises occupying a floor or part of a floor in a multi-storey building;
- separate small (up to 40 m<sup>2</sup>) rooms for storing products;
- open or tented areas;
- basements and semi-basements.

2. By the method of storage of products:

- refrigerated
- freezers;
- insulated or heated;
- different degrees of humidity (dry, wet).

3. By the degree of security:

- high security: the warehouse building is located on a separate territory, guarded by the MIA security police or private security agencies or by the warehouse owner's personal security; the building is equipped with an alarm system, video surveillance equipment and has all other degrees of protection: strong doors, bars on the windows, etc;
- medium degree of protection: located on private territory, video surveillance equipment controlled by guards stationed on the territory, a fence, security service: a watchman or guards on duty in shifts;
- unprotected warehouse, the site is not guarded, but there are strong doors, possibly bars on the windows: no fence, no security, no other measures taken.

It is clear that the number of criminal offences, the professionalism of criminals committing thefts from premises of a certain type of protection, the tools used and other circumstances that affect the characteristics of these criminal offences depend on the degree of protection.

4. By location from the settlement:

- in densely populated cities;
- in the immediate vicinity of cities, within a five-kilometre zone;
- in villages and small towns;
- in villages located within fifteen kilometres of a city.

5. By the mode of operation:

- round-the-clock operation;
- working hours during the daytime from approximately 8:00 to 20:00;
- open depending on the need: loading and unloading of goods, availability of customers, etc.

Our proposed forensic classification of the objects of unlawful encroachment

allows for a more thorough and detailed use of the data provided for the development of other elements of the forensic characterisation of thefts from warehouses and for the formation of reasonable recommendations for their investigation.

Another component of the situation is the time when thefts are most often committed. In our opinion, the time of the offence as an element of the forensic characteristic should not be limited to astronomical indicators: year, month, date, hours or minutes. Time is considered in the entirety of relations and interrelations with other circumstances of the offence. This may be the time associated with seasonality, the moment of darkness or daylight, the time of the least number of eyewitnesses, etc. In the methodology for investigating thefts from warehouses, the time of the offence is related to the operating hours of the enterprise. As a rule, it is night time – 78% of cases based on the results of the study of criminal proceedings – when the warehouse is not in operation. In 22% of cases, thefts are committed during the daytime, usually by persons who have free access to the property in the warehouse.

Other elements of the environment include the company's operating hours and its location relative to crowded areas. More often, thefts are committed in warehouses that are not open every day but are opened when needed, and less often in warehouses that are open around the clock. In terms of location, thefts are more likely to be committed in warehouses located on the outskirts of cities and lacking proper security.

The situation, in particular the type of warehouse, is closely related to such an element of forensic characterisation as the object of a criminal offence. V. Shepitko notes that the object of an encroachment is the things of the material world, by influencing which a person encroaches on certain social relations. Establishing the object of an unlawful encroachment makes it possible to distinguish the crime from a related one. Certain features of the object of an encroachment may be both mitigating and aggravating circumstances of the same offence or turn it into a particularly grave type [7, p. 427-428]. M. V. Saltevsy defines the object of direct encroachment as a variety of physical objects (things and objects) of organic and inorganic origin, which are a material expression of social relations characterised by signs of their aggregate state, consumer purpose and physical and chemical properties [8, p. 420]. Among those mentioned by the author, we distinguish, first of all, the feature that characterises the consumer purpose of objects: tools, instruments and other labour items, household items, food, jewellery, etc.

The analysis of criminal proceedings allows us to identify three groups of objects of unlawful encroachment depending on the method of sale of stolen goods:

1. Items held for resale (54%). They can include a variety of food and non-food products, as well as industrial goods, blanks and semi-finished products. A significant part of this group is made up of goods stolen to order and committed as part of organised criminal groups.

2. Items intended for further use in industrial production or the service sector, either by the thief himself or by his relatives, friends or acquaintances (25 per cent). These may include construction materials, agricultural products (grain, fruit), metal billets, polymeric materials, etc. For example, the theft of building materials by a thief who is a builder by profession in order to use them in the construction of his own home or on the order of another person.

3. Items used directly by the thief for their own consumption (21%). These may include household items or foodstuffs, alcoholic beverages, recreational equipment (air mattresses, boats, mopeds, bicycles, fishing tackle, etc.), agricultural equipment, tools, which are usually stolen from poorly protected warehouses or open areas.

The division of the subject matter of the offence by this criterion allows this element of forensic characteristics to be used to develop recommendations for investigating this type of theft, in particular when searching for stolen goods at the place of their use or sale.

The quantitative data provided by us on the circumstances of the offence and the object of criminal encroachment were obtained by studying the materials of criminal proceedings in Lviv, Dnipro, Zaporizhzhia, Kyiv, Ivano-Frankivsk, Vinnytsia and Ternopil oblast. The degree of discrepancy in quantitative indicators is no more than 12 %, which indicates a certain homogeneity of the thefts under study throughout Ukraine and the possibility of using the results obtained during the investigation regardless of the location of the warehouse.

**Conclusions.** To summarise, based on the analysis of statistical data and generalisation of criminal proceedings, we have identified the following elements of the forensic characterisation of thefts from warehouses: the situation and the object of the unlawful encroachment. These elements are decisive for the development of other components of the forensic characterisation, namely, the methods of committing the offence, the trace pattern, and the characteristics of the offender and the victim. Determination of these elements of the forensic characteristic is a promising area for further scientific research.

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