

CRIMINAL ACTS REALIZED WITHIN SPECIAL GAMES OF CHANCE

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Abstract: The authors of this paper have attempted to systemize certain solutions within the laws that deal with criminal acts against the computer data security for the special games of chance, such as the games organized in casinos on electronic roulettes. Moreover, the authors of this text attempted to describe new modes of criminal acts of fraud and fraud by employees, as well as other examples of fraudulent acts upon electronic roulettes in casinos (gaming facilities). By introducing the Law on Games of Chance in 2004 and creation of Games of Chance Administration beginning 2005, the Republic of Serbia legalized games of chance, thus opening the possibility of realization of winnings in money, material goods, services or certain rights, directly or indirectly, and registered them in the Games of Chance Catalogue. This theses actually an issue, has not been explored in our region, and there is no information in regards to the Criminal Police Department work in solving these criminal cases.

Key words: special games of chance, casino (gaming facilities), fraud, electronic roulette, practice.

1. Introduction

This expert paper's authors' intention is to portray positive-legal rules that regulate games of chance and certain appearance modes of criminal acts encountered by the organizers of games of chance on electronic roulettes, during their working hours. Direct findings of the electronic roulette casino fraud issues are collected empirically, from the organizers on the home turf, and indirectly over the network of their business associates in regional countries (Slovenia, Croatia, Bosnia and Herzegovina, Macedonia, Romania, Bulgaria, Italy, Check Republic, etc.). Having scarce literature on this problem area, and based

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on the above mentioned verbal statements, we tried to present, as precisely as possible, the modes and methods in which it is possible to accomplish this type of fraud.

Up to date technical-communication devices, resourcefulness of con-men, their unscrupulousness in obtaining illegal gain while playing special games of chance, create problems for the games of chance organizers, bringing them into a position of constant monitoring, audio and video, of their guests and employees, and in this way acquiring material proof. How big of a problem this creates for the games of chance casino organizers speaks the fact that there is not a single one crime report filed against a gamer or a casino employee, even though there were founded suspicions of illegal acts execution or use of sophisticated technical means to augment the possibility of a win.

Constant quality cooperation with, the Ministry of Interior of Republic of Serbia, especially with the members of the specialized services of the Criminal Police Directorate – the Department for High-Tech Crime Prevention, the Division for Prevention of Organized Crime, and the Department for Fraud and Forgery Prevention of Criminal Police Directorate, the Police Directorate, City of Belgrade, as well as other casinos in the country and the surrounding region, could present a precondition for prevention of criminal acts in casinos with gambling machines and electronic roulettes.

2. Positive-legal regulations that organize games of chance problems

It has been since 2004 that the Republic of Serbia introduced games of chance (gambling) into the legal stream, by creating the Law on Games of Chance¹. This negative social behavior spread through all levels of the society. The LOGOC (Law on Games of Chance) has undoubtedly limited the gambling possibilities, and on the other hand enabled monitoring of the game organizers. This Law also enabled public revenue collection from the games of chance, and in return became a significant source for budget income² of the Republic of Serbia. Prior to the LOGOC there were short term resolutions to allow gambling on single automats or a single paying station in casinos. Practice proved that the possible risk of void of payment of winnings was great, and on the other side there was a great possibility that the organizers of games of chance avoided paying complete public revenue.

¹ The Law on Games of Chance was drawn up on July 23, 2004, proclaimed in the Official Gazette of the Republic of Serbia no. 84/04, and came to power on August 01, 2004.

² Income is distributed in such a way that 60% goes to the RS budget, and 10% each belongs to Finance fund for organizations for physically impaired and social protection institutions, Finance fund for socio- charitable activities, Finance fund for local self-managing programs respectively.

The Penal Code of Serbia³ in Chapter XXXI – Criminal Acts against Public Peace and Order, in Article 352, defines a criminal act of Unauthorized Organization of Games of Chance. This criminal act can be undertaken by any person who unlawfully organizes games of chance, and the specter of penalty ranges from monetary up to two year imprisonment. Organizers of these games or the gamers themselves could be punished with three months to five years of imprisonment. Means intended for or used for the execution of this crime, as well as the money and other objects used in the game of chance would be taken away.

The LOGOC defined Games of chance as *games in which participants, with direct or indirect charge (through accounting added telephone impulses, etc.), are given opportunity to realize a gain in money, material goods, services or rights, in addition, the ultimate result does not depend solely on knowledge or craft of the gaming participants but also on mere coincidence or uncertain event.*

The Organization of Games of Chance is the type of activity of common interest for the Republic of Serbia, therefore the Republic of Serbia has rights to the organization itself. The Republic is allowed, in correlation with the LOGOC, to transfer the rights to the game organizers, that is, to the legal persons who reside on the territory of the Republic of Serbia. The rights are transferred on the basis of license, permit and agreement (given by the Games of Chance Administration) which cannot be transferred to a third party. The organizer is liable to submit the game rules with each submitted new game of chance application. The game rules have to be posted on a visible place in a game room.

The games of chance could be classic games of chance, special games of chance and prize-winning competitions with prizes in goods and services. Classic games of chance are lottery, sport betting, lotto, tombola, fonto, etc. Special games of chance are the games organized in casinos, in which the gamers play against the house or against each other, at gaming tables with balls, dice, cards and other similar props, games organized on machines and sports betting and other events.

The LOGOC has raised the criteria for the organization of games of chance (financial, technological, special), but has also foreseen founding of the Games of Chance Administration⁴, as an administrative body within the Ministry of Finance. The Games of Chance Administration monitors game organizers' ac-

³ Official Gazette of the RS, no. 85/05, no. 87/05, no. 115/05.

⁴ <http://www.mfin.sr.gov.yu/src/120/>

tivities and takes care that the LOGOC and numerous sub-legal resolutions⁵ which regulate this area are placed in action, as well as pointing out irregularities in public revenue charge resulting from the LOGOC.

Special games on the gambling machines could be organized by the legal person with their base in the Republic of Serbia, providing they possess basic capital investment in local currency (dinar) of 150 000 Euro, written in corresponding register. In order to ensure payouts of the winnings to the gamers and regulating public revenue obligations, the organizer has to have a bank deposit in Serbia, of 300 Euro (in local currency – dinar) per gambling machine or possess a bank guarantee on established amount and mandatory submission of the Ministry's authorization over the management of funds of this specific-purpose deposit for anticipated cases. The LOGOC further defines process of allowances and conditions for possessing at least 100 gambling machines which the organizer has to have on the territory of the Republic as well as the allowance expiration period of three years. The appeal against the judgment on license request is not allowed. The Games of Chance Administration has the right to revoke the license in case of deviation from license terms and conditions. The organizers' liability in reporting gambling machines and locations within a time limit is regulated.

Charge for acquired machine game organizing license is payable in local currency and amounts to 300 Euro per year per machine. The payment of 50 Euro (in local currency) for down payment per machine per year is also established. If the game organizer realizes yearly turnover of 6.000 Euro (in local currency value) per machine, he has to pay 10% organization charge. Game organizer is due to fulfill certain informatics conditions, which include creation of unified database on pay-ins and pay-outs realized on each machine, define its location and connect it through computer or telecommunication network to the Games of Chance Administration.

The adopted Decrees and Rules, along with the LOGOC, define that in addition to the minimum base capital of 150 000 Euro for the organizer who applies for the license, even to 1 000 000 Euro for the realization of special games of chance in casinos for legal persons, it is necessary that even civilian person – the owner, should not have a conviction record five years prior to filing, to have at least a hundred machines (which could be or not be his property) and that those machines must have passed the control in the Directorate for measures and precious metals⁶, where each type of gambling machine should be registered.

⁵ Decrees, Rules and decisions are cited under literature.

⁶ <http://www.szmdm.sv.gov.yu/index.php>

Each type of game of chance machine, for the safety of the gamers, has to be attested at the Directorate for measures and precious metals by the official technician, who establishes on a yearly basis whether the gaming machines fulfill technical and functional characteristics described in the service booklet. The service booklet has to be kept at the official service place and presented to the Internal Revenue Service for inspection, upon request. Every machine has to be marked with a sticker issued by the Games of Chance Administration and printed by the Institute for Manufacturing Banknotes and Coins, in such a way possible forgery of the same is avoided in the best manner.

As the emphasis of this paper is on the special games of chance, and solely those games which are organized in casinos – on gambling machines and electronic roulettes, the rest of the paper will deal only with topics related to these games.

Special games of chance in casinos could be organized by legal entity having the headquarters at the Republic of Serbia territory, based on the license issued by the Government of the Republic of Serbia. The license for organizing special games of chance in casinos can be acquired by legal entity, who in addition to having fulfilled other conditions created by the LOGOC must have base capital in the amount of 1.000.000 Euro in local currency on the same day when acquiring the license, also that the legal entity is obliged to maintain the base capital to the same amount. Due to winnings' pay out insurance and ensuring public revenue payments, the LOGOC expects the organizer of special games of chance, to have a bank deposit of 300.000 Euro in local currency, or bank guarantee in such an established manner, and to give the authorization over management of funds of this specific-purpose deposit to the Republic of Serbia for the same period the license is active. In addition to the above mentioned conditions the organizer must secure a risk-deposit at the casino cash desk, each day the special games of luck are organized, to the amount of 50.000 Euro in local currency. In this way the interests of the State, budget, and the gamers in casinos, are secured.

The license issuance process is defined in the LOGOC, and the license for organizing special games of chance in casinos is issued for ten years with the possibility of extension. The legal entity which obtained the permit to organize special games of chance in casinos, signs the contract with the Republic of Serbia on transferring rights to organize the special games of chance. The organizer of special games of chance is obliged to report every table and machine used for games of chance to the Games of Chance Administration at least 48 hours prior to placing them in use. The LOGOC creates conditions, on what basis the competent Ministry can present a proposal to revoke the organizing special games of chance in casinos license.

The charge for the acquired license is paid on the deposit account of the Treasury. The charge for organizing every special game of chance in the casino is paid in the percentage and upon the proposed base. For games that gamers play against each other 3% of the pay-ins value, and for the rest of the games 25% on a difference between pay-ins and paid-out winnings minus the worth of the promotional chips. The LOGOC also defines guidelines for keeping the log on base value for calculating and paying the compensation, also proposes the way to inform the Administration on inputs and lend-outs.

Space conditions within the casino must be planned so that the room for gaming, room for guests and employees of the casino is a whole, that the casino has a reception service which will identify the parties entering the casino, to have a cash desk, exchange office, and separate, protected money storage area. The casino could be placed either in separate facilities, specially arranged for that occasion, or in catering establishments in which there are accommodation services marked with five, four and three stars – hotels or apartment complexes. The organizer is obliged to provide constant audio-video surveillance with recordings of entries and exits from the casino, above all tables and game machines, as well as surveillance of gamers and visitors, he is obliged to keep such documentation ten days, and longer if warranted by the Games of Chance Administration. The data acquired in this way are regarded as business secret.

Game organizer is also obliged to provide body guards for the gamers and visitors in accordance to the regulations that propose protection of property and persons. The conditions for entering the game room are determined by the organizer, therefore he can forbid certain individuals or group of people to enter, and is under no obligation to give any explanation. Therefore, the so-called data banks are created about common or persons inclined toward property and other criminal acts, and are kept up to date on a daily basis and exchange between casinos, in order to prevent criminal acts of fraud or some other criminal acts. If the gamer violates game rules during the game of chance, the organizer can forbid his further involvement in the games. This will be covered in detail relating to the modes of criminal acts within special games of chance.

Entrance into casinos is permitted only to individuals of full age, while the organizer is obliged to create database including each individual's Personal ID number, Identification Card or Passport number, and the date and time of entrance and exit. If there is justified conviction that a certain individual does not have sufficient income or their material situation does not allow them to or limits their participation in games of chance, the organizer can permanently or for a limited time prohibit the entrance to the casino or limit his visits. In this way the organizer of the special games of chance has a discretionary right, on the basis of individual assessment, to decide whether certain visitor fulfills the norms

for the minimum property (money) requirement for any type of gaming participation. The manner in which the assessment of potential gamers is done varies from casino to casino. Thus in the Western countries' casinos entrance will be allowed, with prior ID check, to any individual, up to the room in which the money is exchanged for chips. In this room, a potential gamer will show whether or not he has the adequate amount of money for certain game in the casino and on this basis acquires the right to engage in the game. In our country, casinos have stricter standpoint, there in no internal rule to forbid the entrance to persons at the casino doorway, except providing that the doorman or security service sense that the potential gamer doesn't have adequate amount of money, without prior check of material situation at the cash desk. On the other side, in the USA the gambling industry has more liberal stance with regards to the question of potential gamers' approach, enabling gaming even with money lent from the casino itself, for certain (continuous and "credit worthy") players. In our country the LOGOC forbids casinos to lend out money or internal casino means (chips, electronic credit, etc.) to the gamers in casinos.

Individuals in uniforms are allowed to enter the casino only during their duty hours. Every approach of an individual in uniform is recorded, and such an individual is obliged to identify himself by presenting official ID, his arrival time and departure is recorded, as well as the reason of his presence in the casino.

Visitors and gamers are not allowed to bring in any technical devices, that could aid them or other gamers in creating an advantage in gaming, so if there is so much as a founded suspicion that someone possesses them, the organizer will remove them from the casino. The organizer does not have to actually see or find the device and thus provide material proof, since the organizer of special games of chance does not have the authority to search the individuals, as do the police for instance - from the Laws on Police Force⁷ and The Criminal Proceedings Code⁸. With regards to this there is a justified question posed to the organizers of the special games of chance, which technical devices are allowed to be brought in, and which are not, i.e. if a cell phone that has an operational system Windows mobile, bluetooth and/or infrared connection with other technical devices, camera with 8 MP resolution, with a software solution that can analyze the ball movement in roulette and thus determine approximate numbers where the ball will stop is allowed.

In order to perform certain jobs at the casino the employees need to have licenses issued by the Games of Chance Administration. Casino employees are

⁷ Official Gazette, no. 101/05

⁸ Official Gazette SRJ no. 70/01, 68/02 and 58/04

not allowed to accept tips, presents, loans or other gains from the gamers either for themselves or others, or to financially help the gamers. In special cases gamers may give tips for running of certain special games of chance, not directly to the croupier, but place it into special boxes⁹ kept on the gaming tables, and the collected money meant for tips are a part of the organizers' income. Out of the cited conditions proposed by the LOGOC and following bylaw regulations, we can notice a clear intent by the legislators to protect the State interests, which is good. The budget of Serbia gains 70 to 100 million Euro of annual income in this manner. However, there is a question of protection of the special games of chance organizers' interests, who encounter the perpetrators of property and other criminal acts on a daily basis. It should not be forgotten that the organizers are the ones who have to comply with many financial, technological, and other conditions proposed by the LOGOC and following bylaw regulations, and that the LOGOC itself has not provided for any criminal act performed by the casino visitors, gamers and casino employees.

3. Forms of appearance of certain criminal acts on special games of chance in casinos

Modern casinos are high tech areas, where specially produced security and informatics equipment dominates. Such a technical-technological assembly of informatics and other equipment is necessary because of the conditions laid out by the LOGOC.

Informatics equipment in modern casinos represents the state-of-the-art generation of computers and servers creating its intranet system secured by hardware and often physically secured (separated) from outside surroundings. Software that serves this integrated informatics-secured system is intentionally created. System of informatics supervises the work of all electronic devices in the casino, also the telephone system, audio and video surveillance integrated system, especially the games of chance machines work, employees' work in the gaming rooms, exchange office, cash desk, and the money storage area, as well as visitors' and gamers' whereabouts.

The integrated control system for audio and video surveillance inside and outside of the premises is based on the CCTV¹⁰ system. Modern day cameras produce high quality pictures, and teleobjectives with optic zoom up to 30x en-

⁹ «Cagnotte» – see the LOGOC

¹⁰ Closed circuit television B.C. Welsh, D.P. Farrington: “**Crime prevention effects of closed circuit television: a systematic review**”, Home Office Research Studies, Development and Statistics Directorate, 2002.

able object augmentation, without the loss of video signal quality, with automatic transfer from good illumination to poor. Cameras are placed at various places in casinos, in both the closed and open areas, and can be either noticeable or concealed in common objects, therefore hidden from persons who have no knowledge of their precise location. The surveillance operators have numerous programming options over integrated interface including, white color balance, light changes, back light compensation, video signal synchronization and reduction of noise. All audio and video signals are recorded digitally on digital recorders with capacity over 1 TV.

On the basis of the above mentioned casinos' technical-technological characteristics, its operating center presents actually an area in which an enormous amount of data is processed. Audio and video recordings obtained from CCTV are converted into digital data recognized by the computer and available for further processing and exploitation. It is the informatics-security system that creates an obstacle for the executors of various criminal acts in casinos upon gambling machines and electronic roulettes, actually on those devices that do not have croupiers, and therefore do not have constant supervision by the casino official.

A perpetrator of a criminal act in casinos can only be an adult (they are allowed to enter a casino) of both sexes, in various positions, as a non playing visitor, who is looking around and probably using the follow up services a casino offers, a gamer who gambles, an employee, as an official of a casino, and one of co-owners of a casino.

The perpetrators commit various criminal acts in casinos, and they can be somewhat systemized depending *modus operandi*. Following in the paper the methods of various criminal acts are portrayed, that the authors of the text learned about from the direct contact with several organizers of special games of chance in casinos:

- The gamer in casino purchases from the employee at the paying station a certain amount of credit in correlation with the certain amount of money. With the obtained credit in such a manner the gamer approaches electronic roulette and begins the game against the electronic roulette (or other players, but in this case the gamer waits for the opportunity to remain alone at the electronic roulette). As the employee goes away from the gaming place, the gamer with appropriate object, most often with a drill, drills a couple millimeter whole at the top of the roulette cylinder, slides in a metal bending wire, catches the ball that is rotating on the circumference of roulette and pushes it onto a number he previously placed the money -credit¹¹ on. This method of criminal act of fraud¹¹ can

¹¹ Article 208. Criminal Code of the Republic of Serbia

be committed in collaboration with a person who monitors the gamers, visitors and employees, but not necessarily since the perpetrator counts on that he would not be noticed by personnel in charge of controlling the improper gaming practice of gamers.

- The gamer comes to illegal possession of a copy of the coded key used for credit payment on the machine or electronic roulette. The coded key should be possessed only by the manufacturer who makes the gambling machines or the electronic roulettes and the organizer. The manner in which the copy of the coded key comes into illegal possession by the gamer is possible only by the arrangement with the manufacturer (or one of workers who possesses the original coded key) of the gambling machine or electronic roulette or by the agreement with casino co-owner, who wishes to obtain illegal profit to the other owner's detriment. The profit obtained in such a manner is divided among all criminal act collaborators. Even in this case the personnel in charge of inside casino monitoring should be able to notice the illegal manner of realized profit on a certain gambling machine or electronic roulette, provided that he is not a collaborator in criminal act. Unless there is a video recording, or the recording has time lapses at the supposed time the crime is committed, it is a strong indication that there is collaboration between the gamers and surveillance personnel, but also casino's co-owner. The time and the amount of the winning is recorded in the memory of the gambling machine or electronic roulette and serves as control data, as for the organizer of special games of chance so much for the Games of Chance Administration which supervises the special games of chance organizers' work.

- Casino co-owner usually alone, without employees' help and after working hours, with purpose of obtaining illegal gain to the other owner's or several owners' detriment, interrupts audio and video surveillance over the casino area where the game machines of electronic roulettes are placed, opens the protective cover of the machine or roulette and commences manual placing of numbers on the analogue machines of older generation or the ball at the electronic roulette and in this manner simulates the win, which pays out to himself. As the co-owner has a status of a worker he commits criminal act of fraud at work¹².

- Casino employees as workers, who according to the LOGOC do not have the right to engage in games of chance in the casino where they are employed, on a self initiative or in collaboration with a casino co-owner (who wishes to obtain illegal gain to the other owner's or several owners' detriment), start up the machines or electronic roulette, most often after working hours, place certain amount of credit, not previously bought for money at the cash desk, gamble

¹² Article 363. Criminal Code of the Republic of Serbia

and dependent on whether they acquire certain profit or not, damage the casino owner on two bases. The first basis manifests in that the gamer realized profit void of the LOGOC, and the other basis manifests in the owner's obligation to public revenue payment, the amount determined by the LOGOC in percentage, and on the basis of gamers' payment regardless whether it is fictional or real. The employees or the co-owner commit, in this way, criminal act of fraud at work.

- A gamer in the casino with the use of force or serious threat forces the employee to enable him to play on the game machine or electronic roulette, without prior purchase of credit for money at the cash desk, and in such a manner realizes illegal gain. This method of criminal act¹³ is possible only in casinos that do not have physical casino protection although the special games of luck organizers are obliged, according to the LOGOC, to provide physical protection for the gamers and all individuals, even employees, at the casino.

- A gamer who gambles at the gambling machine or electronic roulette uses temporary software or hardware error on electronic device, obtaining gain void of rules proposed for a certain type of game on one of electronic devices in casino. If they manage to collect the winnings that they obtained in the above mentioned manner, then they damaged the special games of chance organizer. It is a common practice that the game organizer posts a noticeable warning on each of the gambling machines or electronic roulettes in his casino, where the gamers are warned that they will not realize their wins if there is any malfunction of electronic device during the game.

Considering the criminal aspect the commission of certain criminal acts against computer data security is of special interest, these are contained in Chapter XXVII of the Criminal Law Book of the Republic of Serbia. When we speak about special games of chance, most often committed is computer fraud¹⁴, damage of computer data and programs¹⁵, unauthorized access to a protected computer, computer network and electronic data processing¹⁶.

Direct inspection of the casino practice, points out that the most often committed mode of criminal act, from the criminal acts against the security of computer data group, is the criminal act of computer fraud, where the executor inputs incorrect data, attempts to avoid inputting correct data or in some other way conceals or falsely presents data and in this manner affects the electronic processing result and data transfer with intent to obtain for himself or other

¹³ Article 214. Criminal Code of the Republic of Serbia

¹⁴ Article 301. Criminal Code of the Republic of Serbia

¹⁵ Article 298. Criminal Code of the Republic of Serbia

¹⁶ Article 302. Criminal Code of the Republic of Serbia

party, illegal gain and in this way cause property damage. This is a criminal act most often encountered by the special games of luck organizers on gambling machines and electronic roulettes, here and in the surrounding region, and through information exchange between casinos, there is a founded doubt that this device is most probably manufactured by the ones who manufacture roulettes.

The authors of this paper were not able to verify these findings by the inspection of relevant literature or some expert thesis, because there are none that deal with this issue. The source of information and the data connected to the already mentioned issue come out of practice, they are empirical in background. The issue itself deals with specific and practical use of devices that are produced and used to the sole purpose of electronic and computer fraud on electronic roulettes, and there is not any kind of official publications on this, which is understandable. It is of interest and very significant for services that engage in prevention, disclosure, and verification of fraudulent acts of this type, to have direct knowledge from practice, actual surroundings, because these findings open the door to new solutions in substantial battle against crime. In short, the authors' intent is to describe the execution methods and to attempt to explain the manner in which to verify certain forms of computer fraud on electronic roulettes while not getting into detailed technical explanations because it would lead away from the basic intention and goal of this paper.

Gaming process on the electronic roulette is based upon software that enables, over the processor which is a hardware piece of electronic roulette placed inside the roulette cylinder, generating in each new round of game different random numbers¹⁷, warranting that number acquired in this manner is with high probability different from the previous. Random number generated in such a way is made able by interchangeable work of some mechanical and electronic connections in electronic roulette, that aid in diverse final outcome – the winning number on which the ball stops.

- Criminal act of computer fraud is committed with the aid of specially constructed unconventional electronic device that emits a signal on a certain frequency. The device frequency (WHEAL-TRACKER)¹⁸ affects the hardware component work on the roulette (the sensor) and in such a manner displays a win (a number the bet is previously placed on) before the ball actually hits the number. The ball hits a different number, but since the processor recognized a

¹⁷ See more in M. Nedeljkovic, M. Stojcev: „**Generator pseudoslučajne sekvence baziran na mikrokontroleru**“, available on web address <http://es.elfak.ni.ac.yu/Papers/Nedeljkovic-Stojcev-rad-za-Hipnef-2008.pdf>

¹⁸ Jargon term. This device can be put together only by individuals involved in electronic roulette manufacture or ones who are familiar with electronic roulette principals of work.

set up number as the winning number, in this phase does not make a double check whether it is a real winning number. The next phase for the processor is the data processing, so this is how the illegal gain is realized. The operating mode: a gamer who has an intent to execute fraud with this device in collaboration (pay off) with an employee or a manager or by employee coercion turns off the video surveillance above the roulette, and by physically distancing the employee away from roulette, so he would not be able to witness the fraudulent act and operating of the device, he begins the game and turns on the device. Following the conclusion of the game, while the gamer who committed fraud waits for his winnings, the other collaborator, exits the casino and takes away the device. In case of a search by suspicious managers, that can be done only visually, the device is not found, therefore there is no proof of fraud. The principle on which there could be justified suspicion of fraud is the lack of video recording, enormously high winnings, repeated numbers in a row and frequent mistakes recorded in database on the game integrated in the roulette. This is why casinos use a simple but efficient tactics in order to undermine the use of this device – performing direct control of winnings on gambling machines and electronic roulettes. Some roulette manufacturers invented a specific system by perfecting the electronic roulette software and managed to avoid this form of fraud. However, a relatively small number of electronic roulette manufacturers use these software solutions, thus there is a lot of space to use up-to-date electronic devices for criminal purposes¹⁹.

- On the basis of some knowledge on forms of fraud on electronic roulettes, there is also a possibility of fraud through a separate computer which is in *on-line* connection with electronic roulette. This connection can be made only if the roulette is in connection with the Internet. The operating mode: a hacker is physically remote from the casino and with the aid of a collaborator who is at that moment inside the casino sitting at the gaming place at electronic roulette, commits fraud in a way that the credit (amount of money which reads out on electronic roulette in form of a credit) is imputed on the gaming place without actual money being given, i.e. without paying money at the cash desk. The collaborator paid some money, in order to approach electronic roulette and begin the game, to the casino employee at the cash desk, and enable the game; in return the amount of credit would be falsely exaggerated later by the hacker and *on-line* connection with the roulette. This form of fraud can be revealed by accessing the game history which is in data base of the roulette.

¹⁹ The data on this specific issue are gathered together and apply to the territory of the countries of Southeastern Europe: ex-Yugoslav republics, Romania, Bulgaria, Check Republic, etc.

- The unauthorized use of computers or computer network undergoes also when the executor makes an illegal access, in some convenient way, with suitable technical aid, to casino's intranet computer network and uses some computer service with intent to acquire, for himself or a third party, illegal property gain. The executor usually connects (over wire or wireless over router²⁰) with casino intranet. With specially produced software, that serves to enable intranet access, with prior password deciphering²¹, exploits all available data, which he can offer to a third party, in exchange for goods, service or money such as: the identity of gamers, the placement of surveillance equipment, the casino employees' identities, etc. The knowledge of this specific form of fraud was indirectly available to the authors, i.e. from literature, regarding concrete examples from direct practice and casino practice in the country and neighbouring countries are not yet noticed, so it is supposed that this form of computer misuse in casinos still lacks strong motivation (which is often connected to financial benefit).

Being aware of these threats, the special games of luck organizers have the possibility, given by the LOGOC, by utilizing constant audio and video surveillance of the gamers, visitors and employees, to observe that the visitor, gamer or employee use an unauthorized technical aid (which they do not have to bring into the casino), in order to obtain illegal gain on the basis of gambling void of proposed rules for a certain type of game and have the right to remove such an individual from the casino.

If the gamer accessed the casino intranet network, but did not manage to realize a win, that is did not realize an illegal gain, then it could be concluded that the following criminal acts exist:

- Damage of data base and program – providing the executor erases, damages, hides or in any other way disables computer data or program or,
- Unauthorized access to secured computer, computer network and electronic data processing – if the perpetrator, violating security protocol, makes an unauthorized entry into the computer or computer network, or makes an unauthorized entry into electronic data processing, or misuses data in the above described fashion.

4. Conclusion

Whenever there exists a possibility to make an illegal and quick way to gain money or by committing various criminal acts that enable acquiring illegal property gain in casinos, there will be attempts to attain certain benefits in various

²⁰ Computer device used for computer connection into a network.

²¹ See more in S. Landau: „Communications security for the twenty-first century: The Advanced Encryption Standard“, Notices of AMS, 47 (2000.), 450-459.

ways. Regarding positive–legal regulations that organize game of chance problem in the Republic of Serbia and some new forms of various criminal acts, and that, from the general domain, and also computer criminality, very interesting methods of their execution are presented.

The authors' intention was, not with this paper but a future one, to encompass the issue of obtaining evidence that could serve a more successful guidance for a criminal process. Therefore, it was only a run down of the most important legal regulations on the basis of which the evidence in connection with the commission of criminal acts cited in the previous chapter could be secured.

With regards to material proof, that is the use of audio and video recordings made in casinos, The Law on Criminal Procedure does not have explicit regulations on their relevance and validity in criminal process. In our opinion this material could be presented as evidence, since there is legal obligation to place audio and video surveillance in casinos and that the warning on their use is publicly displayed. Therefore, the individuals consent to recordings by entering and remaining at the premises, so it could be deducted that the audio and video recording obtained on basis of the LOGOC object that could be presented as evidence.

In certain amount the authors wanted to interest wider scientific and expert public and point to the existence of new forms of social–pathological occurrences that in the near future, with rapid technical development and crafty adaptations by the perpetrators of these criminal acts could easily slip lawful control and in a wider sense, social control.

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KRIVIČNA DELA KOJA SE VRŠE U SKLOPU POSEBNIH IGARA NA SREĆU

Rezime

Rad se prvenstveno bavi novim pojavnim oblicima različitih krivičnih dela kao što su prevara, prevara u službi, ali i raznih krivičnih dela protiv bezbednosti računarskih podataka u okviru posebnih igara na sreću, kao što su igre koje se priređuju u igračnicama na elektronskim ruletima. Autori teksta došli su do neposrednih, empirijskih saznanja proisteklih iz prakse domaćih priređivača posebnih igara na sreću na elektronskim ruletima koji se svakodnevno u svome radu susreću sa izvršiocima pomenutih krivičnih dela. Izvršioci po pravilu pokušavaju da na razne nedozvoljene načine obezbede sebi nelegalni dobitak i na taj način ostvare protivpravnu imovinsku korist, a na štetu priređivača posebnih igara na sreću i na štetu naplate javnih prihoda koji su ostvareni na osnovu priređivanja igara na sreću. Donošenjem Zakona o igrama na sreću 2004. godine i obrazovanjem Uprave za igre na sreću početkom 2005. godine (koja deluje kao organ uprave u sastavu Ministarstva Finansija), Republika Srbija je uvela u legalne tokove igre na sreću, koje mogu uz neposrednu ili posrednu naplatu da pruže mogućnost ostvarenja dobitka u novcu, stvarima, uslugama ili pravima, koje su upisane u katalog o vrstama igara na sreću, za čije su priređivanje donešena pravila igre i da su ispunjeni svi ostali uslovi koji proističu iz Zakona o igrama na sreću. Ova problematika do sada nije istraživana na našim prostorima, a u vezi rada kriminalističke policije na rasvetljavanju ovakvih krivičnih dela ne postoje saznanja. Rad bi, svakako, pokrenuo niz pitanja o načinu otkrivanja, razjašnjavanja i dokazivanja ovih krivičnih dela koja se izvršavaju u igračnicama.

Summary

The paper deals primarily with the new manifestations of various crimes such as fraud in general, fraud by the employees, and various criminal acts against the security of computer data in certain games of chance, such as

electronic roulette. The authors of the text made direct empirical discoveries resulting from the local electronic roulette games of chance organizers' experiences, who encounter these crime perpetrators on a daily basis. It is common practice that the perpetrators attempt, in a variety of illicit ways, to realize the illegal gain and thus obtain profits to the detriment of the special games of chance organizers and at the expense of the public revenue income realized from these games. The Republic of Serbia introduced the Law on Games of Chance into the legal mainstream lottery games in 2004, and created the Games of Chance Administration in early 2005 (which acts as an administrative body within the Ministry of Finance); these games may, with the direct or indirect payment, open the possibility of gain in money, goods, services or rights, registered in the games of chance directory, and for organizing of the same there are rules issued and certain conditions met, resulting from the Act on Games of Chance. These issues have not as yet been explored in our region, and we have no knowledge in connection to the work of the criminal police department in solving these crimes. The paper would surely launch a series of questions on the process of discovery, resolving and verifying these criminal acts committed in casinos.