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SOME PROBLEMS OF ESTABLISHING PSYCHOLOGICAL CONTACT DURING EXAMINATION OF A SUSPECT

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Annotation. *Some problems of establishing psychological contact during the interrogation of the suspect are considered, it is suggested to take into account tactics taking into account the situations of this investigative action. Psychological contact is a necessary prerequisite for the main task - to establish the objective truth in each criminal case. If the investigator does not have the ability to establish emotional contact with the suspect, then there are some doubts about his professional training and suitability to perform his functional duties successfully and properly. The problem of inability to establish psychological contact is the lack of necessary information about the identity of the suspect. In such cases, an analysis of the available data on the suspect is essential. Perspective directions of criminalistical researches in this sphere of knowledge are considered.*

Formulation of the problem. The success of the investigation of criminal proceedings and ensuring its effectiveness largely depends on the correct choice of tactics and the use of opportunities to establish psychological contact between the investigator, the prosecutor and the participants in the criminal process [1, p. 65-70]. As practice shows, ignoring during the investigation of criminal proceedings forensic recommendations on the tactics of investigative (search) actions often leads to conflict situations, which significantly complicates the tactical tasks of the investigation, which is often accompanied by giving false testimony, reluctance and evasion of communication with (investigator) prosecutor or worse, by refusing to testify during the pre-trial investigation and trial.

It is seen that the emergence of such situations in most cases is due to lack of proper psychological atmosphere during the investigative (search) actions, ignoring the possibility of establishing psychological contact, as its absence affects the effectiveness and completeness of investigation and trial in general [2; 3].

Presenting main material. In a broad sense, psychological contact is a process of communication and exchange of information between two people. The task of the investigator is to establish a special psychological contact with the suspect, which would promote mutual understanding before receiving and testifying. The peculiarities of this psychological contact are determined precisely by the specifics of the psychological relations that arise between the investigator and the suspect during the pre-trial investigation and trial of the materials of criminal proceedings.

Psychological contact should be understood as a dynamic, situationally

conditioned bilateral process of influencing the interrogee, aimed at achieving mutual understanding by creating the most favorable psychological atmosphere of communication, as a result of which the interlocutor changes his negative state, psychological attitude to the investigator and social position, investigative (search) and judicial actions [4, c. 130-131].

Psychological contact is a necessary prerequisite for the main task - to establish the objective truth in each criminal case. If the investigator does not have the ability to establish emotional contact with the suspect, then there are some doubts about his professional training and suitability to perform his functional duties successfully and properly. Establishing psychological contact requires the investigator's knowledge of the psychology of the interrogated and taking into account their individual psychological qualities, mental state at the time of interrogation, life and criminal experience and other circumstances that characterize them [5, c. 235-236; 6, c. 211-221].

It should be noted that in criminalistics and legal psychology the concept of psychological contact is debatable. Thus, V.O. Konovalova argues that psychological contact is a "sense of mutual affection" [7, c. 14]; a level of mutual understanding that allows to obtain complete and objective information from the respondent [8, c. 86]. In turn, V.H. Lukashevich notes that the establishment of psychological contact - is a purposeful, planned activities of the investigator to organize and manage the movement of information in the process of verbal investigative actions, which provides conditions for the development of its communication with participants in these actions the purpose of the direction carried out throughout the investigation [9, c.159].

In addition, some scholars and practitioners compare psychological contact to a state in which people can and want to perceive mutual information. The state of the interrogated is a kind of his attitude to external and internal circumstances, well-being, mood in a given situation at the appropriate time [10, c.159]. Mood and well-being can change quickly depending on the influence of various factors, and the state in which the respondent can perceive information, be ready to communicate, it is advisable to consider as a favorable element of the interrogation [11, c. 199–215].

In our opinion, V.Yu. Shepitko rightly noted that psychological contact is the most favorable psychological atmosphere, a certain mood during communication during interrogation, etc. verbal investigative (search) actions. Psychological contact during interrogation provides for the possibility of its two levels: 1) when the interrogated wishes to testify (testimony); 2) when the interrogated is forced to do so. In the content of such contact there are two elements: a) the readiness of the respondent to communicate; b) the result of the correct psychological approach of the investigator to the interrogated. Signs of psychological contact should be distinguished as follows: 1) psychological contact is always bilateral, its establishment and support depend on both the investigator and the interrogated, although the initiative and control influence belong to the investigator; 2) psychological contact is a dynamic process that is in development, the participants of which are constantly adjusting their behavior; 3) psychological contact is situational and may occur at different stages of interrogation. Tactical methods and systems of tactical methods are used to establish psychological contact [12, c. 394].

Practice shows that the establishment of psychological contact is often complicated by the presence in the actions of the investigator (prosecutor) rudeness, indifference, injustice and a sense of superiority over the suspect. The professional quality of the investigator is his ability to neutralize, inhibit or even stop the emotionally

negative attitude towards the suspect. Before the interrogation, the investigator (prosecutor) should first focus his work on establishing and diagnosing the mental state of the interrogated, using communicative actions of a neutral nature and appropriate tactics aimed at establishing psychological contact with the interrogated person.

It's important to note that the suspect must see in the investigator (prosecutor) an honest, competent, principled and educated person who objectively investigates the event, must see a representative of the state who protects, not violates his rights. Practice shows that the positive qualities of the investigator have a positive effect on establishing and maintaining contact, but they can not be considered as an independent tactic, and they must be inherent in all communication between the investigator and the interrogated. In some cases, the establishment of psychological contact, depending on the suspect, may facilitate conversation — prior communication before the investigative (search) action on a topic not related to the subject of interrogation, in particular it may be a conversation about personal life, work, hobbies, hobbies and other circumstances[13, c. 146-150].

Psychological contact is always bilateral, its establishment and maintenance depends on both the investigator and the interrogated, although the initiative must belong to the investigator. There is a two-way contact in which the interviewee feels that he is of some interest to the investigator. Establishing psychological contact requires from the investigator knowledge of the psychology of the interrogated. He must take into account his individual psychological characteristics, typological qualities, mental state at the time of interrogation, life experience, etc. [14, c. 342].

The problem of inability to establish psychological contact is the lack of necessary information about the identity of the suspect. In such cases, an analysis of the available data on the suspect is essential. Most investigators believe that the problem of inability to establish psychological contact is insufficient study of the suspect, insufficient knowledge of pedagogy and psychology. The professional skills of the investigator play an important role in this.

Establishing psychological contact has its own characteristics if the suspect is a woman. The specificity of women's behavior is a sharper perception of certain phenomena of reality, increased emotional response to them, giving greater importance to certain facts of interpersonal relationships. In addition, some difficulties arise in establishing psychological contact with a suspect who is being prosecuted. Such a person is already familiar with the procedure for notification of suspicion, interrogation and other investigative actions, he has some legal knowledge and correctly assesses the available evidence. From the very beginning, he was negative about the investigator and conducting a pre-trial investigation against him.

The position of V.O. Konovala is correct, noting that in all cases during the interrogation it is necessary to create a favorable atmosphere that will set the person of the interrogated to talk, which implies the desire of the official to overcome the conflict, to form the interrogated's interest in communication [15, c. 66]. A person's interest in communication, his activity, are directly related to his antisocial attitude, the higher it is, the more stable will be the resistance to the investigation, so the influence exerted on him by the investigator during interrogation [16, c. 113].

In turn, V.Yu. Shepitko notes that it is important to correctly apply the system of tactics to establish psychological contact. Thus, as the scientist rightly points out, tactics that help to adapt to the situation of interrogation and eliminate undesirable mental states of the suspect (accused) can perform important tasks of pre-trial investigation. Thus, when clarifying the circumstances of the questionnaire-

biographical nature, the investigator may clarify some of them in order to determine the psychological state of the interviewee, include him in active communication, determine the level of intellectual development of the respondent and his language skills, eliminate emotional tension. It is possible to specify the data which cause positive emotions at the interrogated. In particular, when filling in the column about the place of birth, it is advisable to ask the suspect about how long he lived in this place, when he moved, whether he likes the places where he was born, what are the sights in these places. When using such a tactic as a conversation with the interviewee on a foreign topic or topic of interest, but not related to the subject of the interrogation in this case, the investigator's ability to choose the right topic for conversation is important, determined by knowledge of the interviewee's interests culture. Conversations on such topics allow to change the psychological state of the interrogated, have a positive effect on the suspect, regardless of whether he is in an agitated or depressed state. Inhibition, as well as excitement, is caused by tension, which helps to eliminate communication. Changing the topic, you need to find one that will arouse the interest of the respondent. During such a conversation, the communicative qualities of the investigator are manifested, which influence the establishment of psychological contact. Some criminalistic scientists consider the influence of the interrogated on positive qualities — politeness, justice, friendliness, principle - as a tactic admission that helps to establish contact [17, c. 344].

There is a view that the task of the investigator is to create such a psychological atmosphere in which the interrogated person would have a desire to give complete and truthful testimony. From the point of view of I.M. Makarenko, the special psychological atmosphere consists in readiness of the investigator and the interrogated to communication [18, c. 85]. The fact is that the process of communication during the interrogation at the pre-trial investigation is not always characterized by the willingness of the interrogated to provide information. In most cases, the suspect tries to hide from the investigator the facts that may expose him. Even when he comes to the conclusion that it is necessary to give truthful evidence and is ready to do so, he often tries to hide certain details about the criminal act [19, c. 353]. The readiness of the participant of the pre-trial investigation to communicate should be considered as the primary or intermediate result of the investigator's activity, which is realized in the process of giving true and complete testimony [20, c. 58].

As rightly points out V.Yu. Shepitko, building a system of tactics implies the need to clarify the purpose of establishing psychological contact. In accordance with the purpose and procedural state of the interrogated in the system of tactics can be identified the following subsystems: conversation on a foreign topic or on a topic of interest, but not related to the subject of interrogation; demonstration by investigators of awareness of the circumstances of the interviewee's life, his needs, interests; in respect of a witness (victim) — notification of the purpose of the interrogation; conversation on a foreign topic or on a topic of interest, but not related to the subject of interrogation; belief in the inevitability of punishing criminals; 2) stimulating instruction on the need to communicate: in respect of the suspect (accused) — explanation of the interrogated essence of his procedural position; demonstration of prospects of the current situation; explaining the importance of sincerity of repentance and other mitigating circumstances; use of a positive assessment of certain qualities of the interrogated person; in relation to a witness (victim) — conviction in the need to provide assistance to the investigating authorities; explanation of the essence of the consequences of the committed crime or the possibility of their occurrence in the

future; showing photographs (objects) related to the crime and its consequences; use of a positive assessment of the personality of the respondent [14, c. 343].

Conclusions. Thus, in accordance with the above, we can conclude that the establishment of psychological contact in the pre-trial investigation increases the efficiency of obtaining evidence and the necessary information and helps to optimize the conduct of investigative (search) actions [21, c. 90-96; 22, c. 90-96; 23, c. 90-96]. The success of the interrogation depends entirely on the skills and knowledge of the investigator in the field of psychology of human relationships, knowledge of the intricacies of overcoming various barriers that may arise in the interaction [24; 25; 26]. In this case, knowledge alone is not enough, it is also necessary to properly and effectively apply them in practice [27; 28]. Any result of the interrogation depends on the correct combination of psychological and criminalistic techniques during their application.

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