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SPECIFIC FEATURES OF INTERROGATION OF SUSPECTS DURING INVESTIGATION OF CRIMES COMMITTED BY TRANSNATIONAL ORGANISED CRIMINAL GROUPS

Abstract. Purpose. The purpose of the article is to study the specific features of interrogation of suspects during investigation of crimes committed by transnational organised criminal groups. **Results.** The article studies some aspects of investigation of crimes committed by transnational organised criminal groups. Based on the literature review, the tactical features of interrogation are formulated and characterised. The author emphasises that interrogation is an extremely complex investigative (search) action with regard to the tactics of its conduct. This is because the authorised person in most cases has considerably less information than the interrogated person. In addition, it should be noted that members of transnational organised criminal groups commit a variety of crimes, but they are mostly violent or related to the illegal trafficking of various objects (weapons, ammunition, chemicals, drugs). On the other hand, interrogation as a means of ensuring the criminal process will provide an opportunity to record the testimony of the interrogated person. It should also be noted that the investigative (search) action under study is the most informative and widespread in criminal proceedings. **Conclusions.** The investigative situations arising during its conduct are highlighted. The analysis of the questionnaire survey of law enforcement officers enables to identify the interrogation tactics which they consider to be the most optimal during the investigation of the category of unlawful acts under study, such as to: establish psychological contact; to give evidence in the form of a free narrative; ask different categories of questions; create an impression of the authorised person's awareness; apply different interrogation paces; use video recording; observe the person's non-verbal information; create or relieve tension; conceal the limits of the authorised person's awareness; present material evidence or materials of criminal proceedings.

Keywords: transnational organised criminal group, criminal offences, suspect, investigation, investigative (search) actions, investigation planning, interrogation, tactics.

1. Introduction

Interrogation is an extremely complex investigative (search) action with regard to the tactics of its conduct. This is because the authorised person in most cases has considerably less information than the interrogated person. In addition, it should be noted that members of transnational organised criminal groups commit a variety of crimes, but they are mostly violent or related to the illegal trafficking of various objects (weapons, ammunition, chemicals, drugs). On the other hand, interrogation as a means of ensuring the criminal process will provide an opportunity to record the testimony of the interrogated person. It should also be noted that the investigative

(search) action under study is the most informative and widespread in criminal proceedings. Considering the above, it became necessary to study this issue.

The following national and foreign scholars who have focused their research on the development of certain tactical aspects of the interrogation should be noted: V.P. Bakhin, V.D. Bernaz, P.D. Bilenchuk, V.K. Veselskyi, A.F. Volobuiev, M.V. Danshin, M.M. Yefimov, V.S. Kuzmichov, V.H. Lukashevych, B.Ye. Lukianchuk, Ye.D. Lukianchuk, S.Yu. Petriayev, S.M. Stakhivskyi, M.V. Salteviskyi, V.M. Tertyshnyk, K.O. Chaplynskyi, V.Y. Shepitko, M.O. Yankovyi et al. In addition, our study is based on a comprehensive approach to formu-

lating the general principles of implementation of this procedural action, considering international practice and current trends.

The purpose of the article is to study the specific features of interrogation of suspects during investigation of crimes committed by transnational organised criminal groups.

2. General theoretical features of interrogation as an investigative (search) action

To begin with, S.V. Kobets argues that "...interrogation is one of the most effective and widespread investigative (search) actions, which is a source of formation of crucial evidence in criminal proceedings – testimony. Almost no criminal investigation is carried out without this investigative action. The necessity and importance of effective interrogation during the investigation of a threat or violence against a law enforcement officer is also quite obvious and is confirmed by both the results of the study of the practice of investigating this criminal offence and the research of other scholars. Moreover, interrogations within the investigated proceedings are characterised by certain specifics, primarily due to the fact that a law enforcement officer acts as a participant in a criminal event, which in turn affects the tactical features of this investigative action" (Kobets, 2022). According to K.O. Chaplynskyi, interrogation tactics means "...a set of forensic recommendations based on procedural provisions that determine the most appropriate methods and techniques for establishing psychological contact with the interrogated person, assisting him/her in recreating the event, methods and techniques of lawful psychological influence to obtain truthful testimony relevant to the detection and investigation of crimes" (Chaplynskyi, 2009). It is evident that forensic scientists have clearly indicated the conditions for the use of tactics: necessity, promptness and legality.

In other words, tactics are used during interrogation to investigate various circumstances of an unlawful act. Such tactics may be required, among other things, due to conflict situations that may arise during the performance of the said procedural action. In most cases, they arise during the interrogation of a suspect.

Furthermore, A. Ploskonos notes that the analysis of investigative and judicial practice reveals the following tactics of interrogation of members of organised criminal groups and criminal organisations. The author explains their significance by the rather frequent occurrence of facts of counteraction to the investigation. The most typical signs of countering the investigation, which occur during interrogation, are as follows: "...the refusal of an OCG member to testify with reference to Article 63 of the Constitution of Ukraine and the argu-

mentation that 'a person is not responsible for refusing to testify or explain himself, family members or close relatives, whose circle is determined by law' (Constitution of Ukraine, 1996); refusal to testify during the pre-trial investigation, explaining their decision by 'fictitious' distrust in the officer of the investigative unit conducting the investigation or the operative providing operational support to the criminal proceedings, and their subsequent intention to testify only during the trial; fear of OCG members, who were at the lowest level in the hierarchy of the group, to testify, explaining such a decision by the possibility of real revenge from the leaders of the criminal organisation; the existence of a 'conditionally legal' exchange of information between members of the group who are in custody with accomplices who have not been identified in the course of the investigation or whose involvement in the commission of a criminal offence has not been proven; the existence of coercion of witnesses (victims) to refuse to testify about criminal activity, to conceal or distort certain facts, through bribery or intimidation" (Ploskonos, 2020).

In addition, according to part 4 of Art. 224 of the CPC of Ukraine "... a person has the right not to answer questions about those circumstances, the provision of which is expressly prohibited by law (confession, medical confidentiality, professional secrecy of a defence counsel, secrecy of a meeting room, etc.) or which may give rise to suspicion, accusation of committing a criminal offence by him/her, close relatives or family members, as well as about officials performing covert investigative (search) actions and persons who confidentially cooperate with pre-trial investigation authorities" (Criminal Procedural Code of Ukraine, 2012).

Therefore, we have identified the investigative situations that arise during the interrogation of suspects in this category of unlawful acts, such as:

- The suspect voluntarily provides information about the circumstances of the offence, no conflict situation exists (15 %);
- The suspect voluntarily does not fully provide information about the circumstances of the offence (19 per cent) due to fear of retaliation from other members of the organised criminal group (37 per cent), dependence on the leader of the organised criminal group (29 per cent), interest in the outcome of the criminal proceedings (25 per cent), or other circumstances (9 %);
- The suspect is unwilling to provide truthful and complete information – the presence of a conflict situation (29%);
- The suspect completely refuses to communicate with authorised persons (18 %).

3. Tactics of interrogation

With regard to the identification of specific tactics used to resolve the above conflict situations of interrogation, V.O. Konovalova and V.Yu. Shepitko argue that the most optimal for establishing false testimony during interrogations of different categories of persons are the following: to establish psychological contact; to ask questions (additional, detailed, clarifying); to present material evidence and demonstrate various case materials (in particular, the protocol of the scene inspection, protocols of interrogations of other persons, expert opinions, protocol of the investigative experiment) (Konovalova, Shepitko, 2008).

According to V.K. Veselskyi, "...the working stage of interrogation consists of four stages: establishment of psychological contact; free narration; asking questions; familiarisation of the interrogated person with the protocol and recording of testimony" (Piaskovskiy, 2020).

K.O. Chaplynskyi expediently adds the following tactics to the above listed tactics: to present testimony in the form of a free narrative; to create an idea of the investigator's awareness; to use different interrogation pace (forced, slow or mixed) (Chaplynskyi, 2008).

According to Ye.V. Priakhin, "...at the working stage of interrogation, the most effective tactics are used to obtain full and objective (truthful) testimony. Common tactics used during interrogation are: to establish communication contact; to present testimony in the form of a 'free story'; to ask questions; to present evidence; to bring to light what has been forgotten in the memory of the interrogated person" (Priakhin, 2016).

The analysis of the questionnaire survey of law enforcement officers allowed us to identify the interrogation tactics that they consider to be the most optimal when investigating the category of unlawful acts under study, such as to:

- Establish communication contact – 100 %;
- Present testimony in the form of a free narrative – 100 %;
- Ask questions of different categories – 100 %;
- Create an idea of the awareness of an authorised person – 29 %;
- Use different interrogation paces – 45 %;
- Use video recording – 67 %;
- Observe a person's non-verbal information – 71 per cent;
- Create or relieve tension – 28 %;
- Conceal the limits of the authorised person's knowledge – 31 %;
- Present material evidence or materials of criminal proceedings – 54 %.

We will study some of them. For example, the establishment of psychological contact has been described by a group of scholars (B.Ye. Lukianchykov, Ye.D. Lukianchykov, S.Yu. Petriaiev) as "...the most favourable psychological "atmosphere" of interrogation, which helps interaction and relationships between its participants, it is a certain "mood" for communication. It is always bilateral, and its establishment and maintenance depend on both the investigator and the interrogated, although the initiative should belong to the investigator. There is a two-way contact in which the interrogated person feels that he or she is of some interest to the investigator. To establish psychological contact, the investigator must have knowledge of the psychology of the interrogated person. He or she must be aware of the individual psychological characteristics, typological qualities, mental state at the time of interrogation, life experience, etc." (Lukianchykov, Lukianchykov, Petriaiev, 2017).

We also consider relevant the position of a group of criminalists (V.O. Konovalova and V.Yu. Shepitko) who argue that "...psychological contact is the most favourable psychological atmosphere of interrogation, which positively affects the interaction and relations between participants, a certain attitude to communication. Psychological contact during interrogation involves two possible levels of contact: 1) when the interrogated person wishes to testify; 2) when the interrogated person is forced to do so. Such contact may increase or decrease, and may suddenly appear and disappear. Psychological contact is always bilateral, and its establishment and maintenance depend on both the investigator (judge) and the interrogated person, although the initiative should come from the investigator. There is a two-way contact in which the interrogated person feels that he or she is of some interest to the investigator. To establish psychological contact, the investigator must have knowledge of the psychology of the interrogated person. He or she must take into account the individual psychological characteristics, typological qualities, mental state at the time of interrogation, life experience, etc." (Konovalova, Shepitko, 2008).

According to S. Safronov, "...during interrogation, the flow of information can be divided into verbal (evidence communicated through speech) and non-verbal (evidence perceived and transmitted through non-verbal means, such as body movements, facial expressions, gestures, etc.)" (Safronov, 2001). With regard to non-verbal communication, it should be noted that it increases the amount of information received during communication. However, it cannot be accepted in court as real evidence.

According to V.K. Veselskyi, the authorised person "...offers the interrogated person to tell everything known about the criminal offence. A free narrative implies that the person presents the facts known to him/her in the sequence recommended by the investigator or chosen by him/her. This stage of interrogation is necessary for the following reasons: the investigator does not always have an idea of what data and to what extent the interrogated person has. During a free narrative, he or she can provide important information, the nature and existence of which the investigator did not even anticipate; the presentation of certain information by the interrogated person in a convenient sequence facilitates their recall, contributes to a more complete reproduction; a free narrative helps the investigator form a more complete and correct picture of the interrogated person's relationship with other persons in criminal proceedings, the line of conduct chosen by him or her, and the degree of his or her actual awareness" (Piaskovskiy, 2020).

Furthermore, P.Ya. Minka and K.O. Chaplynskyi emphasise that after establishing psychological contact, members of criminal groups begin to give testimony in the form of a free narrative. According to the authors, this tactic is based on the fact that in cases where members of criminal groups do not evade testimony and do not oppose the investigation, they are asked to provide all known information about the criminal activities of the group. According to the researchers, "...the use of this technique allows the investigator to study the identity of the offender, to identify the degree of his awareness of the circumstances of the case and to obtain information about facts that were unknown to the investigator. In cases where members of criminal groups give false testimony, go beyond the scope of the question or try to confuse the investigation, it is advisable to narrow the subject of the free narrative and offer to talk about other circumstances that are already known to the investigator or verified operationally during the investigation. This tactic is called splitting the subject of the free statement" (Minka, Chaplynskyi, 2007).

4. Conclusions

To sum up, interrogation of suspects is a mandatory investigative (search) action in the investigation of crimes committed by transnational organised criminal groups. The investigative situations arising during its conduct are highlighted. The analysis of the questionnaire survey of law enforcement officers enables to identify the interrogation tactics which they consider to be the most optimal during the investigation of the category of unlawful acts under study, such as to: establish psycholog-

ical contact; give evidence in the form of a free narrative; ask different categories of questions; create an impression of the authorised person's awareness; apply different interrogation paces; use video recording; observe the person's non-verbal information; create or relieve tension; conceal the limits of the authorised person's awareness; present material evidence or materials of criminal proceedings.

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ОСОБЛИВОСТІ ПРОВЕДЕННЯ ДОПИТУ ПІДОЗРЮВАНИХ ПІД ЧАС РОЗСЛІДУВАННЯ ЗЛОЧИНІВ, УЧИНЕНИХ ТРАНСНАЦІОНАЛЬНИМИ ОРГАНІЗОВАНИМИ ЗЛОЧИННИМИ УГРУПОВАННЯМИ

Анотація. Метою статті є дослідження особливостей проведення допиту підозрюваних під час розслідування злочинів, вчинених транснаціональними організованими злочинними угрупованнями. **Результати.** Наукова стаття присвячена дослідженню деяких аспектів розслідування злочинів, вчинюваних транснаціональними організованими злочинними угрупованнями. На основі опрацювання наукової літератури сформульовані та охарактеризовані тактичні особливості проведення допиту. Автор акцентує увагу на тому, що допит є надзвичайно складною слідчою (розшуковою) дією з огляду на тактику його проведення. Це пояснюється тим, що уповноважена особа у більшості випадків має набагато менший об'єм відомостей на відміну від допитуваного. Крім того, слід вказати, що учасники транснаціональних організованих злочинних угруповань вчинюють різноманітні злочини, але переважено вони мають насильницький характер чи пов'язані з незаконним обігом різноманітних об'єктів (зброї, боеприпасів, хімічних речовин, наркотичних засобів). В свою чергу, допит як засіб забезпечення кримінального процесу надасть можливість зафіксувати показання допитуваної особи. Також необхідно відмітити, що досліджувана слідча (розшукова) дія є найбільш інформативною і поширеною в кримінальному судочинстві. **Висновки.** Виокремлено слідчі ситуації, які виникають під час його проведення. Аналіз анкетування працівників правоохоронних органів дозволив встановити тактичні прийоми допиту, які вони вважають найбільш оптимальними під час розслідування досліджуваної категорії протиправних діянь, як-от: встановлення психологічного контакту; надання свідчень у формі вільної розповіді; постановка різних категорій запитань; створення уявлення про належну поінформованість уповноваженої особи; застосування різних темпів допиту; використання відеозапису; спостереження за невербальною інформацією особи; створення або припинення напруги; приховування меж поінформованості уповноваженої особи; пред'явлення речових доказів або матеріалів кримінального провадження.

Ключові слова: транснаціональне організоване злочинне угруповання, кримінальні правопорушення, підозрюваний, розслідування, слідчі (розшукові) дії, планування розслідування, допит, тактичний прийом.