



Establishing psychological contact with the suspect (accused) in the investigation of crimes against public order

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Received: 24 October 2024; **Accepted:** 26 December 2024; **Published:** 16 January 2025

Abstract: This article provides a detailed analysis of the main aspects that should be considered when interrogating a suspect (accused) who has committed crimes against public order, as well as the tactics for preparing and conducting this investigative action. In particular, based on the specific characteristics of hooliganism crimes, the article examines the positive aspects of interrogating a detained suspect, the circumstances that need to be considered in the first interrogation of the suspect and the sequence of actions required for this, the content of tactical methods used during interrogation, and issues of effective use of special knowledge in both conflicting and non-conflicting interrogations.

Keywords: Hooliganism, interrogation, tactics, suspect, accused, psychological contact, detention, testimony, evidence.

Introduction: In recent years, our country has been carrying out extensive work to fully implement the noble idea of "For Human Dignity," incorporate international standards in the field of human rights and freedoms into national legislation, and systematically and gradually introduce them into the activities of state bodies. Strengthening guarantees of human rights and freedoms and ensuring the rule of law, as well as their implementation in the life of society and every citizen, have occupied a central place in the domestic and foreign policy of New Uzbekistan [1].

At the same time, analysis of judicial and investigative practice shows the existence of tasks related to ensuring guarantees for the protection of individual rights and freedoms in criminal procedural relations, correctly determining the scope of circumstances that need to be proven for relevant types of crimes, as well

as developing the sequence (algorithm) of investigative and procedural actions that should be carried out in relation to them. In particular, in recent years, shortcomings in the investigation of hooliganism crimes or the ineffective use of existing tactical methods by investigative bodies have led to an increase in unsolved crimes in law enforcement practice, instances where the guilt of perpetrators remains unproven, and most regrettably, an increase in the number of decisions to terminate criminal cases on the grounds of rehabilitation or acquittal verdicts [2].

It is known that the interrogation of the suspect (accused) plays an important role in the investigation of hooliganism crimes. According to the requirements of the current criminal procedure law, suspects (accused) have the right not to testify. It is precisely this factor that indicates the need for special preparation for

questioning this category of individuals, particularly taking into account their personal characteristics and paying attention to issues of establishing psychological contact with them. In this process, the investigator conducting the interrogation should correctly explain to the suspect that providing truthful testimony within the framework of the criminal case will not aggravate their situation, but rather confessing guilt, sincerely repenting, actively assisting in solving the crime, and eliminating the caused damage can serve to release them from liability or mitigate the punishment that may be imposed on them, based on the requirements of current law.

For this, the investigator must first establish proper psychological contact with the suspect. Therefore, the issue of establishing proper psychological contact with the suspect has always been at the center of attention in criminal procedure theory.

In particular, he paid special attention to the time of establishing a psychological connection, emphasizing the need to establish a psychological connection with a person in the process of identifying questionnaire data and explaining their rights, and maintaining this connection even at subsequent stages of interrogation [3.B-97].

In this regard, A.A. Usmonova, A.N. Norboev [4.B-47-50] and P.V. Edilova [5.B-29-33] also emphasized the importance of establishing psychological contact with a person, and in this regard, before questioning the suspect, they recommended asking questions that are not related to the criminal case, including talking about their interests, friends, relatives, type of activity, profession, and other topics.

S.M. Trashkova and L.Yu. Eisner emphasized the importance of overcoming psychological barriers and noted the need to correctly influence the questioner, using psychological knowledge, based on their psychological characteristics and emotional susceptibility when establishing psychological contact with the questioner [6.B-62-65].

According to D.V. Parshin, in order to establish a psychological connection with the suspect (accused) during interrogation, thorough procedural and tactical preparation is necessary, part of the tactical methods used in the interrogation process is planned at the preparatory stage, and another part is chosen and used based on the behavior and testimony of the interrogated person during the direct interrogation [7.B-145-152].

In our opinion, it is necessary to pay special attention to the following:

clarifying the circumstances that may be known to the

suspect (accused) through in-depth study of the materials of the criminal case;

clarifying the issues that need to be clarified during the interrogation, identifying other sources that may be aware of the circumstances and facts related to the case;

determine the scope of circumstances in which the suspect (accused) can confirm or deny his guilt and clarify them during the interrogation;

collection of personal information about the identity of the suspect (accused). That is, it is necessary to pay attention to his biography, special knowledge, abilities, specific skills, level of physical and mental development or defects, temperament, character traits, scope of interest, type of activity and other aspects;

consult with specialists in the relevant field in cases requiring special knowledge during the interrogation process, as well as determine the time and place of interrogation.

At the same time, in order for the interrogation to be tactically effective, it is necessary to pay attention to the following: preliminary preparation of the case materials; in-depth study of the evidence that can be presented (witness testimony, victim testimony, expert opinion, material evidence, audio recordings, video recordings, films and photographs, protocols of investigative actions and other documents); determination of the time and place of interrogation; preparation of objects and documents that can be used during interrogation; preparation of questions based on the content of the circumstances that

It should be noted that the situation arising during the establishment of psychological contact with the suspect (accused) also affects the content of the tactical methods used during the interrogation.

O.N. Procek recommends correctly evaluating the characteristics of the questioner, using reliable information obtained during observation, interviews, and personal research, and, based on this, choosing tactical methods that serve to obtain information relevant to the case [8.B-12-15].

During the interrogation of the suspect (accused), it is necessary to determine his attitude towards the case and other participants in the process, his possible position towards the investigative bodies, establish his psychological interaction with the investigator, which should be reliable and even based on cooperation and not turn into conflicts.

In our opinion, the tactical methods proposed by B.S. Madrakhimov can be used in all types of interrogation processes. Because it was B.S. Madrakhimov who studied the process of interrogating the suspect

(accused) and divided the tactical methods used in the interrogation process into logical and psychological groups aimed at influencing the individual. It is noteworthy that methods of psychological influence include explaining mitigating circumstances, focusing on the positive characteristics of the individual, creating an impression that the investigator has a lot of information about the crime and its participants, asking unexpected questions and observing how this affects him, and using the suspect's dislike of any of the participants in the crime. As logical methods, a detailed examination of the testimony of the suspect before the commission of the crime, during which the details of his actions during the commission of the crime and subsequent actions are determined, a logical analysis of the contradictions in the testimony of the suspect, partial or complete familiarization with the circumstances that contradict the testimony of other participants previously interrogated, and the presentation of evidence [9.B-39-40].

During the initial interrogation of the detained suspect (accused), it is necessary to take into account that he is experiencing stress, in particular, he may have experienced panic and depression. It is precisely this factor that can prevent a suspect from giving false testimony. At the same time, in accordance with Article 225 of the current Criminal Procedure Code, it is necessary to ensure his right to meet with the defender alone before the procedural actions related to him are carried out [10.B-72, 148].

According to legal literature, questioning a person suspected of committing hooliganism at the time of arrest, that is, within a short period of time, serves to increase the effectiveness of the interrogation [11.B-55]. Indeed, this opinion is justified in all respects. Because if the detained person is not interrogated within a short period of time, he will have a sense of adaptation to the current situation and a high probability of refusing cooperation with the investigative authorities due to the negative influence of those around him.

In this regard, it should be noted that the requirement of the law that a suspect should be interrogated no later than twenty-four hours from the moment of arrest is tactically appropriate [10.B-148]. In our opinion, this rule should also be applied when choosing another measure of restraint against the suspect (accused).

Criminalistic theory notes that investigative situations arising during interrogation can be divided into conflicting and non-contradictory types [12.B-241].

In a non-conflict investigative situation, tactical methods should be used, aimed at obtaining complete

and detailed information about the situation. These methods include detailing testimonies, asking additional questions about forgotten circumstances, displaying photographs, drawings, or video recordings of the scene, presenting evidence, and so on. In addition, he can be interrogated at the scene of the incident [13.B-34].

In a situation where the suspect (accused) confesses, the investigator must determine the reason for the confession and the sources of evidence confirming these statements. According to the Constitution of the Republic of Uzbekistan and current criminal procedural legislation, a person's (accused's) confession of guilt can only be used as a basis for their guilt if it is corroborated by a set of other evidence [10.B-76].

In our opinion, when interrogating a suspect, it is necessary not only to obtain statements about the committed acts of hooliganism but also to clarify other issues related to the location of bystanders, the time, and circumstances of the incident. This method allows us to involve new witnesses in the proof and establish other case-related facts, as well as prevents the suspect (accused) from changing their testimony in the future.

Additionally, if the suspect (accused) provides information about their accomplices during the interrogation, it is necessary to verify this information immediately. If confirmed, measures should be taken to locate and apprehend other persons who committed the crime.

Analysis of investigative practice shows that suspects in hooliganism cases typically voluntarily testify about certain circumstances while refusing to testify about others or knowingly providing false information. In our opinion, in these situations, the investigator should focus on the suspect's correct testimony regarding the situation and use the following methods:

utilizing the maximum details of the testimony, including contradictions within the testimony itself and the results of investigative actions;

allowing the person being interrogated to fully present their false testimony for subsequent refutation;

asking the suspect to recount the situation of interest to the investigation in reverse chronological order;

presenting evidence against the person (e.g., surveillance camera footage, expert opinions) and explaining their significance in the criminal case;

determining the suspect's attitude towards witnesses, then obtaining their testimony on the facts stated by these witnesses;

clarifying whether the person being questioned was previously present at the scene before the crime was committed. This method helps prevent false testimony

about leaving traces at the scene before the crime occurred in later stages of the criminal process.

According to psychological literature, during interrogation, a suspect (accused) giving false testimony may exhibit the following signs due to fear of exposure: sweat drops appearing on the upper lip or forehead; occasional lip-licking due to dry mouth; frequent deep breathing; changes in facial color; appearance of vertical wrinkles on the face; lip-biting; trembling in the voice; increased blinking; hands developing "goosebumps"; yawning; occasional nervous coughing; loss of control over voice timbre and intonation; and others [14.B-123-130].

Furthermore, analysis reveals that one reason for ineffective questioning in hooliganism cases is the investigator's lack of sufficient information about the incident, the suspect being interrogated, and their characteristics. As a result, in some cases, suspects prone to violence behave excessively harshly during interrogation, causing the investigator to make tactical or procedural errors. In such conflict situations, attention should be paid to the following: explaining to the person being interrogated the importance of voluntarily confessing guilt and providing accurate testimony, as well as how excessive rudeness contradicts their interests; identifying and eliminating motives for false testimony; convincing them of the futility of giving false testimony; detailing the testimony; utilizing positive qualities present in the interrogated person's personality; creating an impression of the investigator's complete awareness of the case circumstances by presenting evidence confirming the person's guilt; conducting repeat interrogations when necessary; not disclosing information known to the investigator but unknown to the suspect and their defense counsel until necessary; formulating questions in a sequence that leads the person being interrogated to unknowingly state the truth; and others [15.B-88].

In this regard, the tactics proposed by G.A. Pantyukhina are also noteworthy. In his opinion, when a suspect refuses to testify, the investigator should explain in detail that these actions are tantamount to denying the possibility of proving his innocence, as a result of which circumstances mitigating his liability may not be established by studying his arguments during the investigation [16.B-143].

In legal literature, in such situations, in addition to the aforementioned tactics, a number of other tactical methods of interrogation are used

It is proposed to apply. In particular, L.Ya. Drapkin and V.N. Karagodin emphasized the creation of a strict working environment, the skillful masking of the

adopted tactical solution [17.B-294]; V.N. Dolinin, unexpectedly asking questions, creating the impression that the interviewee does not have sufficient information about the circumstances of the case, asking indirect questions aimed at establishing the truth, changing the pace of interrogation based on the situation [18.B-8-12]; V.I. Perepilkin and Yu.A. Kuzmin, "making way for a legend" [19.B-44]; and some authors, in the shows

they recommended the correct use of contradictions, the use of the questioner's disagreements with other participants in the case, and the use of tactical methods aimed at giving his correct testimony [20.B-33-34].

We cannot say that the opinions of L.Ya. Drapkin and V.N. Karagodin on the need to apply the tactics of getting out of a conflict situation by creating a strict working environment are useful in all interrogation processes. Because creating a strict working environment can further complicate the situation between the suspect (accused) and the investigator, who are prone to commit violent crimes.

L.Yu. Aksenova points out unconventional methods of interrogating a suspect (accused) and recommends conducting interrogation in conditions of music (musical background) that correspond to the temperament and emotional characteristics of the person; when interrogating in conflict situations, the investigator is completely unaware of the situation, the questioner needs help; the interrogation is carried out by several investigators

[21.B-113-114].

In our opinion, we do not recommend using this method in all cases, recognizing that the musical background recommended by L.Yu. Aksenova can be used based on the character of the suspect (accused) and his mood.

Based on the above considerations and analysis of investigative practice, we propose to use the following tactical methods to eliminate conflict situations arising during interrogation:

use methods aimed at preventing false testimony, that is, creating a situation that positively affects the interrogated person, asking questions that clarify unclear or incomplete testimony of the person, explaining that it is against the interests of the interrogated person to give a false testimony or refuse to give testimony by quoting evidence available in the case;

to use the positive qualities of the person, that is, to use the positive qualities of the person being questioned, to explain in detail that conscience, justice, honesty, conscientious performance of one's duties, duty,

assistance in the disclosure and investigation of the crime is a circumstance that alleviates his guilt, etc.);

based on the character and characteristics of the person being questioned, choose tactics aimed at obtaining accurate testimony from him, that is, create a strict working environment during the interrogation, ask additional questions to clarify the unclear or incomplete testimony of the suspect (accused), and present the evidence related to the case in sequence.

When preliminary interrogating a suspect (accused) of hooliganism, it is necessary to determine the following, taking into account their specifics:

how the suspect arrived at the crime scene;

what event occurred before the crime of hooliganism, the victim's inappropriate behavior; why the hooligan acts were committed against this victim; what behavior of the victim distinguished him from others;

whether the suspect was previously acquainted with the victim; if so, what was the relationship between them;

whether the person being questioned consumed alcoholic beverages, drugs before committing a crime; if so, with whom, where, and in what quantity;

whether he suffered from a mental illness; whether he was registered in psychiatric or narcological dispensaries, if so, when and for what reason;

what specific actions were taken by the suspect; what weapons were used; whether the weapon of the crime was pre-prepared; where the perpetrator obtained the weapon; whether measures were taken to enhance its harmful properties; whether the weapon was brought with him or taken from the scene;

whether the victim resisted the suspect; if so, by what actions;

what was the attitude of the person being questioned to the gross violation of public order by his actions, did he understand it;

what result did the perpetrator intend to achieve by committing the offense of hooliganism; did he achieve the intended result?

whether the suspect (accused) himself stopped the crime of hooliganism or was stopped by the authorities and other persons, if his actions were stopped by the authorities and other persons, whether resistance was shown, if resistance was shown, when and to whom resistance was shown;

in which direction the person being questioned hid from the scene of the incident and where he went after that.

In conclusion, it can be said that the correct choice of

interrogation tactics for the suspect (accused) of hooliganism and the establishment of psychological contact with them will significantly increase the effectiveness of this investigative action.

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