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Tactic of Involving a Specialist in Interrogation

The research paper considers the methods of interacting with specialists and analyzes a situation when involvement of specialists in interrogation is required or recommended. The article contains practical advice for law enforcement agencies and investigators on planning and conducting investigative (search) actions in criminal proceedings. The author has analyzed tactical techniques that investigators can apply to utilize specialists and their expertise during interrogations and other actions. Emphasis is placed on how the determining role of specialists can affect decisions and strategies in trial. The author studies potential risks and benefits associated with the involvement of specialists and provides practical guidelines for optimizing this process. The author emphasizes the importance of careful planning and coordination of efforts of all participants in a criminal proceeding in order to obtain the best results in specific expertise use.

Keywords: forensic examination, criminal case, tactic, specific expertise, specialist, interrogation, justice, evidence, investigation, proceedings

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Declaration of Competing Interest

The author declare that they have no conflict of interest.

Research Problem Formulation. In the course of pre-trial investigation and trial of a criminal proceeding, the proving process is a key element in establishing the truth about a crime. The essence of the proving process is to collect, examine and evaluate evidence and its sources, as well as to support findings in order to seek the objective truth. This truth is the basis for a fair, lawful, and justified decision.

Rapid development of science and technology, as well as new forms and methods of criminal activity, require police officers to constantly improve their expertise in collecting and studying evidentiary information based on their specific knowledge.

Under the Criminal Procedure Code of Ukraine, specific expertise can be utilized in two ways: by involving a specialist or by conducting forensic examination. Thanks to his/her professional knowledge and skills, a specialist can help the investigator identify, record and seize evidence. He or she can also provide consulting to the investigator during certain procedural actions. This is subsequently recorded in the minutes.

Analysis of Essential Research and Publications. Forensic examination is the most advanced form of specific expertise application in a criminal proceeding. It allows the use of the full range of modern scientific and technical methods ¹ in the investigation and trial of criminal cases, significantly expanding the capabilities of investigators and courts.

Forensic examination is one of the essential means of evidence collection in a criminal proceeding. Its correct and efficient use can have a significant impact on the course of criminal investigation. A common form of using

¹ Бажанюк В. В. Правові та організаційно-тактичні основи проведення експертиз у кримінальному провадженні : дис. д-ра філософії : 08. Кропивницький, 2023. 256 с.

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ТАКТИКА ЗАЛУЧЕННЯ СПЕЦІАЛІСТА ДО ДОПИТУ

У статті розглядаються методи взаємодії зі спеціалістами, а також піддано аналізу ситуації, коли залучення фахівців до допиту є необхідним чи рекомендованим. Стаття містить практичні поради для правоохоронних органів та слідчих щодо планування та проведення слідчих (розшукових) дій у кримінальних провадженнях. Проаналізовано тактичні прийоми, які можуть бути використані слідчими для максимально ефективного використання спеціалістів та їхніх знань під час допиту та інших дій. Також звертається увага на те, як вирішальний вплив спеціалістів може впливати на побіжні рішення та стратегії в судовому процесі. Автором статті розглядаються потенційні ризики та вигоди, пов'язані з залученням фахівців, і надано практичні рекомендації з оптимізації цього процесу. Підкреслюється важливість ретельного планування та координації зусиль всіх учасників кримінального провадження для досягнення найкращих результатів у використанні спеціальних знань.

Ключові слова: експертиза, кримінальна справа, тактика, спеціальні знання, фахівець, допит, правосуддя, докази, розслідування, провадження

specific expertise is a specialist's participation in interrogation². However, issues related to the tactic of his/her involvement remain out of focus. The research papers mainly outline the organization of the specialist's participation, while the tactic of his/her involvement is understudied. Some authors undermine the role of the specialist in carrying out investigative (search) actions. H. S. Bidniak notes that activity of a specialist is a component of investigative action, actually – one of procedural and tactical means of its conduct³. O. O. Bondarenko points out that “importance of the teacher's participation in the interrogation of an underage person goes beyond assisting the investigator, while his/her participation, which is even more important, is a means of ensuring the rights and legitimate interests of underage persons”⁴. Availability of different opinions regarding a specialist's procedural role necessitates an exploration of the tactic for involving specialists in investigative actions, particularly in interrogations.

The **Article Purpose** is defined as specifying tactical features of involving a specialist in investigative (search) actions in general and conducting interrogation in particular.

Main Content Presentation. Currently, a large number of issues arising from collection and examination of evidentiary and forensic information in criminal cases can be successfully resolved only through the use of the latest advances in science and technology. This knowledge is possessed by highly skilled specialists. As set out in Part 1 of Article 71 of the Criminal Procedure Code of Ukraine, “Specialist in criminal proceedings shall be a person who has special knowledge and skills necessary to use technical or other devices, and who is able to consult during pre-trial investigation and judicial proceedings on issues which require special knowledge and skills”⁵. These consultations concern the issues requiring specific expertise and skills possessed by a specialist.

Part two of Article 71 of the Criminal Procedure Code of Ukraine states that a specialist may be committed by parties during pre-trial investigation and by court during judicial proceedings to directly provide technical assistance, and give opinions on issues within the scope of his/her knowledge⁶. It is important to note that a specialist cannot replace a forensic expert. His/her role consists in assisting the investigation, the court and the parties to a criminal proceeding, as well as in providing conclusions on issues within the scope of his/her competence.

The Law of Ukraine *On Forensic Examination* defines the main and rather wide areas of human activity, which data, as much as specific expertise, can be used in criminal procedural activities⁷. They are as follows:

- science: this includes all branches of scientific knowledge, such as physics, chemistry, biology, medicine, psychology, economics, etc.;
- engineering: this includes various branches of engineering, such as mechanical engineering, electronics, construction, information technology (IT), etc.;
- arts: this includes various types of art, such as music, painting, literature, theater, cinema, etc.;

² Заєць А. П. Організаційні проблеми судово-експертної діяльності. *Теорія та практика судової експертизи і криміналістики* : зб. наук.-практ. матеріалів. Вип. 4. Харків, 2004. С. 8-12.

³ Бідняк Г. С. Використання спеціальних знань при розслідуванні шахрайств : дис. ... канд. юрид. наук : 12.00.09. Дніпро, 2018. 248 с.

⁴ Бондаренко О. О. Процесуальний статус обізнаних осіб та їх правовідносини з дізнавачем і слідчим у кримінальному судочинстві : дис. ... канд. юрид. наук : 12.00.09. Харків, 2004. 260 с.

⁵ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651 – VI // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL: <https://zakon.rada.gov.ua/laws/show/4651-17>

⁶ Там само.

⁷ Закон України «Про судову експертизу» від 25.02.1994 4038-XII URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text>

Taktik der Einbeziehung eines Spezialisten in das Verhör

Der Artikel befasst sich mit den Methoden der Interaktion mit Spezialisten und analysiert auch die Situation, in der die Einbeziehung von Spezialisten in die Vernehmung erforderlich oder empfohlen ist. Der Artikel enthält praktische Ratschläge für Strafverfolgungsbehörden und Ermittler zur Planung und Durchführung von Ermittlungsmaßnahmen (Durchsuchungen) in Strafverfahren. Es werden taktische Methoden analysiert, die von Ermittlern eingesetzt werden können, um Spezialisten und deren Wissen bei Verhören und anderen Aktionen möglichst effektiv einzusetzen. Es wird auch darauf hingewiesen, wie sich der entscheidende Einfluss von Spezialisten auf die oberflächlichen Urteile und Strategien im Gerichtsverfahren auswirken kann. Der Autor des Artikels berücksichtigt die potenziellen Risiken und Vorteile, die mit der Einbeziehung von Spezialisten verbunden sind, und gibt praktische Empfehlungen zur Optimierung dieses Prozesses. Es wird betont, wie wichtig eine sorgfältige Planung und Koordinierung der Bemühungen aller Beteiligten im Strafverfahren ist, um bei der Nutzung von Fachwissen optimale Ergebnisse zu erzielen.

Schlüsselwörter: Fachwissen, Strafverfahren, Taktik, Spezialwissen, Spezialist, Verhör, Justiz, Beweise, Ermittlungen, Verfahren.

- craft: this includes various types of crafts, such as joinery, blacksmithing, jewelry making, pottery, etc. Undoubtedly, it is difficult to give an exhaustive list of fields of knowledge from which data can be used as specific expertise, especially in our time. However, it is obvious that since a crime can be committed in a wide variety of areas of human activity and affect various social relations, it is crucial to appoint forensic examinations using data from any science, technology, manufacturing, art and craft.

Specific expertise in this context should be understood as any specific expertise and skills of an objective nature. They can be obtained as a result of: higher specialized professional training; scientific activity; practical experience. This expertise and skills should correspond to the current scientific, professional and practical level. Possessing them enables to solve any scientific and practical issues within a particular specialty. It should be pointed out that specific expertise does not include knowledge of jurisprudence and other legal issues. The only exception is some specific forensic expertise in the field of forensic technology. This means that the investigator and the court must independently resolve legal issues arising in the course of investigation and trial.

Involvement of a specialist in investigative (search) actions means that: 1) the specialist may be present during investigative (search) actions, such as scene inspection, search, seizure of physical evidence; 2) he/she may provide consultations and explanations to the investigator, assist in recording and describing evidence; 3) in some cases, the specialist may independently carry out certain actions, for example, photograph the scene, take fingerprints, etc.

Performing forensic examination: forensic examination is a study conducted by a highly skilled specialist in order to obtain conclusions on certain case circumstances; a forensic expert can examine physical evidence, documents, records; the expert conclusion may significantly affect the course of investigation and trial.

It is important to note that a specialist and a forensic expert have two different procedural roles.

A specialist assists an investigator or court within the scope of his or her expertise and skills without conducting research. A forensic expert conducts examination and provides an opinion based on his or her expertise, experience and research findings.

There is also a non-procedural form of using specific expertise. Its application depends on the investigator's discretion and is determined by the specific investigative situation. For example, preliminary examination of physical evidence with the participation of a specialist (outside the scope of investigative action) prior to its submission for forensic examination. This can be useful when understanding evidence requires specific expertise that the

investigator does not possess. Obtaining consultations from specialists in various fields on technical, technological, economic and other issues arising during investigation. This may help the investigator gain a better understanding of the case and make the right decision. It should be noted that the non-procedural use of specific expertise is not mandatory. The investigator may decide not to involve specialists in the investigation if he or she believes that he or she can handle it on his/ her own.

Specific expertise can be used in a non-procedural manner not only during investigation, but also before the initiation of a criminal case. Specialists'



TACTIQUES D'IMPLICATION D'UN SPÉCIALISTE DANS L'INTERROGATOIRE

L'article examine les modalités d'interaction avec les spécialistes et analyse également la situation dans laquelle la participation de spécialistes à l'interrogatoire est requise ou recommandée. L'article contient des conseils pratiques destinés aux autorités chargées de l'application des lois et aux enquêteurs sur la planification et la conduite de mesures d'enquête (perquisitions) dans le cadre de procédures pénales. Les méthodes tactiques qui peuvent être utilisées par les enquêteurs sont analysées afin d'utiliser le plus efficacement possible les spécialistes et leurs connaissances lors des interrogatoires et d'autres actions. Il montre également comment l'influence décisive des spécialistes peut affecter les jugements superficiels et les stratégies du processus judiciaire. L'auteur de l'article examine les risques et les avantages potentiels associés à l'implication de spécialistes et fournit des recommandations pratiques pour optimiser ce processus. Il souligne l'importance d'une planification minutieuse et d'une coordination des efforts de toutes les parties impliquées dans une procédure pénale afin d'obtenir des résultats optimaux lors de l'utilisation de l'expertise.

Mots-clés : expertise, procédure pénale, tactique, connaissances particulières, spécialiste, interrogatoire, justice, preuve, enquête, procédure

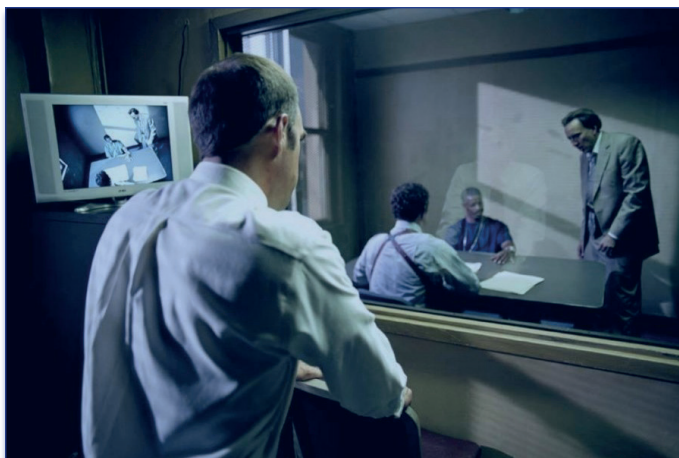
involvement in conducting verification activities at the stage of deciding whether to initiate a criminal case allows for: improving the quality and reducing the time period of verification; more accurately evaluating materials received and additionally collected; and timely deciding on whether to initiate a criminal case. Specific expertise application at this stage is not mandatory.

Specific expertise utilization in the course of investigative actions expands the investigator's ability to study phenomena and subjects that fall within the scope investigation. The investigator is endowed with ample opportunities to use specific expertise. The Criminal Procedure Law enables him/her to engage specialists to conduct a wide range of investigative actions, namely: inspection of the scene, area, premises, objects and documents; inspection of the corpse and its exhumation; seizure; search; investigative experiment; obtaining samples for comparative study; interrogation of underage witnesses. The Specialist may provide testimony and conclusions that may become evidence in a case. It is worth stressing that specialists cannot conduct investigative actions on their own; they can take part in them only at the investigator's invitation and assist the investigator within the scope of their expertise and skills.

The decision to involve a specialist in the investigative (search) action is made at the discretion of the investigator, but is usually based on the analysis and assessment of the developed investigative situation. At the same time, sometimes not the situation, but the law obliges the investigator to use specific expertise in the course of investigation. Thus, the investigator is obliged to involve a specialist in forensic medicine to participate in examining the corpse at the place of its discovery, during exhumation, searching the corpse, as well as during its examination⁸. The tactic of interaction between the investigator and specialists in the course of investigative (search) actions is determined by investigative situations that occur during their preparation. However, the choice of tactic depends on a number of factors, first of all, on the degree of the investigator's awareness of what information can be obtained during the investigation (search) and how, what special difficulties can arise in this respect, as well as on the degree of the investigator's familiarity with the specialist's way of acting.

Here are some key points to consider when determining the tactic for interacting with specialists:

- the purpose of involving a specialist: the investigator must clearly understand what information he or she expects to obtain from the specialist and what tasks he or she intends to assign to the specialist;
- a specialist's competence: the investigator must ensure that an involved specialist has the necessary expertise and skills to fulfil tasks assigned to him/her;
- a specialist's psychological features: the investigator must know how to better interact with the specialist in order to obtain the maximum amount of useful information from him/ her;
- conditions of conducting the investigative action: the investigator must take into account the conditions under which the investigative action will be conducted and plan the interaction with a specialist taking these conditions into account.



⁸ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651 -VI // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL:<https://zakon.rada.gov.ua/laws/show/4651-17>

**TAKTYKA ANGAŻOWANIA
SPECJALISTY W
PRZESŁUCHANIE**

W artykule rozważono sposoby współdziałania ze specjalistami, a także przeanalizowano sytuację, w której wymagane lub zalecane jest zaangażowanie specjalistów w przesłuchanie. Artykuł zawiera praktyczne porady dla organów ścigania i śledczych dotyczące planowania i przeprowadzania czynności dochodzeniowych (przeszukiwań) w postępowaniu karnym. Analizie poddano metody taktyczne, które śledczy mogą wykorzystać w celu jak najefektywniejszego wykorzystania specjalistów i ich wiedzy podczas przesłuchań i innych działań. Zauważa także, jak decydujący wpływ specjalistów może wpłynąć na powierzchowne oceny i strategię w procesie prawnym. Autor artykułu rozważa potencjalne ryzyko i korzyści związane z zaangażowaniem specjalistów oraz podaje praktyczne rekomendacje dotyczące optymalizacji tego procesu. Podkreśla znaczenie starannego planowania i koordynacji wysiłków wszystkich stron zaangażowanych w postępowanie karne w celu osiągnięcia optymalnych rezultatów przy wykorzystaniu wiedzy specjalistycznej.

Słowa kluczowe: ekspertyza, postępowanie karne, taktyka, wiedza specjalistyczna, specjalista, przesłuchanie, sprawiedliwość, materiał dowodowy, śledztwo, procedura

It should also be emphasized that tactic of interacting with specialists may change depending on the investigative (search) action. The investigator should be prepared to adjust his plans during interaction with the specialist. The choice of tactic for working with a specialist is also influenced by how often the investigator has had to work with him/her on criminal cases. Long-term joint work on the investigation simplifies the tactic of their interaction (does not require any preliminary explanations, instructions, and control from the investigator). Within the framework of the tactical, not organizational procedural aspect, one of the investigator's crucial tasks during investigative (search) actions is to ensure they are performed at a sufficient professional level to achieve the desired results. These tasks can be fulfilled by: thorough preparation to the investigative (search) action and skillful use of psychological expertise.

In the course of pre-trial investigations, investigators seek to involve specialists in investigative (search) actions in order to: obtain consultations and clarification on issues requiring specific expertise; assist in conducting investigative actions necessitating specific skills; use evidence requiring special methods and means during research.

Involving specialists in investigative (search) actions can significantly improve investigation efficiency. It is noteworthy that specialists who are involved in investigative (search) actions should not express their personal opinion concerning the guilt or innocence of a person. Their task is to provide the investigator with information that can help him/her in case investigation.

Specific expertise plays a key role in crime investigation, and forensic examination is one of the main forms of crime investigation. An expert can help an investigator identify many important traces, physical evidence, and circumstances that are important not only for detection and crime investigation but also for preventive activities. It is especially important to involve a specialist to conduct such an important and common investigative activity as interrogation. Currently, specialists from various fields of knowledge are invited to conduct interrogations. If necessary, an interpreter may be invited to participate in interrogation. Specialists of other professions may participate in interrogations of minors or underage persons. There are several aspects of involving a specialist in interrogation.

1. Involvement of a specialist in interrogation by the investigator: determining the need to involve a specialist; choosing an appropriate specialist; notifying the specialist of involvement in interrogation; ensuring the specialist's presence at the interrogation.

2. Application of tactical interrogation techniques with a specialist's participation: formulation of questions taking into account the specialist's competence; interpretation of the specialist's answers; using specific expertise and skills to obtain evidence.

3. Involvement of several specialists: coordination of specialists' actions during interrogation; use of expertise and skills of various specialists to obtain unbiased information; synthesizing interrogation results with participation of several specialists.

The tactic of involving a specialist in interrogation can be considered from several aspects: the tactic of involving a specialist in interrogation by an investigator, the tactic of involving a specialist in the implementation of tactical interrogation techniques; the tactic of involving a specialist in the case of several specialists' participation; the tactic of



a specialist in interaction with an investigator; the tactic of a specialist in interaction with an interrogated person ⁹.

A specialist is called in to help the investigator establish “psychological contact” during interrogation. Efficient interrogation is impossible without establishing psychological contact with the interrogated person ¹⁰. V. Baranchuk defines psychological contact as a special type of interaction between the investigator and participants in a criminal proceeding, which is based on the investigator’s desire to initiate communication with the purpose of obtaining truthful, comprehensive and reliable evidence related to a case ¹¹. From the perspective of O. Pasko and V. Horoshko, psychological contact is a special kind of relationship between an investigator and participants in a criminal proceeding, characterized by the investigator’s desire to maintain communication in order to obtain truthful, comprehensive and reliable testimony corresponding to a case ¹².

In his research, V. Marchak outlines the issue of the need to involve a specialist in interrogation, specifying that there is an opinion that participation of a specialist interferes with the establishment of psychological contact. However, according to the opinion of such researchers, sometimes it is impossible to conduct interrogation in the absence of specialists, their knowledge of science and technology, when the interrogated person takes advantage of the investigator’s lack of knowledge on a number of specific issues and tries to confuse him/her by using specific terminology. The specialist eliminates such problems. The specialist can take an active position and provide explanations to the investigator on issues arising during interrogation. However, participation of a specialist who is endowed with certain procedural independence and the right to certain procedural actions can have both positive and negative consequences ¹³.

Some researchers emphasize the importance of involving a specialist in interrogations, pointing out that there is a belief that their presence can hinder the establishment of psychological contact with the interrogated person. According to the authors, in certain situations the interrogation cannot be conducted without the participation of specialists, since their scientific and technical expertise is indispensable. This is especially true when the interrogated person, knowing that the investigator is ignorant of certain specific issues, deliberately tries to confuse him/her by using specific terminology. A specialist plays a leading role in solving such issues. He or she can actively assist the investigator by providing explanations on issues occurring in the course of interrogation. However, it is important to clearly define the limits of his or her authority. Participation of a specialist, who possesses procedural independence and retains the right to intervene during interrogation, should not be transformed into an independent interrogation ¹⁴.

Yu. Myroshnichenko has a completely different point of view and believes that the provision of certain types of assistance by a specialist in the course of interrogation is expedient only before or after interrogation. The researcher believes that the specialist’s participation during interrogation should be limited: assistance prior to or after interrogation – the specialist may assist the investigator prior to or after interrogation; independent conduct of

⁹ Волобуєва О. О. Особливості діяльності спеціалістів і судових експертів під час досудового слідства. *Криміналістичний вісник*. 2006. № 1 (5). С. 41-46.

¹⁰ Іщенко А. В., Марчук Р. П. Використання спеціальних знань у правоохоронній практиці: старі та нові проблеми. *Науковий вісник НАВС України*. Вип. 3. Київ, 2008. С. 204-211.

¹¹ Баранчук В. В. Система тактичних прийомів встановлення психологічного контакту при допиті : автореф. дис. ... канд. юрид. наук : 12.00.09. Харків, 2018. 20 с.

¹² Пасько О. М., Горощко В. В. Комунікативна готовність слідчого як необхідний складник допиту неповнолітніх. *Південноукраїнський правничий часопис*. 2022. № 1-2. С. 273-277.

¹³ Марчак В. Я. Використання спеціальних психологічних знань у досудовому слідстві. Чернівці, 2005. 152 с.

¹⁴ Там само.

interrogation – the investigator must interrogate independently without a specialist's participation ¹⁵.

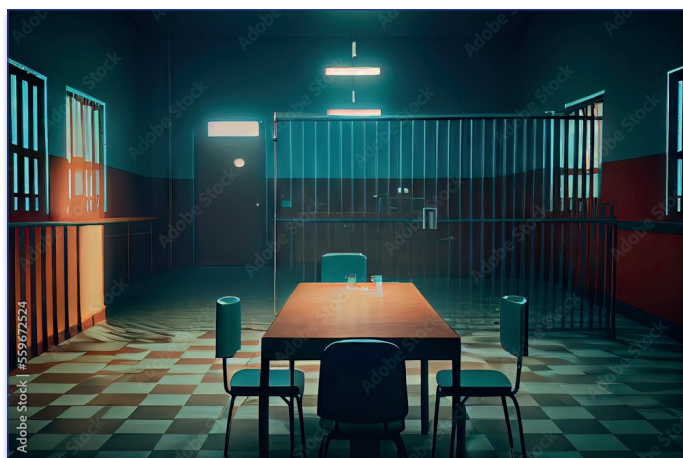
V. Kovbasa takes a different view, believing that it is essential to establish psychological contact when interrogating an underage person, and this is exactly what the participation of a teacher in the interrogation contributes to. The researcher points out: the significance of psychological contact – psychological contact between the investigator and the underage person is crucial for successful interrogation; the teacher's role – the teacher can help the investigator establish psychological contact with the underage person; benefits of the teacher's participation – the teacher's participation in interrogation can make it more comfortable for the underage person, which may result in provision of more truthful and precise testimony ¹⁶.

There is another viewpoint, according to which researchers believe that establishment of psychological contact during the interrogation of an underage person is crucial, and this is exactly what the teacher's involvement in interrogation contributes to. During the interrogation of underage persons, the investigator should always consult with the teacher about the condition of the interrogated. In certain cases, the initiative of interrogating can be transferred to the teacher, since it is easier for him/her to establish contact with the child and use terminology corresponding to his/her age features ¹⁷. Given the above, we believe that a specialist's involvement in establishing psychological contact is expedient.

I. Mykhailova emphasizes that in the process of interrogating minors, the investigator must constantly consult with the teacher about the condition of a person being interrogated, sometimes transferring the initiative of interrogation to the teacher. This makes it easier to establish contact and use terminology that is closer to the child's age and development ¹⁸.

Thus, information obtained from the interrogated person is highly complex in its structure, since it includes a significant number of parts, the combination of which makes it possible to: reconstruct crime scene – the investigator can reconstruct the crime scene, including its time, place, circumstances, participants' actions, etc., thanks to carefully asked questions and by analyzing answers; identify motives and purpose – an important task of interrogation is to identify motives and crime purpose in order to understand the perpetrator's behavior and predict his/her further actions; identify witnesses and other persons involved in a crime – the interrogated person may name other persons involved in a crime, thus expanding the circle of suspects and witnesses during interrogation; obtain physical evidence – a properly conducted interrogation can help the investigator identify and seize physical evidence confirming the offender's guilt; convince the interrogated person to cooperate with the investigation – the investigator can convince

the interrogated person to cooperate with the investigation, which may result in a confession and crime solution, through competent communication



¹⁵ Мирошниченко Ю. М. Використання спеціальних знань під час судового розгляду кримінальних справ. Харків. 2022. 97 с.

¹⁶ Ковбаса В. М. Актуальні питання тактичного забезпечення допиту неповнолітніх. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2014. № 1. С. 253-258.

¹⁷ Нікітіна-Дудкова Г. Ю. Компаративістський аналіз організаційно-тактичних і психологічних засад проведення слідчих (розшукових) дій з неповнолітніми потерпілими. *Юридична психологія*. 2021. № 2 (29). С. 70-82.

¹⁸ Михайлова І. Участь педагога (психолога) у кримінальному провадженні: питання теорії та практики. *Право України*. 2011. № 2. С. 291-298.

and establishing psychological contact. Therefore, in our opinion, the participation of a specialist in establishing psychological contact is advisable and necessary.

What is more, Ye. Demidova also considers an alternative approach by T. D. Telehina. This approach assumes that the involvement of a specialist in providing certain types of assistance during interrogation is useful only before the beginning or after the end of interrogation. The author of the alternative approach makes the following statements:

1. Negative influence of a third person on interrogation: the presence of a third person during interrogation can complicate the establishment of psychological contact between the investigator and the interrogated person; an additional person can constrain the interrogated person, making him/her more avoidant and less inclined to cooperate. This can adversely affect the course of the interrogation by causing the interrogated person to focus on the stranger rather than the investigator.

2. Undermining the investigator's authority: the involvement of a "walking encyclopedia" in interrogation may call into question competence of the investigator in the eyes of the interrogated; the interrogated person may see this as the investigator not having enough information to conduct an independent interrogation. This can result in a loss of trust in the investigator and a decrease in his/her authority, negatively affecting the interrogation outcome.

3. Complicating information perception: simultaneous receipt of information from two sources (investigative and "walking encyclopedia") can complicate its perception and analysis; the investigator may lose the thread of a conversation, get bogged down in details, and miss important points. This may lead to inefficient interrogation, loss of valuable information, and investigative errors¹⁹.

In the course of interrogation, a specialist may be involved in implementation of various tactical techniques. However, the most common is the assistance of a specialist in the use of tactical techniques, namely in the asking of questions²⁰. From the point of view of some experts, the involvement of a specialist in the interrogation allows the investigator to easily verify the truthfulness of testimony made by the interrogated person, so that he/she can conduct the interrogation more flexibly, ask additional or clarifying questions, and obtain more reliable information²¹. Thus, as set forth in clause 1, Part 4, Article 71 of the Criminal Procedure Code of Ukraine, specialist shall have the right to ask questions to the participants to the procedural action with the permission of the party to the criminal proceeding that has committed him/her or the court²². In addition to the aforesaid, Part 4 of Article 226 of the Criminal Procedure Code of Ukraine gives a pedagogue, or psychologist and a medical practitioner the right to ask questions. It should be emphasized that according to Part 2 of Article 227 of the Criminal Procedure Code of Ukraine,



¹⁹ Демидова Є. Є. Тактика допиту обізнаних осіб. Київ. 2013. 232 с.

²⁰ Копча Н. В. Використання спеціальних знань під час проведення допиту під час розслідування службового підроблення. *Актуальні проблеми вітчизняної юриспруденції*. 2021. № 6. С. 101-106.

²¹ Чорноус Ю. М. Психологічні основи реалізації тактичних прийомів. *Юридична психологія*. 2020. № 1 (26). С. 13-22.

²² Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651 -VI // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL:<https://zakon.rada.gov.ua/laws/show/4651-17>

prior to investigative (detective) action, a legal representative, pedagogue, psychologist, or medical practitioner shall be advised of their right to ask the child or an underage qualifying question upon permission²³. Also, the specialist who acts as a participant in interrogation is granted the right to ask additional questions to the interrogated person based on his/her written statement.

To ensure clarity and correct understanding of the interrogated person's testimony, the investigator needs to involve a specialist during interrogation. K. O. Chaplynskyi emphasizes the important role of a specialist during interrogation, as it is he/she who helps the investigator to clearly reconstruct the events and objectively assess the testimony of the interrogated person. Despite thorough planning and consultation with experts, the investigator may be faced with unpredictable answers from the interrogated person, which complicates the course of interrogation. This forces the investigator to terminate interrogation, consult with experts again and study necessary materials, leading to delays in the investigation and negatively impacting its duration²⁴.

Involvement of a specialist is a key factor in the use of the tactical technique of "on-the-spot interrogation". The psychological basis of this method is based on the interrogated person repeatedly reproducing circumstances in which the event under investigation took place²⁵.

It is common practice to involve a specialist in implementing tactical interrogation technique of "evidence submission". During interrogation, "evidence submission" may be used as a tactical technique. This is a demonstration of the content and significance of information possessed by the investigator to influence the interrogated person. This can be used to: help recall the forgotten; direct the interrogated person to describe relevant facts for the investigation; provide detailed testimony; expose the interrogator's lies, etc.²⁶.

When using this tactical technique, a specialist can perform the following functions: explanatory – helping the investigator choose the best time to submit evidence while interrogating certain categories of persons; methodological – allowing the investigator to determine the most efficient way to submit evidence; prognostic – assisting the investigator in predicting how this physical evidence may affect the interrogated person; cognitive – helping the investigator observe the behavior of the interrogated person during evidence submission; organizational – helping in submitting several pieces of evidence; coordinating – helping the investigator to distribute functions among the specialists when more than one of them is involved in interrogation; corroborative – allowing accurately describe the course of interrogation with evidence submission in the minutes, etc.²⁷.

When involving specialists of certain categories in implementing tactical techniques, the investigator must consider the specifics of their work. In the opinion of scientists, it is necessary to develop



²³ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651 –VI // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL:<https://zakon.rada.gov.ua/laws/show/4651-17>.

²⁴ Процесуальний порядок та тактичні особливості здійснення слідчих (розшукових) дій. Харків, 2018. 101 с.

²⁵ Демидова Є. Є. Тактика допиту обізнаних осіб. Київ. 2013. 232 с.

²⁶ Там само.

²⁷ Кашпур А., Сокиран Ф. Допит неповнолітнього: криміналістична та психологічна характеристика. *Юридична психологія*. 2021. № 2 (29). С. 61-69.

guidelines outlining the practice of interaction between the investigator and the interpreter. Scholars suggest the following method of the investigator's control over the interpreter's work: the investigator first describes to the interpreter the essence of the forthcoming interrogation and then gives him/her the opportunity to independently find out the necessary details from the interrogated person. The investigator then records the testimony translated by the interpreter. This approach contradicts the current legislation and time limits for interrogation. According to the norms, in this situation an interpreter should conduct interrogation, which may lead to incomplete and incorrect representation of testimonies during their translation and recording in the minutes.

From our perspective, the inquiring officer should be in charge of investigation. This is due to the fact that according to Art. 40 Part 1 of the Criminal Procedure Code of Ukraine, inquiring officer shall be liable for the legality and timeliness of the inquiry²⁸.

In certain cases, specialists may be involved in interrogation at the initiative of the defense counsel. This aspect is studied in research papers by V. Bozheniuk and other authors²⁹. As set forth in clause 2 Part 5 of Art. 71 of the Criminal Procedure Code of Ukraine, the specialist is obliged to follow the instructions of the party to a criminal proceeding who involved him/her in investigation³⁰. This can significantly affect how the interrogation proceeds and turns out.

Specialists involved in interrogation are allowed to use their own methods of interrogation, but overall, their activities must be subordinate to the investigator. Therefore, the statement that a psychologist in some way controls the investigator's actions during interrogation of an underage person is disputed. It is essential to note that during interrogation, the specialist uses his/her own method of communication with the interrogated person, choosing the moment and wording of questions. At the same time, the investigator must control the specialist's actions.

It is worth pointing out that a specialist is endowed with the right to object to questions addressed to him/her during interrogation. As envisaged in Part 4 of Art. 226 of the Criminal Procedure Code of Ukraine, during interrogation of a minor or an underage person, pedagogue, psychologist, or medical practitioner has the right to object to questions which, in their opinion, may harm the physical or mental health of the interrogated person, or his/her honor and dignity.

Conclusions. The importance of tactic related to involving a specialist in interrogating is due both to the complexity of the investigative action itself and to the need to unleash the specialist's skills while interrogating. It is feasible to involve a specialist at the stage of establishing psychological contact. When applying tactical interrogation techniques, such as asking questions, interrogation at the scene, submitting evidence, etc., the investigator should seek the help of a specialist. It is crucial that we clearly understand what functions a specialist can perform when participating in implementation of certain tactical interrogation techniques. As envisaged in the Criminal Procedure Code of Ukraine, a specialist has the right to ask questions and, in certain cases, to object to the questions asked. It is important to note that the specialist's activities during interrogation should be supervised by the investigator. Moreover, there are a number of peculiarities of involving several specialists in interrogation.

²⁸ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651 -VI // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL:<https://zakon.rada.gov.ua/laws/show/4651-17>

²⁹ Баранчук В. В. Система тактичних прийомів установлення психологічного контакту при допиті : автореф. дис. ... канд. юрид. наук : 12.00.09. Харків, 2018. 20 с.

³⁰ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 № 4651 -VI // База даних (БД) «Законодавство України» / Верховна Рада (ВР) України. URL:<https://zakon.rada.gov.ua/laws/show/4651-17>

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