



KAPITEL 12 / CHAPTER 12
**MENTAL STATES OF VICTIMS AND WITNESSES OF CRIME:
TAKING INTO ACCOUNT IN OPERATIONAL AND INVESTIGATIVE
ACTIONS**

**ПСИХІЧНИЙ СТАН ЖЕРТВ ТА СВІДКІВ ЗЛОЧИНІВ: ВРАХУВАННЯ ПРИ
ОПЕРАТИВНО-СЛІДЧИХ ДІЯХ**

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Introduction

The relevance of research recommendations is determined by the insufficient effectiveness of the use of traditional schemes for the detection of serious crimes against the person. In certain situations, a full, comprehensive, prompt investigation of a crime depends largely on the amount of information about the victim of the assault that the investigative bodies have at their disposal. The great role of the victim in the detection and investigation of the crime, its participation in the search and detention of the offender, his detection.

Analysis of the identity of the respondent (interrogated) allows the National Police to optimize the communication process, to draw conclusions about the accuracy of the information received.

When solving serious crimes, police officers have to deal with victims, witnesses or other sources of operational and investigative information who are in a state of stress or after a stressful situation, the latter, in this regard, may provide evidence that distorts the real picture of the crime. In these situations, the traditional tactical arsenal used to encourage media to openness is increasingly ineffective. Therefore, there is an urgent problem of providing operational staff and investigators with modern scientific methods of obtaining reliable information using the achievements of psychology.

Currently, no special psychological methods have been developed to work with victims that take into account their stressful situation. The description of the psychological characteristics of persons who have been subjected to violence allows for more purposeful and specific operational and investigative measures and investigative actions and to obtain more reliable information.

The methodological recommendations form the main provisions of scientific and methodological support of work with victims, witnesses and other persons-sources of operational and investigative information. Scientific and practical recommendations are aimed at creating a system of measures for the use of methods of applied psychology aimed at creating conditions for obtaining reliable and complete information necessary to ensure full and rapid detection and investigation of crimes.

12.1. Victims, witnesses and other persons as source of receipt of operational and search information.

The personality and psychological characteristics of the victim of the crime have



always attracted attention, because, especially at the initial stage of the investigation of crimes, the victim acts as one of the main sources of obtaining essential information to establish the truth.

Currently, the literature on the use of data on the identity of the victim in the tactics of operational and investigative actions that provide information from him (interrogation, face-to-face test, presentation for knowledge), helping to verify his testimony, investigative experiment and verification of evidence on the spot) related to the participation of the victim in the search activity (inspection, search, seizure), aimed at the study of what the victim himself (examination, appointment of forensic examination).

However, the existing provisions on the specifics of the victim's and witness's participation in operational and investigative measures and investigative actions need to be supplemented and adjusted to take into account data on the victim's psychological characteristics, in particular due to the impact of acute emotional experiences resulting from criminal encroachment.

It is known that the operative is deprived of the opportunity to directly observe the crime and usually deals with its results. The facts and events related to the crime, the officer of the operational units establishes the operational and investigative characteristics of the event, as well as in most cases from the words of people who are direct witnesses and victims, so it is important not only to be able to properly interrogate but also analyze the testimony of the victim, witness.

The testimony of the victim should include the influence of individual characteristics of the person, as well as the psychological state during the criminal attack on him, which affected the perception and reproduction of events. In the formation of evidence play an important role in psychology known patterns and mechanisms of reception, accumulation, processing and transmission of information of various contents by people involved in the criminal process as witnesses and victims, as well as attention, emotions and volitional moments. In addition, a person's ability to receive verbal and nonverbal information.

We can identify the main typical elements of the event, which in various combinations are found in almost any crime and information about which is always of interest to the investigation. It:

- Spatial-temporal relations of criminal action;
- Man (criminal), his appearance, behavior and actions.

The process of human cognition is not just a "reading" of external data, but a complex psychological task, because the connections between the various manifestations of human appearance and their inner essence are very complex and multifaceted. All the features in which a person is manifested as a person and as an individual are divided into five groups:

- 1) Anatomical features of human physical appearance (facial features and physique);
- 2) Voice and language features (pitch, timbre, manner of pronunciation);
- 3) Features of expression or expressive behavior (facial expressions, gestures, gait);
- 4) Features of "design" of human appearance (clothing, hairstyle, jewelry,



cosmetics, etc.);

5) Features of human actions and deeds (body position, posture, nature of movement).

The perception of the elements of the crime, usually fragmentary, is accompanied by the intensification of the mental processes of the witness: feelings and attention, imagination and memory, as well as his mental activity.

Perception is never a purely passive, contemplative act, when people perceive the events of a crime, they usually do not remain indifferent to them, but show a certain attitude, which is expressed in such mental states as emotions, feelings and moods. The impact of an emotional state on the perception of a witness or victim can be twofold - it can improve the quality of perception, its volume and accuracy, and can reduce, inhibit and distort it.

Being physiologically necessary and useful, emotions, disrupting the cognitive processes in victims, negatively affect the functions of sensations, perception, memory, thinking, will, which in turn affects the completeness, accuracy and direction of their testimony.

The process of perception can be significantly affected by:

- fright (or "sudden" fear), not related to the expectation of danger;
- fear (arises as a result of understanding the situation), there are three forms of fear: a) wall (panic), b) asthenic (numbness, tremor), c) wall combat excitement (the desire to overcome danger, repel);
- mood (long state, attitude not to a single fact, but to everything that is perceived);
- fatigue (activity that consumes a certain amount of energy - for example, resistance to crime);
- affects (very strong, but short-lived reactions - despair, horror, violent outburst of anger);
- prejudice (in close, related relationships with the offender);
- excitement (emotional arousal, accompanied by reckless actions, uncritical thinking);
- head injuries: concussions or head injuries received by victims (as a result, disorders or memory loss - amnesia, and speech - aphasia);
- degree of alcohol or drug intoxication of the witness or victim.

The study of the practice of investigation and knowledge of the laws of the process of perception and thinking make it possible to identify typical errors of perception that occur at the stage of formation of testimony of witnesses and victims:

- optical, auditory and other distortions;
- Incorrect estimates of size, distance, quantity;
- wrong thoughts about the sequence of objects and phenomena;
- "hatches (gaps, omissions) of perception" - a number of elements of the situation are not perceived due to the ephemerality and inability to fix consciously;
- replenishment of "hatches of perception" - replacement of the real event "ordinary", the desire to create a logically coherent and convincing picture of the event (details that they did not note or poorly considered, they replace details that, in their opinion and past experience, could be in this situations);



-correct formulation of the perceived event due to deep penetration into its essence as a result of active mental activity.

In addition to the above, it should be emphasized that the feelings and emotions of the victim have a uniqueness that distinguishes them from the feelings and emotions of the witness. The victim is a person who has suffered physical, moral or property damage, which contributes to the formation of feelings of resentment and revenge, which negatively affects the objectivity of the testimony.

In investigative practice, the work of victims or witnesses who have experienced stressful situations requires the competent use of knowledge about the nature of the occurrence and mechanisms of stress.

The term "stress" is used to describe various states of the individual in extreme conditions at the physiological, psychological and behavioral levels. Individuals who are involved in some way in the commission of a serious crime are in a state of emotional stress.

There are three forms of emotional stress: impulse, inhibitory, generalized.

Each of these forms in its own way leads to changes in the course of mental processes, emotional shifts, transformation of the motivational structure of activity, impaired motor and speech behavior.

Stress can have both positive, mobilizing and negative effects on activities, up to its complete disorganization.

A common mandatory criterion for assessing post-stress disorders is the fact that an individual experiences an event that goes beyond ordinary human experience, which can traumatize the psyche of almost any healthy person. For example, a serious threat to life and health, both to yourself and to relatives or friends; sudden destruction of housing or public buildings, etc.

Stressors that cause these disorders include natural disasters, man-made disasters, as well as events that are the result of targeted criminal activity: sabotage, terrorist acts, "hostage situations", torture, violence, etc.

The structure of mental disorders contains the following interrelated subgroups of disorders:

1) signs of persistent intrusion into the consciousness of images, memories and emotions associated with the content of traumatic circumstances - the so-called distress and "avoidance symptoms", manifested in the desire and attempts to persistently avoid thoughts, feelings, conversations, people, places and activities that evoke memories of trauma. At the same time, such phenomena as a decrease in the strength of emotional response, a marked decrease in interest and participation in previously significant activities, feelings of dependence or alienation from people, reduction or absence of the future are emphasized;

2) persistent signs of physiological hyperactivation: sleep disorders (difficulty falling asleep, insomnia); irritability, outbursts of sudden anger; difficulty concentrating, concentrating; increased vigilance; readiness for defensive reaction;

3) "dissociative" signs: subjective feeling of emotional dependence, "blunting" or lack of emotional response; narrowing of awareness of the world around ("confused"); derealization; depersonalization; amnesia (inability to recall any important aspect of a traumatic event).



Two more criteria complement the picture of post stress:

- Functional criterion: violation of psychological adaptation and professional ability to work;
- Time criterion: acute stress disorder (ACD) occurs within 1 month of injury and lasts from 2 to 4 weeks, and post-traumatic stress disorder (PTSD) - for at least 1 month after injury and lasts at least 4 weeks.

For example, victims of a traumatic brain injury (TBI) in a sexual assault situation, during a hospital examination, showed pronounced memory disorders in the form of various types of amnesia (memory loss). The positive dynamics of traumatic illness is characterized by the gradual return of memory from the 4th to the 15th day after TBI and the emergence of the ability to reproduce the picture of what happened no earlier than 9-10 weeks after the traumatic period.

The forensic and forensic psychiatric literature has accumulated a wealth of material on the "false" testimony of mentally ill persons, especially in cases of rape and other sexual crimes, with special allegations of false statements, allegations and self-incrimination by such persons.

Every woman who has been a victim of rape experiences this event in her own way, depending on:

- age;
- life circumstances;
- the circumstances in which the rape was committed;
- psychological type of her personality;
- other people's reactions to her call for protection and help.

Rape can be seen as a crisis situation in which an external traumatic phenomenon disturbs the existing balance between the adaptation of the inner "I" of man and the external environment.

Because rape is an interaction between an extremely strong external stimulus and the victim's ability to adapt, it is similar to all other crisis situations described in the special literature on stress. The unpredictability of the disaster that befalls a woman and the inconsistency of her capabilities with the threat of escaping the ordeal are factors that can be considered life-threatening.

With the growth of serious crimes against the person and the difficulties of their detection, it is necessary to develop psychological methods that take into account not only the characteristics of perpetrators, but also persons (victims, witnesses), which can obtain reliable information to find perpetrators.

In psychology, there are several concepts related to how people react to stress in the event of an unexpected and accidental event, and how this reaction affects a person's stability in relation to his continued existence. By considering these few concepts, operatives can better understand the behavior of the victims of sexual assault they will be dealing with.

To explain the effects of the crisis and trauma of the crime victim, some researchers suggest considering several variables in the context of different types of perpetrators. These variables of crime victimization include:

- encroachment;
- violence against oneself;



- loss of control and autonomy;
- physical and psychological damage.

The formula is simple: the more quantitative variables, the more stressful the victimization and the stronger its potential effect.

For example, a victim of sexual assault not only faces the perpetrator, but also experiences a complete loss of control and autonomy. Violence or the threat of violence is almost always used, and often ends in physical injury. Often the psychological damage is huge and sometimes outweighs everything else. With the exception of murder, this crime is considered the last stage of encroachment or violence.

When working with victims, it is also necessary to know and take into account some psychological, individual and age characteristics of such categories of persons as minors, sick and wounded, persons injured, etc.

For example, a victim of life-threatening injuries may be irritable, stubborn, ignorant, highly vulnerable, or even angry, depending on his or her physical condition.

Elderly people are characterized by increased irritability, suppleness, and meticulousness, stubbornness, irritability, incontinence, desire to hide privacy.

In turn, minors are characterized by increased emotionality, instability in behavior, immaturity of thinking, propensity to imitate, lack of life experience, poor command of spoken language, memory instability, etc.

When detecting a post-stress state in the victim or witness, the operative (investigator) must analyze their reactions and behavior according to the following scheme:

1) whether and to what extent mental disorders. First of all, the functions due to biological mechanisms of self-regulation: emotional sphere, sleep, fatigue, behavioral disorders (alcoholism, frequent smoking, conflict, aggression);

2) whether there is mental maladaptation, whether it is difficult to perform professional duties, or reduced ability to work;

3) what factors caused a) violation of mental activity, self-regulatory processes; b) maladaptation and reduced efficiency? Whether there is mental trauma, personal predisposition, mental maladaptation in the past, fatigue (fatigue), negative motivation, poor awareness or misunderstanding of tasks and their functions, anxiety for loved ones, emotional involvement in conflict, the degree of awareness of one's own mental state secondary trauma, etc.

Identification of psychological patterns inherent in the victims, their peculiar mental states, as well as their relationships with perpetrators, assessment of subjective and objective factors affecting the stability of the position and testimony of victims in the investigation, allow develop recommendations on interrogation tactics, predicting the position, behavior and testimony of victims and overcoming undesirable trends that arise in this regard.

12.2. Recommendations for working with persons in a stress state.

Social support is a key factor in overcoming the consequences of stressful



situations both at the level of the individual and at the level of social and professional groups. A person who has experienced a traumatic event has an urgent need to express their experience and comprehend it in the process of communication. Lack of social support often leads to aggression, anger, demonstrative reactions, and other manifestations of facial deformity. Meanwhile, it is more correct to consider these negative psychological consequences of trauma in terms of measures of socio-psychological support for victims, their timeliness, adequacy and completeness.

In addition to the recommendations of various social bodies that may be useful to victims during a crisis, the operative must be aware of the importance of his indirect impact on the victim. In addition to apprehending and convicting criminals, he must seek to understand the victim's condition. The attitude and behavior of the operative may affect how the victim recovers from the injury, continues a productive lifestyle, facilitates the detection of the crime or finds himself in a passive position.

Operative-search or investigative actions against victims should be very careful, but at the same time effective.

Responsibilities and possible means used by the operative include:

- gaining the trust of both the victim and her family;
- instructing and transporting the victim;
- Careful collection of evidence both at the crime scene and in medical institutions (injuries, taking biological, anthropological and other samples);
- population polls;
- study of photo-tables and video-shootings;
- choice of sex of the investigator;
- choice of the time of interrogation;
- preparation of the list of persons who will be present at the interrogation;
- use of a polygraph (lie detector);
- use of the method of hypnoreproduction.

One of the responsible and complex operational-search and investigative actions is operative interrogation and interrogation. There is a misconception among operatives with little practical experience that operational interviews and interrogations are among the easiest and simplest operational and investigative measures and investigative actions, especially when it comes to dealing with victims. It is believed that the victim himself is interested in a positive solution to the case and he has nothing to hide.

These actions in relation to the victims are based on the general rules of interrogation and questioning, clearly regulated by criminal procedure legislation and departmental instructions on operational and investigative activities. The law, although it does not restrict the operative in the choice of certain tactics, but obliges to follow a certain procedure in their application and follow the basic provisions of the Criminal Procedure Code.

Of course, at the very beginning of the investigation and operational development, the operative does not always have time for a full and detailed interrogation and questioning of the victim. After all, along with the interrogation of the victim, it is often necessary to urgently carry out a number of other urgent investigative actions (inspection of the scene, seizure and review of material



evidence), as well as operational and investigative measures. In addition, the victim due to acute emotional stress may not always provide sufficiently complete and reliable information.

Gaps and inaccuracies in the testimony can be eliminated by asking relevant questions, using various associative techniques to intensify the process of recollection, and presenting various pieces of evidence. However, it should be remembered that when using techniques that help to overcome the error or activate the memory, you need to be careful, because the victims due to their complex mental state are particularly prone to suggestion and self-suggestion. Also, in each case, the general tactics should be adjusted to the individual and age characteristics of the victims mentioned above.

It should be noted that when summoning a helpless victim (juvenile, elderly, mentally retarded, sick, etc.) to testify, the operative must identify the persons involved in the interrogation or interview.

Participation in the interrogation and interview of a teacher, legal representative or other close relatives is a guarantee of effective, correct and psychologically correct interrogation or interview. It is in this procedural regime that these individuals can overcome the circumstances that prevent them from testifying (isolation, fear, shame, uncertainty, etc.), consistently and truthfully tell about all the circumstances relevant to the case.

Additionally, as experts, during the interrogation of victims who are in a post-stress state, may be involved:

- a) psychiatrist - during the interrogation of victims with mental disorders;
- b) a physician-therapist or other narrow specialist - during the interrogation of a victim whose health has been physically harmed;
- c) a teacher or psychologist - during the interrogation of minors or the mentally retarded.

The specialist participating in the interrogation, based on professional knowledge and experience may indicate:

- how it is possible to obtain reliable and complete evidence;
- the degree of mental development of the respondent;
- features of perception, comprehension, memorization and reproduction of the perceived;
- the degree of understanding of the issues raised;
- the ability of the victim to testify in the circumstances of the case;
- the duration of the interrogation and the time required for the inspection.

In addition, the specialist can formulate questions to the respondent, as well as clarify and detail the answer; establish psychological contact.

It is also important to choose the place and time for the event and action. Traditionally, the victim is interrogated at the scene. However, if necessary, the victim may be interrogated at the place of work, study, residence; in a hospital, hospital, home for the disabled, orphanage and elsewhere. And here it is necessary to consider individual features of victims. Operational interviews can be conducted anywhere, depending on the situation.

Thus, the practice shows the success of interrogations and surveys of minors,



which are conducted in a children's hospital or clinic. As a rule, children, periodically communicating with doctors, get used to telling them openly about their experiences and illnesses, and this situation, no doubt, helps to obtain truthful testimony.

The expediency of interrogation at the scene in order to restore the memory of details, to demonstrate the location of the participants in the crime, is emphasized when the victim has poor visual memory, insufficient language skills.

Conversely, questioning an elderly person at the place of residence in the presence of other family members will not yield any results if he or she has been the victim of a crime by close relatives.

A calm, businesslike atmosphere that is conducive to the most trusting and productive contact is important during the interrogation.

Already at the first interrogation the operative officer feels inconveniences and difficulties of the victim who quite often is closed and does not dare to open the world and to express as he would like. The motives can be completely different. For example, boys who are victims of sexual assault, even more than girls, try not to remember what happened. The fear that he will no longer be considered a man or adopted as a homosexual plays an important role in this.

Victims who are physically harmed for a long time cannot get used to the changes that have taken place in their bodies, consider themselves doomed and hopelessly ill, disabled and crippled, they are very reluctant to talk about what happened. Therefore, from the moment of the first interrogation, the operative officer should strive to establish psychological contact with the victim.

In the process of interrogation and other investigative actions, the ability of the operative officer, taking into account the specific experiences of the victim to regulate his mental state in the right direction for interrogation, plays an important role.

Of course, the attentiveness of the operative and the investigator, the softness of communication with the interviewee must be combined with the necessary demands and persistence in obtaining the necessary information for the case. The strength of feelings can be weakened by careful, tactful change of the victim's assessment of the consequences of the encroachment. Here it is possible to awaken in the interviewee positive memories, optimistic outlook on the future. It is important to observe the behavior and changes in the mental state of the victim's interrogation, which allows to judge with some certainty about the characteristics and shortcomings of the victim, his camaraderie, isolation, firm beliefs, intentions, motives that determine the filing of a crime, moral principles and others. moments that may affect the subsequent position and testimony of the victim.

A witness who actively cooperates is not always known to provide credible evidence. Often the desire to facilitate the rapid disclosure of the crime, excessive motivation and emotionality interfere with the information received.

The psychological peculiarity of the witness's personality was revealed in time, and it is confirmed by the results of further operative measures.

Before the interrogation, the operative must outline the range of questions and, with the help of a specialist, formulate them in an accessible form for the post-stressed victim so that he or she can understand them correctly.



In order for the respondent to understand the content and meaning of the question well, it is necessary to repeat it, taking into account the person, change the wording, ask, dividing it into several specific ones.

Thus, people suffering from mental disabilities, due to increased suggestibility in the affirmative form of the question answer "yes", in the negative - negative. Therefore, such persons need to clarify the content of the question, to find out whether it is clear to the respondent.

Sometimes a free form of testimony is recommended to interviewees. In this case, you can record not only the content of the evidence, but also the nature of his behavior. However, this does not mean that the operative should not stop and direct the testimony of the victim in the right direction, if they go beyond the subject of interrogation. Such can be the sin of people suffering from schizophrenia, or the elderly, who at the suggestion to tell about the crime, can begin their presentation with claims and complaints about everyday life and their fate.

The recording of the testimonies of victims who are in a post-stress state should be made in the form of a detailed record in the protocol in the same form and in the same expressions (except obscene) as they were received.

At the same time, in the practice of crime investigation, there are cases when operatives record the testimonies of victims in the protocol to their "taste", using commonly used terms and phrases. Thus, attempts to "organize" the child's testimony can lead to the simultaneous loss and distortion of some of the information received from the child, and make it impossible to further assess the testimony according to the interrogation protocol.

It is possible that the victim may state that he does not know the term used in the protocol, that he did not provide such evidence. Therefore, it is expedient that the individual features of the victim's language be preserved in each interrogation report, as well as its fixation with the use of technical means. This will, firstly, avoid possible doubts about the veracity of the evidence, and secondly, will serve as material for the production of forensic examinations in establishing individual psychological characteristics, level of mental development and other properties and conditions of the victim.

When conducting operational and investigative measures and investigative actions with the participation of victims or witnesses who are in a post-stress state, other traditional methods may be used:

- use of audio and video recordings of interrogations;
- conducting forensic examinations (including psychological, psychological and psychiatric and others).

Conclusions.

The recommendations are addressed to operational practitioners and investigators. They summarize the experience of applying the methods of applied psychology in working with people who are in a post-stress state (victims, witnesses), reveal the psychological characteristics of these people.

The paper gives a brief description of the mental states of victims and witnesses,



which must be taken into account when conducting operational and investigative and investigative actions with their participation, especially in the detection of serious crimes against the person.

Due to the strong emotional stress of victims of violent crimes, as well as witnesses of criminal events, it is necessary to take into account the influence of stressors on the accuracy of information about the criminal event received from these persons.

The recommendations are aimed at increasing the reliability and increasing the amount of information that can be obtained from victims or witnesses who are in a post-stress situation.