

The communicative side of the professional activities of an investigator

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Abstract. The article deals with the problem of the process of communication of the investigator with the suspect during the interrogation. The research results show that this communication process is, firstly, the result of long-term efforts of an employee and, secondly, in essence resembles a psychological struggle, rather than an equal exchange of information, which, according to the subject-subject paradigm, is characteristic of “normal” communication.

Key words: psychological technologies, impact, professional communication, employees of investigative bodies, professional competence

1. Introduction

Analysis of the scientific support for the use of psychological technologies in the activities of the investigator, as well as the state of affairs with the use of their constituent elements in practice, shows the sufficient complexity of the phenomenon of psychological technology and its constituent components. It is necessary to recognize the insufficient development of the problems of psychological technologies used in the work of the investigator with a person suspected of committing a crime, both in theoretical and in applied terms. Certainly, in the scientific literature there were reflected some methods of realization of psychological technologies, but there was no comprehensive understanding of the unity of the tactical actions of the investigator with the methods of psychological influence.

In our opinion, activities on the implementation of psychological technologies in the work of an investigator with a person suspected of having committed a crime are serving, subordinate to the goals of the investigator's activities in investigating crimes and restoring social justice. No one will dispute the situation that the investigator may not use psychological technologies appropriate to the current tactical situation in his activities. However, the result of his activities will be remains a question.

Based on this, naturally and inevitably, in addition to the psychological means and methods of influence, the established psychological evidence of the involvement of a particular person in the commission of this crime, the content and significance of this evidence to expose the offender, the components of the current investigative situation, as well as other psychological-tactical actions of the investigator.

The success of the implementation of psychological technology depends on the competent possession of employees of its operational structure, including the use of appropriate means, methods, techniques and tactics, due to the characteristics and specifics of the studied activity. Based on the analysis of

scientific advances in the field of legal psychology and forensic science in combination with existing practical experience in the implementation of psychological technologies in investigative activities, this approach may suggest new approaches to the development and application of psychological technologies in this activity in relation to various investigative situations and positions suspect

In determining the main psychological technologies used in the activities of an investigator when working with a person suspected of committing a crime, we turned to the subject-subject paradigm (Andreeva, G. M., Bodalev, A. A., Grachev, G. V., Kovalev G. A., Melnik I. K. et al.). This is due to the fact that the interaction of the subject of psychological technology, namely the investigator, with the suspect is determined by the context of the investigative situation that arose during the investigation of the criminal case. In addition, the effectiveness of implementing psychological technology depends on the individual psychological characteristics of the investigator, his social and practical experience, professional knowledge, and skills. Also, when using this approach, we took into account the fact that this approach allows us to study the features of implementing psychological technology in a person-to-person system, to which the investigator's activities in conducting investigative and other legal proceedings with a suspect relate. Research within the framework of the paradigm under consideration makes it possible to study not only the specific psychological methods of implementing psychological technology, but also the subjective component of this impact. In our opinion, the basic tenets laid down in the paradigm under consideration can and should be used in the course of the study of the problem under consideration.

Since the basis of the hermeneutic approach (Dotsenko, E. L., Sheinov, V. P., and others) is a consistent interpretation of the studied phenomena, it was decided to also use it in the study. The use of this approach in our research will allow, based on the theoretical concepts available in related fields of science and the empirical material obtained in the course of research, to give it an appropriate methodologically correct assessment.

In determining the possibility of using in the study of natural science, we proceeded from the fact that its use is difficult to overestimate in the field of psychophysiology, experimental psychology, in the study of human mental processes. But at the same time, the use of classical methods in this area as applied to the study of psychological technologies is almost impossible. When planning a study, it was intended to use the following methods of the natural science direction: observation (direct); self-observation; a study of documents (materials of criminal cases).

The work carried out in the framework of the study shows the futility of using the study of criminal case materials for the study, since the protocols of the investigative actions carried out with the participation of the suspect, in most cases, do not record the psychological methods of implementing psychological technologies, with the exception of the facts of physical evidence. Also, in very rare cases, the protocol records the questions used to detail the testimony of the suspect. In most cases, such questions are not recorded, and only the generalized testimony of the suspect is reflected in the protocol.

When using the monitoring of the implementation of psychological technologies by other investigators, its impartiality was also established for solving research problems. This was due to the detailed criminal procedural regulation of the "interrogation of a suspect" investigative action, the presence of an advocate during the investigative action, who was categorically against the presence of unauthorized persons during the investigation with his client, and the position of the suspect himself with the investigator. These problems of observation also found support from the employee of the investigative unit, who feared the breakdown of the established trusting relationships with the suspect and his defense counsel.

In the process of labor activity, the general structure of the personality is refracted accordingly through this professional activity. At the same time, it turns out that not all sides of an individual are of equal value for the successful implementation of work activities. Some very significantly affect the final effect of the activity, others may not influence at all or have a minor effect.

It is known that the most important aspect of the professional activity of the employees of the internal affairs bodies is to work with people, and the specificity of their professional activities is associated with the ability to communicate psychologically correctly. It is quite clear that this work is very different

from the activities of specialists in other professions, where interpersonal communication and interaction also take place. Many professions have various recommendations for organizing business meetings, programming conversations, ways to avoid conflict situations, etc. However, the specifics of building interpersonal relationships with people among employees of the internal affairs bodies are determined by special working conditions, unusual circumstances and cases and situations not similar to each other [2].

Many dissertation research is devoted to the issues of the communicative component of the professional activity of employees of the internal affairs bodies. About the special importance of professional communication for the activities of the investigator can serve the fact that it is through such investigative action as interrogation, in which the process of communication of the investigator manifests itself most clearly, you can most fully establish the circumstances of the crime. According to selective studies, the testimony (the result of the interrogation) is up to two-thirds of the sources of evidence to which investigators refer in the indictments, and the courts in the verdicts. Therefore, it is completely obvious that without qualified and effective interrogation it is pointless to count on a comprehensive and complete investigation of the circumstances of the criminal case, on the successful detection and investigation of crimes [4].

During the interrogation, the investigator receives evidentiary information from the relevant participants in the process (witness, victim, suspect, and accused). However, the interrogation is connected with the active cognitive activity of the investigator himself, who formulates the task of obtaining relevant evidence, directly during the investigative action, takes measures to obtain complete, comprehensive and objective testimony. The interrogation is a universal investigative action by which the investigator can obtain evidentiary information in almost all the circumstances of the subject of proof. Experienced investigators consider interrogation as an art that needs to be seriously learned throughout the work.

The interrogation is the most common investigative action and, at the same time, one of the most difficult. This difficulty lies not only in the fact that the interrogated person hides the information known to him, and sometimes he does not want to testify at all, but in the truthful testimony there may be gaps, inaccuracies, exaggerations, conscientious errors, etc.

The communicative activity of the investigator in the process of interrogation is an obligatory component of the psychology of interrogation, its main type is communication. The purpose of this activity is to obtain information from the participants in criminal proceedings in order to establish objective truth in the case.

Investigative action, which allows to establish the circumstances of the crime, is the interrogation of the suspect. From the information provided by the latter, a true picture of the crime event is formed, the witnesses of the crime, the location of physical evidence and other circumstances relevant to the investigation of the criminal case are established. Without obtaining this information, it is almost impossible to carry out further targeted planning of a criminal investigation. This is what determines the specifics of the investigator's activities: a skillful communication with a person suspected of committing a crime largely determines professional success.

The psychologists have found that any communication creates some tension among the communicators, stress, which is quite clearly manifested in persons who are suspected in a criminal case and subjected to interrogation. It is for the interrogation of the suspect that the investigator most needs to masterly master the techniques of building business communication, which allows him to achieve maximum effectiveness of the investigative action.

The professional communication of the investigator for the most part is procedurally regulated, it proceeds in a special procedural regime in compliance with certain forms of communication strictly limited by law. As we have previously indicated, the activities of the investigator are quite clearly regulated by current legislation. The regulatory framework in which the employee carries out his professional activities oblige the investigator to strictly adhere to the legal norms within which his communication takes place. As a negative factor, it can be noted that the detailed regulation of the activities of the investigator gives rise to certain stereotypes of behavior and communication,

stereotyped communication is acquired, which in some cases leads to a decrease in the effectiveness of communication. On the positive side, the detailed regulation of the activities of the investigator facilitates the process of communication, structuring it, defining the social roles, rights and obligations of the participants in the professional communication of the investigator. In addition, the legal regulation of the activities of the investigator to some extent disciplines the investigator. Obviously, the implementation of activities that are strictly regulated by legal norms requires from the employee of the investigative unit a constant control over their actions. In addition, the violation of the procedural mode of communication can serve as a basis for invalidating the results of the investigative action and entail the application of sanctions against the investigator. The detailed regulation of the professional communication of the investigator, carried out within the framework of the investigation of a specific criminal case, allows us to speak of its strict purposefulness (the establishment of objective truth in the case). In this case, it is appropriate to talk about targeted communication, which is always aimed at achieving a certain result, at solving a problem and, as a rule, associated with the implementation of professional activity. In addition, professional targeted communication of the investigator implies a high level of responsibility for achieving or failing to achieve professionally significant goals.

Temporary limitations of professional communication of the investigator are related to his target orientation and regulatory regulativeness. Professional communication of an employee of the investigative unit is mainly forced for his interlocutors. For the investigator, the forced nature of professional communication is due to the need to clarify the circumstances of the crime committed. In this regard, the process of communication of the investigator implies not only potentially conflicting relations, but also quite tough forms of conflict interaction, including open opposition, which causes its very intense character. In this regard, the professional communication of the investigator is endowed with such characteristic as increased stress. The stressful background of the investigator's communication is created by the conflicting nature of his professional activities.

The role character of intercourse of the investigator is determined by the fact that the investigator is the bearer of a well-defined social role, which implies the existence of a wide range of rights and obligations. In this case, we can say that the communication of the investigator is positionally formal, hierarchical, i.e. when communicating there is a significant difference in the status of communicating. The functional role-playing nature of professional communication is also due to the need to follow certain procedures (clarification of the provisions of the law, for example, Article 51 of the Constitution of the Russian Federation, registration of the results of communication on paper), use of professional vocabulary.

The special complexity of the professional communication of the investigator in the course of the investigation of criminal cases is made necessary by the necessity of entering into multilateral communication contacts. The versatility of communicativeness lies in the fact that the investigator during the investigation of the crime committed is obliged to carry out investigative actions with representatives of different age categories, occupations, occupying different social and legal positions. With all people within the scope of the investigation process, the investigator must establish a relationship of trust and obtain from them the information necessary for the investigation of the criminal case.

The interrogation of a suspect is an investigative action, which, based on the interpretation of the norms of criminal procedure legislation, must be carried out in the presence of a lawyer. The suspect has the right to refuse the services of a defender, however, according to the meaning of paragraph 1 of Part 2 of Art. 75 of the Criminal Procedure Code of the Russian Federation, the testimony of the suspect, obtained in the absence of a defense counsel and not subsequently confirmed in court, are inadmissible evidence, i.e. are not legally binding and cannot be used as evidence. In addition, the analysis of the practice of the application of paragraph 1 of Part 2 of Art. 75 of the Code of Criminal Procedure of the Russian Federation allows to conclude that the criminal procedure law is drafted in such a way that the constitutional right of the suspect to defense has become, in fact, his duty to have a lawyer.

In this case, a psychological situation develops when, during the interrogation, the investigator is challenged by two people: the suspect and his defense counsel. The presence at the interrogation of the

suspect and his defense counsel, who is a legally competent and experienced criminal case specialist, makes special demands on the process of building an investigator's communication with the participants of the investigative action. That is why we believe that in the professional activities of an employee of the investigative unit of everyday, everyday knowledge about communication is not enough and, first of all, because the circle of people with whom he has to enter into communication almost every day is very wide, original and specific. It may be different in age, character, temperament, values, attitudes and orientations of people, people who cause compassion or disgust. With each person whom the investigator invited to participate in the investigative action, he must find a "common language", to receive from him information relevant to the investigation of the criminal case. The investigator must do all this within the strict framework of the law, as a rule, in the conditions of an acute shortage of time, active resistance to those who are not really profitable and dangerous. The effectiveness of the entire work as a whole will depend on the correctness of the investigator's communication with each individual, the implementation of an individual approach. Therefore, we can conclude that communication in the professional activities of the investigator is not just a conversation with another person, but a strictly regulated process aimed at solving the problems of criminal justice, namely the establishment of objective truth in the case. The professional characteristics of each act of intercourse of the investigator are determined by the result to be achieved on its basis (giving evidence, finding the truth, changing the behavior of a citizen, etc.).

The success of the interrogation of the suspect depends largely on how fully the investigator will take into account and use the personal characteristics of the person being questioned. After all, the essence of the interrogation is that during its implementation, the investigator encourages the person who knows the circumstances related to the criminal event to be investigated to give truthful testimony about them, listens to the information and fixes it in the manner prescribed by law as evidence in a criminal case.

To increase the effectiveness of the investigative action, the investigator constantly has to resort to his communicative qualities. At the same time, almost all scientists and practitioners of the investigative units of particular importance in building business communication during interrogation give the establishment of psychological contact with the interrogated. Some scientists, based on the specifics of the interrogation of the suspect, conducted with the participation of the defender, recommend psychological contact also be established with him.

The investigator is able to establish psychological contact and solve the problem of communicative interaction with other people only when he knows the relevant social norms, has the knowledge, skills and abilities of the communicative interaction in the relevant role position, knows and takes into account his personal characteristics and personality characteristics of the communication partner, has value orientation, which allows him to avoid professional deformation.

Considering the communicative component of the activities of the investigator, it should be mentioned that the following structure of communication is distinguished in the educational and scientific literature, consisting of three interrelated parties, which are fully manifested in the activities of the investigator:

1. communicative, which is manifested in the mutual exchange of information between partners in communication, transmission and reception of knowledge, opinions, feelings;
2. interactive, consisting in the organization of interpersonal interaction, i.e. when participants communicate not only with knowledge, ideas, but also with actions;
3. perceptual, which is manifested through the perception, understanding and evaluation of each other by people.

Thus, communication should be considered as an integral part of business communication, since the latter, apart from the phenomena of interconnection and mutual understanding, covers the relationships and interactions between its participants, that is, the perceptual and interactive characteristics of the communication process. The specified parties of communication, complementing each other, in business communication serve the purpose of facilitating the establishment and maintenance of contacts between interlocutors, their mutual understanding, and the coordination of joint activities. The difficulties arising

from this, as a rule, are due to the individual psychological characteristics of those who communicate. All this, of course, is characteristic of communication in investigative activities, but only if the suspect is found guilty of the crime committed, repentant, and actively assisting the preliminary investigation bodies in the ongoing investigation.

The formed positive impression of the employee of the investigative unit will be crucial in the process of establishing a trusting relationship with the suspect and his defense counsel. Therefore, it is advisable to consider the main issues that determine the self-feeding of the investigator in the process of communication.

In order to break the negative image of the employee of the investigative unit and position the suspect to communicate, the investigator needs a lot of effort. To solve this problem, the investigator needs to be guided by such a mechanism of a person's perception of another person as individualization - the person's perception in all its originality, with all its inherent features. In this case, the citizen draws attention to the differences between the employee and the representatives of the social group to which he belongs, his psychological characteristics. The task of the employee is only that by his behavior, appearance, manner of speech, etc. to destroy the prevailing stereotype in the mind of a person and, thus, to bring the process of communication to a completely different level, not involving some bias towards the investigator.

It is also necessary to take into account that at the meeting a citizen may perceive the investigator under the impression of a particular installation (if he received preliminary information about him), which in turn complicates the process of establishing communicative contacts.

When meeting a person, certain factors may occur that create a so-called "halo effect". An employee of the investigative unit must take them into account and skillfully use them in order to create a favorable impression of himself. The halo effect is the formation of an appraisal impression about a person in the conditions of a lack of time for the perception of his actions and personal qualities. The halo effect is manifested in the form of either a positive evaluative bias (positive halo) or a negative evaluative bias (negative halo).

So, if the first impression about a person as a whole is good, then in the future all his behavior, traits and actions begin to be re-evaluated in a positive direction. They mostly stand out and exaggerate only the positive aspects, and the negative ones are underestimated or not noticed. If, due to the circumstances, the general first impression about a person turned out to be negative, then even his positive qualities and actions are either not noticed at all or are underestimated against the background of hypertrophied attention to shortcomings.

Factors that can create a "halo effect" include:

1. The advantage factor (a person who is superior to another in some important quality for him) seems to be superior in all other qualities;

2. The attractiveness factor (a person who seems attractive to his interlocutor) is his location and trust. Most people tend to consider attractive those who have a friendly facial expression, who in the manner of dressing, combing their hair, behaving skillfully, emphasizes their individuality, focusing more on their figure and style than on fashion. The efforts spent on creating your image are also positively evaluated: a neat appearance, a well-groomed costume, etc. Taking care of their appearance is called a hidden compliment to others;

3. The relationship factor to the subject of communication – a person who is kind to his partner in communication seems to him to be good and makes him want to meet him. The benevolence is manifested in the fact that the partner does not notice minor interruptions in communication, looks friendly and smiles, often appeals by name, moves closer or wants to do this, speaks courteously and courteously. The gestures of the interlocutor are open, the atmosphere of communication is comfortable, in the conversation there are hidden compliments ("strokes");

4. The factor of novelty. It occurs when, with respect to a person, the latter is the most significant, i.e. newer information about it;

5. The primacy factor occurs when, in relation to a person, the first information is more significant.

An important feature of communication in the activities of the investigating authorities is its often conflicting nature. At the same time, the prevailing psychological situation of the investigator's business communication with a person suspected of committing a crime is characterized by the presence of communication barriers. By communication barrier, we understand the obstacle to communication of various origins.

The conflict situation arising in the process of the investigator's communication during the interrogation of a suspect is characterized by various forms of resistance to the search for truth with a tendentious interpretation of a criminal event. This process takes place in the context of the struggle for truth, the confrontation of various individuals and entire groups of citizens, whose interests are affected by the crime event and the results of its investigation. In this regard, it is appropriate to assert that a full-fledged and effective process of communication between the investigator and the person being questioned will be only with the use of various means of communication, the phased implementation of the communicative act. Receiving information from a person suspected of committing a crime that is relevant to the investigation of a criminal case is a psychological complex process and requires the relevant procedural psychological preparation from the investigator.

2. Conclusion

Thus, the results of the analysis show that an effective communication process during the interrogation of a suspect, even if it can be established, is, firstly, the result of an employee's long efforts and, secondly, in essence resembles a psychological struggle, rather than Equitable exchange of information, which, according to the subject-subject paradigm, is characteristic of "normal" communication.

The inconsistency and even the exact opposite of the goals of communication, role-playing positions, behavioral strategies and the means of psychological interaction of participants in professional communication during interrogation of a suspect should be designated as a phenomenon of asymmetry (asynchrony) relationships.

The conflict, often due to active opposition, the nature of communication during the interrogation of a suspect, requires the investigator to take measures to neutralize such opposition, choosing for this the appropriate tactical means (methods, techniques, combinations) that should be used based on an individual approach to each interviewee.

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