

Social Technologies of Receiving New Information

Vadim Avdeevich Avdeev, Ekaterina Vadimovna Avdeeva, Anton Vitalyevich Bykov, Evgeny Aleksandrovich Kiselev, Alexey Nikolaevich Aksenov

Abstract: *The article is concerned with one of the urgent problems of conflict management, which often arises during the interrogation of a witness, victim, accused and suspect. To resolve such a conflict situation, it is necessary to use modern technologies based on the experience of social sciences, including medicine, psychology, etc. The problem of overcoming a conflict situation requires using technologies aimed to eliminate factors hindering investigative activities. Legal technologies of interrogation are as follows: 1) the preliminary form of conversation; 2) narrative method; 3) question-answer form; 4) the procedural processing of the evidence received. Legal and social technologies of investigative activities during interrogation aim to obtain new information relevant to the case. The specificity of legal investigative technologies is the use of traditional methods during interrogation. In modern conditions, much attention is paid to new social methods of searching for evidence and information. Modern social technologies include biorhythmology as a method of interrogation from the standpoint of physiology, the relationship of the person being interrogated with macro- and micro-changes of the surrounding world and the influence on internal mental processes. The role of interrogation technology based on hypnoproducts also increases.*

Index Terms: *criminal procedure, interrogation, investigative activities, proof process.*

I. INTRODUCTION

Among the investigative activities presented in the criminal procedural legislation, interrogation is not only the most important method from the evidentiary perspective. It also is quite complex in its psychological aspect. The process of interrogation is more challenging in case of a conflict situation. The problem is that a suspect or accused can hinder investigation within the framework of interrogation. A conflict situation can also arise during the interrogation of a witness and victim.

Revised Manuscript Received on August 22, 2019.

* Correspondence Author

Vadim Avdeevich Avdeev, Criminal Law and Criminal Procedure, Yugra State University, Khanty-Mansiysk, Russia. Email: avdeev.v.a@list.ru.

Ekaterina Vadimovna Avdeeva, East-Siberian Institute of the Ministry of Internal Affairs of the Russia, Irkutsk, Russia.

Anton Vitalyevich Bykov, Moscow Academy of the Investigative Committee of the Russian Federation, Khabarovsk, Russia.

Evgeny Aleksandrovich Kiselev, Moscow Academy of the Investigative Committee of the Russian Federation, Khabarovsk, Russia.

Alexey Nikolaevich Aksenov, Moscow Chamber of Advocates, Moscow, Russia.

II. PROPOSED METHODOLOGY

a. General description

The study of interrogation materials has brought the following results [1]. We considered 300 criminal cases controlled by the Department of Internal Affairs and corresponding 18,963 investigative activities, including 12,047 interrogations. Thus, the number of interrogations amounted to 68.7%.

b. Algorithm

The study of indictments and sentences has revealed the same tendencies [2]. According to investigators of the Department of Internal Affairs, indictments comprised references to 5,019 sources of evidence, including 3,029 protocols of investigative activities containing testimonies of the process participants (63%), while sentences referred to 3,542 sources, including 57% testimonies (2,025 protocols).

The specificity of legal technologies for conducting investigative activities is the use of both traditional and non-traditional methods of obtaining information during interrogation. Traditional legal interrogation methods comprise the following four stages: 1) preliminary; 2) narrative; 3) questioning and answering; 4) the procedural execution of the testimony obtained [3]. The place of interrogation plays an important role. The best location for interrogation in a conflict situation is the investigator's office because it involves individuals in official-role communication. Therefore, the investigator's office should meet a number of requirements. Interrogation technology should take into account the location of all the participants. The way an interviewee sits on a chair gives certain information. In general, when people are located opposite each other, this causes certain tension between interlocutors. Their gaze is directed at each other and it is difficult to avoid emotional interaction. On the contrary, if interlocutors are positioned beside each other, shoulder to shoulder, it contributes to internal rapprochement, cooperation, common views and interests. If a suspect is tensed, it indicates isolation, fear of the investigator and legal consequences. While the relaxed posture of the person under interrogation testifies to their indifference and carelessness.

We also consider the technology of gestures [4]. It should be noted that choleric personality types are characterized by active gestures. If people gesticulate at the level of the chest and above, it indicates that they are rather emotional.

On the contrary, if gestures take place in the lower part of a body, then this person is sensual and self-contained. Spread fingers mean that interlocutors try to prove their innocence.

When the person under interrogation begins to clean up tidy clothes it is regarded as their inner desire to get rid of the facts presented; a clear lie is obvious. The same indication is the gesture when a person covers their mouth with their hand. This behavior can be explained. To prove that this gesture indicates a lie, one should talk to a little child. A child trying to conceal the truth unknowingly uses the same gesture, as if saving their mind and consciousness from this fact. Similar gestures include rubbing one's nose, stroking one's chin and twitching one's earlobe. That way people try to disguise their lie, which causes a kind of internal conflict. If the person being questioned scratches their ears and covers them with their hands, it reveals their unwillingness to listen and desire to avoid a conversation. Any actions with hands show one's nervousness. If an interviewee constantly adjusts their collar, it can indicate their desire to get out of this situation. Palms put together show some interest. If the interlocutor's fingers linked at chest level are suddenly thrown forward like a hand fan, it means that the person does not seek reconciliation and has enough strength to defend their position. In the case of false testimonies, gesticulation is not very active. That way a person tries to convince interlocutors that they are calm.

It is worth paying attention to the movement of one's eyes during interrogation. Gaze directed into the distance speaks of the detachment of the person under interrogation and indifference to the procedure. Gaze from under one's eyebrows means a negative attitude to the situation. A direct look corresponds to the "straightforward" character of a person. If a person looks directly at the interlocutor, they are open and ready for an honest dialogue. People with a direct look are self-confident, realistically aware of their strengths and capabilities, critical of their attitude towards others. A direct glance shows mutual trust, but if an investigator constantly looks at an interrogated person with the so-called "authoritative" glance, the interlocutor will regard this action as aggressive. A more acceptable position is to set eyes above the interlocutor's nose. To carry on an honest and open conversation, people can also use a centered or converged look. In this case, pupils are slightly shifted from the center to each other and freeze in this position. This eye position is typical when discussing a specific and urgent situation. A side-glance (pupils go to the right or to the left) shows closeness, mistrust and a negative attitude towards the interlocutor. An oblique glance indicates the desire to control the situation; it helps to quietly track the interlocutor's reaction to the words uttered. A person who periodically glances at the interlocutor shows a lack of confidence. Liars usually have dilated pupils.

In this regard, it should be noted that interrogation is the most effective if the person under interrogation and interrogator are in private. Therefore, we can conclude that the presence of a lawyer during interrogation in a conflict situation can have a negative effect. A suspect or accused will find it more difficult to confess in the presence of a third party. This tendency is evidenced by the study of psychological characteristics of interrogation in a conflict situation [5].

III. RESULT ANALYSIS

Recently, much attention has been paid to new methods of overcoming lies of the person under interrogation, establishing the truth and searching for evidence using non-standard methods [6].

In the 1950s, a number of countries began to use hypnosis to obtain additional information from witnesses and victims. Investigators must restore the incident as completely as possible and reconstruct past events. Crime solving is often connected with situations when a person perceived vital information, but standard questioning cannot reproduce it due to natural forgetting or for some other reasons.

The technology of interrogation using hypnosis is based on the phenomenon of hypnoproductivity, namely the ability of the person's memory to reproduce life situations and conditions experienced in the past much more accurately and in great detail [7].

The following data prove the effectiveness of hypnosis during interrogation. According to foreign data, the use of this method in interrogation enables to obtain from 77% to 80% of new information about some criminal event. Furthermore, some crimes are solved only through the use of hypnosis. In addition, practitioners believe that the use of hypnoproductive questioning during investigative activities is hindered by the absence of special regulatory acts and experienced hypnotists.

The psycho-physiological studies conducted by Russian and foreign scientists-hypnologists have proved the harmlessness of hypnosis for the human body [8].

Nowadays, putting a person under interrogation into the state of hypnosis is not the only way to influence their subconscious. In terms of practical application, it is effective to use interrogation methods activating one's memory through psychological influence on the subconscious of a person possessing information useful for investigation. The peculiarity of this method is that a specialist in activating memory and using psychological methods of influence works with people who have useful data by putting them into the state of borderline sleep.

Such a specialist affects their subconscious and receives the necessary information. In turn, interviewed people remain conscious, therefore, this interrogation method can be considered completely legitimate, as a person is able to think and adequately perceive the current situation. The psychological impact of hypnosis methods aims to activate the person's memory rather than put them into an unconscious state [9].

Based on the data obtained during interrogation and available testimonies, a face painter creates a composite portrait of the alleged offender. This method is the most effective during the interrogation of victims and witnesses who saw the alleged perpetrator since interrogation creates an accurate and detailed portrait of the above-mentioned offender, which contributes to their identification and detention.

Modern forensic science successfully uses a more efficient and legitimate method of interrogating people through influencing their subconscious. Furthermore, the subject remains conscious [10].

Biorhythmology as a method of interrogation considers an accused and suspect from the standpoint of physiology, the connection of the person under interrogation with macro- and micro-changes of the surrounding world and their impact on the person's inner mental processes during interrogation.

According to scientists, mood swings are caused by more than 3,000 different types of biological rhythms that change and affect the emotional state of a person. Biological rhythms are time-ordered and predictable changes in psycho-physiological processes. In certain periods, a person may make more mistakes, which is associated with weakened attention. These rhythms repeat themselves at a certain time of day. They include rhythms of sleep and wakefulness, changes in body temperature, heart work, etc. There are rhythms associated with effects of rhythmically varying solar radiation, phases of the moon and fluctuations in electromagnetic fields of the Earth.

A biorhythmologist can determine the most favorable time interval to more effectively influence the accused. In general, a well-qualified specialist can calculate a physiological state for any person up to several years ahead and for the past period. Chronobiologists proved the existence of the so-called "inner year" (one year of the endogenous cycle) with "risk zones" (months when the body's immune and adaptive abilities are reduced). The practicality of this method consists in the fact that the subject cannot influence biorhythm cycles, and they pass and are calculated independently.

Another efficient technology is the use of music and smell background to affect the emotional sphere of a person. Music can excite or calm, cause a sense of tension or peace, etc. It is common for detainees to experience the so-called sensory impoverishment. They feel less external stimuli compared with those who are at large. Almost every defendant has their favorite music, listening to which can positively influence their psychological state and lead to repentance and confession. One should keep in mind that the use of music could be successful only when the identity of the person under interrogation is well studied. Its study includes such parameters as a personality type, temperament, personal background, etc. For instance, people with a strong type of nervous system prefer loud musical background. People with a weak type of nervous system are self-absorbed and characterized by high sensitivity; therefore, the power of musical sounds should not be great. The lack of attention to the above-mentioned parameters when using this technique can give opposite results and complicate a psychological contact. The necessary condition is also the creation of a trusting atmosphere: the exclusion of any external stimuli, face-to-face interrogation. In addition, a suspect or accused should not know that the use of background music is conditioned by interrogation tactics, otherwise, the result will be the opposite. Musical background should be used in such a way that the person under interrogation does not guess the purpose of its application. It should be used as if by chance, at odd moments.

The use of smell background is gradually finding more use

during the investigation in the procedure of interrogation. This is due to the fact that flavors can create or retain certain moods, establish patterns of behavior, affect a person's performance, cardiovascular system, intracranial pressure, tone, vision, hearing, pulse, sexual feelings, etc. Olfactory senses are the most acute in warm and wet weather, with good lighting. Olfactory sensitivity increases in the morning and evening. The sense of smell is closely connected with a person's emotions. This relation is explained by the connection of smell with the part of the brain controlling emotions and memory. Currently, one of the sections of criminology (odorology) deals with these issues. Scientists working in this field believe that women are particularly susceptible to scents.

To apply the appropriate methodology, it is necessary to comply with the following requirements. First, personality should be maximally studied, random actions are unacceptable. Second, the use of smell should be moderate. Tactical conditions for the use of scents are based on the statement that the strength, sharpness and nature of perfumes are felt only after three-five minutes. The most characteristic properties of scents manifest themselves after fifteen-twenty minutes. The investigator's office should be thoroughly ventilated before using this technique. Third, external influence during interrogation is unacceptable. Fourth, an interviewee should not be aware of the special application of this method. The use of smell background can be skillfully combined with musical background.

The use of non-verbal information during interrogation contributes to the elimination of a conflict situation. People can partially control their facial expressions and gestures. Mimic processes are the continuation of human psychological processes taking place in the body. Currently, there is a belief that information exchange between people no longer occurs at the language level, but through the exchange of gestures, facial expressions and postures, i.e. at the subconscious level. Some scientists believe that non-verbal communication tools fulfill only a supporting function in relation to verbal ones, which is to increase the semantic significance of verbal information. The non-verbal method of obtaining information is called "the evidence of behavior". This evidence can include a convincing statement that an interrogated person was in a particular location at a certain time accompanied by a clear manifestation of nervousness, sudden movements, sweating (the work of polygraph is built on this principle), stuttering, etc.

IV. CONCLUSIONS

Legal and social technologies of investigative activities during interrogation aim to obtain new information relevant to the case.

The specificity of interrogation technologies is formed by the following procedures: information validation, qualification and extension, securing the data obtained earlier from other sources (for instance, in the course of previously conducted investigative activities).



One should keep in mind that investigators are prone to the accusatory tone during criminal procedures regardless of their desire to consider any given case objectively. To eliminate a conflict situation or minimize its degree and influence on the process of interrogation, investigators should detect a conflict as quickly as possible, especially if the person under interrogation tries to undermine the procedure, identify its cause and put themselves in the place of the psychological dominant during interrogation.

An important condition for effective interrogation in a conflict situation is the knowledge of psychological characteristics of the person being questioned and the investigator's formation of the reasonable position of an accused or suspect, the prediction of their future behavior.

An accused or suspect should be interrogated right after committing a crime, before they get a chance to create some legend. Moreover, if interrogation objectives are not achieved and a conflict situation cannot be eliminated, the information obtained during the first interrogation can be effectively used in case of discrepancies in testimonies revealed during the next interrogation.

During interrogation, it is also necessary to emphasize non-verbal ways of obtaining information. To this end, investigators should have skills in the field of psychology. They should quickly establish a communicative contact and encourage the person being questioned to give true testimony. The procedure is complicated by the fact that investigators should constantly record the information received from an interrogated person, which weakens the establishment and maintenance of a communicative contact.

REFERENCES

1. V. A. Avdeev, "Purposes of punishment optimization in the context of crime prevention," *Criminology Journal of Baikal National University of Economics and Law*, vol. 2, 2013, pp. 41-53.
2. V. A. Sergevnin, V. A. Avdeev, and O. A. Avdeeva, "Harmonization of Russian correctional policy in the field of sentencing and the execution of punishment," *Criminology Journal of Baikal National University of Economics and Law*, vol. 9(1), 2015, pp. 78-93
3. E. V. Avdeeva, "Determinants of crimes against human liberty in the Russian Federation," *Criminology Journal of Baikal National University of Economics and Law*, vol. 2, 2013, pp. 146-154.
4. V. A. Avdeev, and O. A. Avdeeva, "Main directions of national criminal and legal policy in the sphere of counteraction of crime realization: federal and regional principles comparative analysis," *Criminology Journal of Baikal National University of Economics and Law*, vol. 2, 2014, pp. 46-62.
5. V. A. Avdeev, O. A. Avdeeva, R. V. Shagieva, V. V. Kulakov, and D. V. Erofeeva, "Technologies of the legal educational process: the main directions of improvement in the conditions of globalization," *International Journal of Civil Engineering and Technology (IJCIET)*, vol. 10(2), Feb. 2019, pp. 1554-1560.
6. I. S. Lustina, "Unconventional tactics used in the production of interrogation," *Siberian Legal Bulletin*, vol. 2, 2017, p. 42.
7. V. A. Avdeev, O. A. Avdeeva, S. V. Rozenko, E. V. Znamerovskiy, and E. A. Kiselyov, "Crime of the Terrorist Character and Extremist Orientation in the Russian Federation: State and Measures of Counteraction," *Journal of Security and Sustainability Issues*, vol. 7(2), 2017, pp. 359-367. DOI: [http://dx.doi.org/10.9770/jssi.2017.7.2\(15\)](http://dx.doi.org/10.9770/jssi.2017.7.2(15))
8. Yu. L. Dyablova, "The admissibility of the use of non-traditional methods of studying the personality in the investigation of crimes," *News of Tula State University*, vol. 4, 2018, p. 56.
9. E. V. Avdeeva, and D. W. Bowman, "A criminological analysis of the condition, dynamics and structure of crimes against sexual inviolability and sexual freedom of a person in the Russian Federation," *Criminology Journal of Baikal National University of Economics and Law*, vol. 4, 2015, pp. 828-839.

10. E. V. Avdeeva, "Criminal legal insurance of human right for personal freedom in national law," *Criminology Journal of Baikal National University of Economics and Law*, vol. 1, 2014, pp. 162-171.