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CRIMINALISTICS AND PSYCHOLOGICAL ASPECTS OF PROVIDING EVIDENCE AND COLLECTING INFORMATION BY PERSONAL INFORMATION SOURCES

SUMMARY:

The provision of personal source of information as (a proof of) evidence is an important part of criminalistics and the work of inspectors in detecting offenses. Criminalists should be familiar with the methods and techniques of collecting information by personal information sources, and the stages of performing conversation with people, reading body language, etc. Despite knowledge of criminalistics aspects, criminalists should be knowledgeable in the field of psychology. The emotions, their interpretation, knowledge of personality and reactions are an important part of the operational work.

The authors of the paper are presenting the results of research which includes inspectors and their practices in providing evidence and collecting information from citizens by personal information sources. Based on the survey authors of the paper give a review of criminalistics and psychological aspects of personal sources of information.

Keywords: personal information sources, proof, conversation, and etc.

1. INTRODUCTION

Personal evidence is particularly important in criminal theory and practice. The same can be studied from several aspects, first one is the criminal justice aspect, and then the criminalistics and psychological aspect. For practitioners the study of criminalistics aspect of personal evidence is significant because they will learn about the methodology of the work for detection of certain crimes. They also need to master the conversation technique and tactics with individuals during operational and tactical measures and activities, as well as during the investigation. Solid knowledge of criminal tactics for practitioners is significant because it creates preconditions for efficient operation and detection of offenders. Personal evidence is important because of the fact that material evidence is “silent” and often there is a need of human factor for their proper interpretation. Personal evidence means a statement of the suspect or the accused, statements of (potential) witnesses, statements of experts and other professionals, and the question for the defendant’s confession (Zgaga, 2015, 10). Also, the statements of recognition or identification of persons, objects and etc. can be regarded as a statement of a witness or a defendant.

In order to work successfully in the field, but also within the investigation, police officers need to have considerable knowledge of various areas: criminology, legal sciences, psychology, criminology and others. Therefore they should be theoretically prepared, and to have practical experience in order to successfully perform conversations with people in order gathering quality and reliable personal evidence.

2. CRIMINALISTIC ASPECTS

In applying various measures and activities by the police officers, in order to detect, prove and clarify the crimes, it is necessary to answer nine cold questions of criminal investigation, to apply indication methods, adequate versions and acting on their detecting and elimination. (Dzhukleski, 2006, 127). In order to successfully verify the given versions / hypotheses, investigators should check two or more versions at the same time, during a conversation with the person. Therefore, they should have special training in order to overcome all the tactics necessary for carrying on a conversation with people (Umek, 2015, 65). Besides criminal investigation’s aspects of performing conversation with people, examiners should gain both knowledge and skills in the field of psychology, in order to adequately approach the respondent and application of the principle of humanity.

During the work of operatives it is necessary to apply the rules for successful conduct of informative talks, with putting special attention to the

relationship established with the other party so that one feels safe, respected for being able to present accurate data and information on events connected with the crime. Thus, the conversation takes place in three main stages: a survey of establishing contact with the respondent, he meets the rights and obligations and his personal data are taken; the second phase is free speech of the respondent and the third phase is asking questions. (Malish Sazdovska, 2014, 102) Asking questions is very important stage paying special attention to the permitted and not permitted questions. (Angeleski, 2007, 14)

These conversations can be performed with a different aim and purpose and hearing of: witnesses, injured party, children and minors, experts; during the examination of the accused and others.

According to some authors the interrogation techniques could be: aggravating (forced) and techniques of gathering information. Among the techniques of gathering information which are based on establishing a structural relationship with the suspect and rejecting psychological manipulation is the British model PEACE (preparation and planning; involving and explanation, statement, clarifying and an agreement; conclusion and evaluation of the interview) (original source; as cited in Areh, 2015, 25). Interrogation techniques are selected according the purpose of the interview, whether we want to get information or recognition.

Mostly there are certain rules and procedures to be followed when performing conversations with people, regardless of the type of the people and the stage of the investigation in question. Thus, the preparation includes: studying of the criminal case; determining the subject of the hearing; studying the personality of the person who is under interrogation; determination of the participants at the hearing; determining the place of the hearing; determining the time of interrogation; determining the schedule of the hearing; procurement of necessary technical means and making a plan for the hearing. (Areh, 2015, 18). The purpose of the conversation, actually, is a "reconstruction" of the punishable conduct (one event in the past) by performing a conversation with the suspect. A conversation seen from a police aspect is successfully performed if it gives useful information related to the offenses under investigation. Therefore, the police and criminologists should have a great knowledge of the factors that affect the process of the conversation (verbal and non-verbal communication between the interlocutors, emotional factors during the conversation, defense mechanisms, cognitive factors, and etc.) (Bobnar, Miklic, 2015, 85)

Some authors make effort to specify the name that refers to the performance of the conversation or hearing, so they propose the term criminalistics interview. Thus emphasizes the specificity of this method of criminalistics investigation, which also complies with international standards in terminological aspect. (Pavlicek, 2013, 18) Other authors the conversation performed by the police define it as investigative interview. This investigative interview largely differs

from other types of interview, because the subject of the conversation is usually confidential. (Batic, 2012, 159)

In each case the purpose of the interview is getting relevant and reliable data and information about a crime event and its clarifying. It is based on scientific grounds thoroughly elaborated in criminalistics science, related to the tactics of performing conversation / interview.

3. PSYCHOLOGICAL ASPECTS

Besides criminalistics aspects of carrying on a conversation with people, during the conversation, knowledge in the field of psychology is necessary, including physiological factors of retention. These include basic senses and retentions using senses of hearing, sight, taste, touch, etc. Also there is a need of knowledge in the field of cognitive processes such as: attention, perception, memory and thinking. Person's attention and the focus of attention in a certain time period have a great effect on the perception and the memory. Depending on the person's attention depends the interpretation of the event and the description of the persons involved in the case. Attention is affected by several factors including stress, mood, fatigue, illness, alcohol or any other external factors.

During conversation reliable data and information should be taken, which means that they should be accurate, truthful and respond fully to the objective situation regarding the criminal event. Therefore operatives should try to find out situations when persons are lying, consciously or if they are in delusion.

When analyzing the personality of perpetrators emotions and the attitude of the emotions and personality disorder must be taken into account. Some authors cite the following emotions: fear, anger, sadness, joy, disgust, acceptance, expectation and surprise. When a person frequently has a certain emotional condition, such as anger, these behavior patterns are recognized as personality characteristics describing as mope, nimble, critical or sarcastic. These do not necessarily mean abnormality, but are considered as part of a wide range of traits that can be seen in any larger population. But if these personality traits become extreme and function as dominant type of behavior towards other people, clinicians can describe this behavior as antisocial or narcissistic, or behavior that leads to the disorder of personality. (Plucik, 2006, 83)

It is particularly significant to study the affective state of the person in a situation where there is a strong but short emotion. These feelings are called: "fear", "terror", "rage", "anger" and etc. If the affect lasts longer with the same intensity, then it is an extended affect or affective state.

When the sense of anger is very intense when it comes to affective anger, it is called rage, and the general name for this behavior that arises from the sense of anger is aggressiveness. Thus, anger and aggressiveness always represent a request for the other to change its behavior. Anger and rage are directed to the

person's behavior. Aggressive behavior can be manifested through verbal and non-verbal signals, as well as through physical violence. Aggressiveness should be distinguished from the destructiveness that comes from a feeling of hate and degradation that comes from a feeling of disdain. (Milivojevic, 1993, 323) Aggressive behavior is manifested by regular clenching and showing teeth and clenching fists. (Batic, 2012, 20)

The analysis of a particular emotion can help operatives in clarification of certain violent behavior of individuals and detection of specific crimes. Namely, having in mind that suppressed anger leads to certain phobias and obsessive-compulsive neurosis, operatives can come to a conclusion on certain personality characteristics and motives for showing certain negative behaviors.

Within the study of human emotions, it should be paying special attention to the emotions related to other people which are part of our emotional life, arising from the relationship of our "I" towards other people. These include the following emotions: love, jealousy, envy, hate and other emotions. (Krec, Kracfield, 1973, 255) If it comes to a situation of intense feelings and emotions towards other people in a negative context, then the person can commit a certain crime, which is of interest of the operatives to detect specific crimes.

4. ANALYSIS OF THE BEHAVIOUR OF THE INTERLOCUTOR

When analyzing the behavior of the person's interlocutor, special attention should be paid to his body language. The verbal and non-verbal communication is very important for the course of the conversation. According to some studies it is considered that only 7% of the content of the communication with a person is a verbal communication, and 93% of non-verbal communication. (original source; as cited in Malis Sazdovska, Dujovski, 2007, 54) Therefore during the conversation the respondent should also follow and analyze the movements of the interlocutor. However the most important aspect of nonverbal behavior is the expression on his face. The relationship between facial expression and emotion is one of the most researchable areas of facial expression, through which clear emotions, such as sadness and joy, etc. can be seen. (Batic, 2012, 25)

Nonverbal communication can be accomplished by means of non-verbal communication signs. For operatives significant these are paralinguistic signs that apply to all the characteristics of uttering a verbal statement, except those sounds referring to the word. These include the strength and dynamics of the voice, intonation, emphasizing of certain words, the degree of understanding and accent. (Batic, 2012, 25) By analyzing these signs it can be concluded the current emotional state of the respondent, which can greatly help in the interpretation and the truth of his statement.

Thus, particular attention should be paid on: looking on another side; smiling; playing with one's hair or other objects; illustration, self-manipulation;

speed of speech; pauses in speech and other movements. (Pavlicek, 2013, 57) These gestures do not mean that the person is certainly lying, because certain behaviors are more characteristic of lying than others, but it can be an indication that the person may not speak the truth. It is up to the examiner, along with other findings relating to the conversation, to decide if the person speaks the truth or not. In order to detect whether the respondent lies he can ask the respondent to present the event, their version of events in reverse time schedule, starting from the end towards the beginning. If there are serious difficulties in remembering the event in reverse order, it is a strong indication of lying. (Areh, 2015, 35).

Conversation with the respondent requires constant monitoring of the person's behavior, analysis of verbal and non-verbal communication, in order to detect whether a person is lying. Non-verbal signs that may indicate lying and need attention are: the need to make the distance from the examiner; frequent and sudden head movements; changing the color of the face; dry mouth; shortness of breath; certain eye movements; smile; stiffness or stiff facial expression; treacherous gestures (touching the nose, touching the chin, going with his/her hand through the hair, etc.)

In order to successfully realize the planned conversation with a certain person, the operatives should pay attention to the preparations for the performance of the conversation. (Cooper, 1996, 58) So it is necessary to study the person, to be prepared and plan the course of the conversation, the examiner should have a broad knowledge of the field, or have knowledge of criminology and psychology, and knowledge of legal basis for carrying out the conversation.

5. ANALYSIS OF SURVEY RESULTS

Within the preparation of the paper, we conducted a pilot survey of respondents who are present and former members of the security forces and bodies and that within their daily operations are involved in performance of a conversation with people. The group of 50 respondents, of which 26.9% were female and 73.1% male, which probably corresponds to the proportion of female and male people in these organizations. Respondents were operatives and it can be concluded that a significant percentage are male. According the education 13.5% are with secondary education, 38.5% with higher education, 28.8% and 19.2% have masters or doctoral degree. Regarding the vocation 25% are graduated criminologists and others are lawyers, economists and others. 75% of the respondents are with over 10 years of experience, 15.4% of 6-10 years working experience, and it can be concluded that most of operatives are experienced and have applied their experience in practice. 67.3% of the respondents are employed in security services and bodies, and 32.7% were former employees who retired or transferred to work in other institutions, mostly in higher education. Within their daily work 94.1% of respondents make conversation with people and 78.8% take

a statement from a witness, defendant or suspect. 86.5% said they were familiar with the methodology of performing conversation with persons of criminal aspect, and 92.3% are familiar with the stages of performing a conversation. From the above data it can be concluded that many of the respondents reported having knowledge of criminalistics science in the field of performing conversation with people, but when they were asked whether during the conversation they avoid suggestive questions 67.3% answered affirmatively, 13.5% avoid open questions, 13.5% had no opinion and the rest is 5.8%. From this it can be concluded that a total of 32.8% did not answer about the proscription of asking suggestive questions, indicating a lack of specific rules for guiding the conversation, although 92.3% said they were familiar with the stages. Answers regarding the preparation of a plan for carrying the conversation are presented in the following table:

Graph 1: Do you prepare plan for the conversation?



The results show that although one of the most important criminalistics rules is planning, 57% of respondents often and always make plans, while the remaining 43% rarely or never make plans. This indicates the incomplete preparation for performing a conversation where they should also prepare a plan with certain questions, to plan the time, place, means and other circumstances, which is omitted in practice.

Regarding the fixing of the personalized evidence, respondents answered the open question that usually prepare an official note, information or report, and there are several answers that the conversation is recorded in the book of daily events, or encoded or there is an audio and video. Also prevails the answer that while writing the official note they are answering the nine gold questions of criminalistics.

About the importance of personalized evidence respondents responded as follows:

Graph 2: Personalized evidence is



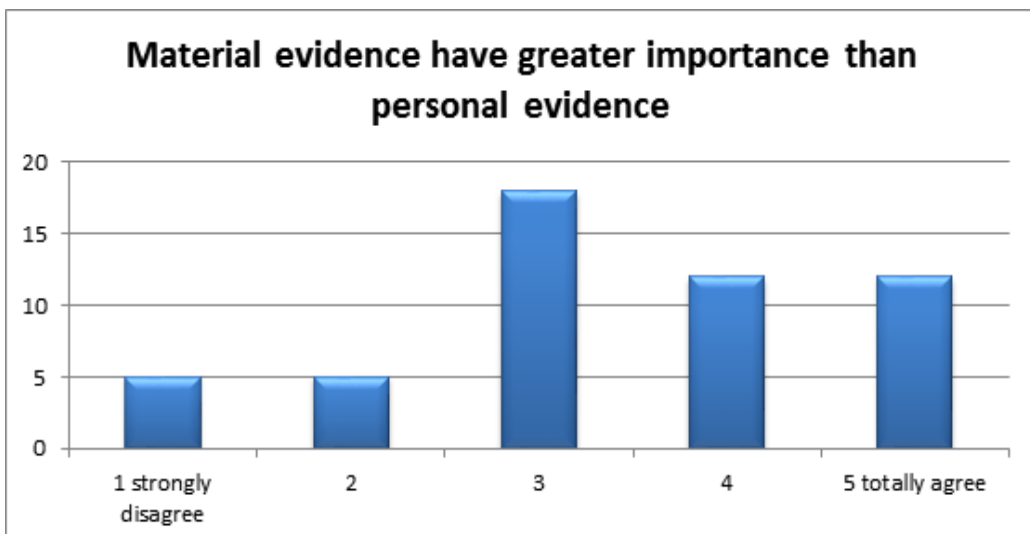
From these data it can be concluded that 88.5% of respondents considered that personal evidence is important, extremely important and necessary for conducting the investigation, and only 11.5% believe that it is not always necessary for the investigation and have no importance. So, however operatives believe that personalized evidence is a significant part of criminal investigations and devote the attention within its operations. When questioned about the theoretical knowledge to perform conversations with people 21.2% of respondents believe that their knowledge is excellent, 40.4% that is very good, 30.8% good and 7.7% insufficient. Their knowledge can be improved as follows: most of the respondents believe that the knowledge in the field of performing interviews with individuals can widen with lectures from prominent experts, practical training, and with enrichment of theoretical knowledge, while a smaller number included field work, seminars and workshops.

Graph 3: I think my knowledge needs improving by



One of the important questions the respondents were asked about is the importance of personal evidence regarding the material evidence. Thus, the question is: Do you agree with the statement that the material evidence have greater importance than personal evidence? The answers are rated on a scale from 1 to 5, "strongly disagree", -1 to 5 "totally agree". The given answers are:

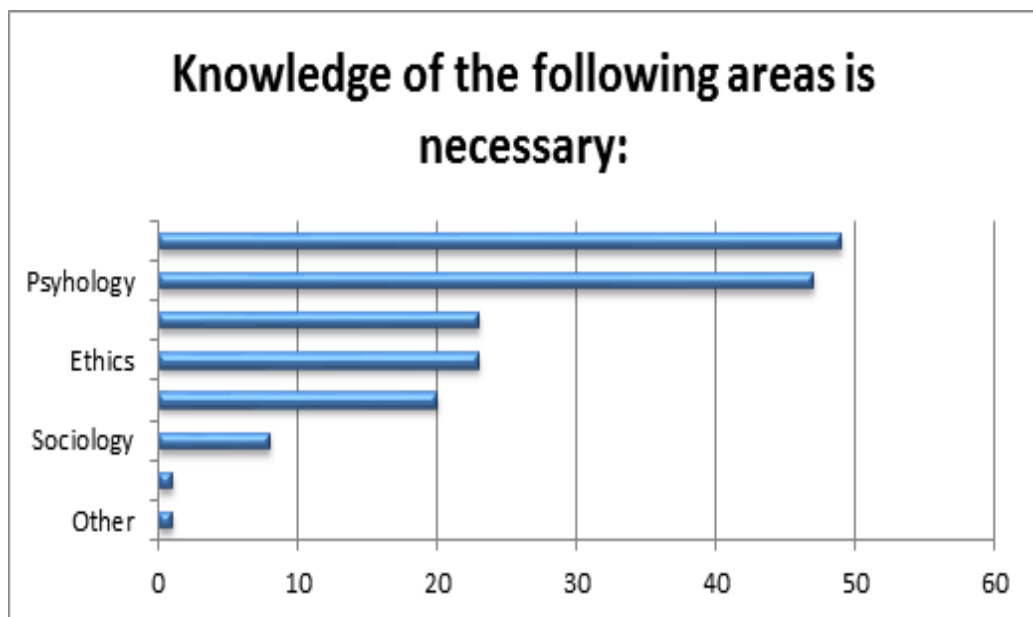
Graph 4: Material evidence have greater importance than personal evidence



These responses cause concern because most of the respondents believe that the material evidence have greater importance than personal evidence, while a small number of respondents disagreed with this statement. These results suggest that operatives do not pay attention to personal evidence as evidence relevant to investigations. They mostly focus on collecting material evidence, notwithstanding the fact that personal evidence is also an important part of the investigation, and should be involved in the pre-trial and in the investigational procedure. Unless directed to a confession or direct point to the suspect or another person, personalized evidence is important for the operational work of the inspectors in order to review the indications and set versions, and should be a subject of their interest.

Respondents were asked the following: In implementation of the conversation, is knowledge of the following areas necessary:

Graph 5: Knowledge of the following areas is necessary



This question also deserves attention because respondents point out what knowledge is required for inspectors in gathering personal evidence, and most of them conclude that it requires knowledge of criminology and psychology, followed by law science, ethics, police sciences, and finally sociology.

Last question about the legal basis for carrying on a conversation with people or to collect personal evidence, was answered by the respondents who cited that the responsibilities emerge from the Criminal Procedure Code, Law on Police, Law on Internal Affairs, Manual on performing work, Police Act,

Inspection Act, the Personal Data Protection Act, Law on Private Security and others. Very few stated that they did not know, and one answer is that in Macedonia the laws are in a “total mess”.

6. CONCLUSION

According to the survey it can be concluded that the respondents are familiar with the basics of performing conversation with people and the way of gathering personal evidence, they are aware of the need to expand their knowledge of criminalistics and psychology which are basic scientific areas important for the performance of this measure. Also, they showed solid knowledge of the types of questions that they are allowed or not allowed to ask during the conversation. The reason for concern is that the awareness of the importance of personal evidence among respondents is low, and in the following period adequate attention should be pointed out. So this measure will be applying within their daily operations. It should increase their need for additional education, which they deem to be realized through lectures of prominent experts and practical training. The research results relating to the need for additional education (presented in Graf 1) point to the need of participants to gain additional knowledge about these personal evidence, mostly in the field of criminology and psychology.

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