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PROBLEMS OF INTERROGATION OF A JUVENILE AND MINOR WHO SUFFERED FROM CRIMINAL OFFENSES

Abstract. The article is a study investigative (investigative) action - interrogation. The study is based on statistical data, publications of modern scholars who have considered the issue of interrogation of minors and juveniles in criminal proceedings. In the process of analysis of modern information, scientific articles and various research works of scientists reveals the current issues of interrogation of minors and juveniles, namely the establishment of psychological contact and obtaining false or false information from the interrogated person.

Also, in the course of the research the purpose of this article was established, which is to study certain issues of interrogation and a proposal to solve or improve the problem situation. In the course of the research, the issues and importance of establishing psychological contact during the interrogation were singled out, especially if the interrogated person is a minor.

In the process of researching scientific articles and various research papers, the importance of using additional forces during the interrogation, which have a psychological and pedagogical aspect, was highlighted.

Key words: *juvenile, interrogation, juvenile, investigator, investigative search action.*

Relevance of the study. Today, for the existence of the state and society, an important task for the executive branch is to protect the individual, society and the state from criminal offenses. To carry out this task, there are appropriate bodies, such as the investigative bodies of the national police, which carry out criminal proceedings to investigate criminal offenses. One of such actions is an investigative action – interrogation. It is the interrogation of a juvenile as a victim of a criminal offense that is a very complex process, both during the interrogation and before the corresponding preparation for it.

Therefore, there is now some problem for investigators to conduct such interrogation of the above persons, as in practice there are different types of situations that are not specified by the legislator or other sources of information, and does not provide a certain algorithm of actions to act to conduct this investigative action. and achieve the appropriate goal.

A child who has been abused often refuses to testify or tells a lie, especially when the abuser is a close person. To avoid unnecessary psychological trauma, the interviewer should be interviewed in a child-friendly environment and in an environment in which he or she feels safe. However, due to certain age and psychological characteristics of the child, the interrogation has its own specifics, which is associated with the delicacy of communication, psychological reflection of all questions and answers, the use of various demonstration tools (anatomical dolls, toys, cards, drawings, etc.). The effectiveness of the entire investigation in criminal proceedings as a whole often depends on how well the investigator prepares for the interrogation of a juvenile.

The article's objective is to coverage, research and establishment of issues of

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interrogation of minors and minors, research of tactical and procedural features of interrogation of minors and minors, as well as proposals for solving the identified problems.

Resent publications review. Problems of juvenile and minors who suffered from criminal offenses were investigated by such scientists, as: N. Pavlova, S. Avramenko, R. Belkin, Yu. Antonyana, O. Bichkova, O. Galimova, R. Zainullina, B. Romanyuk, O. Skichko, S. Tetyueva, V. Whisper and others. However, some issues still need further attention and refinement.

Presentation of the main research material. The issue of interrogation of minors and juveniles who have suffered from criminal offenses is the psychological characteristics of such a person and his status at the time of the crime. The main problem in practice is that it is very difficult to communicate, to establish psychological contact with children who have suffered from criminal offenses. According to the single report on criminal offenses submitted by the Prosecutor General's Office, 247,401 criminal offenses were recorded in August-January 2021, from these recorded data it is known that 3,950 criminal offenses were committed against minors and juveniles [1].

More often these criminal offenses are expressed in the form of violence. Therefore, a minor could suffer from violence, which manifested itself in its various forms and manifestations, which usually entails trauma, distrust of others, isolation. Also, an important point of this is the person who was the offender. Offenders can be strangers or relatives, father, mother, brother, sister and people whom the child knows and trusts. Also, negative attitudes at school, bullying, bullying or humiliation are possible, which in one way or another can lead to trauma to the child.

Therefore, the abuser can affect her intellectual and mental development, the ability to find language with others, to adequately understand the situation, because the child may feel insecure and distrust the environment or unknown people who want to communicate and help.

Regarding the child's development and ability to perceive the world, there are different situations when the child does not have enough life experience, does not understand some concepts, "what is bad", "what is violence, its types", or because of trust in loved ones the child may not to realize and not to understand the essence of violence itself, a criminal offense, because the offender could assure that violence, for example, is a cure. Or, conversely, the child understands the situation, understands that this cannot be done, perhaps understands the concept of violence and that it is prohibited, but through threats, violence against the victim or other relatives, suffers from violence, or performs certain acts that degrade honor, dignity or sexuality. human inviolability. In addition, there are many cases when a child is unaware that there are appropriate organs to go to, or is worried that if he or she reports, he or she may suffer even more.

Therefore, if a child has been abused, has become a victim, there are unforeseen consequences, disorders of the child's communication skills, and during the interrogation it certainly complicates the moment of its conduct, because the investigator must avoid appropriate injuries, and assess and understand that during the interrogation, the child felt safe and did not think that the investigator was probably another offender.

Therefore, it is necessary to carefully investigate the situation and add to the necessary tools that can help during the interrogation of a person. For example, given that a child is a victim of some form of violence and that the perpetrator is a male, it would be appropriate to interrogate a male. In addition, the involvement of a psychologist will be a necessary and important means of establishing contact with the interviewee.

It will be advisable that the participation of the psychologist is not formal. To do this, it should be possible to discuss in advance with a specialist the strategy of the interrogation and the amount of information to be obtained during it. This will make it possible to determine the duration of the interrogation and make a list of questions taking into account the age, level of development and individual characteristics of the child [2, p. 2]. In addition, with the help of a psychologist, it is possible to pre-establish the "sharp corners", namely, what objects should not be during the interrogation.

For example: these are objects that can remind the child of the person of the abuser, or the atmosphere of the environment where the child was abused. According to the well-known researcher of the problems of obtaining testimony from juveniles and juveniles of the criminal proceedings Yu. Antonyan, juveniles have limited life experience, and their testimonies require psychologically sound interpretation. Therefore, the participation of a teacher, educator or specialist in age psychology is extremely necessary during the interrogation. According to 152

interviewed authorized representatives of investigative agencies, a psychologist should be involved during the interrogation with the participation of juvenile victims of violent crimes – 92.1%; teacher – 50.0%; psychiatrist – 2.6%.

At the same time, during the survey respondents almost unanimously (97.4%) stated the expediency of involving a psychologist in the investigation process, 36.8% of respondents consider it necessary to appoint and conduct a forensic psychological examination, 26.3% feel the need for interaction with a counselor-psychologist and only 2.6% do not feel the need to involve professional psychologists [3].

As we have already mentioned, sometimes the victim, a minor or a minor who has suffered from violence, does not report it, or another criminal offense. As N. Pavlova noted: "The main reasons for children not to turn to law enforcement agencies are fear of revenge, shame in front of others, disbelief in the possibilities of protection, unwillingness to remember and talk about traumatic events, and sometimes children simply do not know other attitudes, and therefore consider it the norm" [2, p. 3].

Therefore, if a request or message is received, the investigator should take into account some points before the interrogation, namely such moments that can characterize the child's personality from all possible angles. It is desirable to understand the situation in which the child found himself, to know his character, age, his tastes, how he studies, whether there are friends. In addition, it should be borne in mind that children of the same age in terms of mental development can be very different from each other. However, the general patterns of mental development of children allow us to highlight in general the important features of the psyche, characteristic of children belonging to one age group.

When assessing a child's level of development, it is essential to find out the level of language proficiency and to understand all the questions and words used. Young children are poorly oriented in time and space, so it is also important to check what they call the days of the week, seasons, whether they correctly distinguish between the concepts of "yesterday", "tomorrow" and so on. You should check how the child knows the colors, shapes, sizes and so on. If the interrogation is planned to be recorded by video link to a broadcast in another room, it is obligatory to inform the minor, but it is necessary to inform about it as delicately as possible. Some of the points we have listed can be established with the help of a psychologist [4].

Also, a certain problem is that the persons interviewed are very diverse individuals, especially for persons who are minors or minors. This should also be taken into account during the interrogation, because one person is not a template for another. Children are often embarrassed or afraid to talk about what is happening to them. Also, do not forget that children are more vulnerable and unable to fully protect themselves, and sometimes, when they are abused, do not even understand what is happening to them, or because of fear can not correctly interpret the course of events.

If the abuser is a close person, in 90% of cases the child refuses to testify or tells a lie. Therefore, the question arises as to the possibility of obtaining testimony from a minor during interrogation, which will help to expose the perpetrators and establish the objective truth in the proceedings. In addition, there is a possibility of psychological trauma, so the interrogation should be conducted by a person who inspires confidence, in a child-friendly environment and in an environment in which he will feel safe. At the same time, the interrogation of a child has its own specifics related to the need for the participation of knowledgeable persons (specialists) who will provide qualified assistance and facilitate the more effective collection of evidence [5, p. 3; 7].

Having clarified certain features of the child, his personality characteristics, the next issue is to establish psychological contact. It is very important for the investigator to establish psychological contact during the interrogation, because without this contact it is difficult to obtain the necessary information for the investigation of a criminal offense from the interrogated [8]. In addition, the establishment of this contact is a general tactical measure and without proper training, namely the forecasting and planning of the interrogation will be difficult to establish. In the article above, we highlighted what needs to be done before questioning a child who has suffered from violence.

Therefore, already during the interrogation, having the necessary information, at the beginning of establishing psychological contact with the child is a direct acquaintance with her (if it did not happen before), explaining the purpose of the meeting and the role of persons involved in the interrogation. The conversation with the child, regardless of his age, should

begin with neutral, safe for him topics (for example, ask about a favorite game, TV show, business, etc.). If there are problems with the functioning of the family, or the child has difficulties in relationships with peers, etc., then at this stage of the interrogation should avoid relevant topics. Conversation on neutral topics not only helps to establish contact with the child, but also allows to find out his opportunities in the field of verbalization of the perceived, this category of people is specific [6, p. 8]. In addition to the above problems that affect the establishment of psychological contact during interrogation, there is some ignorance and inexperience of the investigator to establish psychological contact and certain tactics of interrogation, depending on the identity of the person we mentioned above. Therefore, in practice there is a need to use, along with forensic tools, methods of psychological and pedagogical intervention in the investigation process, in particular during the preparation and conduct of such an investigative (investigative) action as interrogation.

Thus, the recent investigation of crimes is usually accompanied by the formation of unfavorable situations that significantly impede the rapid and complete detection and investigation of crimes, as well as the detection of all perpetrators and bringing them to justice. Such situations include the presence of a small amount of information about the crime, the absence of traces of the crime, the small number of witnesses, the victims' refusal to testify, the negative impact and pressure on honest participants in criminal proceedings by criminals, active opposition to pre-trial investigation and others. This requires investigators and operational staff to take the necessary organizational and tactical measures, adequate to the current level of crime, as well as to choose the most effective tactics of pre-trial investigation in general. Interrogation is a procedurally stable action of an investigator, which is clearly regulated by law. Currently, there are certain issues of the institution of interrogation of a minor or juvenile victim in criminal proceedings. In addition, the investigator conducts interrogations almost every day and communicates with different categories of people.

Conclusions. Minors are a very special and specific category, especially if they have suffered violence. Therefore, the experience of law enforcement in the field of investigation of criminal offenses committed in relation to these categories shows that the success of combating such offenses is ensured only by the use of forensic methods of psychological contact during the preparation and conduct of such investigative (investigative) action as interrogation.

In addition, it is important to use demonstration tools, including anatomical dolls, which can help avoid stress, injury. Special knowledge of psychology or pedagogy is required to establish psychological contact with a minor.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Наталя ПАВЛОВА, Богдан АНТРОПОВ
ПРОБЛЕМАТИКА ДОПИТУ МАЛОЛІТНЬОЇ ТА НЕПОВНОЛІТНЬОЇ ОСОБИ,
ЯКА ПОСТРАЖДАЛА ВІД КРИМІНАЛЬНИХ ПРАВОПОРУШЕНЬ

Анотація. У статті здійснюється дослідження слідчої (розшукової) дії – допиту. Дослідження ґрунтується на статистичних даних, виданнях сучасних вчених, які розглядали питання проблематики допиту малолітньої та неповнолітньої особи у кримінальному провадженні.

На підставі наукових думок розкривається сучасна проблематика проведення допиту малолітньої та неповнолітньої особи. Надаються рекомендації щодо встановлення психологічного контакту в умовах, коли допитувана особа надає не вірну або не правдиву інформацію, або відмовляється надавати показання через страх помсти з боку кривдника. Виокремлено важливість застосування додаткових сил під час допиту (запрошення спеціалістів різних напрямів), які мають психологічний і тактичний аспект.

Ключові слова: малолітня особа, допит, неповнолітня особа, слідчий, слідча (розшукова) дія.

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**CRIMINOLOGICAL ANALYSIS OF THE SITUATION AND TRACE PICTURE IN
THE INVESTIGATION OF INVOLVEMENT OF MINORS IN ILLEGAL
ACTIVITIES**

Abstract. Forensic analysis of the situation and trace picture in the investigation of involvement of minors in illegal activities. The scientific article is devoted to the study of some aspects of the forensic characteristics of involving minors in illegal activities. The situation of commission and the trace picture of a criminal offense are considered as an element of the forensic characteristics of the specified illegal act, as well as their connection with other elements.

It is noted that the trace picture of the commission of a criminal offense is a scientific category, the study of which is necessary in the study of any forensic characteristics. In turn, the involvement of minors in illegal activities is also characterized by separate specific features that are reflected in the trace array left after the commission of a criminal offense.

Keywords: minor, illegal activity, forensic characteristics, investigation, involvement, situation, trace picture, criminal offense.

Relevance of the study. The European integration processes taking place in Ukraine make it necessary to reform not only certain structures and organizations, but also legislation in general. At the same time, an important element of the functioning of society is its moral values and ensuring their proper implementation by citizens. In turn, one of the most dangerous criminal offenses against morality is the involvement of minors in illegal activities. Among such of them as the involvement of persons in begging, gambling, drunkenness in the number of manifestations, the direct commission of illegal activities stands out quite sharply.

It should also be emphasized that among the most common illegal acts in which minors are involved, theft, robbery, drug trafficking, hooliganism should be mentioned. Given that the studied category of criminal offenses is committed before persons reach the age of majority,

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