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Psychological foundations of communication in operational and investigative activities of law enforcement agencies

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Abstract

Relevance. Investigative work involves creating contact between representatives of law enforcement agencies and persons of interest. It builds extremely complex system based on functional and psychological actions. This complexity embraces constant changes in society, which makes the study relevant. The shift in the mind-set of criminal offenders changes attitude of law enforcement agencies in carrying out investigative actions.

Purpose. The aim of the paper was to establish the psychological approaches, which would enable effective communication between the criminal subject and the representative of the law enforcement authority.

Methodology. The authors used the method of analysis and synthesis, comparison, deduction, formal and legal method and generalisation method. They concluded that a law enforcement officer faces a number of problems and challenges that require a high level of psychological skill development when carrying out investigative activities.

Results. The researchers confirmed that the successful work of a law enforcement official directly depends on the integrity of the socio-psychological and physiological profile. The enforcement officers seek high motivation to achieve the desired outcome, self-confidence, positive self-esteem, strive for self-development, self-determination and high degree of adaptation to external factors and stimuli. The authors determined that communication with potential perpetrators requires special approaches on the part of law enforcement officials, notably psychological tools to obtain the necessary information and to establish a quality contact.

Conclusions. The results obtained during the work can be applicable to develop training materials for law enforcement officers to raise their skills, as well as for further scientific research on the topic.

Keywords: national security; defendant; professional competence; psychological and emotional state; police officer.

Introduction

The process of solving criminal offences requires law enforcement officials to develop both professional and personal skills. This requirement is particularly relevant today due to globalisation, which facilitates illegal criminal activity to a certain extent as criminals encounter a number of opportunities for expanding illegal practices [1]. This

necessitates a continuous updating of the knowledge and skills of law enforcement officials to meet the challenges of the day. The psychological aspect in the investigative process covers the police officer's communication not only with the perpetrator but also with the victims or witnesses. These parties are the sources of important information that can help the investigation and solve the case. It should be

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understood that these individuals are usually either under or after stressful situations, which makes the above process much more difficult. Therefore, the effective law enforcement with the latest scientific and psychological techniques is of particular relevance, as it helps an officer to acquire the necessary amount of reliable information and solve criminal cases faster.

The research problematic consists of establishing priority directions to improve the current psychological skills and competencies of police officers in Kazakhstan. There is no doubt that many scientists have been investigating this problem for quite some time, since psychology is one of the components of law enforcement activities. However, it should be assumed that changes in society are extremely dynamic and have immediate impact in social relationships. This problem definitely requires further investigation, given the current environment in which law enforcement agencies in Kazakhstan are operating. The authors A.S. Apekunov and V.Yu. Yakubovskaya [2] also explored this issue. They focused their work on the process of operational and investigative activities. The authors have been able to describe the features of the above process, to characterise its stages and to assess the parties involved. The investigators E. Velazquez and M. Hernandez [3] focused on psychological aspects of law enforcement officers in general. They described the main risks and considered which psychological attributes should be highly developed during the educational and professional training of future police officers.

The researchers A.B. Seidanov et al. [4] have carried out an analysis of psychological factor during law enforcement investigations. They explored approaches and methodologies assisting a police officer to establish successful communication with both victims and perpetrators. The authors were able to prove that the development of psychological skills contributes to the effectiveness of the police officer's work. A different perspective featured in the work of D.G. Lucia and M.J. Halloran [5] characterised the ways in which law enforcement officers develop psychological and emotional resilience. They explored the causes of psychological and occupational burnout and considered ways of avoiding or coping with it. Apart from that, C. Wheeler et al. [6] succeeded to identify the psychological and emotional condition of law enforcement officers who had sought psychological help. They noted that the officers were affected by external factors, which included threats made by the defendants against them and their families. This has necessitated the need for psychological rehabilitation to continue professional authority successfully.

Thus, the aim of the work was to establish the main psychological tools, helping to conduct operative investigative activity, namely the establishment of contact between its subjects. The authors achieved a number of objectives, namely: established the essence of the concept of "operational and investigative activities", revealed the content and personnel of law enforcement agencies in Kazakhstan and investigated the main stages. The researchers explored the objectives relating to each of them during operational and investigative activities and analysed psychological techniques and approaches in communication between police officers, perpetrators and

victims to obtain the necessary evidence. They also identified priority institutions that would be appropriate to use both during training of future officers and during raising their competence.

Materials and Methods

The authors used method of analysis and synthesis to carry out a general theoretical analysis of the research topic. The analysis method helped the scholars to examine the concept of operative and investigative activity and to establish its subjects. The researchers managed to describe the main stages and procedural features of investigative operations carried out by law enforcement bodies. The synthesis method made possible to combine the links between the level of development of psychological skills of law enforcement officers and the effectiveness of investigative work. The comparison method covered the topic extensively. It allowed comparing different psychological approaches and establishing contact between the police officer and the victim or perpetrator. The method also helped to examine the role of psychological skills during law enforcement investigations.

As the topic of the study falls within the legal circle, the authors encountered special terms and vocabulary. For this purpose, the researchers used formal and legal method, which helped not only to study the content of the main legal acts regulating the procedure of operative investigative actions but also to apply these provisions effectively. The paper thus examined documents such as Law of the Republic of Kazakhstan "On operational and investigative activities" [7], Law of the Republic of Kazakhstan "On Law Enforcement Service" [8], Constitution of the Republic of Kazakhstan [9], Criminal Executive Code of the Republic of Kazakhstan [10] and Code of the Republic of Kazakhstan "On customs regulation in the Republic of Kazakhstan" [11].

The method of deduction formed the logical developing of the paper, notably, general-to-specific direction. The theoretical findings made possible to explore the personality traits of law enforcement officials both in general and in details. The method of generalisation helped to draw conclusions and to establish the main results, clearly answering the question of the study. This approach helped to model promising directions for further scientific work on the psychological specifics of law enforcement activity.

The research was conducted in three stages. The first outlined the theoretical aspects, namely defining the content of operative investigative activities and describing the categories of persons belonging to law enforcement agencies. The second stage included a direct analysis of the operative investigative phases and the characteristics specific to each of them. This stage investigated what psychological skills influence the establishment of effective communication between the subjects in above-described process. The third stage involved sharing opinions among the scholars who held discussion on a subject matter. Also at this stage, they drew conclusions, identifying the main results obtained during the work.

Results

The study of the psychological communication aspects by law enforcement officials during operational and investigative activities requires a clear understanding of its essence and content. Accordingly, the authors analysed the legislation of Kazakhstan, which has a special law envisioning a procedure for operative investigative actions and generalized it within the study. The Law of the Republic of Kazakhstan "On operational and investigative activities" [7] states in subparagraph 15 Article 1 that the above activities are a science-based system of covert and non-covert operational-investigative, organisational and management activities carried out in accordance with the Constitution of the Republic of Kazakhstan [9]. This also involves other normative legal acts of the Republic of Kazakhstan by the bodies conducting operational and investigative activities to protect life, health, rights and freedoms, as well as the security of society and the state from criminal endeavours. The authors can assume that investigative work involves a whole range of measures, which makes it a complex and multifaceted system.

The range of entities entitled to carry out such activities is clearly defined in Article 6 of the Law of the Republic of Kazakhstan "On operational and investigative activities" [7] and includes internal affairs bodies, state security bodies and authorised body in the field of external intelligence. The following are military intelligence bodies of the Ministry of Defence, anti-corruption service, State Protection Service of the Republic of Kazakhstan and economic investigation service. The authors noted that the list is exhaustive and allows only changes implemented by law.

The object of this study covers the activities of law enforcement agencies with an official list provided. According to Article 3 of the Law of the Republic of Kazakhstan "On Law Enforcement Service" [8], these include the prosecution office, internal affairs, state fire service, anti-corruption service and economic investigation service, which act in accordance with the legislative acts of the Republic of Kazakhstan when exercising the powers vested in them.

The authors analysed the types of measures taken by the above-mentioned bodies to gain an in-depth understanding of the operative investigative procedure. They are defined in Article 11 of the Law of the Republic of Kazakhstan "On operational and investigative activities" [7] and are classified into two types, general and specific. The first category included interrogating persons, strengthening communication with citizens, involving them in operative investigative actions, simulating criminal activities, conducting special measures, using technical tools to obtain necessary information (not concerning legally protected information, for example the private life of persons), making enquiries and conducting necessary procurements. The use of specially trained dogs and the analysis of a sample of persons according to certain characteristics make a list of common investigative measures under Kazakh law. This list is not exhaustive, in particular, other measures are enshrined in subparagraphs 13-18 of Article 11 of the Law of the Republic of Kazakhstan "On operational and investigative activities" [7]. Special operations are mostly secretive in nature, making great difference with the above measures. These

include covert surveillance of a person or territory, secret control, interception and use of data, undercover data acquisition of device users or getting information from various types of media, secret control over other modes of communication and person-to-person communication and covert searches in certain areas.

Having analysed the general theoretical framework relating to operational and investigative activities carried out by law enforcement agencies in Kazakhstan, the authors can report a certain level of psychological emotional burden in their work. This is due to a number of factors, one of which is the risk that forms in the minds of law enforcement officials. It can manifest itself in different dimensions, for example, the risk of losing one's own life or health, the risk of an operational investigation, the risk relating to the lives of third parties who may be involved in the operation. One example does not reveal the full scope of negative factors reflected in the psychological and emotional state of persons working in law enforcement agencies, because it is much broader and relates to different aspects of life.

The mechanism of operational and investigative activities includes routine organisational, technical and financial maintenance, but exploring psychological assistance brings full scope to the study framework. The authors assess the professional activities of law enforcement agencies on the basic systems "subject-personal relationship system-object-legal relationship" [12-14]. Here the researchers make a point that professional law enforcement activity including operational investigative work belongs to the "human-human" interaction type. This factor substantiates the idea that the success of law enforcement with emphasis on the communication depends on the level of development of the specialist's psychological skills and abilities. The authors have divided the activities of law enforcement officers during operational and investigative activities into several categories, which helped to describe the psychological characteristics of each of them.

The primary focus was on the activities of interpersonal communication workers. This process should cover the communication with convicted persons, victims, witnesses, defendants and the circle of persons of operational interest. The activities of law enforcers are not limited to those listed above as they also communicate with all kinds of experts, judges and each other. This type of activity requires the use of a large number of psychological techniques and approaches by professionals. The right approach to the defendant can help the law enforcement officer to obtain important operational information. Among the persons listed were victims who are generally characterised by an affected psychological and emotional state, which may result in misreporting or confusion during this process. In this context, the law enforcement officer should act as a psychologist who will not only help the individual to recover and restore psychological condition, but will also obtain important evidence to assist in the search operation [15; 16].

The next type of activity carried out by specialists in the course of investigative procedures is the direct implementation of special measures. These include conducting field surveys, making enquiries, observing persons, searching homes or other premises, organising

and carrying out detention of suspects. Unlike the previous activity, this one does not require special communication and psychological skills from law enforcement officers. However, it involves communication between officers, which is also important process as they carry out investigative activities jointly and interact qualitatively with each other. Teamwork skills, mutual understanding, listening to others and analysis of information received are therefore important for these activities. Another type of law enforcement activity during operational and investigative work is the handling of documents. It includes the processing of the necessary case files and operational information. The law enforcers should study the material extensively and use it during the work, regardless of active communication with other parties.

The authors concluded that the implementation of the professional tasks assigned to law enforcement officers is communication based, in particular during operational and investigative activities. In support of the above, the researchers assume that this kind of communication is not a conventional conversation but a complex process aimed at achieving a specific goal, namely, the exercise of authority. The communication usually takes place in an environment characterised by tension, conflict and rivalry. This makes process complex and multidimensional from a psychological point of view and therefore it requires coverage of all details, where several stages can be applicable. The first one covers the establishment of contact between the subjects of communication, where one of them is necessarily a law enforcement officer. This stage is the most important because the success of further communication depends on its effectiveness. The law enforcer should determine the adequacy of the interlocutor during interrogation, in particular on the verbal and non-verbal levels. The professional requires special psychological skills such as facial observation, particularly during conversation and silence. It is important for the law enforcer to perceive not only external physical attributes but also the reflection of psychological traits by the opponent. The practitioner needs to use a psychological technique such as identification. The law enforcers put themselves in the opponent's shoes by analysing inner feelings as well as character traits. This approach often comes in pair with empathy, which consists of sharing emotions and a psychological response to the problems heard from an opponent. Eventually it helps to obtain maximum result and wide information spectrum about the speaker [17-19].

The next stage of communication that takes place as part of an operative investigation activity is the achievement of communication tasks. It can manifest itself in very different ways due to the diversity of goals related to the process. For example, if the first task of a law enforcement communication with a person of interest was to obtain information, the end of this stage will be the establishment of specific and, most importantly, reliable data. The information should have a designated purpose to use in further investigative activities. The process of communication during the above activities can generally involve different psychological approaches. For example, exploring the characteristics of the interlocutors by analysing their past positive or negative experiences can help to identify their traits and motivations for action. In

addition, a reflective approach can be also effective for understanding of how each of the interlocutors presents themselves to the other. Its role in operative investigative work is valuable for enforcement officer to establish the credibility of the information received and to identify the psychological tools used by a person of interest to avoid answering certain questions [20-22].

Therefore, the authors can establish the elements of perceptual regulation when carrying out investigative activities, namely communication with a number of persons who are important to the process. This can be applicable not only to analyse the external characteristics of the opponent but also to draw attention to other, equally important cognitive processes. For example, thinking process of the interlocutor, use of memory and emotional state are among them. It eventually brought of a list of recommendations for obtaining intelligence during law enforcement investigations. These include demonstrating awareness to obtain more data, focusing on the positive qualities of the interlocutor to increase the effectiveness of the contact, using inertia to establish events that are not directly relevant but contain important elements. Law enforcement officials also need to pay particular attention to the way they ask questions so that they do not embarrass the person of communication as this may provoke this individual into giving false information. Thus, the approaches described will help to achieve the objectives set and will contribute to the successful solving of the criminal case and the completion of the investigative measures.

Discussion

The authors V. Ostapovich et al. [23] investigated the specifics of professional communication among police officers in their work. They found that this type of communication is characterised by specific factors that are more external. There is a relatively high likelihood of negative mental states forming between the communicating subjects in this context. This is due to high levels of mental stress, which in turn leads to the development of the following psychological states in the subjects as anxiety and aggressiveness. Thus, the law enforcers must not only restrain their own emotions and feelings but also analyse their opponents both externally and internally. Moreover, appropriate level of emotional pressure is crucial to achieve interrogation goals. The authors have identified that this approach certainly does not come by violence or threats but solely by psychological tools. The authors expect that the interlocutors will come to a particular point of view and that the need to provide reliable information will be provoked in their mind. The researchers therefore noted the importance to pay particular attention to the communication competence and psychological skills of law enforcement officials during their professional training. In the authors' opinion, this will improve the general level of professional competence of law enforcement specialists, which will effectively help to carry out operational and investigative activities in Kazakhstan.

In turn, V. Bondarenko et al. [24] analysed the feasibility of using the competence-based approach for the successful implementation of law enforcement activities. They have been able to prove that this approach contributes to establishing the individual style of operational and

investigative work that human rights defenders do. To substantiate this position, the researchers noted that the activity-based structure of the developed professional and psychological competence of a specialist contains a broad meaning, which includes a number of elements. Their characteristics are different, but combined use allows achieving the best possible result in the context of operational and investigative activities. Accordingly, the subject matter is the first element of these activities, where the essence comes by defining the objectives, tasks, responsibilities and implementation instruments. The next element is the differentiated functions carried out by designated law enforcement officials. This characteristic requires specialised credentials as well as mastered professional knowledge and skills. The last determining element is the legal basis for conducting the operative investigative activity. They constitute a complete toolkit, which includes legal acts as well as other documents regulating the activities of law enforcement officers, in particular directly concerning operational and investigative activities. The elements described above helped to characterise the starting points of the psychological competence and skills of law enforcement officers, where they can effectively fulfil their tasks and duties.

Also Y. Chornous et al. [25] investigated this issue. In particular, they explored the field of a law enforcement officer's communication skills during operational investigations. The researchers have paid attention to the communication factors between law enforcers and defendants. These included the formation of a quality psychological contact, awareness of the inner world and characteristics of the interlocutor, a positive influence on the mind of the subject and an emotional expression of empathy (acceptance by an opponent). They also point out the need to shift the communication barriers as these can slow down or stop communication altogether and therefore have a negative impact on investigative work. It is extremely important for law enforcement officers to develop not only their own psychological skills to interact with their opponents, but also to build defence mechanisms against manipulation possibly applied to them. The opponents may deliberately provide inaccurate data or to mislead the law enforcement officer in other ways. The factors listed in the author's work play an important role during the professional activities of a law enforcement officer and should come into effect already during their training, in particular within higher education institutions.

The authors D.T. Akhmetov and G.M. Rysmagambetova [26] point out the need for legislative changes in the context of the investigation and operational activities in Kazakhstan. The authors believe that jurisdiction of the Law of the Republic of Kazakhstan "On operational and investigative activities" [7] has been somewhat narrowed although its role is very important in regulating society. The priority approach here is to systematise legislation to leave effective norms in place as well as to form new ones. Therefore, the researchers suggest adopting a consolidation approach. Its essence manifests as the consolidation of certain rules of law, respectively regulating a certain number of social relations. Accordingly, the authors of the study identified the need to consolidate the law relating to operational and search activities, as well as the provisions of Article 100 of the

Criminal Executive Code of the Republic of Kazakhstan [10] and Article 15(1) Code of the Republic of Kazakhstan "On customs regulation in the Republic of Kazakhstan" [11]. As a result, there is expectation to resolve specific legislative problems and contradictions and to develop operative investigative legislation concerning the avoidance of overlapping provisions and their inaccuracy between them.

The authors O.G. Kovalev and N.V. Semenova [27] chose unusual approach to address this issue, as they justify the view that a psychologist should be involved in law enforcement activities. According to their findings, this specialist should take part in operational activities. In their view, this will improve the ways and approaches of involving special psychological knowledge in the above-mentioned activities. The authors emphasise that the role of the psychologist in operative investigative work can be applicable in various aspects. For example, the specialist may advise on the circumstances or other factors that may affect the psychological state of the subjects involved. In addition, the researchers noted the possibility of a psychologist assisting potential victims in the course of operational work. Thus, they prove that the involvement of a specialist in this area of law enforcement would have a positive impact. Therefore, the dissemination of specialised psychological knowledge methods can have an impact on operational investigations by increasing their speed, objectivity and reliability. The authors note that this approach would be helpful in forming full-fledged psychological support groups to assist law enforcement officers and the individuals with whom they interact. The authors believe that the implementation of the proposed changes will express the desire of law enforcement units to develop legal practices in line with today's challenges.

The authors S. Cojean et al. [28] covered similar topic in their academic work on the social and psychological intelligence of the specialists when fulfilling their professional activity. They described the specifics of operational and investigative activities in terms of emotive situations. The authors comment that these events can happen out of surprise, novelty and sense of unusual. The modelling of possible outcomes varies on the above-mentioned emotional conditions of the law enforcement officers, which ultimately affects operational environment. The investigative work generally creates a particular tension that is inherent to both law enforcement officers and defendants [29-31]. Therefore, the psychological and emotional conditions of the persons of interest take place under the following scheme: "threat-fear-defence". Each of these phases may involve anger, agitation, uncertainty or mistrust. All the above necessitates the development of sustainable emotional and psychological conditions in law enforcement officers to carry out their activities in a non-judgmental manner. An important sign of successful investigative work is absence of external and subjective factors.

The discussion reveals that psychological conditions of the law enforcers during the implementation of investigative actions and professional tasks consists of a number of features. The authors have proven that they can be both external and internal. These findings surely compromise psychological and emotional stability of law enforcement officers. However, the authors suggest

systematic training aimed at psychological rehabilitation and skills development for law enforcement officials.

Conclusions

The conducted research proved the assertion that communicative and psychological competence are important components of the professional activity of law enforcement officers when implementing operational and investigative measures. Accordingly, the authors concluded that communication plays an important role in the process, as it provides the information necessary for solving the criminal case. The paper examined the context in which law enforcement officials make most frequent contact with others. The law enforcement specialists mostly deal with tension, conflict and rivalry. These specific traits depend on the interlocutor, usually the suspect or the accused. The communication during investigation activities is entirely different from standard conversation, which defines various objectives. Communication during the professional activities of law enforcement officers is driven by the desire to fulfil the assigned tasks with potential to obtain basic and additional information on the case that would positively affect and accelerate the process of operational and investigative measures.

In addition, the paper analysed the psychological approaches, appropriate for law enforcement officials

during communication. Making contact is a priority, mostly stipulated by personal specifics of the opponent. The level of reflection and empathy defines how interlocutors are closer to understand each other better. This approach will put the law enforcement officer in the defendant's shoes to understand the allegations, which may come by manipulations. The development of psychological skills is obligatory for law enforcers from two perspectives. The first is the ability to dominate in the interrogation process and to achieve the communication objectives. From the second point of view, the law enforcement officer's psychological skills and techniques help to avoid provocation and blackmail by an opponent. By acquiring the information, the specialist is able to determine whether it is true or false. This issue needs to be further developed, involving the latest practices and tools. The authors therefore suggest exploring qualitative and modernised ways of developing psychological skills during the professional training of law students in future works.

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Conflict of Interest

None.

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Психологічні основи спілкування в оперативно-розшуковій діяльності правоохоронних органів

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Анотація

Актуальність. Слідча робота передбачає встановлення контакту між представниками правоохоронних органів та особами, що становлять інтерес. Вона буде надзвичайно складною системою, заснованою на функціональних і психологічних діях. Ця складність охоплює постійні зміни в суспільстві, що робить дослідження актуальним. Зміна ментальності кримінальних правопорушників змінює ставлення правоохоронних органів до проведення слідчих дій.

Мета. Метою статті є визначення психологічних підходів, які б уможливили ефективну комунікацію між суб'єктом кримінального правопорушення та представником правоохоронного органу.

Методологія. Використано методи аналізу та синтезу, порівняння, дедукції, формально-юридичний метод та метод узагальнення. Вони дійшли висновку, що під час проведення слідчих дій працівник правоохоронного органу стикається з низкою проблем і викликів, які вимагають високого рівня розвитку психологічних навичок.

Результати. Дослідники підтвердили, що успішна робота правоохоронця безпосередньо залежить від цілісності соціально-психологічного та фізіологічного профілю. Правоохоронцям притаманна висока мотивація до досягнення бажаного результату, впевненість у собі, позитивна самооцінка, прагнення до саморозвитку, самовизначення та високий ступінь адаптації до зовнішніх факторів і подразників. Автори визначили, що спілкування з потенційними правопорушниками потребує особливих підходів з боку правоохоронців, зокрема психологічних інструментів для отримання необхідної інформації та встановлення якісного контакту.

Висновки. Результати, отримані в ході роботи, можуть бути застосовані для розробки навчальних матеріалів для працівників правоохоронних органів з метою підвищення їх кваліфікації, а також для подальших наукових досліджень за темою.

Ключові слова: національна безпека; підсудний; професійна компетентність; психоемоційний стан; поліцейський; психологічна та емоційна стійкість.