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Prerequisites for the effectiveness of interrogation of victims of robbery attacks on citizens' homes with the use of weapons

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■ **Abstract.** Currently, the problem of violations of property rights involving the seizure of other people's property and breaking into people's homes with weapons is becoming more acute. Poor investigation of these cases causes a public outcry. Victims are the ones who have the best information about the incident, so it is important to study the prerequisites for interrogating the injured party. The research aims to build a structure of consistently logical, generalised questions for interrogating victims of robberies involving the use of weapons. The methods used are analytical, generalisation, analogy, and synthesis. The general, guiding questions for the interrogation of victims during the investigation of robberies involving weapons are formulated in the study. Such questions are formulated considering the victim's condition after a robbery attack on a home using weapons, as well as the results of studying the peculiarities of committing these crimes, establishing, and summarising their circumstances. These aspects allow the investigator to obtain holistic, logically connected information about the crime to build a system of evidence. The general, orientation questions for interrogating victims during the investigation of robbery attacks on citizens' homes with the use of weapons are systematised, divided into types, grouped and summarised, so that it is more convenient for investigators to study and use them during the investigation of such criminal offences for a more effective reproduction of the sequence and integrity of the event, as well as for obtaining complete and reliable testimony during the interrogation of the victim. The author identifies the consequences of using incorrectly formulated questions to the victim by the investigator during interrogation, and the danger of using questions which are not prepared for the relevant criminal offence is clarified. The practical value of the work lies in the fact that the results of scientific research will contribute to the improvement of interrogation of a victim of robbery with weapons

■ **Keywords:** victim; threats; robbery; stress; property

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■ Introduction

Since the beginning of the Russian full-scale invasion, violent and mercenary crimes against property involving weapons have increased. A large number of them remain unsolved. During the war, many crimes against property were not officially registered due to the active life position of citizens who detained people for committing looting; an increase in the degree of latency of such torts caused by the difficulty of their registration due to the complexity of registration and further investigation in the occupied territory, as confirmed by information from the media (hereinafter – the media) (Vozniuk, 2022).

The aggressiveness and boldness of criminal offences are increasing. Criminals commit qualified crimes against property because it provides quick and significant benefits, which complicates the timely clarification of the circumstances of the crime and prosecution (Bohatykov, 2021). A distinctive feature of robberies is their group nature, which encourages offenders to act more sophisticatedly and thoughtfully using modern firearms and cold steel, the latest tools, and technical means of committing a criminal offence (Burak *et al.*, 2019).

Armed robberies against citizens' homes, which involve the infliction of moral violence and bodily harm, have particular consequences for victims. A victim of such an attack is under the influence of severe nervous tension caused by stress and, due to negative memories, has difficulty recalling the circumstances of the incident, which makes it impossible for investigators to obtain a complete picture of the incident and complete information.

Scientists considered related issues of relevance.

V.O. Huseieva (2019) states that interrogation is one of the most difficult investigative actions, but also one of the most common. Fear has the most negative impact on the perception of a crime. This is because the feeling of fear impairs memory and depresses the victim's psyche, as well as intellectual activity, will and critical attitude to everything that happens to this person, moral self-control is impaired, which prevents an adequate assessment of the circumstances of the crime.

O.S. Korobka (2020) proposes to standardise tactical risks and investigative situations to facilitate interrogation by the investigator in the event of a conflict situation. Special attention is paid to the investigator and psychological state as the main participant in the proceedings. It is important to keep the initiative throughout the interrogation.

V. Baraniak (2021) notes that the success of a crime investigation depends on the investigator's ability to construct the interrogation of the victim tactically correctly, considering psychological characteristics. The information obtained from the victim at the initial stage of the investigation is the starting

point in solving the crime, the investigator needs to obtain as much information as possible from the person against whom the criminal act was committed.

O.M. Mirkovets (2021) notes tactical interrogation techniques aimed at activating the memory of the interrogated person in the reconstruction of a criminal event: 1) using the type of memory (figurative, emotional) that is better developed in a person; 2) encouraging the victim to restore the perception of the event in his/her memory; 3) offering to recount the sequence of crimes with the subsequent alternation of their episodes, etc.

Thus, the whole issue of the existing problem of the peculiarities of effective interrogation of victims of a robbery attack on a citizen's home with the use of weapons has not been considered by scholars until now. Only certain aspects of this issue have been the subject of research, and the importance of this study has been underestimated.

The research aims to study the facts of criminal offences, identify, accumulate, analyse their features, and build a consistent logical structure of questions to assist the victim in recreating the specifics of such an attack, and, if possible, recreate a holistic picture of the event.

The research goal is to develop indicative questions for interrogating victims and effectively investigating robberies involving weapons; study the peculiarities of robberies involving weapons from 2018 to 23.

■ Materials and Methods

The study was conducted using a set of scientific and cognitive methods of induction, deduction, analysis, and synthesis. The study is based on a systemic and structural approach and the dialectical method of scientific cognition of the peculiarities of interrogating victims of robberies involving weapons.

Using the method of induction, analysis and generalisation, the author studied individual facts of such criminal offences, and identified and analysed their features, based on which indicative general questions for victims were constructed. The deduction method was used in the transition from knowledge of the general patterns of property crimes to their specific, violent, and mercenary manifestation with the use of weapons and breaking. Using the method of deduction from the knowledge of the general patterns of this type of criminal attack, the author formulated and arranged consistent and logical questions to help the victim, which will allow him to recall and reproduce the specifics of such a separate attack. The method of analysis was used to combine the questions to the victim into semantic groups and to reconstruct the relationships of their elements. The method of synthesis and analysis was used to combine best practices and knowledge about the

effectiveness of interrogating victims in the investigation of criminal offences.

The use of the formal-logical and systemic-structural methods made it possible to accumulate, classify and structure questions for interviewing and interrogating victims after a robbery attack on a citizen's home with the use of weapons. In studying this issue, the research of Ukrainian and foreign researchers on this issue was used, as well as special literature and official data from law enforcement agencies of Ukraine. The comparative legal method made it possible to analyse and compare this research paper with the research papers that have already been written by other scholars, both domestic and foreign.

The formal legal method is used to examine the content of the provisions of the articles of the Legislation of Ukraine on the established concepts of victim, testimony, and interrogation. The normative basis of the work is: The Constitution of Ukraine¹, the Code of Criminal Procedure², and the Criminal Code of Ukraine³.

■ Results

The primary investigative (detective) actions during the investigation of crimes (inspection of the scene, interrogation of witnesses, victims (if possible), search, etc.) are of great importance for the results of the investigation. They determine the outcome of the investigation. The main task of these investigative (detective) actions is to collect and analyse evidential information, which, in turn, is reflected in the investigative picture (Larkin *et al.*, 2020).

Before the interrogation, it is appropriate to talk to the victim, applicant, and witness to clarify all possible circumstances to draw up a plan of interrogation. Testimony is the provision of information, during interrogation, in oral or written form, by the interrogated person about the known circumstances of a criminal offence that are of significant importance for the criminal proceedings in question⁴. Based on their legislative definition, the features of testimony as a procedural source of evidence are as follows: 1) testimony is information obtained during interrogation (orally or in writing) (a feature relating to the procedural form of testimony); 2) testimony may be given by a suspect, accused, witness, victim, expert (a feature relating to the subject matter of testimony); 3) logical and consistent information received, which is the essence of testimony reflect-

ing important circumstances for criminal proceedings. The information obtained without the above features is of no value in criminal proceedings and is not considered evidence (Miles *et al.*, 2022; Turkot *et al.*, 2022).

Under Article 55(1) of the Criminal Procedure Code of Ukraine (CPC)⁵, a victim in criminal proceedings may be an individual who has suffered moral, physical or property damage as a result of a criminal offence, or a legal entity that has suffered property damage as a result of a criminal offence. According to Article 55(6) of the CPC of Ukraine⁶, after a person who was in a state that made it impossible for the victim to file a relevant application, acquires the ability to exercise procedural rights, the victim may apply for involvement in the proceedings as a victim⁷. When robberies are committed against people's homes with the use of weapons, not only property damage is caused, but also, unfortunately, physical and, of course, moral damage. The criminal offence committed may have peculiar consequences for the victim due to bodily harm, short-term dizziness, or temporary loss of consciousness, such as fear, fright, and excitement. It should be understood that the victim's perception of the robbery depends on their emotional state and psychological characteristics. Therefore, during the interview, it is necessary to consider the state of the victims, who may be in a nervous state, which may prevent them from correctly stating the facts and circumstances of the events. The investigator should establish information during interrogation by asking pre-determined accumulated and selected questions following such a criminal offence regarding the time of the robbery (what day; in the daytime or at night; the hour of commission; duration of the criminal offence), the method of the attack (how the attackers entered the premises; from which side and where they came from; how and in which direction the attackers fled), the characteristics of the physical and mental attackers.

Appearance features: the number of attackers; their similarities and differences; approximate height; weight; age; gender; nationality; the presence of a left-handed person among the attackers; gait; lameness; habits; skills; whether there was an organiser of certain actions among the attackers; whether there could be a person known to the victim; what in the behaviour or habits of the attackers was familiar; resembled someone; was strange; what kind of

¹A Constitution of Ukraine. (2020, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text>.

²Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

³Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

⁴Criminal Procedure Code of Ukraine. (2012, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

⁵Ibidem, 2012.

⁶Ibidem, 2012.

⁷Ibidem, 2012.

clothes and shoes they wore and whether they were the same on all of them; what differences there were.

Peculiarities of their psychological characteristics: the presence of parasitic words; use of sayings; proverbs; repetition of jokes; nervousness; irritabili-

ty; measuredness; timbre of voice high low; rough; calm; extortion by shouting or in a measured, calm voice, etc.; how the perpetrators called each other; what they talked about with each other and with the victim (Fig. 1).

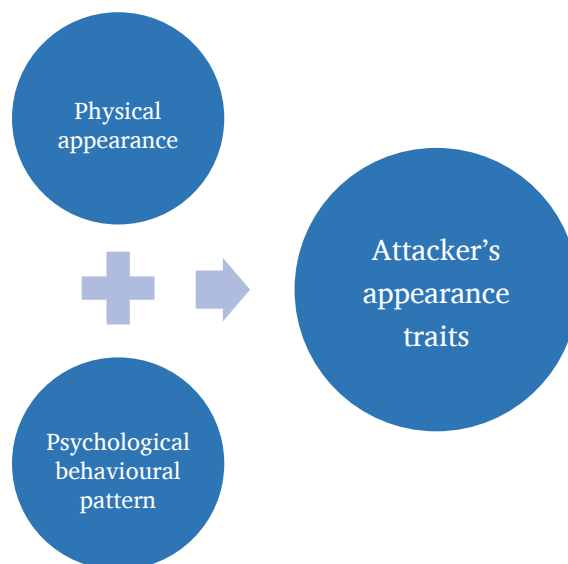


Figure 1. Characteristic features of criminals who commit a robbery in the homes of citizens with the use of weapons

Source: developed by the author

The means of committing a criminal offence are the means of breaking (lock picks, crowbars, files, metal saws, welding machines, key picking, etc.), and the means of binding victims (tape, ropes, construction tightening belts, etc.). The means of disguising the appearance are also relevant in terms of their colour, the appearance of wear and tear, shape, model, quality and approximate cost (masks in the form of stockings,

scarves, balaclavas, hats, gloves, shoes, fake beards, moustaches, wigs, glasses, etc.), means of communication (disposable mobile phones, smartphones, walkie-talkies, baby monitors, etc.) and means of transport of arrival at the scene of the robbery of a person's home with weapons and departure from the scene (whether they saw cars, motorcycles, etc. vehicles or possibly heard a characteristic rumble) (Fig. 2).

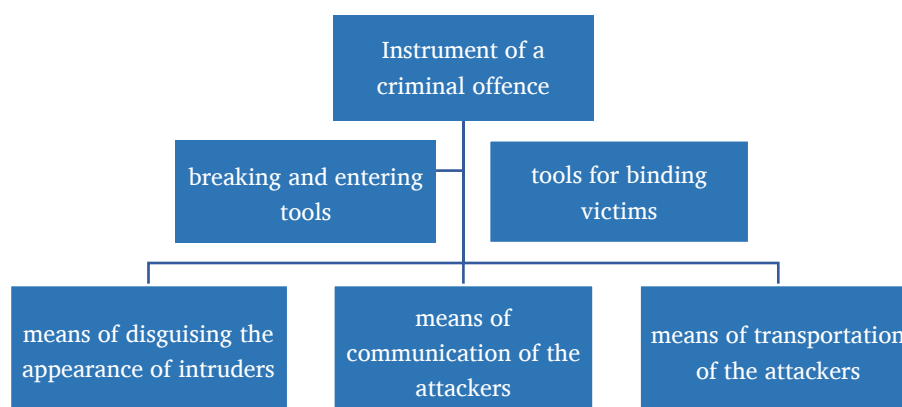


Figure 2. A weapon used to commit a robbery of a citizen's home using a weapon

Source: developed by the author

Threats or violence on the part of perpetrators are psychological (threats to use physical violence against the victim or another family member of children, wife, husband, threats to destroy property, etc.) and physical

(using physical force, binding, striking the body with hands and/or feet or other objects, as well as using weapons, with the corresponding consequences of physical injuries to the victim's limbs, torso, head) (Fig. 3).



Figure. 3. Nature of the threats and violence from the perpetrators

Source: developed by the author

Weapons used to commit a criminal offence can be cold steel (finials, hunting knives, dirks, military knives, daggers, styluses, nunchakus, and other improvised weapons), firearms (hunting rifles, rifles, pistols, sawed-off shotguns, etc.) and

other special features, such as the way the group of attackers acted (Fig. 4). If the victims resisted, it is important to identify possible marks left on the body or clothing of the attackers, or on objects used to resist (Fig. 5).

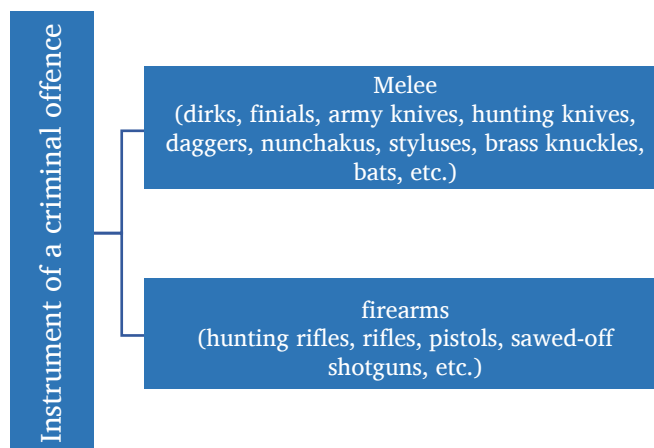


Figure. 4. Weapons used to commit a robbery of a citizen’s home using a weapon

Source: developed by the author

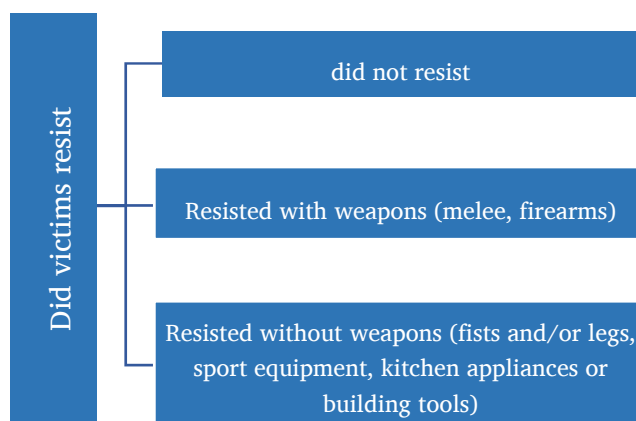


Figure. 5. Types of resistance of victims to a robbery of a dwelling with the use of weapons

Source: developed by the author

After the offence has been committed, it is important to identify the traces and objects left by the perpetrators. If victims or witnesses have seen and can recall the perpetrators’ physical features, then

subjective portraits of the perpetrators can be drawn up. It is advisable for victims and witnesses, if possible, to examine photo albums of persons of operational interest; the municipal authorities are guided

by the appearance of the suspects and by the features of material assets that were illegally seized from the victims. Traces, objects, and information obtained are checked and registered. Other operational and investigative measures are taken.

It is not uncommon for victims to misperceive the crime committed and report inaccurate information about the number of perpetrators, the number of weapons used, etc. due to their nervous state, physical injuries caused during the attack, accompanied by memory loss. A victim of a robbery committed with a weapon may be in shock and have strong negative memories, which may result in minimal testimony. Therefore, in addition to establishing the above-mentioned information for the investigation of such criminal offences, it is advisable to conduct additional interrogations of victims in 2-3 days, whose condition may stabilise to a healthy level during this time.

During the interrogation of victims, it is advisable to clarify the special features and functionality of the material assets seized by the attackers. It is also advisable for the investigator to identify persons who can confirm the presence of precious metal products, their quantity, as well as the amount of money, types of currency and other material assets. It is important to establish whether the victim has photos and videos, or other documents of such valuable items seized by the attackers and attach them to the criminal proceedings for use in investigative (search) actions.

It is advisable to record the interrogation with the use of technical means, since if none of the participants in the procedural action insists on entering the testimony into the relevant protocol, such text may not be entered there, provided that the interrogation was recorded with the use of technical means. In this case, the protocol shall state that the testimony was recorded on the data medium attached to it (Article 104(2) of the CPC)¹.

A tactically correct interrogation of the victim will allow to plan the further pre-trial investigation process correctly and to outline the plan and procedure for conducting certain investigative (search) actions to find important evidence and its carriers.

■ Discussion

As a general rule, as noted by domestic scholars, it is advisable to interrogate the victim as early as possible. As they note, before the victim is questioned, it is usually possible to conduct only an inspection of the scene and an examination of the victim (Kovalenko, 2016).

Since the victim has more information about the circumstances of the incident than other participants (except the accused), the investigation often begins with the interrogation of the victim. Before the

interrogation, it is advisable to establish the victim's social and psychological characteristics, way of thinking, level of intelligence, temperament, lifestyle, and upbringing to speak to them in a "clear language". After all, as noted in scientific sources, the ability to interrogate is a defining indicator of professionalism in the work of an investigator (Kobets, 2022). A well-prepared and tactically correctly organised interrogation is important, primarily because the testimony of the interrogated persons is often interrelated and forms a logically connected and coherent system of evidence, as well as consolidates and explains the evidence that the investigator already had at the initial stage of the investigation.

Researchers M. Larkin *et al.* (2020) believe that immediately after the crime, the victim is in a state of severe mental stress, and it is this state that in some cases contributes to the blocking of some of the information important to the case. It is only after state passes that this important information begins to "surface". They propose to solve such issues by using specialised knowledge in consultation with a specialist in psychological knowledge, which will help in questioning the victim and correctly solving the tasks of solving and investigating crimes.

This point of view is shared by V.O. Huseieva (2019), A.V. Kovalska (2020) & V. Baraniak (2021) that interrogation usually begins with establishing psychological contact. This means developing a person's disposition to communicate so that it can produce an effective result.

O.I. Kudermina & L.V. Lenska (2018) in their research emphasised that victims are usually characterised by increased emotionality. As a rule, the fact of seizure of property and the use of violence causes the victim to feel confused, anxious, indignant, and depressed, which contributes to the fact that the victim may exaggerate the severity of the attack that was committed. In their conclusions, the researchers emphasise that the best tactical technique, in this case, is a free narrative, which means that the victim, without detailing and clarifying questions, as well as without time limits, but in detail tells everything he knows about the crime in a logical sequence and chronological order. L. Mohilevskiy *et al.* (2022) follow the methodology of repeated, additional, and simultaneous interrogations of previously interrogated persons.

Considering the statements made in I. Tataryn *et al.* (2021) that regardless of whether the investigator has doubts about the objectivity of the testimony of the interrogated person, it is necessary to detail this testimony, since asking detailed and controlling questions to clarify and verify the circumstances of the criminal offence is extremely important. During

¹Criminal Procedure Code of Ukraine. (2023). Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

the interrogation, the investigator should obtain as much evidential “express information” as possible as soon as possible, which is necessary for the organisation of the investigation, including in “hot pursuit”.

Based on the opinion of I.V. Zahorodnii (2018), who noted that the urgent interrogation of the victim is explained, first of all, by the fact that it is necessary to exclude the possibility of unlawful influence on the victim by the perpetrator, his relatives, accomplices, friends and other persons who could change the victim’s position and persuade him to give false testimony or to refuse to give any testimony. Indeed, referring to O.D. Chernovskyi (2018), it is worth emphasising that the outcome of interrogation directly depends on the person’s state of mind: their willingness to speak in general and to tell the truth in particular.

N.J. Gordon & W.L. Fleisher (2019) emphasise that interrogation should be well thought out and systematic, as this helps the investigator refrain from making sudden mistakes. Moreover, systematicity helps the interrogated person to calm down and provide information most understandably.

It is worth noting that the victim may also be a minor or a juvenile. The interrogation of such persons has its unique features, which, in particular, were highlighted by M. Nykonenko (2020), V.V. Hiruk (2020), O. Melnik & M. Popovich (2022). They especially emphasise the importance of the psychological state of the interrogated minor or juvenile for effective interrogation.

B.C. Feld (2020) also emphasises that the investigator should be careful when asking questions, especially if the person being questioned is a minor. Inappropriate questions and excessive persistence by the investigator may lead to distorted information from the victim.

I.S. Black & L.J. Fennelly (2021), in turn, highlighted the risks of interrogation. They concluded that the investigator should carefully prepare for the interrogation and consider all possible risks to be able to avoid them. Nevertheless, although most scholars consider the emotional state of the victim to be a disadvantage and an obstacle in criminal proceedings, C. Hogan *et al.* (2022) believe that the emotional state of the victim reflects the impact of the crime on the victim. They argue that this emotional state of the victim or family has the right to influence the judgement against the offender.

A separate type of interrogation, cross-examination, also deserves special attention. As pointed out in their study by O.I. Harasymiv & O.V. Riashko (2021), with one unsuccessful question during cross-examination, the investigator can destroy all past efforts.

The consequences of investigative mistakes during interrogation are also emphasised by O.V. Fedorchuk (2020), and the urgency of interrogation is noted by Yu. Chaplynska (2018). She believes that

excessive delay in interrogation can lead to changes in testimony. It should also be noted that to maximise the establishment of the necessary information during interrogation, the investigator may use various types of tactics, some of which were described by W.D. Woody & K.D. Forrest (2020). In particular, they considered three deceptive tactics.

But at the same time, it should be remembered that if a person is hysterical, injured or intoxicated, it is better to stop the interrogation (John *et al.*, 2023). It is worth agreeing with this because if a person is in such a state, their perception of reality can be significantly distorted.

Given the previous scientific views on the expediency of re-interrogating the victim after two to three days to obtain more meaningful information, it is worth considering that the value of information obtained during the interrogation of the victim lies, among other things, in its freshness and timeliness. Without delay, it is necessary to obtain as complete a statement as possible from the victim, which will increase the chances of apprehending the attackers as soon as possible and will also make it possible to preserve the true information that the victim may omit or not recall due to his or her illness or natural forgetfulness. It is also worth noting that to maximise the establishment of the necessary information during the initial interrogation of a victim of a robbery of a citizen’s home with the use of weapons, it makes sense to use predefined, structured, tentatively generalised questions following the criminal offence.

■ Conclusions

The victim’s testimony is unique, as its value lies in the scope and content of the actual circumstances of the criminal attack (regarding time, peculiarities of the appearance and behaviour of the attackers, the use of weapons, tools and methods of committing the attack, etc.), which are known only to the victims and the attackers. Assumptions and opinions expressed by the victim during the interrogation are an integral part of the testimony that must be recorded in the interrogation report, and it is clear that in the process of proving them, they are subject to verification by comparing them with other evidence available in the criminal proceedings.

It is determined that to obtain reliable full testimony in the relevant proceedings during the interrogation by the investigator, it is necessary to formulate questions to both the victim and the witnesses. Since incorrectly formulated questions can lead to distorted information and can influence the interrogated person and misunderstandings.

As a result of the study, generalised indicative questions for interviewing and interrogating a victim of a robbery with a weapon were formed, classified, and logically constructed. Such an indicative set of

questions for the victim will allow the investigator to establish the truth of the information that the interviewee may not remember due to his emotionally disturbing, stressful state, accompanied by a misperception of the circumstances of the event; inconsistent presentation of facts; omission of some features of the attack: providing incomplete information about the criminal offence; providing incomplete characteristics of the attackers, their number, availability and variety of weapons and other tools of the robbery, etc.

Therefore, it is necessary to assist the victim during the interrogation and facilitate a true, complete statement of the circumstances of the event, using prepared, generalised, structured questions focused on the criminal offence in question. The results of the study can be assimilated into victim interviews in the investigation of other criminal offences of a violent nature.

Scientific novelty: considering the condition of the victim after the crime, the possibility of obtaining holistic information about the crime event by the investigator to build a system of evidence, general, orientating questions for questioning victims in the investigation of robberies with weapons are formed.

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■ Conflict of Interest

None.

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Передумови результативності допиту потерпілих від розбійних нападів на помешкання громадян із застосуванням зброї

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■ **Анотація.** Нині загострюється проблема порушення права власності щодо заволодіння чужим майном з проникненням до житла осіб з використанням зброї. Неякісне їх розслідування викликає суспільний резонанс. Потерпілі найкраще володіють інформацією щодо події, тому актуальним є дослідження передумов допиту потерпілої сторони. Мета – вибудувати конструкцію послідовно логічних, узагальнених запитань для допиту потерпілих від розбійних нападів на помешкання громадян з використанням зброї. Використано наукові методи: аналітичний, узагальнення, аналогії, синтезу. В статті сформовані загальні, орієнтуючі запитання для допиту потерпілих під час розслідування розбійних нападів на помешкання громадян з використанням зброї. Такі питання сформульовано з урахуванням стану потерпілого після вчиненого розбійного нападу на його помешкання з використанням зброї, а також результатів вивчення особливостей учинення цих злочинів, встановлення та узагальнення їх обставин. Вказані аспекти уможливають отримання слідчим цілісної, логічно пов'язаної інформації про подію злочину для побудови системи доказів. Загальні, орієнтуючі запитання для допиту потерпілих під час розслідування розбійних нападів на помешкання громадян з використанням зброї систематизовано, розподілено на види, згруповано й узагальнено, щоб слідчим було зручніше їх вивчати та використовувати під час розслідування таких кримінальних правопорушень для більш ефективного відтворення послідовності й цілісності події, а також для отримання повних і достовірних свідчень під час проведення допиту потерпілого. Визначено наслідки використання слідчим неправильно сформульованих запитань до потерпілого під час допиту, з'ясовано небезпечність використання не підготовлених до відповідного кримінального правопорушення запитань. Практична цінність роботи полягає в тому, що результати наукової розвідки сприятимуть удосконаленню допиту потерпілого від учинення розбійних нападів на помешкання з використанням зброї

■ **Ключові слова:** жертва; погрози; розбій; стрес; майно