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SUDDENNESS FACTOR IN CRIMINAL INVESTIGATION PROCESS

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In times of terrorism and other serious cross-border crimes, both the European Union and its member states are responsible for providing security for their citizens, because these crimes endanger the rights and interests of citizens. Therefore, law enforcement institutions have to conduct an objective and comprehensive investigation of all circumstances of the crime using the possibilities provided by the criminal investigation tactics and methods. Suddenness is the key to success in criminal investigation process. However, the suddenness factor can be used by both opposing sides involved in the criminal investigation process: both by the investigator in relation to the person under investigation and his / her related persons, and also by the counteracting party – in relation to the investigator and other participants of the investigation process. The purpose of suddenness of the investigator's actions is to achieve the effect of their unexpectedness. Unexpected can be time of actions, place of actions, content of actions, participants of investigative actions. This study provides the theoretical framework for understanding of which elements of suddenness are especially important in law enforcement specialists' work practice, when they have to deal with different aspects of international criminality. This paper provides also those problems' analysis that may occur when enforcement institutions' specialists are involved in the international cooperation for disclosing international crimes. Accumulating knowledge about these problems will create the basis for more efficient international cooperation between law enforcement institutions of Latvia and other countries in the future.

Keywords: suddenness, investigator, enforcement institutions, criminal investigation tactics and methods, the effect of unexpectedness, counteraction, security.

Pēkšņuma faktors krimināllietu izmeklēšanas gaitā

Terorisma un citu smagu pārobežu noziegumu laikmetā gan Eiropas Savienībai, gan tās dalībvalstīm ir pienākums aizsargāt savus pilsoņus no šiem noziegumiem, jo tie apdraud pilsoņu tiesības un intereses. Šajā sakarā tiesībsargājošajām iestādēm ir jāveic objektīva un vispusīga visu nozieguma apstākļu izmeklēšana, izmantojot krimināllietu izmeklēšanas taktikas un metodikas sniegtās iespējas. Pēkšņums ir panākumu atslēga krimināllietu izmeklēšanas gaitā. Taču galveno problēmu veido tas, ka pēkšņuma faktoru var izmantot visas izmeklēšanā iesaistītās puses: gan izmeklētājs attiecībā uz iespējami vainīgo personu un ar viņu saistītajām personām, gan viņi – attiecībā uz izmeklētāju un citiem kriminālprocesa dalībniekiem. Pušu uzvedības pēkšņums krimināllietu izmeklēšanas gaitā noved pie tā, ka viena persona stipri ietekmē citu personu. Izmeklēšanas darbību pēkšņuma mērķis ir panākt to pārsteiguma efektu. Pārsteidzošs var būt darbības īstenošanas laiks, darbības īstenošanas vieta, darbības saturs, izmeklēšanas

darbības dalībnieki. Šis pētījums piedāvā teorētisko pamatojumu izpratnei par to, kādi pēkšņuma elementi ir īpaši svarīgi tiesībsargājošo iestāžu speciālistu darba praksē, kad viņiem nākas saskarties ar dažādiem starptautisko noziedzību aspektiem. Šajā rakstā tiek pētītas arī problēmas, kas var rasties tiesībsargājošo iestāžu darbinieku starptautiskajā sadarbībā starptautisko noziedzumu izmeklēšanas gaitā. Zināšanu uzkrāšana par šīm problēmām sekmēs to, lai nākotnē sadarbībai starp Latvijas un citu valstu tiesībsargājošajām iestādēm būtu labāki rezultāti.

Atslēgvārdi: pēkšņums, izmeklētājs, tiesībsargājošās iestādes, krimināllietu izmeklēšanas taktika un metodika, pārsteiguma efekts, pret darbība, drošība.

Фактор внезапности в ходе расследования уголовных дел

При широком распространении терроризма и других тяжких трансграничных преступлений как Европейский Союз, так и его государства-члены несут ответственность за обеспечение безопасности своих граждан, поскольку такие преступления ставят под угрозу права и интересы граждан. В связи с этим правоохранительным органам необходимо проводить объективное и всестороннее расследование всех обстоятельств такого рода преступлений с использованием возможностей, предоставляемых тактикой и методикой расследования уголовных дел. Внезапность является ключевым моментом для достижения успеха в ходе расследования уголовных дел. Но основная проблема состоит в том, что фактор неожиданности может быть использован обеими противодействующими в ходе расследования сторонами: как следователем в отношении подследственного и связанных с ним персон, так и ими — в отношении следователя и других участников уголовного процесса. Внезапность поведения сторон в ходе расследования уголовных дел приводит к тому, что один человек оказывает сильное воздействие на другого. Целью внезапности следственных действий является достижение эффекта от их неожиданности. Неожиданными могут быть время действия, место действия, содержание действия, участники следственного действия. Данное исследование может послужить теоретическим обоснованием для понимания того, какие различные элементы внезапности наиболее важны на практике для сотрудников правоохранительных органов, когда им приходится иметь дело с различными аспектами международной преступности. В данной статье исследуются также проблемы, которые могут возникнуть в процессе международного сотрудничества при раскрытии международных преступлений. Знание этих проблем будет способствовать тому, чтобы в будущем международное сотрудничество между правоохранительными органами Латвии и других стран приносило лучшие результаты.

Ключевые слова: внезапность, следователь, правоохранительные органы, тактика и методика расследования уголовных дел, эффект неожиданности, противодействие, безопасность.

Introduction

Globalization as a modern process is accelerating in the whole world, and this process contributes to both – progress and various negative phenomena in society (Teivāns-Treinovskis, Trofimovs 2020). According to the United Nations 2030 Agenda for Sustainable Development, one of the priorities in the fight against criminal and terrorist threats caused by transnational crime is the prevention and detection of crime (Interpol 2021). Criminals endanger the rights and interests of citizens, therefore, law enforcement agencies need to investigate crimes using all the opportunities provided by the tactics and methods of forensic science.

‘Suddenness factor’, ‘suddenness’ – those are terms that are quite prevalent in the forensics and procedural literature. They are usually used in conjunction with an indication to someone or other action as a characteristic of the moment of its execution or the moment of implementation of any element of action: a search should be carried out suddenly for this or other person or a sudden question is put to an interrogated person, etc.

It should be noted that the effect of unexpectedness of sudden actions may be used by both opposing parties in the investigation process: both by the investigator in relation to the person under investigation and his / her related persons, and also by the counteracting party – in relation to the investigator and other participants in the investigation process.

For the person under investigation, the following may be unexpected: carrying out an investigative action – in general or at a given time, in a given place; use of one or another tactical technique in the course of investigative action; obtaining information from the investigator about the involvement in the proving process of persons whose participation was either excluded by the opposing party completely, or was supposed at a later stage of the investigation; the same with regard to material objects: traces of offence and offender and other material evidence, results of their expert research, etc. Unexpected may be content of the information transmitted by the investigator about this, or use of such objects when performing an investigative action.

For the investigator, the following may be unexpected: action or behaviour of the counteracting party, of its contact persons; emergence of new circumstances requiring a response from the investigator. This may be new evidentiary or orienting information, disappearance of certain persons involved in the case, change in the testimony given by them previously, etc. Alterations in the criminal law concerning its operation both in time and space, and regarding persons involved may also be unexpected for the investigator. All this directly affects the investigative situation and is directly reflected in the program of action.

Dealing with the content of the investigator’s actions in the circumstances of tactical risk, three types of situations are mentioned in which the suddenness factor may appear for him / her: expected events are known, the program of activity is being developed, the time of the event is unknown; event is known in general terms, so there is no accurate program; the time of the event is unknown; time and nature of the event are unknown. The latter does not represent a form of manifestation of the suddenness factor; it is an expression of such a quality of the investigator as constant readiness and ability to respond quickly to changes.

Unexpectedness has still another form of manifestation. This is suddenness of the event itself: for all or some participants of the event, the unexpectedness for others of what is happening. This is typical for many road accidents, for victims of robberies and burglaries and some other crimes. Finally, the unexpectedness of an event may act as a necessary condition for the credibility of the results of an investigative action, for example, an investigative experiment, which will be discussed in details below. All these forms of using the factor of suddenness, as well as unexpectedness as its consequence, are designed to trigger a certain psychological mechanism in the minds of people.

The essence of this mechanism is as follows. The suddenness of the parties' behaviour during the investigation process represents the impact of one person on another. This impact may be manifested not only by action, but also by inactivity, but for the problem under consideration, it is the sudden action that is of interest, and we will be talking about it. The impact may be physical and psychical. In the aspect we are examining, legitimate will be a sudden physical impact during detention – within the limits dictated by the situation. Psychical influence is carried out by transferring or refraining from transferring information that is significant for the addressee. The influence of one person on another is a process of transferring information carried out in personal or public interests by using various methods and means in order to cause the necessary reaction from the person who is being influenced; it must be performed in an admittedly legal form. The impact on the party opposing the investigator is built taking into account its mental state at the particular moment. If such a party is the suspect or the accused, then it should be borne in mind that he/she is constantly internally strained; this is caused both by the threat of exposure, and by the desire to obtain information about the actions of the investigator, about the evidence he/she has, about the behaviour of accomplices, etc. In such a situation, a heightened interest arises about the perceptions of the information, but the shortage of it about that, which facts possesses the investigator, causes various speculations, which ultimately makes him / her especially sentient. Both the witness giving false testimony and the victim who, for one or another reason, hides the truth from the investigator, are afraid of being exposed in a lie. Their mental state is also characterized by tension, an aggravated reaction to the information transmitted by the investigator, if it relates to the essence of their testimony. Sudden actions of the investigator in the general background of constant tension of the subject may dramatically change the emotional state – both excite and inhibit mental processes. The result will be a loss of control over words or actions. The tension experienced by the subject may reach the threshold of the so-called frustration, that is, a mental state characterized by oppressive tension, anxiety, and despair. In this state, the unexpectedness and significance of the investigator's actions may cause a defensive reaction of the subject's psyche in the form of a strong delay of his / her mental processes, which is a means of 'escape' from a difficult situation. The subject 'goes into himself / herself', does not react to the actions of the investigator, he / she is confused, but does not try to somehow get out of the current situation, is silent and deaf to the logical arguments of the investigator who is trying to convince him / her of the importance of the transmitted information. So, in the background of a tense emotional state of the subject, unexpectedness as a result of sudden actions of the investigator may cause: reaction, unexpected for the subject himself / herself: an unmasking answer to the put question, or impulsive actions playing the same role; the subject's rethinking of his / her position, its change in a direction favourable for the investigation; delay of mental processes in its various manifestations; delayed reaction of the subject, which mental tension will not interfere with the development of a new well-considered position with an attempt to turn the received information in his / her favour.

As already noted, the suddenness factor has a two-way effect: it may also be used against the investigator. The conflicting nature of most investigative situations, deter-

mined by counteractions to the investigation by not only the accused, but also other persons, may cause the investigator a state of anxiety and concern provoked by possible or probable troubles, unexpectedness, changes in the usual environment and activities, which is expressed in specific emotional experiences (fears / concerns, anxiety, disturbances of peace, etc.).

Thus, the suddenness factor may affect both the investigator and the opposing subject. But if the investigator, due to his/her professional qualities, must be in a state of constant readiness to this factor, then the opposing person most often does not have such readiness, he / she cannot foresee all the actions of the investigator due to the information uncertainty of his / her position and the developing investigative situation. It is easy to verify this by comparing the testimony, for example, of the driver and victim in a traffic accident or of the attacker and victim in robbery, rape and similar crimes. Here we should speak not about the use of the suddenness factor in the investigation, but about its manifestation and consideration in the process of collecting, researching and evaluating evidence.

Tactics of the investigator's actions by using the suddenness factor

The investigator must be able to collect accurate and reliable intelligence data and must be able to use it in a productive manner (James 2014).

The use of the suddenness factor lies primarily in the moral sphere; the impact of the investigator's sudden actions on the mental processes is also interpreted from a moral standpoint. But such a criterion of admissibility, for example, of a tactical technique, is a question of fact, if the technique does not contradict the generally recognized principles of legality, the law. Indeed, 'blowing the gaff' made by the interrogated person under the influence of a sudden question may not have evidentiary value, from which the conclusion about the unlawfulness or immorality of the applied technique does not follow compulsorily. This is only evidence of either the wrong choice by the investigator of the method itself, or the inability of tactical correct implementation of the results obtained with it help.

Thus, from a moral standpoint, admissibility of using the suddenness factor in the investigation is a question of fact. Concerning the legality of its use, it is enough to note that, according to the current procedural law, it does not fall under any of the established prohibitions (humiliation, arms-twisting, torture, or threaten with torture or violence). Both legal and quite ethical are such techniques as the use of suddenness, of non-preparedness of interested persons to lie. T. Averyanova (*Т. Аверьянова*) and her co-authors reasonably remark: "On what grounds, the suddenness of raising a question as a violation of the well-thought-out logic of presentation, including the 'logic of lies', may be considered immoral? It is not a cunning, not a trick, but a manifestation of the chosen position, the system of legal actions to achieve the goal, a well-thought-out logic of behaviour in a specific communication situation" (Aver'ianova i dr. 2016: 47). Suddenness is one of the main means of overcoming counteraction to investigation. The data of the research conducted by the authors show that counteractions were realized in 78% of the studied criminal cases; 89% of the convicts declared

that they had counteracted the investigation. This proves the necessity to develop and counteraction to the investigation, the authors notes that the tactics of the investigation make possible to distinguish the following conditions that prevent the action of mentioned factors during the search and detection of evidence: rapidity of the investigation and suddenness of the performance of investigative actions; investigator's awareness of the actions and intentions of the accused both during the commitment of the crime and during its investigation; investigative secret (Ivanchiks et al. 2019). The purpose of the suddenness of the investigator's actions is to achieve the effect of their suddenness. Unexpected may be: duration of the action; place of the action; content of the action; participants of the investigative action. Sometimes these components are combined, as is the case, for example, when a suspect is unexpectedly for himself / herself caught – in time and place – red-handed, i.e. with proofs.

It would be useful to consider various versions of using the suddenness factor.

Unexpectedness of the action time. In such a case, the tactical goal of the investigator is to achieve unexpectedness by choosing a moment when the subject either does not expect any actions from the investigator at all, or believes that they will be carried out later, or considers that exactly this particular action will not be carried out. In the situation under consideration, the actions of the investigator are often of preventive nature. The most favourable situation for using this technique usually develops at the initial stage of the investigation, when suddenness of actions, as a rule, is related to rapidity and urgency of the investigative actions, as well as to their simultaneous implementation (search, interrogation, etc.) in relation to several persons. An unexpected change in a preventive measure may have an equally strong impact. The unexpectedness of the investigator's actions in time is typical for a number of tactical and operational combinations, especially in those cases when operational materials are implemented. This, as a rule, is usual in the case of red-handed detention. In some cases, an unexpected red-handed detention is the final stage of an operative combination. So, when law enforcement institutions receive information about the extortion of a bribe, from the person – the object of extortion is received detailed information about the nature and procedure of transferring the bribe, the subject of the bribe is marked, the procedure of its transfer is monitored, and then the detention with proofs is carried out, the place of transfer of the bribe is immediately searched and examined, as well as the bribe taker is interrogated. All these actions are unexpected for the offender, and make a strong psychological impact. The action may be unexpected even in cases when the subject against whom the action is directed, is ready in principle for something like this, but it does not know when it will happen. In the described situation, success is ensured by such behaviour of the investigator, which creates in the subject an idea of an unavoidable postponement or of refusal in general to carry out this action. Under such conditions, the suddenness factor supplies the desired effect.

Unexpectedness of the place of action. In the example, the place where the second search was carried out was unexpected, unexpected was also the search itself. The strongest impact on the offender strikes the unexpectedness of the place of actions of the investigation body's when the offender is detained with proofs. The suddenness of the detention itself, moreover, in a place that seemed safe to the offender due to certain

specially implemented measures, by him, can paralyze his resistance and prevent him from building a system of vindictive arguments. One can face with similar situation during the detention of extortioners, when the security measures taken by them are unexpectedly ineffective, and they themselves are detained at the crime scene. Not only the fact of detention itself causes them a psychological shock, but also the fact that their hopes and results for the safety of the place, despite the taken measures, were other as expected ones. The detainee has an urgent need to obtain information about how the law enforcement institutions got to know about the place of the meeting with the victim of the crime, which mistakes had the offender done in planning the final stage of extortion, etc. The task of the investigator is to use knowingly this situation, forming tactically correct interrogation immediately after detention. As follows from the above mentioned, unexpectedness of the place of action is often combined with unexpectedness of the time of its performance. This combination is typical when, for example, during the interrogation of a detainee in the investigator's office, a search of his home is carried out, about which the interrogated is informed.

Unexpectedness of the action itself. Versions of this tactic could include: unexpected conduct of an investigative action in general or of any specific type; unexpected use of a tactical technique – as such or as an element of a tactical combination; unexpected presentation of objects gaining evidentiary value. It has already been noted what effect the implementation of one or another procedural decision may have on the subject to which this decision refers: an act of initiating a criminal matter, of calling to as an accused, etc. No less important is the choice of the moment of the investigative action, which was completely not expected by the subject. In one of the episodes of the case related to the facts of robbery with the aim to acquire the smuggled in excise goods (cigarettes), the person from whom the car with the excise goods was stolen, stubbornly denied the fact itself of the existence of excise goods in the car, since otherwise he would have to recognize the storage of the smuggled in excise goods and have to name the source of its acquisition. Meanwhile, the offenders, being detained in a car with excise goods, gave full and truthful testimony. A difficult situation arose: to confirm and clarify the testimony of the offenders, the testimony of the victim was needed, but he generally denied the car with excise goods. Of course, under such circumstances, the victim did not admit possible that he could be shown for identification to any of the participants in the crime. But the investigator, taking account of the psychological effect of this action, in the process of which he admitted also the possibility of 'counter' identification of the victim by the offender, decided to carry it out. During the next in turn summons of the victim for interrogation, the investigator unexpectedly announced the presentation for identification. In the next room everything was already prepared for this investigative action. The victim persistently objected, convincing of the fictional character of the episode under investigation, but he was asked to take part in the identification, although the presented persons noticed that the victim avoids to direct his fixed look to one of the person presented for identification. The latter unexpectedly said: "Stop playing bucket-head, you traffic in smuggled goods, but you don't shear the spoil with us!" The finally bewildered victim forcefully squeezed out: "This is a lie, I don't know you", which caused a new burst of laughter

by many of those present. Immediately after the identification, the investigator – again unexpectedly for the victim – conducted a confrontation between him and another participant in the crime. The latter, in his testimony, cited so convincing evidence of the victim's involvement in trafficking in of smuggled goods that the latter had no choice but to admit this fact. Subsequently, this became one of the grounds for proving his, i.e. the victim, own involvement in illicit turnover of excise goods imported on a large scale in a smuggled way.

The fact of interrogation itself which the subject did not expect, believing that he managed to be outside the sphere of attention of the investigating authority, may have a significant psychological impact. This primarily applies, of course, to the participants in the crime, but it may also be related to witnesses and even victims who, for some reason, do not want publicity. The investigator sometimes has to deal with the last circumstance in cases of rape of minors or gang-rapes; a goof example is the above mentioned turnover of excise goods imported in a smuggled way. The victim may seek to avoid publicity in every possible way, either under the threat of rumours that she is now 'disgraced forever', as well as her relatives – for the same reason or being afraid that the investigative procedures will worsen the condition of the victim. When such persons are unexpectedly interrogated, it is necessary to bear in mind everything that has been said about the traumatic effect of such tactics on the psyche of the interrogated persons and the possible negative consequences of a sudden summons for interrogation. Suddenness of the use of a tactical technique is determined by the creation of the necessary situation contributing to its effectiveness. The most popular type of such technique in investigative practice is the unexpectedly asked question. This, in turn, is achieved by using other tactical techniques, which, in combination with a sudden question, form a tactical combination.

There are a number of tactical techniques, which have been developed in forensic science, and the use of which can contribute to the effectiveness of a sudden question. One of them is a technique, relatively called 'admission of a legend'. The investigator listens carefully to false explanation on the subject of questioning, giving an impression to the subject that the explanation is convincing. After a free-and-easy narration, this impression is deepened due to the questions asked by the investigator, the nature of which should strengthen the interrogated person in the opinion that his/her testimony have made the required effect. Satisfied with what has been achieved, the interrogated person relaxes emotionally, and at this moment he/she is asked a question that indicates that he/she has made a mistake in his expectations. Certainly, the unexpectedness of this question, which upsets all the logical constructions and hopes of the interrogated, may radically change his/her position, inducing him / her to give truthful testimony. Another tactic technique that pursues the same goal is the so-called indirect interrogation. Its essence lies in the fact that the investigator asks a number of questions that are 'harmless' from the position of the interrogated. When the attention is distracted, an unexpected question follows, which is related to the main point of the interrogation. This technique – indirect interrogation – is sometimes combined with another method, which is called 'speeding up the tempo of interrogation'. Questions are being asked at an accelerating pace, still 'harmless', requiring no consideration. Having chosen the right moment, the investigator asks an unexpected question for the interrogated. There

is also another tactical technique which may be used: after listening to false testimony, the investigator describes the real picture of the event; thereby demonstrating his / her full possession of information of what happened, as well as the failure of the interrogated person's attempts to mislead him / her. This technique is especially effective if the entire previous course of interrogation forms in the subject a belief in the non-knowledge of the investigator. The investigator's narration may describe events without citing affirmative facts, but may also contain a reference to them. So, V., being accused of several murders and rapes, the investigator described in detail his actions, and he did it suddenly, interrupting the interrogated who was presenting his legend. In the course of his story, the investigator said that during a search of V.'s apartment, belongings and valuables of the victims were found, identified by their relatives. And although there was no other evidence at the time of the interrogation, the investigator, managed to create in V. the impression that everything told by the investigator were confirmed by the evidence already collected. The interrogated was clearly depressed, retreated into himself and stopped answering questions. Then, the investigator interrupted the interrogation and suddenly presented V. for identification to the survived victims. The interrogated was with certainty identified by everyone. This made the strongest impression on V., and he pleaded guilty not only in committing crimes under investigation, but also told about other offences that were not known to the investigation. A sudden presentation of material evidence or other objects of evidentiary value may have the same, and sometimes even more powerful impact on the interrogated person. Unexpectedness may be the result of his / her belief that these objects no longer exist, they were destroyed by him/her or someone at his / her request, that they never existed at all, or that nothing can be proved with their help. T. Averyanova and her colleagues described a group of tactical techniques, the unexpected use of which allows to achieve the desired result (Aver'ianova i dr. 2016). They called them 'the techniques of demonstration of possibilities of the investigation' and subdivided them into techniques that demonstrate the possibilities (Aver'ianova i dr. 2016): (1) acquisition of evidence which incriminate the interrogated, by performing certain investigative actions (interrogation of certain persons, confrontations, examinations, etc.); (2) application of scientific methods of investigation and production of various types of expertise. For illustration, they cite an example from the practice of criminal prosecutor E. Mezhevikovsky (*Е. Межиковский*) about clearance of two murders (Aver'ianova i dr. 2016). Non having the conclusions of the appointed expert examinations at the time of the interrogation of suspect A., the investigator decided to examine the material evidence by himself, and to make the suspect a 'participant'. This unexpected news caused a noticeable tension from the suspect. "We took the raincoat confiscated during the inspection of A.'s apartment and in his presence began to carefully examine it. We noticed that in the area of the right shoulder-blade, the chalk penetrated so deeply into the fabric that it was impossible to clean it. Showing the raincoat to A., we talked about the mechanism of the formation of this spot. Having joined in our conversation, A. confirmed that he really tried to clean the chalk on the raincoat, but he failed ... However, A. confirmed that he had stained the raincoat with chalk in his corridor, when he was returning home drunk. Here, in the presence of A., it was decided to immediately remove the chalk scrapings in the corridor and the room of his apartment.

When A. asked why all this was being done, he was explained that the chalk scrapings from the fence, where the murder was committed, have already been taken, but in his apartment no chalk samples were taken. Further, he was explained about the possibilities of forensic chemical examination, which would be able to determine where the chalk on his raincoat comes from – from his apartment or from the scene. After that, the leave of a plant from the pocket of his raincoat was matched to the acacia leaves from the murder scene. A. asked: “What is it for?” The possibilities of biological examination were explained to him. Then, he was told what could be disclosed by forensic examinations of other material evidence being in the case. Demonstration of such broad possibilities played a role: A. changed his position and contributed by his testimony to the establishment of the truth” (Aver’ianova i dr. 2016: 103).

The versions of using a tactical technique based on the suddenness factor are different. Especially effective may be the unexpected participation in an investigative action of a living victim, detained accomplice, or eyewitness unknown to the suspect, which is carried out in the presence or with the participation of the suspect. Such an action can be a confrontation, presentation for identification, verification and clarification of testimony at the site, investigative experiment, etc. The choice of the tactically correct moment for the use the factor of suddenness that ensures unexpectedness of the impact, may be the result of the superiority of the investigator over the offender in the rank of reflection. It is exactly such a situation that we meet when searching for a hiding accused or suspect, when organizing ambushes and detentions. The investigator models the stream of thought and decisions of the accused person, putting himself / herself in his place and imagining what he/she would most likely do in this case.

Considering the influence of the suddenness factor on the activities of the investigator

It was already mentioned that in the course of investigation it is necessary to consider the possibility of the effect of the suddenness factor on the investigator himself / herself. It was also noted that the investigator must be in a state of constant readiness for such suddenness. However, the investigator is a human and ‘nothing human is alien to him’. He / she may commit an unconsidered action under the influence of the situation, not to find the right solution immediately, and finally, simply may get confused, wasting time for effective response actions that will affect the results of investigation. One can talk here only about recommendations of a more or less general nature, designed for relatively typical situations. Their purpose, in essence, is to make the unexpected as expected; that is, the preliminary arrangement by the investigator of a mental model of the participant’s behaviour during the forthcoming investigative action. When arranging it, the following is taken into account: results of studying the personality; amount of information that this participant probably has; the expected impact of conditions and communications on him / her; information that the person will receive in the course of investigative action; mental state that the participant may experience as a result of all these influences; ability to perform the function under the prevailing conditions and predominant mental state. Prediction of behaviour of the

participants in an investigative action is a compulsory stage of psychological preparation.

Foresight may be based on collective or personal experience of the investigator. Thus, the experience of investigative practice may encourage him / her to take measures against a possible action of the person under investigation attempting to destroy the evidence presented to him/her, because such cases have occurred in practice, or against an attempt to attack the investigator, etc. Foresight may be the result of the investigator's reflection. In a conflict situation, opposing parties try to think 'each for other' in order to foresee the opponent's behaviour and take appropriate countermeasures. Thus, a person who has committed a crime grounds on the possible methods and techniques used by the investigator, tries to complicate them and make them ineffective. In turn, the investigator is based on the possible methods of committing and hiding a crime, trying to establish hidden facts, to paralyze the resistance of interested persons, and ensure the punishment of the guilty person (Ivanchiks, Trofimovs 2017). Foresight of the investigator may also be of intuitive nature. Intuitive foresight of the actions of the opposing party allows the investigator to take them away suddenness and prevent from it in due time (Trofimovs, Ivanchiks 2017).

Not only the action of the party opposing the investigator may be sudden, sudden also may be a change in the investigative situation that is not related to such an action. The situation is often influenced by unexpectedly received information. Its source can be any person involved in the case or person previously unknown to the investigator, an operative officer, the results of an investigative action. This information may require from the investigator the following: proposing a new version that changes the direction, tendency of the investigation, as well as the position of persons involved in the case (for example, the immediate release of the detainee or, on the contrary, the detention of a person who was considered a witness); immediate realization of certain investigative actions, the implementation of which will require fast adjustment of the planned work, prompt solution of the problems that have arisen, and this solution is urgent; implementation, of a complex operational-tactical combination, practically without proper preparation, with the immediate involvement of operational officers, specialists and other persons who have not previously been involved by the investigator and have not interacted with him / her. Ability to make such 'sharp turns' is formed not only in the process of professional training of the investigator, but also in practice, by accumulation of action experience in similar situations. As a result, this becomes one of the qualities that characterize a true professional.

There is also another form of expression of the suddenness factor, which may affect the course of the investigation – an unexpected disruption of planned actions or measures. This disruption is mostly the result of technical or organizational reasons: absence of called witnesses, failure to provide transport, etc. Also, the reason for the disruption of planned actions or events may be intentional or unintentional leakage of information about it. Strictly speaking, all this is quite possible to foresee and should not be a sudden phenomenon for the investigator. However, foresight comes with experience; for a young investigator, such a disruption may be a complete suddenness.

Influence of the suddenness factor on the completeness and reliability of evidentiary information

In the process of investigating crimes, the suddenness factor affects not only the behaviour, decisions and actions of the investigator and the person opposing him / her; its influence must be also taken into account when assessing the completeness and reliability of the evidentiary information obtained as a result of performance of investigative actions. We are primarily talking about the information that is contained in the testimony of a participant or eyewitness of the event under investigation. It is known that the process of forming testimony goes through several stages, the first of which is called 'perception'. Speaking about the stage of perception, it must be borne in mind that participants of the process give testimony not only about the observation of objects. Perceptions can also relate to dynamics of events, actions of certain person. Finally, very often the object of perception is the own actions of the person giving the testimony. The completeness and adequacy of perception of the event nature are influenced by numerous factors, among which one of the most important is the suddenness factor of the event itself for someone or other subjects.

The event may prove to be unexpected for all its participants and eyewitnesses. This situation is typical for road accidents: collisions, rides, etc. In this case, the event, as a rule, is characterized not only by suddenness, but also by 'quick flowability' / rapidity. Suddenness and, as a consequence, unexpectedness of event is the objective factor that significantly affects its perception by participants and eyewitnesses. It is perceived as a result of involuntary attention, attracted by the action of a certain 'irritant', i.e., stimulus – by the event itself or related circumstances. What is the reason of involuntary attention, and what is it that usually attracts people? This is the unusualness of the object, event, strange shape, colour, general appearance and layout, nonconformity of the object with the situation, unusual position, nonconformity of size, intensity of irritant. Involuntary attention is also caused by something that contrasts or is harmonic with the mental state of the human. In this case, the objects of attention are not specially selected, the person does not have a predetermined goal, and therefore, the results of involuntary attention are much lower than voluntary attention, and can contain significantly more errors and distortions. This, of course, does not mean that perception by involuntary attention cannot reflect circumstances in general, which are essential for the case. Due to the specific character of the situation, the role of the participant in the event, his / her mental state and other reasons, the perception, even by involuntary attention, can be quite complete, concretized and adequate. In addition to the above expressed, it is necessary to consider the following. An unexpectedly begun event is not always 'quickly flowable', i.e. rapid. It can last for some time, during which, at least for its eyewitnesses, and sometimes for the participants, involuntary attention is being replaced by voluntary attention. If in the course of perception, the witness becomes aware of the meaning and significance of what is happening, then involuntary attention, caused by the 'uncustomariness' of event or the intensity of the irritant/motive force, may turn into voluntary, purposeful attention, increasing the quality of perception as a whole (Aver'ianova i dr. 2016). In general, unexpected rapid and short-term events are perceived incompletely and less detailed.

The event may prove to be unexpected for victims, some participants and eyewitnesses of the event. If in the first case, the unexpectedness of the event was meant for all its participants, including also the offender, whose actions can sometimes have impulsive, unexpected nature, even for him-/herself (hooliganism, actions in a state of affect, etc.), then here we are talking about such situations, which are common in practice, when a criminal event occurs unexpectedly for the victim and some persons related to him/her, while other persons become participants in the event already in its course, i.e., later. A typical example of how an event that was unexpected for others is not such for one of the eyewitnesses, is the practice of actions of operational officers who search for and detain pickpockets. Observing the actions of a suspicious subject, the operational officers trace it, as from preparation to the moment of attempted theft or its commitment, and then detain the criminal red-handed, with proof.

The event may prove to be unexpected for victims – in the absence of eyewitnesses of the event. This situation is typical for many robberies, rapes, murders. The perception of a crime event by survived victims depends on psychological qualities of their personality and their emotional state at the time of the attack. The feeling of fear especially negatively affects the perception of events. It not only dulls memory, but also depressingly affects the whole psyche of a person, his intellectual activity, reduces will, moral self-control and critical attitude towards the environment, hinders a correct assessment of the situation of the incident (Aver'ianova i dr. 2016). All this must be taken into account when interrogating such victims. Tactical techniques for correcting their evidence, for reviving what they perceived in their memory are described in detail in the special literature.

The influence of the suddenness factor on the reliability of evidence has also another manifestation that must be taken into account by the investigator. It is about taking this influence into consideration, first of all, when carrying out an investigative experiment. A typical example is the experiments undertaken in order to determine the possibility of stopping the vehicle in time when a pedestrian, for example, suddenly appears on the roadway. The 'stumbling block' in this case is the impossibility to reproduce practically the unexpectedness of the appearance of the Obstacle: after all, the participants in the experiment must be informed of its purpose, instructed about the actions that they have to perform; and in addition, according to the law, experimental actions should not cause a threat to the life and health of their participants. As a result, the investigator is not able to fulfil the most important tactical condition of the experiment: to achieve maximum similarity between the true situation and reproducible one of the event. Satisfied with the realization of experiments with the dummy model of the obstacle, the investigator may get only probable conclusions. Only in those cases when the results of the experiment do not depend on the need to inform the participants of the experiments about its content, they can acquire evidentiary value (for example, when checking the possibility of perceiving a fact or phenomenon). It was already mentioned about such a form of using the suddenness factor as the unexpected performance of an investigative action – unexpected for persons opposing the investigator. Now, it is necessary to answer the question: should the suddenness of the investigative action be ensured for other participants, for example, for the iden-

tifying person or for that participant in the confrontation who gives truthful testimony? There is no definite answer to this question. It should be allowable that only the moment of the investigative action could be sudden, but not its realization as such. Thus, a truthful participant in a confrontation does not need to know at what moment of the investigation the action will be carried out, but it is rather not necessary to hide from him/her that such an action will be performed. On the contrary, in a number of cases, the participant should be prepared psychologically in advance for a confrontation, strengthen his/her resolve in defending own position. The same may be required for the identifier. Therefore, strictly speaking, these actions do not become unexpected for mentioned subjects in general. When performing other investigative actions – interrogation *in situ* or verification of testimony *in situ*, obtaining samples for comparative research, examination, etc. – for conscientious participants who want to help establish the truth, the suddenness factor does not make, as a rule, a disorganizing effect on their mental processes, and there is no need to use it on the whole. However, if for tactical reasons, this suddenness factor is used in this situation against persons counteracting the investigator, but may have a negative impact on the clear-handed participants of the investigation, the task is to neutralize this negative impact by taking the necessary measures, i.e., to minimize the admitted tactical risk.

Conclusions

All forms of using the factor of suddenness and unexpectedness, as well as its consequences are designed to trigger a certain psychological mechanism in the minds of people. Suddenness of the parties' behaviour during the investigation process represents the impact of one person on another. However, the impact may be done not only by the action, but also by inactivity. The influence of one person on another is a process of transferring information carried out in personal or public-political interests by using various methods and means in order to cause the necessary reaction from the person who is being influenced; however, it must be performed in an admissible legal form.

In general, the authors of the research come to the conclusion that suddenness is one of the main means of overcoming counteraction to the investigation. Taking into account the typical nature of counteraction to the investigation, the authors identify the following conditions that prevent the action of the resistance factors during the search and detection of evidence: rapidity of the investigation and suddenness of performance of investigative actions; awareness of the investigator about actions and intentions of the accused both during committing the crime and during its investigation; taking into account the gender, sexual and other characteristics of the accused; considering the mentality of the society in which the accused lives; observance of investigative secrecy. Understanding the suddenness factor is a prerequisite for an objective, comprehensive and complete investigation of all circumstances of criminal offense, ensuring fair punishment of perpetrators.

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