Revija za kriminalistiko in kriminologijo / Ljubljana 64 / 2013 / 3, 275-286

Interview and Interrogation Tactics and Techniques in Serbia

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This article examines the distribution of officer opinions combined with personal statuses and perceived statuses of interviewed and interrogated people, types of successful tactics used by police, and types of defence tactics used by suspects in interviews and interrogations. Interviews were conducted and surveys were distributed by 2nd and 3rd year students of the Academy of Criminalistic and Police Studies (ACPS) practical course in police stations across Serbia. Overall, the officers in the sample vary in gender and age. Generally one thing is to be expected, those results are to be very precise and without censure because of distributors of those two techniques of research. Given that the data were not drawn from a study specifically focused on tactics but also on other characteristics of subjects of the procedure, there could be more deductions and analyses of presented data with further scientific implications. This article addresses a pioneering project in Serbia and it could be the first of many to seek the best practice and the most suitable techniques and tactics in addressing citizens, possible witnesses or a suspect.

Keywords: interrogation, interviewing, police tactics, police attitudes, Serbia

UDC: 343.98

1 Introduction

A suspect is a person against whom, due to reasonable suspicion that s/he has committed a criminal offence, the competent State authority issues pre-trial criminal proceedings or pre-investigation proceedings stipulated by the Criminal Code (2005, 2009, 2012), or a person against whom an investigation is conducted. The Interrogation of a suspect is one of the most complex operations undertaken by the police in investigating criminal offences and their perpetrators, for which they are explicitly and by way of exception authorized by any Criminal Procedure Law. To a great extent, this is a markedly complex, active process, concealing the constant danger of making a wrong move, failing to observe statutory requirements, encountering drawbacks, or even possibly taking unlawful illegal actions, due to various interactive factors. These include, for example, respective relations of the parties, the framework of criminal procedural rules, the formal legal authorizations required, the implementation and protection of citizens' rights and freedoms the possible participation of persons safeguarding the suspect's rights (professionally or otherwise) and other circumstances. If a suspect consents for obtaining and securing a statement from the suspect with reference to the criminal offence that he/she is suspected of committing and may be charged with, than the suspect's statement may be used in evidence, both to establish his/her innocence and/or to protect him/her from unfounded accusation.

When the police collect information from a person for whom there exist grounds for suspicion that he/she is the perpetrator of a criminal offence, pursuant to Article 289 of the Criminal Procedure Code (2011, 2012), or when the police institute pre-investigation proceedings stipulated by this Code, they may summon the suspect him/her only in that capacity. This had not been the case with the Criminal Procedure Code (2001, 2002, 2004, 2005, 2007, 2009) according to which citizens could be summoned simply to give information, while suspects had certain rights and liabilities. In the summons, the suspect will be notified of their right to engage defence counsel (Ilić, 2005: 180). If during the collection of information, the police assess that the summoned citizen may be held as a suspect, s/he must immediately be advised his/her rights provided under Article 68 (1) (i & ii) of the Code, as well as of the right to have a defence attorney attend his interrogation. This authorization was also stipulated by the Criminal Procedure Code (2001, 2002, 2004, 2005, 2007, 2009), Article 226 (cf. Krivokapić, 1997: 178; Marinković, 2010: 134; Milošević, 2005; Radojković, 2010: 376).

Regarding procedures provided by the Criminal Procedure Code of 2011, the police should notify the public prosecutor

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without delay (Ivanović & Radojković, 2011). The public prosecutor may question the suspect, attend the police interview or assign questioning to the police. This triple opportunity is very important in relation to prior cases. However, it is up to the public prosecutor to decide, which complicates the situation. The Criminal Procedure Code (2001, 2002, 2004, 2005, 2007, 2009) stipulated that the police could question the suspect without approval of the public prosecutor if the police advised the prosecutor. While the prosecutor could attend, there was no obligation to do so.

If the suspect agrees to make a statement, the authority questioning him will act in compliance with the Criminal Procedure Code (2011, 2012) relating to the interrogation of a suspect, provided that the consent of the suspect in question is obtained and the suspect's statement is given in the presence of a defence counsel. The transcript of this interrogation is not to be excluded from the files, and may be used as evidence in criminal proceedings. Such a previously formulated condition is important for the observance of the freedoms and rights of citizens, as well as for the integrity of the overall interrogation.

Pursuant to Article 68 of the Criminal Procedure Code (2011, 2012), the suspect has the right: 1) to be advised in the shortest possible time, but always before first being interviewed, in detail and in language the suspect understands, of the charges, the nature and grounds of the accusation, as well informing him/her that anything the s/he says may be used as evidence in the proceedings; 2) to remain silent, to refrain from answering a certain question, to present a defence freely, to admit or deny culpability; 3) to defend him/herself or employ the professional assistance of defence counsel in compliance with the provisions of this Code; 4) to have defence counsel attend the interrogation; 5) to be taken to court in the shortest possible time and to be tried in an impartial and fair manner and in a reasonable time; 6) to read immediately before the first interrogation the criminal complaint, the crime scene report, and the findings and opinions of expert witnesses; 7) to be given sufficient time and opportunity to prepare a defence; this takes into consideration the urgency of questioning the suspect and statutory deadlines. (The possibility to detain the suspect for a maximum of 48 hours complicates the problem significantly); 8) to examine documents contained in the case file and objects serving as evidence; 9) to collect evidence for a defence; 10) to state a position in relation to all the facts and evidence against the suspect and to present facts and evidence in his/her favour, to question witnesses for the prosecution and to demand that witnesses for the defence be questioned in the suspect's presence; 11) to make use of legal instruments and legal remedies; 12) and to perform other actions provided for by Criminal Procedure Code (2011, 2012). Perhaps bulleted and indented! Pursuant to Article 289 Paragraph 4 of the Criminal Procedure Code (2011, 2012), if the suspect agrees to make a statement, the authority conducting the interrogation will proceed in accordance with the provisions of this Code, provided that the consent of the suspect to be interrogated and his/her statement during interrogation are given in the presence of his defence counsel. Such a situation substantially differs from the previous one, when it was not required that consent should be given in the presence of a lawyer a statement needed to be made in the presence of defence counsel (cf. Mozetič, 2008: 5; Mozetič, 2009: 337-338). The aims of the interrogation of a defendant once criminal proceedings have been started are to make him/her aware of the charges/indictment and to give an opportunity for defence, as well as to clarify the subjective and objective circumstances of the offence, so that charges against the defendant can be either confirmed or rejected. Interrogation of the defendant should be conducted by strictly observing legal regulations, and at the same time actively using appropriate tactics, techniques and methods, with a view to ascertaining the truth (cf. Areh, 2004: 16).

2 Methods

While preparing this study, we conducted a survey (interview questions) in police stations, specifically, in criminal police departments, with forty police officers. The survey consisted of twenty diverse questions, on the basis of which we obtained responses related to using improper methods during interrogation of a suspect, the tactics applied, as well as the observance of police ethics. Police officers were not informed of the purpose of the survey. Questions were posed in a casual way, and answers were later recorded on questionnaires. Due to specific problems with the sincerity of the interviewees or survey subjects, this research had to be conducted in this manner. Results are presented graphically in the following sections.

3 Results

Despite all legal prohibitions, justification for the use of torture still currently exists among police officers. The analysis in Figure 1 shows that 52% of respondents did not want to get an admission of guilt from the suspect at any cost, while 28% did try to be successful.

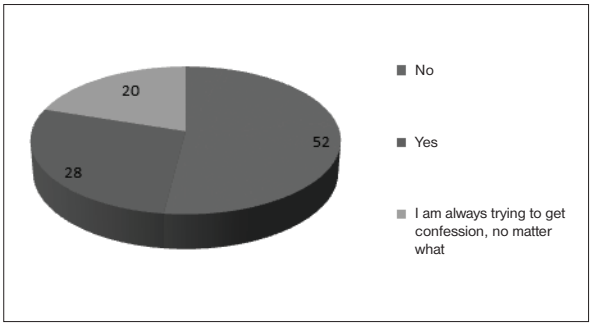

Figure 1: *Getting the admission*

However, 20% of respondents said that they wanted to get a confession at any cost. Reasons for the first case, in which there is no priority in getting a statement or it is not an imperative, ranged from ethics to having a humane attitude towards interrogated suspects, or simply interviewing them for the purpose of collecting information. This is a positive finding, given the informal circumstances under which the survey was conducted, having a casual conversation with police officers who may have confessed to directly violating standards. Of course, this type of interview also carries the risk of exaggerated boasting by survey subjects. Nevertheless, this risk is actually a smaller problem than the problem of lying on an official survey, of which those interviewed are informed and give their consent.

Naturally, other results obtained through the survey should also be additionally analysed. Thus, 28% of respondents tried to be successful, meaning that they either considered using improper methods and means or they directly applied them by combining different elements. Certainly, there is also the 20% meaning every fifth respondent, who wished to get a confession at any cost. This is not an alarming percentage, but in relation to the previous one, we may speculate that a large number of authorized officers in the police use improper methods or means for obtaining confessions. The analysis may suggest a solution for such a reality, whether by education or by strict and rigorous control and supervision of the interrogation of suspects and interviews with citizens. The best way to achieve this would be the introduction of video/audio recordings of interviews. This would enhance control and, moreover, audio-video recordings could be used for subsequent analyses relating to the improvement of techniques and methods of conducting interviews, or as evidence in proceedings.

3.1 Improper interrogation methods

During the interrogation process, improper methods are applied for the purpose of:

- obtaining confession by the suspect that he/she committed the offence;
- obtaining other relevant information and data on the offense, perpetrator or criminal offence subjects;
- forcing the suspect to cooperate;
- intimidating both the suspect and other persons, in order to force them to make specific commissions or omissions; and
- using physical force.

For obtaining a confession, police officers use different methods. When speaking about the notion of torture, there is a difference between torture in the narrower sense and torture more broadly. The first includes inhuman, cruel treatment and punishment. The primary difference between this and torture in the narrower sense is reflected in:

- the intensity of inflicted pain and suffering, given that inhuman treatment, unlike torture, is characterised by a lower intensity of pain and suffering; and
- relations between the investigation officer and the suspect. During inhuman treatment, physical touch and the direct use of violence are much less expressed than in the case of torture).

Statements obtained through torture may not lawfully be used in evidence, since to do so would be an infringement of the right to a fair trial (Škulić, 2006: 201). Torture methods may be divided into psychological and physical; examples of psychological methods used include: blackmailing, shame and humiliation, deprivation of sleep, exploiting phobias of the tortured person (for example leaving a person with arachnophobia in a room full of spiders.) solitary confinement and so on.

Given that psychological pressures today are a common way of making a suspect confess to a criminal offence, we may see from Figure 2 that 72.5% of interviewed police officers believed that it is very effective.

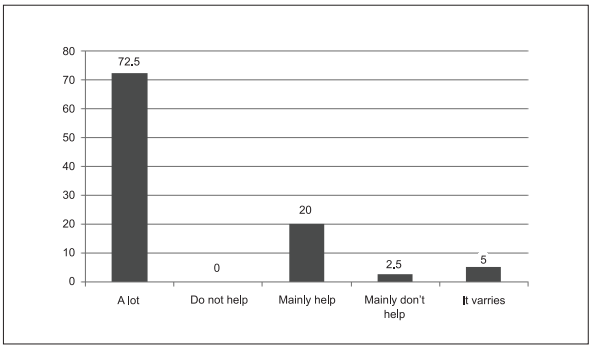

Figure 2: *Deception in interrogation*

Both in practice and in making a realistic analysis of psychological pressure or torture, it is very difficult to define precise limits. However, by analysing survey results we can conclude the following: not one interviewed police officer denied that psychological pressure did not help in obtaining a confession from a suspect. On the other hand, we may see that only 7.5% felt that such pressure mainly dos or dos not help as the case may be. Consequently, 92.5% of interviewed police officers "successfully" use psychological pressures.

Deceit comprises false information communicated consciously and deliberately, with the aim of misleading the suspect (information receiver). For example, a wrong impression might be created by presenting or concealing specific facts or circumstances. Beguilement, on the other hand, comprises a conscious physical and emotional attempt to deceive the suspect. During the interrogation process, deceit most frequently appears in the form of false promises given to the suspect (for example that he will avoid punishment, that he will be mildly punished, or that his relative or friend will be released from custody). Regarding beguilement of a suspect in pre-trial criminal proceedings, and a defendant in criminal proceedings, criminal-law experts have both positive and negative attitudes. A judicial decision cannot be founded on a statement based on an applied deceit. However, while conducting the survey, we concluded that it is very difficult to find a police officer who, at least for himself, does not believe that truth can be achieved more easily, more quickly this way. They also believe that everything is permitted in the fight against crime.

For forms of psychological coercion and for analysis of tactics used in obtaining statements, it is especially important to analyze this survey. Since we defined deceit and beguiling and concluded that they are being used, the question is in what way they are demonstrated. It is clear that 42.5% (Figure 3) of respondents use false presentations to the interrogated person as to having evidence against the suspect, which does not exist.

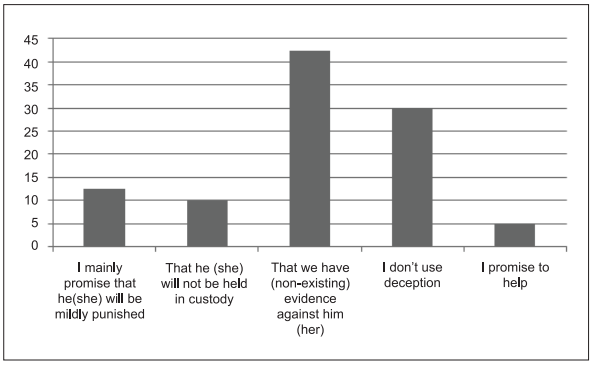

Figure 3: *Using deception during interrogation*

As many as 12.5% of respondents gave false promises that the suspect would receive a less severe punishment if s/he made a confession, although the police are not authorized to give such promises. Furthermore, 5% of respondents promised to help the suspect, although they actually could not do so, in this way doubly misleading the suspect. Especially perfidious is the form used by 10% of respondents, who falsely promised that the suspect would be released from custody! Regarding perfidy, this method outdid all others, given that a police officer actually is in a position to influence the decision whether to keep a suspect in 48-hour custody. The police therefore hold a very strong weapon. Finally, 30% of respondents stated that they do not use deceit.

Consequently, beguiling a suspect (defendant) constitutes conscious, premeditated behaviour, consisting of giving false information, whether by commission or omission, by words or in action, with the intent to mislead the suspect into making a confession. In doing so, the police officer is actually trying to get from the interrogated person a true confession. In this case, police officers are aware of their behaviour and aims. With regard to criminal-proceedings, the suspect is beguiled once false information is given by the interrogator, with the intention of misleading the suspect and of course, when such information is received and understood.

As stated earlier, there are both negative and positive attitudes regarding justification of the beguilement. Positive attitudes might be that the fight against crime would be incomplete and fruitless if the police used only "nice, honourable" methods. This is absurd and completely illegal. In such circumstances, proponents of beguilement feel that the use of delusion should not be rough but elegantly applied as a psychological weapon. In the USA, the use of delusion by the police during interrogation is allowed, and related to efficiency. Moreover, it is recommended because they believe that sometimes criminal offences may be clarified only by means of deceit.

In the criminal-proceedings law of some Muslim countries, beguiling the defendant is allowed for the purpose of obtaining a confession; thus the rule is that "the ends justify the means." Of course, there they pay no attention to civil and human rights, which they do not consider to be as important as achieving their goals. This actually results in crude violations of human and civil rights. Since the police are leading the way in the struggle against crime, police officers working in the back-corridors of the profession feel more justified regarding their tolerance of the use of delusion when interrogating a suspect. On the other hand, the use of deceit would degrade the police (or even the State itself) to the level of a criminal. In that way, civil servants do not differ from other lawbreakers. However, between these two presented extreme cases, there

are a large range number of shades, allowing for different interpretations of psychological pressure in the course of obtaining a confession.

In justifying the use of delusion during interrogation, different arguments are raised, among them which are the most important against the use of delusion? If the authority conducting the interrogation stated or suggested that the suspect had already confessed, although it was untrue, or if he promised the defendant that he would not be punished if he confessed to the criminal offence, or gave him a similar promise that could not be fulfilled, this would be considered unworthy of State authority. The assumption is that State authority not only does not lie or deceive, but is obliged not to do so, given f it's role. State authorities may not use such means because it could have a harmful effect on the defendant, aware that the authority conducting the criminal proceedings wanted to achieve results by fair means or foul, which might enhance his antisocial attitude. If the court and police used delusion during interrogation, it could have a negative effect on the suspect/defendant. Actually, it would empower or enhance the suspect's defence. At a tactical level, it is especially important to note that the interrogator never lies or bluffs, because if the suspect discovered the lie, the interrogator would lose his authority and any cooperation would come to an end. Finally, deluding the suspect would also show lack of respect towards international legislation protecting civil liberties and rights. Therefore, delusion is prohibited because its use infringes on the freedom of decision-making and the testimony of the suspect, who has the right to freely decide whether and how to answer any posed questions. The Criminal Procedure Code (2011, 2012) stipulates how the interrogator should act during interrogation and, *inter alia,* explicitly commands that he must not use delusion with reference to the defendant in order to get a statement or confession. However, it is significant that when conducting the interrogation of a suspect according to the rules of interrogation, many elements of the formal interrogation procedure (non-obligatory presence of the public prosecutor, lack of obligation to record the interrogation, impossibility to be in the presence of a court) are not possible, which creates a greater chance for improvisation and opportunities to use underhand techniques during interrogation.

3.2 Deceit, delusion (shrewdness), traps (entrapment) and tricks (delusions).

Given that crime-investigation experts acquire certain information in the course of their work, they can use this to influence the suspect directly, thereby directing the further course of the procedure. This refers to situations when the suspect is told:

- That his accomplice has made a completely defined confession, when this is not the case;
- That the criminal offence weapon/tool/means has been found, while it has not;
- That the suspect's fingerprints were found at the crime scene, although they had not in fact been found;
- That the interrogation indicated a different criminal offence, which was not the case; and
- That the suspect will be taken into custody if he fails to confess. This is not a ground for keeping him in police detention, nor can it be a condition in the case of custody.

3.3 Limits of »pressing« a suspect's will

Depending on the suspect's behaviour during interrogation, three different situations may be singled out:

- The suspect wants to give a full and true statement regarding the criminal offence for which he is interrogated (this occurs very rarely, and even when it occurs it is mainly because of his guilty conscience).
- The suspect refuses to say anything, and even if he does say something, it is far removed from the truth (in this situation, as a rule, improper methods are used).
- Suspects who tell the truth, but unwillingly, (in this situation it is necessary to be patient and to use tactical and psychological methods, because nobody will confess guilt immediately).

The three above-mentioned situations provide a sound basis for the application of improper methods because our research confirmed (see Figure 4) that a different situation implies the use of improper methods.

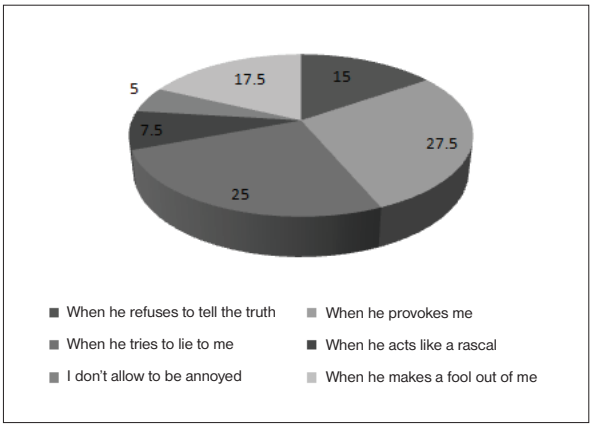

Figure 4: *Reasons of reaching out for other proper methods*

In a case where the interrogated suspect refuses to tell the truth, his interrogation, as a rule, implies the use of certain forms of »pressure« on the suspect's will. According to our research, we see that 67% of respondents have been personally engaged in such interrogations and that they treat relations between the interrogator and the interrogated as personal (»when he provokes me«, »when he tries to lie to me«, »when he acts like a rascal«, »when he makes a fool of me«). All of these answers hold a note of conflict. Fifteen percent are in support of the use of improper methods in cases where a suspect refuses to talk and this is surprising, as is the 5% of police officers who do not allow their »nerves to be frayed.« Yet there is a view that the freedom of will of a suspect is an absolute category and therefore must not be influenced in any way. On the other hand, it is argued that judicial authorities and the police should not be deprived of the opportunity to have an impact on the suspect, in order to make him willing to cooperate, even though a suspect may not be deprived of the right to remain silent and not defend himself. If this was different, the police would not be allowed to present evidence to the suspect during interrogation. Therefore, »pressing« a suspect ensues from the nature of the interrogation process, and constitutes an integral part of it. Thus any verbal content addressed to a suspect (questions, comments etc.) to a certain extent has an impact on his intellect, will, emotions and personality, and therefore is a certain form (of pressure). If such »pressure« violates the liberties and rights of the suspect, it is, as a rule, prohibited by the law, in which case, the obtained statement will be of no importance, while members of the police who use it may be responsible for such proceedings.

3.4 The use of improper methods against specific categories of persons

During interrogation, members of the police conduct interviews with different categories of persons (e.g. women, children, and minors, elderly), so the question is: Is the approach to those different categories of persons the same or does it differ in some aspects?

The Instructions on Police Ethics and Method of Performing Police Activities (2006) stipulate that the police should engage in objective and fair police interrogations, considerate and appropriate to the special needs of specific persons, such as minors.

According to the rules concerning tactics for conducting the interrogation of individual categories of persons, there is some differentiation, and the question is whether there are also variations regarding improper methods. According to the results outlined in the Figure 5, it may be noted that the use of improper methods against women as compared to men differs, confirmed by as many as 75% of respondents.

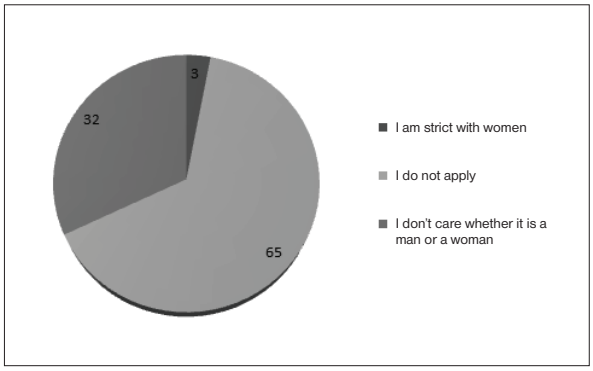

Figure 5: *Gender issues*

The result showing that the use of improper methods against women does not differ is also an important but peculiar paradox. Namely, how is it possible that these methods do not differ with regard to the »weaker« sex? Results indicate that 3% of respondents are strict with women. Regarding the torture of women, 65% answered that they do not apply it, although there is a certain number of police officers who do not care whether the suspect is a woman or a man, covering 32% of respondents. Finally, there are 3% for whom gender does make a difference and who do not use physical ill-treatment but seek to impact a women's mind in a special way, with a connotation of torture.

In legal terms, in 2003 our country passed Instructions on the Code of Ethics and Mode of Operation in Police Work, in compliance with the European Codex of Police Ethics passed by the Council of Europe in 2001 (Škulić, 2009: 483).

In the course of our research, we posed the following question to employees in the criminal investigations division: Given that the Instructions on Code of Ethics and Mode of Operation in Police Work were passed as far back as 2003, have you read it?

Well, 72.5% of the interviewed had »read« the Instructions, while 17.5% had not, while 10% of respondents had partially read (Figure 6) the binding instructions of the Ministry of Internal Affairs.

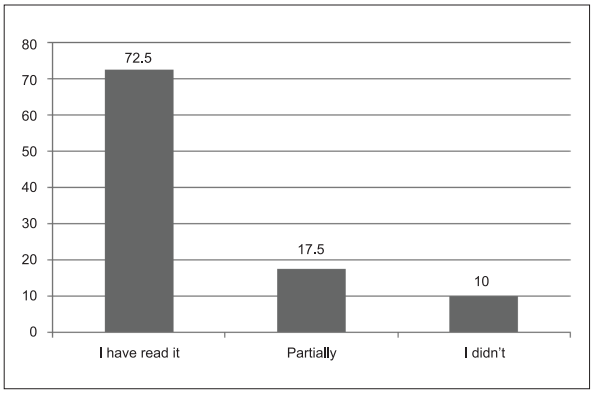

Figure 6: *Reading the MOI Instruction on ethics*

It is interesting that when this issue is analysed and additional questions posed, respondents specify that the reason for reading it is the annual theory exam. This general statement raises the question of whether they read the Instructions because they are required to or because they believed that they should be familiar with the regulations. It is especially necessary to understand that the quality of such reading is questionable, and in any event such conditional education of members of the Ministry of Internal Affairs does not necessarily create quality staff.

Article 6 of the Instructions ... (2006) stipulates that the conduct of the police during police investigation is based, as a minimum, on suspicion that a criminal offence, misdemeanour, or punishable act has been committed or may be committed.

The police observe the presumption of innocence, as well as the rights of a suspect, defendant or another person, especially the right to be immediately acquainted with the charges against him and to prepare his defence, on his own or with professional assistance of counsel of his own choice (the principle of the presumed innocence refers to Article 6 of the European Convention on Human Rights (1950) is one of the most important rights of individuals in criminal legal proceedings). The police, who are usually the first link in the chain of these proceedings, have an especially difficult task because they have to investigate the case objectively, and to presume innocence, regardless of convincing evidence against the suspect. It is exceptionally significant that the police always bear in mind the list of specific additional minimum rights of those charged with a criminal offence, which are also derived from the European Convention on Human Rights (1950), because these rights must be provided for in the shortest possible time once criminal proceedings have commenced).

The presumption of innocence is crucial, but even more important are the rights of the defendant or a suspect. In that context we posed the following questions (Figure 7):

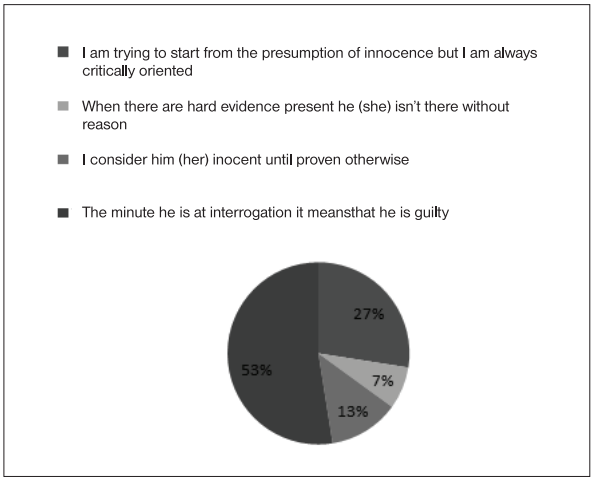

Figure 7: *Presumption of innocence*

Figures show that only 12.5% are guided by the presumption of innocence, 28.5% try to take it as a starting point, while as many as 52.5% believe the opposite; i.e. that the suspect/defendant is guilty. Another 7.5% believe that the suspect is certainly not here without any reason.

This clearly shows that the attitude of interviewed police officers is unevenly divided and that the majority rarely observe the presumption of innocence, although the Instructions unreservedly stipulate the obligation of its observance. Of course, it is important to consider the context in which we obtained these results. The majority of officers believe the presumption of innocence to be one of several "millstones around their necks" during the interrogation of a suspect, a substantial barrier in operational activities when clarifying the offence, given that in this job people are primarily oriented towards results. Naturally, the presumption of innocence becomes especially prominent during legal proceedings, thus being another element to be taken into consideration when interpreting these results.

Regarding rights exercised by the suspect and the time at which he is advised of them, answers are much more positive and in conformity with ethical standards.

As many as 92% answered that they advise the suspect of his rights at the beginning of interrogation (Figure 8), which is mandatory not only according to the Instructions but also by other legal regulations.

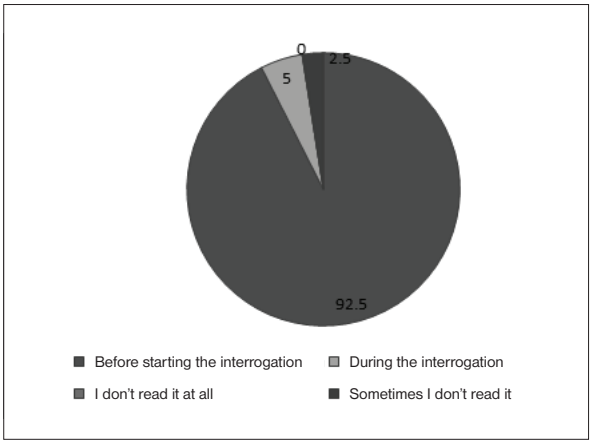

Figure 8: *About »reading« the rights*

Especially interesting is that police members sometimes fail to advise the suspect of his rights. This may be interpreted in several ways: i.e., that members had not met the suspect at the onset of proceedings which continue and so failed to mention those rights, because they had done so in the case before, or because the suspect is a multiple perpetrator, who is therefore certainly acquainted with his rights. It is possible that they do not inform suspects for tactical reasons. But whatever the reason, such failure is unlawful. For the first and second cases, it is expressly prescribed that the suspect should be advised of these rights, regardless of how many times he is being interrogated or whether he is already acquainted with those rights. The purpose of these rules is to additionally accentuate the rights of the suspect during the conduct of such serious actions with far-reaching consequences, and given the fact that police interrogation records may be used as evidence before the court. The obligation placed on members of the police is very important in this sense, both for society as a whole and for the purpose fair procedure.

The police carry out objective and fair investigations, considerate and appropriate to the special needs of specific persons, such as minors, women and members of minority groups, including national minorities and vulnerable persons. Police work should always follow the principles of objectivity and fairness, and this is especially important during investigations. The required objectivity presupposes that the police should base the investigation on all relevant circumstances, regardless of whether these confirm or refute their suspicions. Objectivity is also a criterion for the required fairness, which further requires that the investigation procedure, including the means used, should secure an environment that can be considered a »due/just« process, in which the basic rights of individuals are observed. The required fairness of police investigations also means that the right of an individual to fully participate should be taken into account. For instance, an investigation must be adjusted to take into account physical and mental abilities, as well as cultural differences of persons involved. In those terms, investigations relating to minors, women and members of minority groups, including national minorities, are especially important. Investigations should be thorough with a minimum risk of damaging those who are the subject of the investigation. Implementation of these measures supports »fair police procedure«, which is a preparatory base for a »fair trial«.

Proceeding from Paragraph 2 of this Item, professional guidelines provide for fair interrogation, during which the suspect is acquainted with the reasons for the interrogation, as well as other relevant information, of which records are kept. This rule, applied to the police interrogations in general, originates from statements related to the interrogation process in custody, given by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1992), contained in its Second General Report: »...CPT considers that clear rules or guidelines should exist in the way in which police interrogations are to be conducted. They should address, *inter alia*, the following matters: informing the detainee of the identity (name and/or number) of those present at the interrogation; the permissible length of an interrogation; rest periods between interrogations and breaks during an interrogation; places in which interrogations may take place; whether the detainee may be required to stand while being questioned; interrogation of persons who are under the influence of drugs, alcohol, etc. It should also be required that a record be systematically kept of the time at which the interrogation begins and ends, of any request made by a detainee during an interrogation, and of the persons present during each interrogation.«

Article 17 of the Instructions stipulates that no one in the Ministry is allowed to order, execute, provoke or tolerate torture or any other cruel and inhuman treatment that degrades the personality of a person, or any other action that jeopardizes the right to life, freedom, personal security, respect of private and family life, gathering and association, or any other right and freedom guaranteed by the European Convention on Human Rights (1950). Besides the fact that torture, inhuman and degrading treatment or punishment are serious criminal offences against human dignity and violation of human rights, such measures, used for the purpose of obtaining a confession or similar information, may lead and usually lead to obtaining false information from the person who was tortured or underwent similar treatment. Therefore, there is no rational justification for the use of such methods in a State guided by the rule of law. It is clear that both physical and

mental sufferings are subject to prohibition. For a more detailed analysis of which types of behaviour are covered by torture and inhuman or degrading treatment, one should refer to the Precedent Law of the European Court of Human Rights (2012), as well as the principles developed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). These bodies have provided a rich source of guidelines for the police, which should be the base for every police activity and used in training police members. Needless to say, police service which uses torture or inhuman and degrading treatment or punishment against citizens can hardly earn the respect or confidence of the public at large. When talking about the importance of humane treatment by members of the police force while performing activities under their jurisdiction, the question often arises as to whether there is a situation in which violation of human rights is morally acceptable. Namely, assuming that detecting and proving a criminal offence is a high ethical goal in its own right; one may ask whether it is morally acceptable, for the sake of achieving that goal, not to behave in conformity with ethical standards.

As many as 67% of respondents (Figure 9) answered that it is justifiable, which is absolutely contrary to accepted ethical standards. Naturally, the question arises: which are emergency situations? Generally speaking, it is sometimes difficult to stay collected and to act as a police officer without becoming emotional, because there are situations that would not be judged by society but are prohibited by ethics and human rights. Namely, we asked respondents how they would act in a situation in which the suspect is being interrogated, while a little girl who was abducted has only a couple of hours left to live, and the suspect knows her whereabouts.

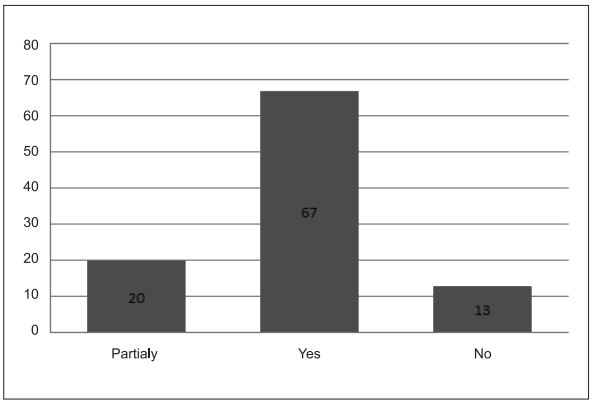

Figure 9: *Justification of inhuman and improper methods*

Figure 9 clearly shows that each of the responses is unethical, and that each respondent would be subject to disciplinary, if not criminal liability, for his behaviour. Although in this example actions were envisaged that the law explicitly prohibits, for the majority of interviewed police officers the use of improper means in such a case would be morally acceptable, justified by the Machiavellian maxim that »the ends justify the means«. The fact is that there are many reasons for and against the moral justification of such inhumane behaviour. Nevertheless, in the long run, an attitude that the achievement of a specific goal is conditioned by violating ethical norms, even of less importance than the goals to be achieved, is unacceptable.

Article 15 of the Instructions stipulates that in the performance of their duties, members of the Ministry are guided by the principle of impartiality when executing the law, regardless of national or ethnic origin, race, language and social position of the one against whom the law should be enforced, of his political, religious and philosophical beliefs, or his age, marital status, gender or any physical or mental disability.

When performing their duties, members of the Ministry communicate decently and accountably with citizens in the street, at the counter, at a border crossing point and in other places where they work.

In communication with citizens, members of the Ministry must respect the personality and dignity of a person and safeguard the reputation of the Ministry. Fairness, as a requirement, is a general and unlimited quality containing principles of impartiality and non-discrimination, as well as other qualities. The police act fairly when they show full respect for the position and rights of every individual with whom they come in contact. Fairness should be applied to all aspects of the police work but especially emphasized with regard to the public. »Impartiality« presupposes, for instance, that the police are acting with integrity and avoid alignment with any party in the conflict that they investigate. In the case of a criminal offence, the police must not take a stand regarding guilt. Our respondents were divided regarding their answers; in principle, 50% act professionally towards the suspect, others vary in their answers, but they certainly have different and unacceptable attitudes. The attitude when an operative during interrogation acts ironically, impudently and abusively/offensively reveals substantially aggressive interrogation tactics (Figure 10), with a particularly emphasized sarcastic-ironic tone and an invasive tendency; this was defined by 10% of respondents. 12.5% of respondents have an even more aggressive attitude; they begin formally and then start to »break« the suspect. Five percent of them are restrained and cool and »hot-cold« tactics are applied by 22.5% of respondents. This division gives us a rather complex insight into techniques used by the Serbian

police, so we may speculate on the most often-used tactics according to their representation in answers of respondents: formal attitude; hot-cold attitude, or partially ironic, impudent and abusive/offensive attitude; a breaking-up attitude has a connotation of physical and mental pressure; the least represented is a restrained and cool attitude.

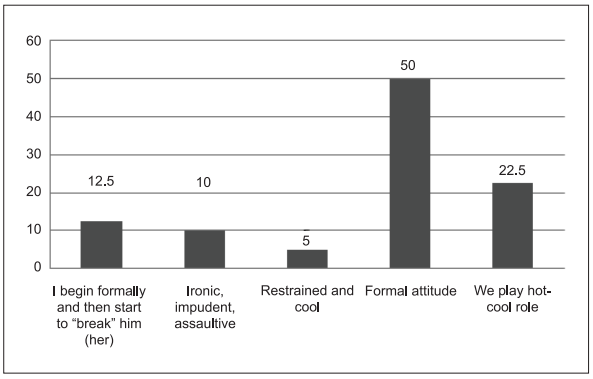

Figure 9: *Interrogation approaches*

Results related to an emergency situation and the immediate danger of some severe consequences (Figure 11) are actually realistic and it is very important to analyse them.

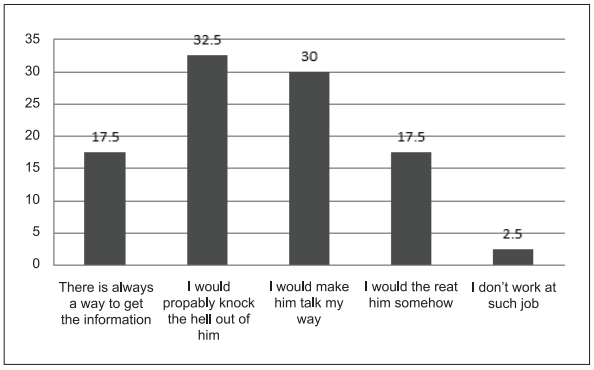

Figure 10: *Emergency situation and suspect knows something*

The majority of respondents justified the use of improper and inhuman methods under specific circumstances, probably guided by justification, such as in an emergency situation. However, it is not in issue here, therefore it should be presented, and this result underlined, especially in the light of circumstances presented and answers to question regarding methods for obtaining such information.

4 Discussion

At the end of this study, we shall comment on all those who, to this very day, have not accepted and applied the rights and ethical principles they should behave and act in compliance with It is indispensable if citizens are to have more confidence in the police, and in order not to have a large number of petitions regarding police work, so that we could be worthy of our profession, fair and impartial.

From time immemorial, different forms of torture have been implemented for the purpose of obtaining confessions from suspects. Today, according to all international as well as internal legal sources, any coercion is expressly prohibited. The fact is that sometimes it is possible to justify the use of improper means up to a point, in situations when it is very difficult to get a confession, so members of the police consequently resort to their use. Representation of physical torture is much lower, while the focus is mainly on the use of psychological methods and pressures, aimed at obtaining a confession. It is very difficult to draw a line between proper and improper methods used during interrogation. If there is a lack of evidence, the only way is for the suspect to make his statement voluntarily. However, it is questionable whether he would admit his guilt.

There is no adequate justification for police officers to use improper methods in order to obtain a confession, although we are aware of the fact that the suspect has broken the law. In that way they would be degraded to the level of a perpetrator of a criminal offence. Of course, it is necessary to set limits so that there would be no abuse of police power.

By interpreting the presented survey results, we have reached conclusions that either justifies or refuted specific hypotheses that we had outlined while preparing this research. The first hypothesis referred to obtaining a confession by fair means or foul and without taking heed of possible consequences. Namely, our attitude was that police members use positive legal regulations and therefore very carefully and modestly choose their means to achieve that goal. Our hypothesis was positively confirmed, with 80% of respondents answering that they take care to use proper methods. However, very important as well is the opinion resulting from this survey, according to which a large majority of respondents believe that psychological pressures may to a great extent lead to a confession, which is extraordinary data. A large majority give significant prevalence to psychological pressure as compared to physical, which should be a relic of some other times.

From the aspect of tactics and techniques in interrogation and collection of information, the use of delusion took

a special position in our analysis, while the hypothesis that we set at the beginning was not fully confirmed. Namely, our standpoint was that delusion represents less than 50% of our practice, which turned out in reality to include 70% of respondents. Deceit is improper, but nevertheless used, according to our results. The only way to prevent such circumstances and situations is to introduce the mandatory recording of interrogation and collection of information by police members.

We also presented a hypothesis according to which the personal involvement of police members is still unavoidable in the case of conflict situations during interrogation, which was confirmed by at least 67% of respondents. Such a result was expected, given the conflict in circumstances accompanying interrogations and information collection, while on the other hand there is the liability of the State authority to act impartially and objectively in any case. It is a very difficult task, and we believe it requires a lot of energy and goodwill to implement it. It is also necessary to change the awareness of those who use these powers, in order to avoid it. In that sense, the impact on the choice of tactics and techniques is very personal, and probably based on specific »halo« effects, for the first interrogation or for prior personal relations with the person who is the object of the interrogation. Yet, there is a possibility for a different general interpretation of this survey, and it is possible that respondents exaggerate. Especially interesting are the results supporting our hypothesis that there are differences in attitude, even when using improper methods, regarding gender. There are 32% of those who make difference of the use of aspects of torture against women during interrogation, or 75% regarding improper methods when conducting an interview.

Finally, here are the results of our survey related to the Instructions on Police Ethics and Method of Performing Police Activities in terms whether they have read them, which was targeted to provoke a specific response and to crown the results of our research. According to the results of our survey, which justify our hypothesis regarding familiarity with the contents of the Instructions – that a great majority understands them and have read them, we saw that only 27.5% had failed to read them, or did read them but not completely.

The result that we obtained through this survey, which refers to the respect of the presumption of innocence, is devastating, because as many as 52.5% of the interviewed police officers do not believe that the presumption of innocence should be taken into account. However, one should understand the context in which these results appear in a specific stage of the procedure.

Our hypothesis regarding the use of the police Instructions that police members should advise the suspect of his rights at the very beginning of interrogation was to a great extent confirmed by this research. Nevertheless, our standpoint is opposite to the results in this sense; it is tactically incorrect to put forward all cognition, circumstances, and available facts during the first contact with the suspect. Moreover, it is possible that we have specific insights and facts that we are not aware of at the moment. We obtained an overview of essential tactics and interviewing techniques in answers to the question relating to attitude towards the suspect during interrogation.

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Tehnike in taktike intervjuja in zaslišanja v Srbiji

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Članek preučuje porazdelitev mnenj policistov v povezavi z njihovimi osebnimi statusi in zaznanimi statusi vprašanih in zaslišanih ljudi, vrstah uspešnih taktik, ki jih uporablja policija, in vrstah obrambnih taktik, ki jih uporabljajo osumljenci pri intervjujih in zaslišanjih. Intervjuji in ankete so bili izvedeni med študenti 2. in 3. letnika *Kriminalističko policijske akademije* (KPA), ki so opravljali praktično usposabljanje na policijskih postajah po celotni Srbiji. Na splošno se policisti v vzorcu razlikujejo glede na spol in starost. Generalno gledano je pričakovano, da so dobljeni rezultati zelo natančni in necenzurirani zaradi izvajalcev obeh tehnik raziskovanja. Glede na to, da v študiji pridobljeni podatki niso bili posebej osredotočeni na taktike, ampak tudi na druge značilnosti subjektov v postopku, bi jih lahko uporabili za več sklepov in analiz predstavljenih podatkov z nadaljnjimi znanstvenimi implikacijami. Pričujoči članek obravnava začetni projekt v Srbiji in bi lahko bil prvi od mnogih, ki iščejo najboljše prakse in najbolj primerne tehnike in taktike pri obravnavanju državljanov, morebitnih prič ali pa osumljencev.

Ključne besede: zaslišanje, intervju, policijska taktika, policijsko vedenje, Srbija

UDK: 343.98