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Interrogation Tactics for Underage Victims of Domestic Violence

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■ **Abstract.** Conducting an interrogation of minors who have suffered from domestic violence, considering the special procedural situation of the latter and the threatening trends in the growth of these offences, determines the need to develop tactical features and formulate the optimal sequence of implementation of this investigative (search) action, so the relevance of this study does not raise objections. The purpose of the study is to investigate the procedural, tactical, and psychological features of conducting an interrogation of underage victims of domestic violence and formulate appropriate scientific and practical recommendations for timely and high-quality implementation of this investigative (search) action. To highlight the specifics of the stages of conducting such an interrogation, to reveal the specifics of organising preparation for the interrogation of underage victims, and on this basis to formulate appropriate scientific and practical recommendations. Find out the possibility and conditions for conducting remote interrogation of underage victims of domestic violence. Outline the main questions that need to be answered during the interrogation of an underage victim of domestic violence. Methodology. During the research, a set of scientific methods was applied: dialectical, methods of analysis and synthesis, induction and deduction, system and structural, formal and logical, comparative legal, modelling, and generalisation. Conclusions. As a result of the conducted research, it was determined that the interrogation of an underage victim of domestic abuse should consist of a set of tactical, psychological, and legally regulated actions of the investigator to collect, evaluate and record criminally significant information about the event of a criminal offence (the fact(s) of domestic abuse) by direct communication of the investigator with the minor to obtain truthful information about the circumstances of the committed illegal act. Attention was drawn to the need to establish psychological contact and trusting relations with a minor. Attention is focused on the advantages of conducting remote interrogation of underage victims of domestic violence. It is concluded that during the interrogation, the age, individual characteristics, level of psychophysical development of an underage victim of domestic violence, and a situational approach combined with appropriate correction of the investigator's behaviour are subject to consideration. The practical significance lies in the fact that the study formulates conclusions and proposals aimed at improving the effectiveness of investigators' interrogation of underage victims of domestic violence. The study results can also serve as a basis for improving national legislation, as proposals were formulated to amend the criminal procedure legislation of Ukraine

■ **Keywords:** criminal proceedings; tactical technique; psychological contact; situational approach; investigative (search) action; remote interrogation

■ Introduction

In order to clarify the circumstances that are subject to evidence in criminal proceedings opened on the grounds of a criminal offence related to family violence, the testimony of a person who suffered from

an illegal act is essential. They can be obtained during interrogation, since the victim may be the only eye-witness and, accordingly, the bearer of important information related to the commission of an illegal act, and can reveal the most important details of the event.

Victims of domestic violence, for the most part, are minors who have suffered physical, psychological, or material harm by this act. They are the most vulnerable category of society, which is determined by their age and socio-psychological characteristics. Therefore, the specifics of conducting investigative (search)

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actions with their participation, in particular interrogation, should be based on taking into account a significant number of factors, and using a wide range of procedural and tactical means and techniques aimed at obtaining information about the time, place, method of committing domestic violence, the person(s) who committed it.

The number of children who were questioned during the domestic violence investigation, according to a study conducted by T.V. Ishchenko [1, p. 133], is relatively small. According to the researcher (and it is difficult to disagree with this), the reasons for this situation are the failure to provide the child with the appropriate procedural status, reducing additional trauma and negative impact on the child's relationship with an abuser. In addition, there are cases of conducting search actions by investigators who have little (or no) experience in investigating criminal offences involving children. Therefore, one of the most effective ways to eliminate this disadvantage is proper professional training of investigators investigating criminal offences of this category and building a theoretical model of the procedure for conducting an interrogation as an important investigative (search) action.

Thus, considering the special procedural situation of minors as participants in criminal proceedings and the harmful consequences that can occur as a result of violent actions committed against them by family members, it seems relevant to study the specifics of conducting this investigative (search) action with their participation as victims of this type of criminal offences.

The scientific originality lies in the fact that the study comprehensively reveals the tactical features of conducting an interrogation of an underage victim of domestic violence, and defines the circumstances that the investigator must consider when performing this investigative (search) action. Based on the study results, scientific and practical recommendations were formulated that, during the interrogation of an underage victim of domestic violence, would allow the investigator to build a rational line of relations with a victim and achieve the goal of conducting this investigative (search) action – obtaining objective and most accurate testimony.

■ Literature Review

Many criminologists and processalists have focused their attention on issues related to the specifics of legal regulation and interrogation of minors. The scientific developments of this problem are quite informative, but they relate mainly to the general tactical features of interrogating minors, without considering the specifics of the illegal act, as a result of which the child was harmed. Among the lawyers, it is advisable to mention I.V. Bassist & S.O. Pryshlyak [2], who quite thoroughly investigated the features

of interrogation of underage victims of crimes against sexual freedom and sexual integrity. Features of interrogation of adolescents at the stage of pre-trial investigation were also studied by some researchers: L.D. Udalova [3], O.O. Prochenko [4], O.A. Galustyan [5], O.V. Voloshyna [6] and others. Psychological aspects of conducting an interrogation with the participation of minors were considered by S.V. Kharchenko [7], T.O. Lutchenko & S.V. Belan [8], M.P. Klymchuk & Y.V. Furman [9], E. Slyozka [10], G.U. Nikitina-Dudikova [11]. Some procedural and forensic problems of conducting interrogation of minors during the investigation of criminal offences are covered in the dissertation research by S.V. Kharchenko [7], K.I. Dyachenko & N.V. Shost [12], I.P. Osipenko & O.O. Kalitnyk [13], O.O. Kochura [14].

Considering the significant scientific contribution to the development of these issues, the issues related to the training of relevant specialists, whose competence includes conducting investigative (search) actions involving minors – victims of domestic violence – remain relevant today. It is well known that minors need special treatment, and the protection of their rights, freedoms, and legitimate interests is a priority task of law enforcement agencies at all levels. However, it is precisely because of the lack of special knowledge and skills necessary for the qualified conduct of the relevant investigative (search) action that investigators quite often use techniques and methods of conducting the same interrogation of minors without taking into account their specific characteristics (age, individual, corresponding psychological state). Such a situation, in turn, can not only increase the occurrence of conflict-of-laws issues and negatively affect the effectiveness of the investigation, but also harm the interests or even the health of minors. Therefore, knowing the specifics of conducting an interrogation with strict compliance with the requirements of the law will prevent these consequences and get truthful and objective information about the fact of domestic violence from the minor.

Thus, despite the relevance of the problem and a significant amount of scientific experience, the issues of procedural, organisational, and tactical features of conducting interrogations of minors affected by domestic violence require a thorough analysis. The difficulties that arise before the investigative authorities during this investigative (search) action during the investigation of domestic violence determine the expediency of developing a methodology for interrogating underage victims of this particular type of illegal encroachments.

■ Materials and Methods

To achieve the goal of the study, a significant number of scientific sources were analysed using both general scientific and special legal methods of scientific

cognition. The choice of these methods was determined by the specifics of the study and the problems defined in it. The research methodology was based on dialectical, methods of analysis and synthesis, system and structural, formal and logical, comparative legal, modelling, and generalisation. The methodological basis of the research was the dialectical method of scientific cognition, which contributed to understanding the object of research in the context of combining the needs of science and practice. The dialectical method of cognition was used to determine the essence of the concept of “psychological contact”, to determine the features and specifics of conducting an interrogation of an underage victim of domestic violence. The use of the system and structural method contributed to the study of the stages of conducting an interrogation of an underage victim of domestic violence, and also identified the tasks that are solved at each of the stages of its implementation. The formal legal method allowed analysing the content of the norms of the current criminal procedure legislation of Ukraine. The use of formal and logical methods (analysis, synthesis, induction, deduction, and generalisation) allowed forming conclusions and definitions and proposing a system of tactical techniques and recommendations for the preparation and direct interrogation of underage victims. The generalisation method contributed to the conclusion in this study.

During the study of this problem, the available research papers by researchers were used and analysed. The normative basis of this work consists of: the Criminal Procedure Code of Ukraine [15], the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse [16] and other laws and regulations of national legislation on preventing and countering domestic violence.

■ Results and Discussion

Many researchers speak about the complexity of the interrogation due to the specific nature of its participants. In Particular, L.D. Udalova [3] calls interrogation an independent way of obtaining information about the circumstances of the event under study, characterised by its specific methods of obtaining and recording relevant information (procedural, tactical, psychological), the conduct of which in the framework of criminal proceedings is assigned to the powers of the investigative bodies and the court [3, p. 200]. The specificity of interrogation as an investigative (search) action is explained by the fact that the testimony of the interrogated person, considering various circumstances, may contain contradictory facts and errors that must be identified and considered on the way to achieving the goal of conducting the specified investigative (search) action. In addition, the testimony of a minor, for the most part, is inconsistent, has an

emotionally increased colouring (excitability) and a tendency to exceed the severity of the encroachment committed against them. As a result, it is not necessary to count on the full (maximum) frankness of the minor during the interrogation. Minors may not always be able to identify the main and significant facts and circumstances of the relevant event or situation. According to O.O. Prochenko [4], “They are more likely than adults to make mistakes when determining distances, time intervals, sequences of actions and events, rather forget the perceived events, but quite accurately convey the facts that interested them. For minors, a characteristic feature is the rapid forgetting of perceived situations, but also a fairly accurate transmission of facts that are of interest to them. Minors are characterised by rapid changes in mood and behavioural reactions, which significantly affects their testimony” [4, p. 87]. The presence of a limited vocabulary of a minor and an unstable psyche can also complicate the interrogation. Accordingly, the interrogation of this “special” category of victims requires professional and special knowledge from the investigator, and considerable tactical efforts. Moreover, according to O.A. Galustyan, “the process of obtaining testimony from underage (minor) victims should, if not exclude, then necessarily minimise the repeated psychotraumatization of the victim of violence during interrogation” [5]. Attention should be drawn to the inexpediency and inadmissibility of conducting a repeated (additional) interrogation of minors, therefore, according to O.V. Voloshin [6], the investigator needs to organise psychological interaction with the victim in such a way that obtaining the most complete and accurate testimony is carried out during one interrogation.

As a general rule, the interrogation of a minor consists of several aspects:

- procedural – strict compliance with legal requirements for the organisation of the interrogation;
- psychological – considering the psychological, age, gender, and socio-psychological characteristics of the interrogated person;
- ethical – moral-tactful behaviour of the investigator;
- pedagogical (educational) – construction of the interrogation considering the individual approach (individual line of behaviour); tactical – use of tactical and special interrogation techniques depending on the existing situation [6, p. 191].

The specifics of the interrogation of minors, S.V. Kharchenko [7, p. 126], defines: 1) normative and legal regulation; 2) tactical considerations; 3) individual characteristics of minors, combined with insufficient knowledge and life experience, low ability to focus attention, increased suggestibility, insignificant development of analytical thinking in the perception and

assessment of facts, a tendency to mix the real with the imagined, increased emotionality of judgments and actions.

Next, the study closely examines the specifics of conducting an interrogation of underage victims of domestic violence. The legal regulation of this investigative (search) action certifies that the interrogation of an underage or minor person is carried out in accordance with the general rules established by Article 224 of the Criminal Procedure Code [15] (hereinafter – CPC), and the provisions provided for in Article 226 of the CPC [15], which regulates the specifics of this investigative (search) action specifically in relation to a minor.

According to the current legislation, the presence of: a) their legal representatives (articles 44, 59, 226 of the CPC) is mandatory during the interrogation of minors. Such persons are parents, adoptive parents, guardians, other close relatives or family members, and representatives of guardianship authorities, institutions and organisations under whose guardianship a minor is located. According to Part 3 of Article 44 of the CPC of Ukraine [15], the decision to involve a legal representative of a minor suspect is made by a resolution that the investigator and prosecutor have the right to make [15]; b) a teacher or psychologist (Articles 226, 227 of the CPC); c) if necessary – a doctor (Articles 226, 227 of the CPC). In this context, the provision of timely assistance to children affected by domestic violence depends on the joint (coordinated) activities of all participants in the criminal process. Such activities should be carried out in compliance with a number of principles: legality, mutual assistance, emotional support, clearly defined guidelines for the activities of all specialists involved in the interrogation of minors. In this aspect, the authors of this study fully agree with O.A. Galustyan [5] that the investigator must maintain a balance between the obligation not to harm the person under interrogation and the need to obtain information. If the risk of harm exceeds the need for information about the committed criminal act, it is necessary to find out alternative sources of information about the offence [5].

The specialised literature has repeatedly stated that teachers or psychologists involved in criminal proceedings are given the status of a specialist. Their task is to assist the investigating authorities and the court in establishing contact with the minor, promote the legality of the interrogation, the accuracy of recording, use the opportunities of other branches of knowledge to obtain accurate testimony, mitigate the uncomfortable situation, and encourage the minor to engage in dialogue. According to some researchers (T.O. Lutcenko & S.V. Belan [8], M.P. Klymchuk and Y.V. Furman [9], E. Slyozka [10], G.U. Nikitina-Dudikova et al. [11]), it is quite appropriate to involve persons

with appropriate (psychological or pedagogical) education in interrogations.

Participation of a teacher (psychologist), according to T.O. Lutcenko & S.V. Belan [8], is desirable if the minor has a significant lag from the appropriate level of development for their age. Evidence of the latter can be such signs and facts as a long-term illness, repeated retention of the student in grade, underdevelopment of intellectual abilities, etc. [8]. Therefore, the participation of a teacher (psychologist) would help to defuse a tense or unusual situation for a minor, create a normal psychological climate, or remove conflict during investigative (search) actions. As noted by M.P. Klimchuk & Ya.V. Furman [9], the transmission of information and the content of its presentation depend on the desire of the information carrier to inform the investigator during the interrogation, the presence of psychological contact. The content and volume of information that the investigator receives from the interrogated person is larger than only the speech description of the fact, event, since it also covers the behaviour of the interrogated person, the features of their speech, mental state, etc. [9, p. 175]. Therefore, it is with the participation of a teacher (psychologist) that psychological and social support of an underage victim is carried out during the interrogation, after which a professional conclusion is provided. In certain cases, psychologists help prepare the child for questioning. The task of the specialist in this case is to establish psychological contact with the child and promote their psychological (moral) attitude to the conversation and readiness for the investigator's questions. According to the investigator of the investigative department of the NPU in the Odessa Oblast, having no psychological and pedagogical education, the right decision was made before the interrogation to involve a psychologist in a conversation with the child in order to understand whether they would agree to contact communication [10, p. 17].

When choosing a specialist to interrogate a child who has been subjected to domestic violence, or who has witnessed it, preference should be given to a practicing psychologist in the field of age and pedagogical psychology. T.V. Ishchenko [1, p. 136] highlights the importance of such a condition. Given the fact that the consequence of domestic violence can be the occurrence of a significant psychological trauma in the child, and the teacher does not always have the appropriate experience of working with this category, and may not have sufficient knowledge in the field of psychology, accordingly, the effectiveness of conducting an interrogation may significantly decrease.

The law does not provide for a period within which it is necessary to interrogate a minor. However, it is recommended to interrogate minors of younger age groups as soon as possible after they perceive the

event of a criminal offence. If there is information about the emotional impact of a criminal act on the interrogated person, it is advisable to postpone the conduct of this investigative (search) action for two to three days after the commission of the act.

Conducting investigative (search) actions at night (from 22 to 6 o'clock), in accordance with Article 223 of the CPC [15], is not allowed. Only urgent cases that may indicate that delay in carrying out the relevant event may be accompanied by the loss of traces of a criminal offence or the escape of a suspect may be an exception to this provision [15]. According to Article 35, paragraph A, of the Council of Europe Convention for the Protection of Children from Sexual Exploitation and Sexual Abuse of October 25, 2007 [16], a child should be interviewed only after the facts are reported to the competent authorities. The interrogation of a minor may not last more than one hour without a break and more than two hours a day (Part 2 of Article 226 of the CPC). The authors agree with O.A. Galustyan [5] that such time limits for questioning are rather possible for older minors. Minors, the scientist notes, can focus their attention for a much shorter time. And, considering the fact that conducting an interrogation is accompanied by a psychological burden, the duration of this investigative (search) action should be "reasonable" to obtain the necessary information for criminal proceedings. Therefore, the duration of the interrogation for different age categories should be as follows: a) from 5 to 7 years – no more than 15 minutes; from 7 to 10 years – no more than 20 minutes; from 10 to 12 years – no more than 25 minutes; older than 12 years – no more than 30 minutes [5]. That is, the duration of the interrogation should be "proportionate" for the possibility of obtaining the necessary information, since the specified investigative (search) action is associated with severe psychological stress, which entails the above consequences. In this regard, the disadvantage can be called the lack of legislative consolidation of the duration of the break – such a "prerogative" is assigned to the investigator, who must determine it personally according to their inner conviction. These provisions are especially important to take into account when planning an interrogation, which would allow getting the maximum benefit from this investigative (search) action.

According to Part 3 of Article 226 of the CPC of Ukraine [15], minors are explained the obligation to give truthful testimony, but they are not warned about criminal liability in case of refusal to give evidence and for deliberately false testimony.

An important circumstance that lawyers emphasise (K.I. Dyachenko & N.V. Shost [12], I.P. Osipenko & O.O. Kalitnyk [13], O.O. Kochura [14]), the interrogation of a minor should be preceded by a preliminary receipt of testimony from adults and a meaningful

study of other available information. This would allow the investigator to build reliable versions of what happened and correctly determine the most effective and rational tactics of actions for communicating with a minor [10, p. 77].

The activity of organising and conducting an interrogation consists of several stages, in particular: 1) organisational and preparatory; 2) actual conduct of the interrogation; 3) final. Detail these stages as follows: 1) the initial stage; 2) establishment of psychological contact; 3) stage of free storytelling; 4) detailing stage; 5) comparing the information received with the available one; 6) final stage. Next, the study will consider them in more detail [12].

The organisational and preparatory stage of conducting an interrogation of underage victims of domestic violence necessarily requires considering the age and individual characteristics of the latter and the preliminary training of the investigator. The investigator's preparatory actions for conducting an interrogation should be reduced to:

- choosing a comfortable place of interrogation for a minor (at home, in a children's institution, in the "green room"). A prerequisite for conducting an interrogation with the participation of a minor is a sense of complete security on their part. Therefore, it is not recommended to conduct an interrogation in a place associated with negative memories, and where the latter was harmed. In this regard, G.Yu. Nikitina-Dudnikova [11] emphasise that the effectiveness of conducting an interrogation of an underage victim depends on the latter's stay in a safe and stable family situation. The researcher also notes the need for the absence or presence at a significant distance from minor persons who can manipulate them or even violate their safety [11, p. 79]. Given the fact that domestic violence, as a rule, is a consequence of an "abnormal" situation in the family, it is not advisable to interrogate a minor at their place of residence. In some circumstances, the interrogation of a minor may also take place in the investigator's office or other official institution, where staying may have a beneficial effect on the minor and emphasise the importance and responsibility of this investigative (search) action;

- determination of the time, optimal duration and circle of participants in the interrogation, which should be carried out taking into account the schedule of the day and the interests of the minor [12, p. 80]. It is necessary to avoid interrogating the child in the afternoon, during daytime sleep, or (in case of illness) while taking medication [18, p. 35]. Regarding the expediency of involving an underage victim as a legal representative of one of their parents in the interrogation, the following can be noted. A minor may experience feelings of fear, shame, etc. in the presence of their parents, react sensitively to the emotions of their parents, monitor their facial expressions, gestures,

movements and, accordingly, give evidence or refuse to answer the investigator's questions at all. To the above, the same position was expressed by K.I. Dyachenko & N.V. Shost [12] regarding the involvement in the interrogation process of a teacher from the educational institution where the underage victim is studying or studied, if they are in a conflict relationship. According to researchers, the presence of such a participant will only have a negative impact on the conduct of the interrogation [12, p. 13]. Thus, supporting the position of researchers, when interrogating underage victims of domestic violence, it is not necessary to invite parents (one of the parents) or close relatives or those persons who, according to the investigator, can negatively affect the interrogation of underage victims. If parents are held accountable for committing domestic violence, their presence during the interrogation is not allowed. I.P. Osipenko & O.O. Kalitnyk [13] state that the involvement and necessity of a doctor is determined by the investigator due to the physical and mental development of the child, the existence of an illness or special medical needs

- study of individual and psychological characteristics of a minor, their “strengths” and “weaknesses”; tendency to fantasise or exaggerate; hobbies, etc. It is advisable to read their social media account. The investigator's knowledge of the victim's personality, character, preferences, etc. will be important for establishing contact, and for possible forecasting of their behaviour during an investigative (search) action;

- obtaining information about the social environment and family relations of the minor (family composition, family relations and relations with friends, peers, family atmosphere, behaviour in everyday life, what measures of encouragement and punishment are applied to the minor, the child's reaction to them, the places where minors spend free time, whether they visit children's institutions);

- finding out the emotional state of an underage victim at the time of perception of the event – the fact of domestic violence (for example, scared, agitated, worried, etc.); their actions after the criminal offence, how exactly they spent the time between the event and the interrogation (according to O.O. Kochura [14, p. 180], “it is important for establishing the possibility of “layering” further impressions”);

- finding out the facts of discussion by adults of the event that occurred in the presence of a minor and the possibility of influencing their subjective judgments on the position of the latter (to cause fear, guilt, shame, etc.);

- obtaining advice from specialists (educator, psychologist) with appropriate experience in working with children of a certain category on proper preparation for conducting an interrogation; including choosing a list of issues that are understandable and

least traumatic for a minor. The question should be formulated in such a way as not to focus on the circumstances of the illegal act committed against the injured person, but in general to lead them to give truthful and objective testimony. Such interrogation tactics, given their rather sensitive nature, will be appropriate for investigating cases of sexual violence against a minor;

- organising preliminary meeting with the child to establish and establish a trusting relationship (ideally – several times);

- setting up a minor for the interrogation process (a child of any age must consciously go to the interrogation, understand the purpose of its conduct);

- informing all participants about the conduct of video filming during the interrogation;

- preparation of visual material (toys, layouts, photos, drawings, etc. – taking into account their age preferences). In some cases, it is easier for the child to show than to express their opinion;

- preparation of technical means of recording the interrogation process (video equipment, microphone for shooting, etc.).

The information collected at the stage of planning the interrogation (depending on the circumstances) is: 1) last names, first names, and contact details of the parents/legal guardians/other guardians of the child; 2) housing (household) conditions in which the child lived (size, household composition; history of omission; history of disorders in the relationship of parents (disputes over guardianship, domestic violence, etc.); 3) injuries received earlier by the child; 4) facts of domestic violence against the child's siblings; 5) the presence of mental health problems in the family and/or in the close environment of the child in the past; 6) dependence on harmful substances (in particular alcohol and psychoactive substances 7) the presence of previous criminal records of any of the child's family members; 8) the level of support for the child from parents/legal guardians/other guardians (in particular, a history of non-fulfilment of parental duties); 9) the possibility of access of the alleged abuser to the child; 10) the state of health of the child (chronic diseases, neuropsychiatric disorders, and/or disability). This information should not be limited only to a confirmed official diagnosis, but should contain any information about possible, but not yet diagnosed, neuropsychiatric disorders [19, p. 34].

Tactical and psychological techniques for establishing communicative interaction with an underage victim, according to the authors, should be reduced to the following aspects: a) the beginning of the interrogation – a free conversation on the topic(s), which(s) do not directly relate to the subject of the interrogation, the basis of which is information obtained in the course of forensic study of the victim's

personality; b) constant monitoring of nonverbal manifestations (facial expressions, gestures, behaviour) of the minor; c) considering the situational approach, combined with appropriate adjustments to their own activities (behaviour), including tracking the content of statements, their presentation, intonation, etc.

Establishing a positive (trusting) relationship between the investigator and an underage victim is facilitated by: a) addressing the minor by name; b) moderately slow, clear, and understandable speech for the minor; calm voice; c) sensitive statements and c) friendly attitude; d) maintaining eye contact, but without excessive (including continuous) observation of the minor; e) the ability to reformulate the question if the minor does not understand its content; f) in case it is impossible to give an answer to the question, emphasis on the need to voice the truth about ignorance, and not inventing an answer. Preliminary discussion with the persons participating in the interrogation, the general tactical plan, the role and degree of their participation in the investigative (search) action will help reduce the possible negative impact on the minor [20, p. 156].

Thus, psychological contact can be defined as professional communication between the investigator and the interrogated person by creating appropriate favourable conditions and circumstances, which is achieved by applying special, legally permissible techniques to influence the minor, stimulating them to give truthful testimony.

Stage of the interrogation. The effectiveness of conducting an interrogation of underage victims largely depends on the investigator's consideration of the psychological characteristics of minors [18, p. 182]. This provision also fully applies to the tactics of interrogating underage victims of domestic violence.

Minors are characterised by excessive activity or tacit behaviour. According to V.Yu. Shepitko [21, p. 16], they, on the contrary, can succumb to the influence of an adult, and therefore try to meet the expectations of the latter. This state is an obstacle to the logical and rational thinking of the child in the process of information reproduction.

Psychological features, according to G.O. Hanova, I.I. Prysiazhniuk, & M.S. Turkot [22, p. 47], which determine the specifics of the interrogation of minors aged 14 to 18 years (regardless of their procedural status), include: a) an increased need for self-affirmation, which, in turn, manifests itself in demonstrative independence (defending their maturity and independence), bravado, an increased desire to imitate; b) lack of sufficient life experience and incomplete formation of the intellectual sphere of the individual. Therefore, they are inferior to adults in the ability to understand the event as a whole and highlight the main point. In addition, minors are characterised by increased suggestibility (the ability to be influenced, infused).

The algorithm of actions of the investigator during the interrogation of a minor who suffered from domestic violence should be reduced to the following aspects:

- checking the personal (biographical) data of the participants in the interrogation, including familiarising them with their rights and obligations;
- the investigator's offer to an underage victim to state (by free narration) the circumstances of the event that took place known to them;
- the investigator, as a rule, asks questions prepared in advance to the interrogation.

A tactical feature of the interrogation of a minor, notes M.A. Gotvyanska [23, p. 247], is the maximum use of the possibilities of free storytelling. The latter can also help to identify possible reservations and contradictions, and avoid suggestibility of the interrogated person. Given the not always sufficient possibility of providing minors with detailed information (in particular, due to insignificant life experience, due to insufficient development of logical thinking), the "question-answer" stage of interrogation becomes important [24, p. 1018]. Therefore, it is necessary to carefully think through and analyse the content and form of questions that should be clear and understandable for perception, and not be leading. The tactics of interrogating a minor should be aimed not only at obtaining complete and truthful information about the criminal actions that were carried out against them, but also at the possible evidence that can confirm their testimony.

The free narration stage involves telling the minor about the course of the event at a personally defined and convenient pace, in accordance with the specified content. Initiation of a free story by a specialist should be carried out with the child's full understanding of the relevant expectations (and interrogator can say: "Tell me what happened to you. I know it is hard for you. Tell us about everything you remember and what is important to you"). If the child has difficulty starting a story, an investigator can help them by asking questions about the scene of the event related to various emotional experiences (ask about colours, smells, sounds), which can help reduce confusion in the memories of the latter [14, p. 33-34]. During the story, the minor should not be interrupted, even if they deviate from the content of the story. If the information provided contains different content than that known to the investigator, clarification, correction and refutation of their statements are also inappropriate [25, p. 21].

The fact that the child may not be aware of the illegal nature of the actions performed with them is subject to consideration. Accordingly, a positive attitude towards their relatives remains, as the fear of committing actions that are unpleasant for them [18, p. 80].

If a minor interrupts their story for a long time and gets the feeling that they have lost their previous thought, the interrogator can encourage them to continue the conversation with questions like: "what happened later?" or "you said that... and what happened after?" [26, p. 97].

It is advisable to contact a minor not "from top to bottom", but descending to their height level. It is forbidden to raise voice, make sudden movements, push, criticise, and push the child. During contact with a minor, the presence and intervention of other people is subject to restriction. It is important to create an atmosphere of silence and prepare means (objects) that would help establish contact with the child (pencils, paper, toys, etc.) [25, p. 23].

Considering the peculiarities of the mechanism of committing domestic violence, it is possible to determine an oriented list of issues that are subject to clarification during the interrogation of a minor:

- circumstances of domestic violence (where, when, under what circumstances, and how often the violence occurred (including the first act of violence), the time of its commission);
- method and type of violence that was caused (what words were accompanied and with what tools and means);
- identity of the criminal (family relations and relations with the victim, whether the offender committed illegal actions in relation to other family members, what clothes they were wearing);
- consequences of committing violence (its nature, type, and location of injuries on the body, expression of verbal insults and what was done to the victim);
- presence of witnesses (who else was in the room, except for the child and the abuser, that is, who can witness illegal actions, how other family members behaved during the commission of an act(s) of violence);
- cases of violence that have occurred: (attempts by the abuser to frighten the victim or resolve the conflict in another way, actions of the victim after committing violent actions (seeking medical help, contacting a law enforcement agency, telling other family members or other persons about a criminal offence, etc.).

The wording of the question about the part of the day in which the illegal act was committed, as noted by G.Y. Nikitina-Dudikova [11], it is necessary to carry out taking into account the usual and daily activities of the child's actions, daily routine, namely: watching children's programmes, bathing, relaxing, eating, returning them from a children's institution or developing classes, etc. The question concerning the day of the event, time of year or year can be compared with important or special dates, periods in the life of the child [11, p. 81].

Researchers identify a number of prohibitions that should be observed during the interrogation of

minors [14, 32-33], namely: a) do not disturb the physical space of the child, it is necessary to stay at a safe distance; b) do not push the child, they need time to think about their answers; c) do not try to evaluate the child and what they say; c) do not show excessive surprise at the strange or shocking statements of the child; d) do not comment on the facts stated by the child according to their ideas (for example, "it was dangerous for you", "it must be terrible for you"); e) do not rush the child to provide an answer, and even more so do not force; f) do not make unfulfilled promises; g) do not discuss with the child the possible punishment of the offender; h) do not evaluate from their own position the actions of persons close to the child; i) do not get lost and do not dramatise in case of negative emotions of the child, for example, crying; it is advisable to support the child by saying that you understand their reaction; j) do not interrupt or correct the child. The consequence of such actions may be a restriction of the freedom to further present events, interference with the train of thought, or a change in the order of individual elements mentioned.

Thus, the actual stage of questioning underage victims of domestic violence should be based on the following provisions:

- beginning of the interrogation – a conversation on general topics that are far from the subject of the interrogation, using data obtained during the forensic examination of the victim;
- observation of nonverbal manifestations (facial expressions, gestures, behaviour) of a minor;
- operational adjustment of their own activities, considering the situational approach, paying special attention not only to the content of their own remarks, assessments, but also to the intonation and tone of their expression.

Detailing phase. At this stage, the goal of the specialist conducting the survey, as stated by N.O. Pashko [27], is an addition to the course of events committed by a minor during the free narration phase, and their ordering to clarify the circumstances of the event of a criminal offence. The specialist should take care of the smooth and natural transition to the next phase of the survey. The child should not have any anxiety due to the fact that he may not be able to cope with the answers. The specialist should remember that this stage of the survey should have a form of conversation that is selected taking into account the age and psychological characteristics of the minor.

Detailing of questions, according to G.Yu. Nikitina-Dudikova [11], should be carried out considering the following forensic recommendations: a) addressing the victim in a quiet tone, avoiding the expression of emotions, regardless of the essence of the question, start the conversation with ordinary (easy) questions,

gradually complicating them. Questions should be short and consist of simple terminology, it is advisable to avoid pronouns; b) the use of simple grammatical constructions, controlling that one question reveals only one topic that should be explained; c) the use of expressions used by the child earlier; d) confidence (before asking the victim a question that requires special knowledge) in the availability of sufficient knowledge to provide an answer; e) providing sufficient time for the answer [11, p. 83].

Remote interrogation. One of the important issues that, according to the authors, should be discussed is the conduct of interrogation of a minor in a remote format (remote interrogation or videoconference interrogation). In accordance with paragraph 3 of Part 1 of Article 232 of the CPC [15] of Ukraine, the interrogation of a minor witness during a pre-trial investigation may be conducted via videoconference when broadcast from another room (remote pre-trial investigation). The need to conduct such an interrogation, first of all, is associated with reducing the negative psychological impact on the minor by other participants in criminal proceedings, takes place in a remote place, which should be comfortable and convenient. Both the investigator (judge) and the interested participant can initiate an interrogation in a remote format (Part 2 of Article 232 of the CPC of Ukraine). The course and results of procedural actions in the video conference mode must be recorded on video (Part 9 of Article 232 of the CPC of Ukraine).

According to the authors, this type of interrogation can be quite effective, and therefore, should be widely used during the investigation of criminal offences of this category. In addition to the simplified procedure for obtaining testimony and ensuring the principle of efficiency, an important advantage over other types of interrogation is to ensure that it can be (for example, staying in another country, fear for their own safety, etc.). Creating a sense of privacy, which can be achieved through this type of interrogation, will help the minor feel more comfortable and focused during the conversation. The authors of this study suggest that this issue requires a thorough analysis, and therefore in subsequent scientific studies it is worth focusing on a detailed clarification of the issue of conducting investigative (search) actions, in particular, interrogation via video communication.

The final phase. Most often, during the final phase, according to N.O. Pashko [27], the child, as a rule, has complete relaxation. At the same time, the researcher notes, after giving evidence, the child may experience nervousness, anxiety, worries about the consequences of their statements and their possible assessment, and further participation in criminal proceedings. Therefore, the investigator at this stage should help the minor cope with their emotions and,

if necessary, calm them down. It is not superfluous to tell the child that their emotions are clear, an investigator can praise a child for their frankness and self-control, even if their testimony did not contain significant information. It is recommended to find out the child's condition and mood after the survey, and ask if they have any concerns. If the child is supposed to participate in other investigative (search) actions, it is necessary to warn them about this with a detailed explanation of the purpose of their implementation [28, p. 25].

Experts recommend that the final stage of working with the child should be set aside for about 10 minutes. Before completing the interrogation, it is necessary to: make sure that the child is overcoming stress; take a break – play a game that is not related to the topic of conversation; return to an unpleasant topic; thank the child for the conversation; if there was a video recording, explain to the child that people who do not deal with this problem will never get access to such a video. It should be borne in mind that victims of child pornography are particularly vulnerable, who are mostly afraid of video cameras after the experience; find out if the child has any questions; get advice or advice from specialists if there are questions or problems during the interrogation of a minor [5, p. 96].

The final stage of the interrogation involves recording data by the investigator. Based on the information received, the investigator comes to appropriate conclusions. Their review takes place simultaneously with comparison with the testimony of different persons, and with the data of previous interrogations [29, p. 187]. The main means of recording the course and results of an interrogation, according to Article 104 of the CPC of Ukraine [15], is the protocol (Article 104 of the CPC of Ukraine).

A.R. Yatsyuk [30] draws attention to the need for mandatory audio and video recording, which will become a guarantee and direct evidence that the investigator did not use prohibited methods of psychological influence on the minor during the interrogation. In particular, the significance of video recording of interrogations of children affected by sexual violence is manifested in the following: a) serves as a means of protection against possible changes in the testimony of the interrogated child; b) can be considered as an auxiliary means for conducting a psychological and psychiatric examination of the child; c) use for its intended purpose-recording the actions of participants in the investigative experiment [13]. The authors support this position and believe that video recording of the results of the interrogation of minors is an additional proof of its indisputability (will avoid possible changes in the testimony of a minor) and will protect the investigator from possible

accusations by the prosecution of the illegality of certain investigative (search) action, for example, receiving testimony from a minor with the use of any influence.

Recording the testimony of an underage victim in the protocol provides for taking into account the peculiarities of their language (Ukrainian, Russian, “surzhik”) and speech (insufficient clarity, indistinctness), and therefore the testimony should be recorded in simple and understandable sentences for a teenager [31].

As a result, a child who has become a victim of domestic violence is, first of all, a child who was harmed by the criminal actions of persons close to them, and only after that – a participant in the criminal process [31, p. 15]. In order to prevent the aggravation of mental trauma and additional emotional burden on the child, all efforts of participants in criminal proceedings involved in investigative (search) actions should be aimed at conducting one interrogation with the participation of a minor. This meets the requirements of the Council of Europe Convention for the Protection of Children From Sexual Exploitation and Sexual Abuse [16], which Ukraine ratified on June 20, 2012 (Article 35).

■ Conclusions

The interrogation of an underage victim of domestic violence should consist of a set of tactical, psychological, and legally regulated actions of the investigator to collect, assess, and record criminally significant information about the event of a criminal offence (the fact(s) of domestic violence) by direct communication of the investigator with the minor in order to obtain truthful information about the circumstances of the committed illegal act, of which they became a victim.

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The main circumstances that must be considered during the interrogation of underage victims of domestic violence are defined as:

- individual, psychophysiological features of the interrogated person's personality;
- the specifics of illegal actions committed against the minor;
- the nature and severity of the damage caused.

Psychological contact is defined as professional communication between an investigator and an interrogated person by creating appropriate favourable conditions and circumstances, which is achieved by applying special, legally permissible techniques to influence a minor, stimulating them to give truthful testimony.

When choosing a specialist for questioning an underage victim of domestic violence, it is recommended to give preference to a practising psychologist in the field of age and pedagogical psychology as a specialist who will be able to competently assess the emotional, psychological, and behavioural characteristics of the minor while fully respecting and protecting their rights, freedoms, and legitimate interests.

The authors propose to supplement Part 2 of Article 226 of the CPC of Ukraine with the following provision: “if necessary, the interrogation may be interrupted before the end of this time.”

Further promising areas of scientific research devoted to the topic of investigative (search) actions, in particular, interrogation, with the participation of minors, according to the author, are:

- tactical features of conducting the interrogation of an underage victim of a specific type of domestic violence (physical, psychological, sexual, economic);
- the use of video communication tools and capabilities when conducting remote interrogation of a minor during the investigation of domestic violence.

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Тактика допиту неповнолітніх потерпілих від домашнього насильства

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■ **Анотація.** Проведення допиту неповнолітніх осіб, які постраждали від домашнього насильства, означене особливим процесуальним становищем останніх та загрозливими тенденціями до збільшення кількості вказаних правопорушень, що актуалізує потребу в розробленні тактичних особливостей і визначенні оптимального алгоритму здійснення цієї слідчої (розшукової) дії. Мета статті – дослідити процесуальні, тактичні та психологічні особливості проведення допиту неповнолітніх потерпілих від домашнього насильства та сформулювати відповідні науково-практичні рекомендації щодо його своєчасного і якісного здійснення. Розкрито особливості етапів проведення цього допиту, специфіку підготовки до нього, на підставі чого сформульовано відповідні науково-практичні рекомендації. Визначено умови проведення дистанційного допиту неповнолітніх потерпілих від домашнього насильства. Окреслено коло основних запитань, на які необхідно отримати відповіді під час проведення зазначеного допиту. У межах дослідження застосовано комплекс наукових методів: діалектичний, методи аналізу й синтезу, індукції та дедукції, системно-структурний, формально-логічний, порівняльно-правовий, моделювання, узагальнення. Обґрунтовано висновок стосовно того, що допит неповнолітнього потерпілого від домашнього насильства має охоплювати комплекс тактичних, психологічних і законодавчо врегульованих дій слідчого щодо збору, оцінки та фіксації криміналістично значущої інформації про подію кримінального правопорушення (факти домашнього насильства) шляхом безпосереднього спілкування слідчого з неповнолітнім з метою отримання правдивих відомостей про обставини вчиненого протиправного діяння, жертвою якого він став. Наголошено на необхідності встановлення психологічного контакту й налагодження довірчих відносин з неповнолітнім. Наведено переваги проведення дистанційного допиту неповнолітніх потерпілих від домашнього насильства. З'ясовано, що під час проведення допиту слід урахувувати вікові, індивідуальні особливості, рівень психофізичного розвитку неповнолітнього потерпілого, а також застосовувати ситуаційний підхід, поєднаний з відповідним коригуванням поведінки слідчого. Практична значущість полягає в тому, що в статті сформульовано висновки та пропозиції, спрямовані на підвищення ефективності проведення слідчими допиту неповнолітніх потерпілих від домашнього насильства. Результати дослідження також можуть слугувати підґрунтям для вдосконалення законодавства, передусім кримінального процесуального

■ **Ключові слова:** кримінальне провадження; тактичний прийом; психологічний контакт; ситуаційний підхід; слідча (розшукова) дія; дистанційний допит