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## SPECIFIC FEATURES OF INTERROGATION DURING INVESTIGATION OF FRAUD IN THE FIELD OF VOLUNTEER AND CHARITABLE ACTIVITIES OR HUMANITARIAN AID

**Abstract. Purpose.** The purpose of the article is to highlight the problematic issues arising in the course of preparation for interrogation in criminal proceedings concerning fraud in the field of volunteer and charitable activities or humanitarian aid, and also to provide recommendations on the most efficient organisation of this investigative (search) action. **Results.** Investigation of fraud in the field of volunteer and charitable activities or humanitarian aid has certain specifics, due to the circumstances and mechanism of this criminal offence. The success of criminal investigations is directly related to the professional training of investigators, including their ability to conduct effective interrogations. Lack of specialised knowledge and skills during interrogation can lead to incomplete or distorted information, which makes it difficult to establish the objective truth. It is emphasised that a mandatory element of obtaining complete and reliable testimony is the comprehensive application of organisational and preparatory measures during interrogation. The following organisational and preparatory measures are considered: studying the materials of criminal proceedings; determining the circle of persons to be interrogated; studying the identity of the interrogated person; outlining the subject matter of interrogation; and drawing up an interrogation plan. The author highlights the problematic issues arising in the course of preparing for interrogation in proceedings concerning fraud in the field of volunteer and charitable activities or humanitarian aid, and also provides recommendations on the most efficient organisation of this investigative (search) action. **Conclusions.** It is concluded that interrogation is not just a collection of information, but a complex psychological interaction where success depends on the investigator's ability to manipulate facts, analyse the behaviour of the interrogated person and build effective communication. Interrogation is the art of recognising non-verbal cues, understanding the psychological mechanisms that govern human behaviour, and using this knowledge to obtain truthful information. The key to this investigative ((search)) action is quality training.

**Key words:** fraud, pre-trial investigation, criminal proceedings, volunteer and charitable activities, humanitarian aid, interrogation, tactics, witness, victim, suspect.

### 1. Introduction

Investigation of fraud in the field of volunteer and charitable activities or humanitarian aid has certain specifics, due to the circumstances and mechanism of this criminal offence. The success of the investigation of criminal offences is directly related to the professional training of investigators, in particular their ability to conduct effective interrogations. Lack of specialised knowledge and skills during interrogation can lead to incomplete or distorted information, which makes it difficult to establish the objective truth.

The review of studies and publications that have contributed to the solution of this problem reveals that the problems of interrogation have been repeatedly considered in the scientific works by V. Bakhin, V. Veselskyi, A. Volobuiev,

M. Danshyn, V. Zhuravl, V. Konovalova, V. Kuzmichov, M. Saltevskyi, R. Stepaniuk, V. Shepitko, K. Chaplynskyi and other scholars. However, a number of controversial and unresolved issues remain regarding the interrogation of various categories of persons in the investigation of fraud in the field of volunteer and charitable activities or humanitarian aid.

The purpose of the article is to highlight the problematic issues arising in the course of preparation for interrogation in criminal proceedings concerning fraud in the field of volunteer and charitable activities or humanitarian aid, and also to provide recommendations on the most efficient organisation of this investigative (search) action.

## 2. Features of preparation and conduct of the interrogation

It should be noted that a mandatory element of obtaining complete and reliable testimony is the comprehensive application of organisational and preparatory measures during interrogation. The most common of them are as follows: 1) study the materials of criminal proceedings; 2) determine the circle of persons subject to interrogation and the sequence of its conduct; 3) study the identity of the interrogated person; 4) outline the subject matter of interrogation; 5) determine the time and place of interrogation; 6) select material evidence and other materials to be presented to the interrogated person; 7) determine the technical means for recording the interrogation; 8) study (if necessary) special knowledge; 9) draw up an interrogation plan (Siroukh, 2018).

Some researchers divide preparation for interrogation into three main levels in psychological terms: cognitive, predictive and synthesising. The first is to study the criminal proceedings, familiarise oneself with operational and investigative data, collect information about the personality of the interrogated person, and study special issues. The information obtained at this level enables the interrogator to predict various interrogation situations and use certain tactical techniques. Preparation for interrogation is completed at the synthesising level and includes drawing up a plan for this procedural action (Pavliuk, 2013).

In this context, it should be noted that the stage of familiarisation with the criminal case file involves the need to

- Substantive systematisation of materials on facts, events, persons, etc;
- Identification of contradictions and gaps in the materials under study;
- Obtaining control information that can be used during interrogation (Panov, 2007).

At this stage, the investigator should find out a number of facts relevant to the investigation and determine the specifics of the proceedings, especially with regard to legal relations and the specifics of the implementation of criminal intentions. To do this, it is necessary to get acquainted with a number of legislative provisions regulating legal relations in the investigated area; to determine the manner and procedure for the emergence of relations between entities operating in this segment; understand which violations contain elements of a criminal offence and under what circumstances a civil tort can be considered. To do this, the investigator should study the legal literature in this field in detail, or better yet, seek the assistance of a specialist. In addition,

the materials of the criminal proceedings and the documents contained therein should be carefully studied. If at the time of the interrogation there are examination results, it is advisable to analyse the expert opinions and think about how they can be used during the interrogation (Antoniuk, 2020).

During preparation for interrogation, it is also important to study the personality of the interrogated person. For example, by studying the personality of the suspect, the investigator can obtain important information about his or her past, previous crimes, and social environment, which allows for a more complete picture of the crime. The study of data on the witness and the victim will enable to predict their behaviour and the possibility of concealing important details that will contribute to the establishment of the objective truth.

An important element of preparing for interrogation is to determine the personal interest of the person being interrogated in certain results. In particular, it is advisable to establish the nature of the relationship according to the following scheme: witness – suspect, victim – suspect, victim – witness, suspect – another accomplice. The circumstances that are clarified determine the further interrogation tactics (Antoniuk, 2020). However, it is clear that it is difficult to predict in advance what qualities or states of mind will be required during interrogation. However, it is always desirable to have an idea of the characteristics of the interrogated person, such as gender, age, education, profession, interests, level of culture, views, psychological qualities, and possible emotional state at the time of interrogation. The study of the personality of a minor always involves an individual approach: it is necessary to correlate the degree of importance of finding out information about his or her identity with obtaining possible evidential information from him or her, its value in establishing the truth in the case (Konovalova, 2006).

During preparation for the interrogation, the investigator should determine the range of circumstances in respect of which it is necessary to obtain testimony. The information related to the subject of interrogation may be of a special nature, requiring familiarisation with specialised literature, certain technological processes, the procedure for documenting the turnover of goods at the enterprise, the accounting and reporting system, etc. In such cases, the investigator may use expert advice, data contained in expert opinions and other materials of the criminal proceedings, and reference materials. Information related to the subject of interrogation may also be obtained from operational sources (Antoniuk, 2020).

The subject matter of interrogation is formed by the circumstances that are part of the subject matter of proving, as well as other circumstances that can facilitate the comprehensive, complete, objective conduct of criminal proceedings and the adoption of the correct procedural decision. The main circumstances that should be clarified during interrogation are mainly as follows:

- 1) Data on the identity of the interrogated person: marital status, health status, education, place of work, criminal record, etc;
- 2) Specific actions related to the commission of a criminal offence, under what circumstances, motives and purpose;
- 3) When, where and under what circumstances the criminal offence was committed and in what specific ways the criminal acts were manifested;
- 4) The cause of the unlawful actions and the person's attitude to his/her actions, their assessment;
- 5) Relations between the perpetrator and the victim;
- 6) The number and general characteristics of the participants in the unlawful acts;
- 7) Evidence of a criminal offence;
- 8) Circumstances that mitigate or aggravate liability;
- 9) Whether the victim met with the suspects or their acquaintances after the commission of the unlawful acts, etc.

The above circumstances are undoubtedly relevant, however, this list is not exhaustive and is subject to amendment. In each particular case, it may be necessary to establish other circumstances that are important in criminal proceedings.

During interrogation, the priority circumstance to be established is the event of fraud in the field of volunteer and charitable activities or humanitarian aid, where the place and time of the criminal offence are essential elements.

In substantive law, the time, place, manner and other circumstances of the act are optional features of the objective side of the crime, they are considered when classifying the crime and sentencing the perpetrator. However, in cases where they do not have criminal law significance, they must be proved, since without this it is impossible to establish whether the actual act took place (Halahan, Salikhova, 2017). Instead, it should be emphasised that there is no clearly defined place of commission of fraud in the field of volunteer and charitable activities or humanitarian aid. After all, fraudulent actions may begin in one place and continue in another.

### **3. Fraud in the field of volunteering, charity or humanitarian aid**

If the criminal offence was committed in several places, the obligation to determine

the place of investigation is assigned to the prosecutor (CPC of Ukraine, Article 218, Part 3). To do so, the investigator should enter information about the criminal offence into the URPI and immediately send a notice to the prosecutor of the commencement of the pre-trial investigation, which should include the information necessary for the prosecutor to make a procedural decision. Upon receipt of the notification, the prosecutor who supervises the observance of laws during this pre-trial investigation determines the place of its conduct. However, he should consider the place where the signs of the criminal offence were detected, the location of the suspect or most of the witnesses, the place where the criminal offence was completed or its consequences occurred. A similar procedure is provided for when there is uncertainty about jurisdiction. The obligation to determine it is vested in the prosecutor if the investigator becomes aware of circumstances that may indicate a criminal offence, the investigation of which is not within his or her competence, from a statement, report or other sources. After the prosecutor's notification, the investigator conducts the investigation until the prosecutor determines another jurisdiction (CPC of Ukraine, Article 218, Part 2). It should be borne in mind that if it is discovered that another investigator of the pre-trial investigation body or an investigator of another body has already commenced criminal proceedings in relation to the same criminal offence, the investigator who discovered this shall send a cover letter to another investigator who is already conducting a pre-trial investigation, with the materials and information available to him/her, and shall notify the prosecutor by sending him/her a notice (CPC of Ukraine, Article 218, Part 4) (Ihnatchenko, 2020).

It is important to establish the exact time of each of the unlawful acts, its duration, systematic nature and frequency. In this regard, the exact schedule and mode of operation of the enterprise, institution, organisation should be determined, the official documentation should be studied in detail, written instructions of the administration, orders, schedules, plans, diagrams, etc. should be examined in detail. With regard to the periodisation of a criminal offence, it should be noted that the place and time of the onset of negative consequences do not always coincide with the spatial and temporal characteristics (Bezghynskyi, 2021).

The analysis of scientific approaches and questionnaires of employees who have investigated fraud in the field of volunteer and charitable activities or humanitarian aid, suggests that in such proceedings, in addition

to the event of a criminal offence, the following circumstances are subject to establishing: the identity of the suspect (guilt, motive and intent); data on the target of the criminal offence, the victim, and the amount of damage caused; other circumstances.

As for the circumstances that characterise the fraudsters, it is necessary to establish:

1) Who committed the fraud. This group of circumstances involves establishing the person's personal data (surname, name, patronymic, date and place of birth and residence), as well as his or her membership in certain categories of persons (officials, civil servants, previously convicted persons, etc.);

2) Whether the fraud was committed by a group of persons or an organised criminal group; their personal composition and the role of each participant and the duration of participation. Whether all persons involved in the criminal activity were aware of the criminal (illegal) purpose of its activities;

3) The form of guilt of each of the participants in the criminal activity in general and in relation to its individual stages;

4) The main goal and the presence of a beneficial motive for the act (Toporetska, 2018).

It should be noted that the content of guilt is determined by the ratio of its intellectual and volitional aspects during interrogation. In this regard, the degree to which a person is aware of the specific features of the object of the offence, the nature of the acts committed, the consequences of other objective features of the crime and legally significant circumstances, as well as the person's willful attitude to the consequences, shall be established. The investigating bodies and the court shall specifically prove to the suspect and other parties to the criminal proceedings what the intentional motive was, how the criminal intent was implemented, what the purpose of the crime was and the form of guilt (Kovalenko, 2011).

According to the analysis of forensic practice, fraud in the field of humanitarian aid can be committed only in the form of direct intent.

Moreover, in order to detect intent to commit fraud in the actions of entities distributing humanitarian aid, it is necessary to ask the interrogated person about:

- Documentation on the movement of aid and compliance with the law during its importation and distribution;

- Documentation of the importation and distribution process, as well as the procedure for transferring aid to the intended recipient;

- The fact of transferring humanitarian aid to the target recipient;

- The procedure for reporting to the relevant organisations, etc.

It should be noted that establishing a violation of the regulatory requirements governing the allocation of humanitarian aid is a key point for investigating and proving the guilt of fraudsters.

In addition to the above-mentioned, other circumstances of the criminal offence should also be investigated during the interrogation, such as the amount of damage, classifying features, aggravating and mitigating circumstances, grounds for termination of proceedings or exemption from liability. However, these circumstances are derived from the preceding circumstances and depend on the position of the suspect in the pre-trial investigation, whether he or she has been previously convicted, whether he or she acted as part of a group, etc.

The final stage of preparation for interrogation is its planning, which involves outlining the procedure for its conduct and the optimal programme of actions. Proper planning shows the investigator's ability to be creative, to vary different behavioural patterns, and to predict the position of the interrogated person [2]. According to I. V. Siroukh, the shortcoming of the work of most investigators is the neglect of drawing up a written interrogation plan, replacing it with an imaginary scheme. The investigation is characterised by increased complexity, so conducting ill-considered interrogations will be ineffective. When drawing up an interrogation plan, the investigator should focus on the completeness, accuracy of wording and sequence of questions to be clarified, as well as the availability and procedure for presenting material evidence. The use of a system of tactical techniques also helps to obtain truthful testimony during interrogation (Siroukh, 2018).

The interrogation plan should outline the data that the investigator should have at the beginning of the interrogation: the regulations governing the procedure for conducting transactions; what the violation of rights is; which actions were legal and which were illegal; the nature of the illegal actions and the persons involved; the place and time of the fraud; the characteristics of the person being interrogated, his or her position and procedural status, and the relationship with other participants in the criminal proceedings; availability of evidence in the criminal proceedings and the possibility of their use; the presence of contradictions and tactics to eliminate them during interrogation, etc. The investigator needs to determine the maximum scope of circumstances to be established and set

them out in detail in the interrogation plan with a mandatory indication of the tactics to be used (Antoniuk, 2020).

#### 4. Conclusions

Therefore, interrogation is not just a collection of information, but a complex psychological interaction where success depends on the investigator's ability to manipulate facts, analyse the behaviour of the interrogated person and build effective communication. Interrogation is the art of recognising non-verbal cues, understanding the psychological mechanisms that govern human behaviour, and using this knowledge to obtain truthful information. The key to this investigative ((search)) action is effective training.

#### References:

- Antoniuk, I.S. (2020). Osoblyvosti dopytu v kryminalnykh provadzhenniakh shchodo shakhraistva u sferi nadання posluh iz poserednytstva u pratsevlashtuvanni [Peculiarities of interrogation in criminal proceedings regarding fraud in the field of providing employment mediation services]. *Pidpriemstvo, hospodarstvo i pravo*, 9, 219-223 (in Ukrainian).
- Antoniuk, P.A. (2020). Kryminalistyka [Forensics]. K.: Natsionalna akademiia vnutrishnikh sprav (in Ukrainian).
- Bezghynskyi, Yu.S. (2021). Obstavyny, shcho pidlihaiut vstanovlenniu pid chas rozsliduvannya kryminalnykh pravoporushen, pov'язanykh z porushenniam pravyl bezpeky na pidpriemstvakh vuhilnoi promyslovosti [Circumstances to be established during the investigation of criminal offenses related to violation of safety rules at coal industry enterprises]. *Yevropeiski perspektivy*, 1, 120-126 (in Ukrainian).
- Halahan, V.I., Salikhova, I.Iu. (2017). Vstanovlennia podii kryminalnoho pravoporushennia yak obstavyny, yaka pidlihaie pokazuvanniu u kryminalnomu provadzhenni [Establishing the event of a criminal offense as a circumstance that must be shown in criminal proceedings]. Kyiv (in Ukrainian).
- Ihnatchenko, N.V. (2020). Obstavyny, shcho pidlihaiut vstanovlenniu pry rozsliduvanni kryminalnykh pravoporushen u sferi zemelnykh vidnosyn [Circumstances that must be established when investigating criminal offenses in the field of land relations]. *Yurydychna nauka*, 7, 210-218 (in Ukrainian).
- Konovalova, V.O. (2006). Dopyt: taktyka i psykholohiia [Interrogation: tactics and psychology]. Kharkiv: Vyd. SPD FO Vapniarchuk (in Ukrainian).
- Kovalenko, Ye.H. (2011). Naukovi zasady kryminalno-protseusualnoho dokazuvannya [Scientific principles of criminal procedural evidence]. Kyiv: Yurinkom Inter (in Ukrainian).
- Panov, M.I. (2007). Nastilna knyha slidchoho [Investigator's desk book]. Kyiv: In Yure (in Ukrainian).
- Pavliuk, N.V. (2013). Problemy pidgotovky do dopytu nepovnolitnykh [Problems of preparation for interrogation of minors]. *Pytannia borotby zi zlochynnistiu*, 25, 186-196 (in Ukrainian).
- Siroukh, I.V. (2018). Zabezpechennia prav pidozriuvanoho pid chas dopytu pry rozsliduvanni zlochyniv proty moralnosti [Ensuring the rights of the suspect during interrogation in the investigation of crimes against morality]. *Naukovyi visnyk Dnipropetrovskoho derzhavnogo universytetu vnutrishnikh sprav*, 3, 272-275 (in Ukrainian).
- Toporetska, Z.M. (2018). Osoblyvosti pochatku kryminalnoho provadzhennia ta obstavyny, yaki pidlihaiut vstanovlenniu pry rozsliduvannya sluzhbovoi nedbalosti [Peculiarities of the initiation of criminal proceedings and circumstances to be established during the investigation of official negligence]. *Visnyk kryminalnoho sudochynstva*, 1, 115-122 (in Ukrainian).

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## ОСОБЛИВОСТІ ПРОВЕДЕННЯ ДОПИТУ ПІД ЧАС РОЗСЛІДУВАННЯ ШАХРАЙСТВА У СФЕРІ ВОЛОНТЕРСЬКОЇ ТА БЛАГОДІЙНОЇ ДІЯЛЬНОСТІ АБО ГУМАНІТАРНОЇ ДОПОМОГИ

Метою статті є висвітлення проблемних питань, що виникають під час підготовки до допиту у кримінальних провадженнях щодо шахрайства у сфері волонтерської та благодійної діяльності або гуманітарної допомоги, а також надання рекомендацій щодо найбільш ефективної організації проведення цієї слідчої (розшукової) дії. Розслідування шахрайства у сфері волонтерської та благодійної діяльності або гуманітарної допомоги відрізняється певною специфікою, обумовленою обставинами та механізмом вчинення цього кримінального правопорушення. Успіх розслідування кримінальних правопорушень безпосередньо пов'язаний із професійною підготовкою слідчих, зокрема їх вмінням проводити ефективні допити. Відсутність спеціальних знань та навичок під час

допиту може призвести до отримання неповної або спотвореної інформації, що ускладнює встановлення об'єктивної істини. Наголошено, що обов'язковим елементом отримання повних і достовірних показань є всебічне застосування організаційно-підготовчих заходів при проведенні допиту. Розглянуто такі організаційно-підготовчі заходи, як: вивчення матеріалів кримінального провадження; визначення кола осіб, які підлягають допиту; вивчення особи допитуваного; окреслення предмета допиту; складання плану допиту. Висвітлено проблемні питання, що виникають під час підготовки до допиту у провадженнях щодо шахрайства у сфері волонтерської та благодійної діяльності або гуманітарної допомоги, а також надано рекомендації щодо найбільш ефективної організації проведення цієї слідчої (розшукової) дії. Зроблено висновок, що допит – це не просто збір інформації, а складна психологічна взаємодія, де успіх залежить від вміння слідчого маніпулювати фактами, аналізувати поведінку допитуваного та будувати ефективну комунікацію. Допит – це мистецтво розпізнавати невербальні сигнали, розуміти психологічні механізми, що керують поведінкою людини, і використовувати ці знання для отримання правдивої інформації. Запорукою цієї слідчої (розшукової) дії є якісна підготовка.

**Ключові слова:** шахрайство, досудове розслідування, кримінальне провадження, волонтерська та благодійна діяльність, гуманітарна допомога, допит, тактичний прийом, свідок, потерпілий, підозрюваний.