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Psychological Basis of Covert Surveillance in Public Accessible Places for Persons who are Willing and Commit Crimes

Проаналізовано положення і висновки публікацій, присвячених проблемам використання результатів прихованого візуального спостереження в кримінальному процесі та оперативнорозшуковій діяльності. Проведено класифікацію знань про психологічні основи прихованого спостереження в публічно доступних місцях за особами, які готують і вчиняють злочини. Визначено структуру та сформульована сутність зазначених основ.

Ключові слова: приховане спостереження, психологічні основи, публічно доступні місця, кримінальний процес, оперативно-розшукова діяльність.

Проанализированы положення и выводы публикаций, посвящённых проблемам использования результатов скрытого визуального наблюдения в уголовном процессе и оперативно-розыскной деятельности. Проведена классификация знаний о психологических основах скрытого наблюдения в публично доступных местах за лицами, которые готовят и совершают преступления. Определена структура и сформулирована сущность указанных основ.

Ключевые слова: скрытое наблюдение, психологические основы публично доступные места, уголовный процесс, оперативно-розыскная деятельность.

It was analyzed materials of publications devoted to problems of using the results of covert visual surveillance in criminal trial and operational investigation. It was classified knowledge about psychological basis of covert surveillance in public available places for persons who are willing and commit crimes. It was defined the structure and formulated essence of said basis. The psychological basis of covert surveillance include: professionally significant identities of the observers, psychological features of their disguising, social-psychological basis of group activity during the surveillance, recognizing and interpretation of external manifestations of psychological activity of the object of surveillance, prognostication of object's behavior.

Professionally important identities of the observers are divided into cognitive, emotional-volitional and integral.

It is stated that covert surveillance requires from mind of the executants ability to simultaneously and active passing of all cognitive psychic psychical processes including in circumstances of significant physical loading. High levels of parameters of said process are main cognitive professionally significant identities of the observer. Emotional-volitional professionally important identities includes: self-confidence, strength of will, composure, sangfroid. Another professionally important identities are integral and can be distinguished on the basis of the combination of basic cognitive and emotional-volitional identities. In particular, it includes: observancy, advertence, discipline, initiative, resoluteness.

It is defined that one of important professionally important identity necessary for successful covert surveillance is ability to perform legended social roles. It ought to be developed by the method of "physical actions" by K. S. Stanislavsky, and also by obeying of non-formal rules of covert surveillance regarding disguising of real social role of observer, which are developed by practice.

It is underlined that one of important psychological condition of effective execute of covert surveillance is positive emotional state of all members of the group. It is based on high level of affective tolerance of each observer, positive emotional settings of field officers to each other and their interpersonal relationship.

The results of visual psychological testing during the process of surveillance can be shown for making operational-tactical or organizational decisions only in complex with evaluation of other elements of operational investigation situation. First of all it shall be taken into account presence of the signs of willing and (or) committing the crime, features of behavior of exact subject of covert surveillance, all available knowledge about it and its relations. So the process of recognizing of crime activity of the subject, inter alia, due to direct goal of the operation (obtaining the information required for crime fighting) comes to first role.

Keywords: covert surveillance, public accessible places, Criminal Code, operational investigation.

Issue. Covert surveillance in public accessible places (hereinafter – covert surveillance) was and is one of important mean of obtaining information about actions and relations of exact persons. Such surveillance is widely used by law enforcement bodies for detection, clearance and investigation of heavy and high crimes.

The mechanism of legal regulation of covert surveillance as activity executed by bodies of criminal intelligence prejudicial inquiry is scientifically different in different countries. But its psychological basis does not rely on national features of criminal procedure and operational investigation. Such basics are important to ensure effectiveness of such mean of crime fighting in any country of the world. It is why this basis is subject for comprehensive science research.

Analysis of recent research and publications. In sources in English of the beginning of the present millennium the questions of covert surveillance mainly researched in the field of legal regulation of unofficial practice or intelligence actions [1, p. 165–167; 2, p. 220–226; 3, p. 224–234; 4, p. 167–169]. On the territory of ex-USSR it was researched both juridical and historical aspects of application of covert surveillance by law bodies [6, p. 375; 7–10]. At the same time psychological side of this activity did not receive enough attention.

Unsolved problems. The psychological basics of covert surveillance in public accessible places for persons who are willing and commit crimes were not clear defined till now.

The purpose of the article – to classify the knowledge about psychological basics of covert surveillance and to identify the structure and essence of said basics in clear.

Main body. The fundamental researches of psychological basics of covert surveillance as operational investigation were performed by Soviet scientists (R. K. Bezrukhih, V. M. Koldaev, G. K. Sinilov, V. G. Sokolov etc) in previous century. Their results are still used for standardsetting activities of law bodies of ex-USSR county and lays in the basis of modern textbooks and manuals on covert surveillance.

The results of researches of developers of theoretical statements of covert surveillance psychology are basis for science works of ex-USSR area scientists (B. I. Baranenko, N. F. Voytovich, V. A. Dashkevich, S. I. Zakhartsev, V. D. Lakhin, S. V. Nazarov, N. A. Pogoretskiy, A. E. Chechetyn, I. R. Shinkarenko, A. Yu. Shumilov etc). Modern researches with sources in works of previous century, inherit positions of Soviet scientists distinction regarding of covert surveillance psychology into different directions. The researchers don't define it formally. But in their publications both in structure and in themes psychological basics of disguising, professionally important identities of covert surveillance subjects, social-psychological basics of group activity during operational investigation, recognizing and interpretation of external manifestations of psychological activity of the object of surveillance, prognostication of object's behavior are clear distinguished.

Such division is logical and convenient. But said directions are expedient to be researched only in complex, through the prism of psychological activities (cognitive, emotional and volitional).

All cognitive mental processes of the person who perform covert surveillance are caused by range of goals to be fulfilled during the operation. In particular, the observer must fix objectively and in full all actions of the subject, routes of its movements, names of the streets it moves on, numbers of buildings, flats and offices which it visits, names of facilities which it comes into, detailed signs of persons which he meets with, models, colors and numbers of vehicles, content of heard conversations of the subject, locations of hidden places, sending of the correspondence and other. Simultaneously it needs to use technical equipment of operational recording, to perform radio traffic.

Moreover, field officer must feel psychological condition and analyze behavior of the object, to predict its actions and to choose the most effective under certain circumstances tactics of surveillance. The observer must take into account possibility of counter-surveillance, so in addition to object's behavior he must keep track the behavior of social environment at the place of the operation.

So, during such operation all psychical process of the observer are used simultaneously and active: attention, intellection, imagination, senses and perception. At the same time attention must have maximum volume (to cover all events and process important for effectiveness of the surveillance), high concentration and stability (to avoid missing important events and the object itself from the field of vision), rational distribution and easy switching. The memory must be characterized by instant reproduction of needed information (to remember of locality, routes of the transport, earlier set relations and addresses, behavior of the object in similar situations, performing encoded radio traffic), fast transfer of information from short-time to operative and long-term memory (for reliable storage of necessary information), significant volume. The senses must be maximally sharp. For vision, in addition to sharpness, it is important to have good speed of light-darkness adaptation (at coming into and out from not illuminated places), linear- and deep-accurate eye. For perception it is important fullness and objectiveness, for imagination clearness, brightness, realism.

So, the identities are for effective performing covert surveillance, particular identities related to certain cognitive mind processes are required, namely: sensitive (visual, auditory, olfactory, haptic), ability to objective perception, attention, developed memory, intellection and imagination. Another cognitive identities which are distinguished by operational investigation specialists, are integral from ones said above.

The analysis of the operational investigation divisions practice evidences that covert surveillance is often accompanied by significant physical loadings (jumping over the fences, running for different distances, fast climbing by the stairs in multistage buildings etc), which can negatively affects on effectiveness of passing cognitive mind processes. Due to that, effective performing of covert surveillance requires excellent physical training, to avoid effect of physical loadings onto quality of performed work.

One of the factors which scientifically complicate psychological aspect of covert surveillance is the tact that this action must be performed in obscurity for the object of covert surveillance and for another people, because the main condition of reaching the goal and accomplishing the task of the covert surveillance is its conspiracy.

The measures for ensure the conspiracy must be psychologically reasoned. In particular, it must be grounded on the established science provisions regarding psychological process of attention (involuntary and voluntary). Based on fundamental science researches of this activity direction, Soviet scientists came to conclusion that observers becomes objects of involuntary attention of another people in the case when they stand out from environment by certain static and dynamic reasons. The researchers find the main goal of disguising in covert surveillance in ensuring correspondence of external static and dynamic characteristics of observer with correspondence characteristics of social environment. So, the observer must masterfully perform wide range of social roles common for every person: the buyer, the passenger, restraint visitor, foot passenger, the patient (in hospital) etc.

In certain circumstances field officers will surely draw other's attention due to low density or absolute absence of social environment (on poorly crowded street, in countryside, in empty rooms, while entering the porch following the object, at night). In this situations they, as usual, inevitably becomes an object of involuntary attention. Thus it needs to take certain measures to prevent turning involuntary attention into voluntary, and being turned - to immediately switch to other objects. For this purpose the observers must act the way that will justify their presence in certain place. This mean that they must perform other's social roles, for example: the seller, the taxi driver, homeless person, worker of gas service, electrical fitter, inhabitant of certain porch, the builder, the worker.

Performing of wide range of other's social roles, active using of material means of disguising (makeup, operative wardrobe, props, special equipment etc) occurs at the same time with carrying out main goals of covert surveillance. In the circumstances of significant loading to mind, and often also significant physical loadings, sure performing other's social roles (even common for every person) are difficult to field officers, first of all to the ones who don't have enough work experience. It expresses in unnatural behavior, abashment, which often lead to exposure and failure of reaching designated goals. The analysis of operational investigation divisions practice evidences that person newly hired to service cannot perform covert surveillance at once, and needs to have much time for adaptation. Their mind is not ready for loadings reasoned by kind of work. For most of them natural performing of other's social roles is difficult.

In the science is it established opinion that main component of ensuring success of covert surveillance in circumstances of carrying out difficult task and heavy loading to mind is proper development of volitional identities of observers (initiative, courage, resoluteness, perseverance, independence, discipline, self-possession). Sure, these qualities are important. But the presence of these qualities itself don't ensure ability of field officer to role impersonation and skills for its usage. These volitional qualities also play main role in public law protection activity. The courage, resoluteness and persistency in many cases of covert surveillance may be not justified for conspiracy. So field officers should to pay special attention for skills and abilities of performing another's social roles. This, together with firming their professionally important qualities related to cognitive and volitional process, it is also necessary to form the skills of legended role behavior.

P. G. Popov rightly noted that forming such skills in many aspects helps to use methodic of the scenic art [11, p. 3]. Generalizing and systematizing the experience of Russian scenic pedagogic, the scientists proposed the system of practical recommendation on usage of scenic psychotechniques in acting officers of internal affairs. The issues of usage the achievements of scene art in operational investigation are researched also by P. Ya. Prygunov, who developed the practical work on psychology of role behavior [12, p. 249–467]. It shall be noted that using the propositions of the scientists it needs to take into account particular aspects which differ work of field officer from actor's art. First, the final goals of impersonation process in scenic art and in operational investigation are principally different. The actor makes artistic image and take care about its scenic expression, brightness, genre and stylistic features, and, as result, to emotional expression of spectators, who are amazing by sawn scene play. The field officer must not to difference from real "prototype" of his role. The artistic in performing the role is forbidden. Only consistent realism is the main principle of such impersonation. Thus, absence of certain qualities which are proper to professional actor, in some cases will help field officer to be especially convincing, reliable, undistinguished [11, p. 3].

Second, the consequences of field officer's mistake can be much more serious that not proper performing of the role by actor – starting from failure of certain operation to real risk for health and life of citizens. Realization of danger and responsibility for fate of colleagues and citizens can lead to excessive worry, and as result – to not proper performance of the role.

Third, the actor directs all his mind activity to create required image, and field officer distributes his mind efforts between conducting designated mission and performing other's social role. So his external (objective) activity cannot be fully subjected by internal (mind).

It causes unable to use in field officers' work all achievements of scene art. Only separate rules are applicable to this sphere – the ones which don't allow internal mind activity, related to carrying out professional duties, to express itself in external manifestations (facial gestures, body language, poses) and in objective activity in whole. In particular, it is method of physical actions by K. S. Stanislavsky. Its essence is in the following: imaginary mind (internal) action related to higher nervous activity is much more difficult to perform that physical (subject) one, related to dimensional actions. But if these physical actions are matched the way that they lead to perform certain (imaginary) goal - their performing leads to spontaneous settings of the mind to experience difficult processes which were not subject to direct imitation.

Skill in handling such instruments is extremely important for field officer. P. G. Popov justly notes that in the circumstances of covert surveillance the field officer who don't use creative approach to role activity, most likely, will be exposed. If the observer is not busy with something he will draw attention at once. So, according to the situation, it needs to think up certain image and define its activity. Then it is necessarily to think up as many as possible obstacles to its reaching and the goals to achieve it. The specificity and realism of its goals lower suspicion of imaginary character [11, c. 17–19].

A good selection of the desired image and purpose of its activities requires appropriate social knowledge, which can be obtained through field officer's daily episodic monitoring of social life in publicly accessible locations. So it is possible to form a reliable picture of the behavior of people whose images are suitable for playback in the process of carrying out of operatively-search actions.

Using the method of physical actions by K. S. Stanislavsky can be organically supplemented by a number of psychological observance of the rules of covert surveillance, developed and passed to the practice professionals for this event from their predecessors. At the same time these rules are not found its formal expression in legal acts and were not the subject of scientific research. Own experience, a survey of operational staff, as well as studies of individual works of art dedicated to the work of undercover operative divisions [13-15] provided an opportunity to concretize relevant information and to formulate the following rules:

1. The observer, being is in the field of view of an object or its relations, shall complete any initiated action (smoking a lit cigarette, drink the purchased drink, if heading to the exit - exit from the room, I began to go if you - do not stop in front, etc.) – the "completed action rule."

2. The observer, being is in the field of view of an object or its relations should not abruptly stop or accelerate the movement, changing its direction – the "inertia behavior rule."

3. The observer is forbidden to look into the eyes of the subject and its relations - "prohibition of sight in the eye." The validity of this rule has direct evidence in psychological science, because eye contact shows interest in the subject. Looking directly attracts attention and can cause psychological discomfort, annoyance, aggression. Those who met the gaze of the subject, will be mainly identified him again if he gets into the field of view. To exclude the meeting with the observed eye, it is advisable to make maximum use of peripheral vision and, where necessary, to watch or lower chest, or higher then headdress of the object. If you avoid eye meeting with the object failed, you must not look away sharply in the other direction, it should concentrate on any subject that is beyond the observable, showing that this thing interested observer.

4. The observer should not hide his face sharply and generally hide if felt the eyes of foreign entities (object, its relations, counter-observers). In this case, you need to slowly leave his field of vision – "forbidden the game of hide-and-seek rule."

These elements regards the behavior of an officer of covert surveillance division of their own social role. They are complemented by the hidden rules of practice to avoid an involuntary attention object, its connections and unauthorized persons:

1. The observer moving behind the subject, should go to the right of the pavement (sidewalks, alleys, crossings, etc.), since the vast majority of people looking back over his left shoulder - the "left shoulder rule."

2. The observer should exclude drawing attention to itself through the auditory stimulus (mobile phone signals and the noise of the radio station, the rustling of clothes, shoes creaking, coughing, sneezing, heavy breathing, car door slamming, ringing the little things or keys in pockets, etc.) – the "silence rule."

3. In public places the observer should not be placed separately – only in the vicinity of other people – "to stay among the people rule."

In most situations, covert surveillance the field officer is needed only solving physical issues, not related to playing complex, emotionallysaturated behavior. However, in some cases, considerable emotion will contribute to convincing justification of human actions, in particular when trying of object, its relations and others come into contact with operatives to investigate the causes of his stay in a particular place. Then the "performers" will necessarily have to initiate own emotional nature using complex actor's psycho-techniques.

Emotional mental processes which are closely related to the cognitive and volitional ones, play an essential role in ensuring the effectiveness of the operational activities of field officer during covert surveillance. However, until now it neglected the emotional component of this event.

Emotional state – is the basis of success in any human activities and in social relations. With deteriorating emotional state reduces the overall reasonableness, deteriorating quality of all cognitive mental processes - speed, agility, depth, volume, etc. [16, p. 184-190; 17, p. 8;]. Asthenic emotions not only inhibit the cognitive processes but also appear to reduce muscle tone [18, p. 121].

Without doubts, chronic emotional state of field officer has a significant impact on the effectiveness of covert surveillance. In depressed state he is helpless not initiative, indifferent to the results of the operational investigation, badly takes and transmits the information. In a state of fear – he senses insecurity, anxiety, threat. Accordingly, the operational activities of officers may be inadequate situation and role behavior - unconvincing. So, if the object will turn to the observer with the requirement to explain the purpose of his stay in a particular place, any legends (even quite reasonable and logical) will look false if external signs of fear sweating, paleness, sudden movements of the eyes, avoiding eye contact etc. Anger is generally accompanied by a weakening of conscious control over the actions and actions [18, p. 86]. Despite the fact that anger mobilizes the energy necessary for self-defense, and gives a person some confidence, it is fatal for conspiratorial activities because it dulls the senses, decrease field of attention, impairs the perception and comprehension of the information. Rude, aggressive response to the action of the environment spontaneously attracts the attention of an object or its associates. In situations of communication with the observed staying of the observer in a state of anger leads to aggressive acts, which acts as de-masking factor and may provoke a conflict and thus cause the failure of the operation. So negative chronic emotional states during covert surveillance lead to inappropriate emotional reactions to sudden impact of the environment (the object, its relations), up to emergence of affects strong and short-term jitters, accompanied by a pronounced motor manifestations, changes in the activity of internal organs, loss volitional control over their own actions [18, p. 37].

Positive chronic emotional states during covert surveillance lead to high efficiency of cognitive mental processes, and accordingly - to make the right organizational and tactical decisions, and ultimately to achieve the objectives of the event. In addition, in a good mood field officers are able to role-effective transformation. They exhibit a reasonable initiative, justified courage and determination, that is, those qualities which by the operational investigation experts believe to be the basic professionally important for covert surveillance.

Courage. determination. initiative. perseverance are directly related to other complex volitional qualities - self-confidence, which occurs in chronic and develops positive emotional states, the motivation to succeed. Therefore, field officer must first be able to regulate their own emotions. The elements of this regulation are the continuous conscious control over their own emotional state in order to identify adverse changes in it and the adoption of measures for its restoration. Among these measures it should be, in our opinion, the following: the conscious control of emotional reactions, willful rejection of experiences, special psychological exercises, special physical exercises [19].

Thus, the regulation of emotional states is possible while developing basic volitional qualities (willpower, endurance), the availability of adequate psychological knowledge and skills, as well as an adequate level of intellectual development.

The emotional state of each observer determines the efficiency of not only his own work, but also the performance of the entire group, which conducts operational investigation. For covert surveillance this is basically a collective work carried out by a small social group. Psychological compatibility of its members and accordingly, the of interaction primarily efficiency is the compatibility of their emotional states, without which it is impossible to form an overall positive mood, the unity of the group. For example, if a part of the observation group, together with the employees who are in a state of extreme interest and enthusiasm will be involved those who have chronic emotional tone of sadness and indifference, then it will be difficult for them to find a common language. Worker in chronic emotional tone of fear or anger can make a nervousness in the work of the entire group of observers. Observers in such conditions badly perceive and transmitting information, which leads to constant communicative errors decreasing the efficiency of the interaction. Thus, the negative emotional state of one of the observers involved in the operation hinders to the work of all field officers involved in the conduct of the event, except for a coherent fashion.

The size of the group; experience and consistency in the work of its members; rational distribution of responsibilities, depending on the individual psychological characteristics of observers; the content and the ratio of their formal and informal relations (formal and informal interpersonal relationships) unity of their aims and motives are also important for the effectiveness of internal communication of field officers who conduct covert surveillance.. Objective laws of influence of these factors on the effectiveness of covert surveillance have been well studied in the Soviet time and are the subject of current scientific developments.

It is the question to which the scientists give priority in their research. With regard to the aspects of emotional compatibility and emotional interaction of observers, the relevant research has received little attention. Exploring the issues identified, Soviet scientists have noted that a group of field officers of covert surveillance has social and psychological structure. Social structure expressed formal relations and communications that occur between the intelligence officers in the performance of their official functions during covert surveillance. Psychological structure is informal relationships, psychological connection operatives. The first one has an official character, the second one - emotional. Therefore, important basic psychological condition for the effective implementation of the tasks for covert surveillance is a positive emotional state of the group. This requires a high level of emotional stability of each observer, his skills and his own emotion management skills.

Emotional compatibility of observers is not only the similarity of their chronic emotional states (which have to be exceptionally positive), but also in the emotional coloring of their interpersonal relationships. This color should be conflict-free character. After all, in the psychology of conflict - a clash of contradictory, incompatible desires or views in the relationship of individuals or groups associated with acute negative emotions. In its turn, a violation of emotional control may cause conflict.

A positive emotional climate, combined with a rational organization of the work contributes to the establishment of group norms (unwritten rules, which must comply with the behavior of each member of the group), which provide a high level of productivity and quality of work of each of its members and informally monitor his labor enthusiasm.

Emotional status of observers should be assigned to the subjective psychological aspects of

covert surveillance. Together with these aspects, there are also objective, related to the subject and the object of mental activity, its relations. In particular, it is the recognition and interpretation of the external manifestations of mental activity of these persons, the prediction of their behavior. Questions of visual psychodiagnostics are sufficiently developed both by domestic and foreign psychologists.

Knowledge of the external manifestations of human mind activity helps to diagnose chronic emotions and short-term emotional states of covert surveillance object and, accordingly, to provide some elements of its behavior. In particular, it is the activity of action, their direction and motivation, the kind of the response to the behavior of other people and for received information. This diagnostics can be the result of thinking of field officer using scientific knowledge, and (or) social and psychological experience, and also can be only intuitively. However, one way or another, its results during covert surveillance should not be the sole basis for making tactical decisions taking into account the following:

• The observers' conclusions may be wrong due to lake of knowledge, experience or intentional imitation of the objects one or another states to defraud the environment (for example, the state of the passion causes significant shortage of the field of attention and may be demonstrated for the purpose of remittance the watchfulness of observers and to detect the observation);

• It is not possible to foresee all specific actions of the subjects basing only on its emotions (the way route, committing crimes, visiting addresses, meetings with his relations etc);

• The emotional states are volatile and may changes abruptly regarding to different external and internal factors;

• The influence of emotions to behavior each specific person has its own qualities.

Only in compex with assessment of other elements of the operational investigation the results of visual psycho-diagnostics can be used to make tactical or organizational decisions. In this case, first of all, it needs to take into account the signs of preparation and (or) committing crimes, especially the behavior of a specific object of covert surveillance, all the information about him and his communication. Therefore, the recognition process of the criminal activity of persons that, among other things comes to first role, due to the immediate purpose of the operation – to obtain the information needed to fight the crime.

Conclusion. The psychological foundations of covert surveillance include: professionally significant identities of observers; psychological characteristics of disguising; socio-psychological basis of collective action during the operational investigation; recognition and interpretation of the external manifestations of mental activity the object of observation, forecasting of its behavior.

We divide the professionally important identities of observers into cognitive, emotional-volitional and integral.

The covert surveillance in public accessible places for persons who are willing and commit crimes requires from the mind of the executor ability to simultaneously and active passing of all cognitive psychic psychical processes including in circumstances of significant physical loading. High levels of parameters of said process are main cognitive professionally significant identities of the Emotional-volitional observer. professionally includes: self-confidence. important identities strength of will, composure, sangfroid. Another professionally important identities are integral and can be distinguished on the basis of the combination basic cognitive and emotional-volitional of identities. In particular, it includes: observancy, advertence, discipline, initiative, resoluteness

The ability to perform legended social roles is important integral professionally significant quality required for successful conducting of covert surveillance. It ought to be developed with method of "physical actions" by K. S. Stanislavsky, and also by respecting not formal rules of covert surveillance on masking of real social role of observer, worked out with practice.

The positive emotional state of all field officers in the group is important condition of effective conducting of covert surveillance. It is based on a high level of emotional stability of each observer, positive emotional setting of field officers to each other and their interpersonal relationships.

Results of visual psychodiagnostics in process of observing can be used to make tactical or organizational decisions only in conjunction with assessment of other elements operational investigation situation. First of all, it is needed to take into account any signs of preparation and (or) committing of the crime, features of the behavior of a specific object of covert surveillance, all the information about him and his relations. Therefore, the process of recognition of the object's criminal activities, among other, comes to first role, due to the direct goal of operational investigation (obtaining the information needed to fight crime).

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