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PSYCHOLOGICAL ASPECTS OF SAMPLE COLLECTION FOR EXPERT EXAMINATIONS IN FORENSIC-INVESTIGATIVE PRACTICE, CONSIDERING THE INDIVIDUAL'S PSYCHOLOGICAL CONDITION

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Abstract: This article discusses the psychological characteristics of obtaining samples for forensic examination in judicial and investigative activities, as well as the issues of taking into account the individual psychological state of a person. The legal nature of obtaining samples was revealed, and the mental processes of the investigator, such as his mental state, mood, and readiness to resist or react negatively, were analyzed. The issues of establishing psychological contact with a person, effective communication, identifying and eliminating the causes of resistance, and increasing the effectiveness of sampling were considered. The legal and moral foundations of psychological interaction, requirements for compliance with individual rights are covered.

Keywords: forensic investigation activity, examination examination, sampling, psychological communication, resistance, individual-psychological state, investigator, communication, psychological impact, consent.

Аннотация: В данной статье освещаются психологические особенности отбора проб для экспертного исследования в судебно-следственной деятельности, а также вопросы учета индивидуально-психологического состояния личности. Раскрыта правовая природа отбора проб и проанализированы психические процессы, такие как психическое состояние исследователя, его настроение, отношение человека к сопротивлению или неудовлетворенности. Рассматривались вопросы повышения эффективности отбора проб путем установления психологического контакта с индивидом, эффективного общения, выявления и устранения причин сопротивления. Освещены правовые и этические основы психологического воздействия, требования соблюдения прав личности.

Ключевые слова: судебно-следственная деятельность, экспертное исследование, взятие образцов, психологическая коммуникация, сопротивление, индивидуально-психологическое состояние, следователь, общение, психологическое воздействие, согласие.

INTRODUCTION

In judicial and investigative practice, the collection of samples for expert examination is one of the important procedural actions aimed at creating the necessary conditions for obtaining reliable expert conclusions. This action requires not only knowledge of legal norms and procedural rules, but also the practical application of psychological knowledge, since the collection of samples is always carried out in direct interaction with a person. The investigator's success in this activity largely depends on his mental state, his ability to establish psychological contact, to communicate effectively, and to take into account the individual psychological characteristics of the person. Resistance or a disapproving attitude on the part of the person can significantly complicate the conduct of the investigative action; therefore, the study of the psychological

features of this process and the development of methods for eliminating psychological barriers acquire particular scientific and practical significance.

Methods

The methodological basis of the research consists of the following methods:

- **Legal analysis** - examination of the norms of procedural law governing the procedure for collecting samples for expert examination, the conditions of mandatory and voluntary collection, and the requirements for the safety of methods used;
- **Psychological analysis** – study of the psychic processes occurring in the investigator (mental state, mood, readiness for resistance) and in the person from whom samples are taken (fear, distrust, motives of refusal);
- **Analysis of investigative practice** – consideration of typical situations of collecting biological, psychophysical, anatomical, and other types of samples;
- **General scientific methods** – analysis, synthesis, comparison, and generalization, used to systematize the obtained results.

Collecting Samples for an Expert Examination serves to create conditions for conducting other investigative actions, such as an exhumation, that is, for the expert examination. The collection of samples for an expert examination is understood, from a legal point of view, as the taking of samples that reflect the characteristics of a living person, a corpse, an animal, a plant, an object, a material, or a substance, for the purpose of subsequently appointing an expert examination and submitting them to an expert as objects of examination. [5]

From a living person, the following samples are taken: biological – blood, hair, saliva, substances secreted from the human body; psychophysical – handwriting; anatomical – the lines of the skin pattern (fingerprints), dental casts; samples reflecting voice characteristics and professional skills. Biological and anatomical samples are also taken from a corpse. From an animal, samples are taken from its hide, wool, hoof prints, and excrement. From plants, objects, materials, and substances, a sample is taken in the quantity necessary for the examination (two or three items, a few grams). The collection of samples is carried out when necessary for expert research and in the following two cases: first, in-depth examination of the sample itself; second, for comparison with a previously examined item, that is, for identification. For example, in criminal cases related to mass poisoning, samples of products are taken for in-depth examination; in criminal cases related to theft, fingerprints of persons are taken for the purpose of comparing them with fingerprints found at the scene of the incident. In investigative practice, the collection of relevant samples from persons is often carried out as a separate investigative action, while the collection of other types of samples is carried out during other investigative actions.

Logically, the result of collecting samples serves to create the necessary conditions for conducting an expert examination. The collection of samples as a separate investigative action cannot be considered a completed action. This is because the significance of the collected samples for the case is determined in the conclusion of the expert examination. Therefore, the opinions of scholars who do not recognize the collection of samples as an independent investigative action appear to be valid. The methods used during the process of collecting samples from a person for an expert examination, in relation to that person, must not cause pain and must be safe for life and health. Provided that this requirement is observed, both the expert examination and the collection of samples may be carried out compulsorily. If it is necessary to use methods that cause severe pain during the expert examination and the collection of samples, these actions are carried out after obtaining the person's consent. If the person is under 16 years of age or is mentally incapacitated, they are carried out with the consent of his or her legal representative, guardian, or custodian.

From a psychological point of view, the collection of samples for an expert examination is understood as the psychic processes related to taking from a person samples reflecting biological, psychophysical, and anatomical characteristics, voice characteristics and professional skills or

aptitude; engaging in psychological communication in order to obtain information significant for the case; obtaining the person's consent or manifestation of will through influence; eliminating psychological barriers that arise in thinking; and analysis. During the collection of samples from a person for an expert examination, psychic processes also occur in the investigator himself, related to exerting psychological influence on another person. The psychic processes occurring in the investigator himself may include his mental state, mood, readiness for the person's resistance or disapproving attitude, observation, thinking, and analysis. Exerting psychological influence on a person consists of psychic processes such as establishing psychological contact, communicating, knowing the person's mental state and mood, and exerting influence in order to identify and eliminate the cause of any disapproval in the person. A deeper analysis of these psychic processes helps to understand their essence more profoundly.

Results

The analysis carried out in the research allows us to formulate the following results. From a legal point of view, the collection of samples is understood as the taking of samples that reflect the characteristics of a living person, a corpse, an animal, a plant, an object, a material, or a substance, for the purpose of subsequently appointing an expert examination. From a living person, biological (blood, hair, saliva), psychophysical (handwriting), and anatomical (fingerprint patterns, dental casts) samples are taken, as well as samples reflecting voice characteristics and professional skills. The methods used must not cause pain and must be safe for life and health; after obtaining consent, methods causing strong pain may also be applied. If the person is under 16 years of age or mentally incapacitated, the consent of a legal representative, guardian, or custodian is required.

Logically, the result of collecting samples serves to create conditions for the expert examination and therefore cannot be considered a completed independent investigative action, since the significance of the collected samples for the case is determined in the conclusion of the expert.[6]

From a psychological point of view, the psychic processes occurring in the investigator include his mental state, mood, readiness for the person's resistance or disapproving attitude, observation, thinking, and analysis. A stable mental state, an intermediate or elevated mood, and good preparation are required for successful conduct of the action.

Establishing psychological contact is understood as the process of becoming acquainted with the person; the initial address must be sincere, logical, and substantiated, leaving a positive impression. Communication, based on mutual trust, ensures that the collection of samples is brought to completion without obstacles.

Resistance manifests itself in active refusal to give a sample. The causes of refusal may be fear, distrust, or a sense of involvement in a crime. Although the law permits compulsory collection, it is more advisable to identify and eliminate the causes of refusal through communication and to obtain the person's voluntary consent. Psychological influence must be planned in advance, must take into account the person's individual psychological characteristics, must not violate his rights, and positive responses must be reinforced through encouragement.

The mental state of the investigator carrying out the collection of samples is understood as the ability to conduct himself appropriately, to be, if necessary, serious and composed or cheerful and good-humored, to withstand external influences, and to control himself; in general, a stable mental state is required. To maintain a stable mental state, it is necessary to have good rest, to be free of other problems, or not to be distracted by them.

Mood is also often understood in connection with mental state as being depressed or elevated, and it can also be serious. Mood is understood as a person's state of joy, sorrow, or intermediate states. When collecting samples, it is advisable to be in an intermediate or elevated mood, proceeding from the characteristics of the person. Taking into account that mood changes under

the influence of time, situation, and other circumstances, it is recommended that the investigator carry out the collection of samples at a time when he is in a good mood.

Readiness for the person's resistance or disapproving attitude is understood as being prepared, taking into account that such situations may arise, to identify and eliminate the cause of resistance or disapproval. To be prepared for unpleasant situations when carrying out this investigative action, it is advisable to prepare well for the collection of samples and to study the person. Observation, thinking, and analysis serve to carry out the process of collecting samples in a different way and effectively, as well as to properly evaluate the obtained results. By results, it is necessary to understand not only the sample, but also the person's behavior and his attitude after the investigative action has been carried out.[3]

Establishing psychological contact is understood as the process of becoming acquainted with the person. When other persons are required to actively participate in any investigative action, it is appropriate to get to know them successfully, or to become acquainted with an open face, or by making a good impression. To establish psychological contact, it is necessary to study the person well, to know his interests and the things he likes; the initial address must be sincere, logical, and substantiated. That is, the initial address must be the foundation of effective communication and must leave a positive impression on the person. In establishing psychological contact, it is very important to pay attention to expressing trust and forming an impartial intention.

Communication forms a positive relationship on the basis of mutual trust and brings the collection of samples without any obstacles to completion, as well as creating positive conditions for carrying out future actions. Communication ensures that the person's positive attitude lasts permanently or for a long time. In order to be able to communicate and maintain a positive relationship, a broad worldview, strong knowledge, eloquent speech, and awareness of the latest news and changes in the world are required.[5]

Discussion

The obtained results confirm that the collection of samples for expert examination is not merely a procedural action, but a complex psycho-legal process. The opinions of scholars who do not recognize the collection of samples as an independent investigative action appear valid, since the collected samples acquire evidentiary significance only after the expert's conclusion. The results are consistent with the classical provisions of investigative psychology regarding the importance of psychological contact and communication in procedural interaction. At the same time, the research emphasizes that the use of compulsory measures, although legally permitted, should be considered as a subsidiary means, since voluntary consent obtained through psychological influence ensures higher-quality results and a constructive attitude of the person toward subsequent investigative actions. Knowing the person's mental state and mood serves to prevent unpleasant situations from arising when collecting samples and to obtain effective results. For this, observation of the person, establishing psychological contact, and communication are required. The situation that requires the use of the greatest amount of psychological knowledge when collecting samples is considered to be exerting influence on a person when he is showing resistance or is in a disapproving mood. In such situations, firmness, persuasion, expressing trust, and the ability to deliver an effective speech are required. During the investigative action of collecting samples, the person's resistance and expression of disapproval, as a problematic situation, require the investigator to use psychological knowledge. Resistance manifests itself in active refusal to give a sample.

Although according to the law samples may be taken compulsorily in such situations, it is advisable to resolve this problem positively by taking the sample with the person's consent. When a situation of refusal to give a sample arises, it is necessary to identify the cause of the refusal, proceeding from the characteristics of the person. In this case, it is possible to identify and eliminate the cause through communication. The cause of refusal may be fear, distrust, or

involvement in a crime. After the cause of the refusal has been identified, it is necessary to exert psychological influence on the person. When exerting psychological influence, the person's rights must not be violated, and the influence must be carried out in a planned manner in advance, proceeding from his psyche, character, and other characteristics. When the influence is accepted positively, the person must certainly be encouraged. Furthermore, when exerting influence, it is necessary to take into account external factors and to pay attention to changing the person's mood.[6]

CONCLUSION

The collection of samples for expert examination in judicial and investigative activity is not merely a procedural action, but a complex psycho-legal process that requires the investigator to possess both legal knowledge and practical psychological skills. The analysis carried out in this article allows us to draw the following conclusions. First, the effectiveness of sample collection largely depends on the investigator's own mental state: emotional stability, a positive mood, and readiness to face resistance or disapproval create the foundation for successful interaction with the person concerned. Second, the establishment of psychological contact and effective communication play a decisive role. A sincere, logical, and substantiated initial address, combined with an expression of trust and an impartial intention, forms a positive attitude in the person and significantly reduces the likelihood of refusal or resistance. Third, resistance or refusal to provide samples should not be regarded solely as an obstacle to be overcome by compulsory means. Although the law permits mandatory collection of samples, identifying and eliminating the psychological causes of refusal – such as fear, distrust, or a sense of involvement in a crime – and obtaining the person's voluntary consent is both more humane and more effective from the standpoint of procedural economy. Finally, psychological influence on the person must always be exercised within the framework of law and ethics: the person's rights must not be violated, the influence must be planned in advance according to the individual's psychological characteristics, and positive responses must be reinforced through encouragement.

RECOMMENDATIONS

Based on the above conclusions, the following practical recommendations are offered:

1. **Prepare thoroughly before the investigative action-** The investigator should study the person's background, interests, character traits, and possible motives for resistance in advance. Good rest and freedom from distracting personal problems are essential preconditions for maintaining a stable mental state.
2. **Conduct the action at an appropriate time-** Since mood is changeable and depends on time and circumstances, sample collection should be scheduled when the investigator is in a positive emotional state and when external conditions are favorable.
3. **Build trust through psychological contact-**The initial address should be sincere, logical, and substantiated; the investigator should demonstrate impartiality and express trust, as the first impression determines the further course of interaction.
4. **Monitor the person's mental state and mood-** Continuous observation and communication allow the investigator to detect signs of tension, fear, or disapproval in time and to prevent conflict situations before they arise.
5. **Identify and eliminate the causes of resistance-** When refusal occurs, its causes should be clarified through communication rather than immediately resorting to compulsory measures. Eliminating fear or distrust through persuasion and reassurance increases the likelihood of voluntary consent.
6. **Plan psychological influence individually-** Any influence must take into account the person's psychological characteristics, character, and current emotional condition, and must never violate his or her rights. External factors and the person's mood should be considered when choosing the moment and manner of influence.

7. **Use encouragement and positive reinforcement-** When the person responds positively, the investigator should acknowledge this and encourage further cooperation, thereby strengthening a constructive attitude for subsequent investigative actions.

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