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SOME OF THE TRAITS OF THE INVESTIGATOR IN RELATION TO THE ROMANIAN WAY OF BEING

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Abstract

The article aims to address, in a juxtaposed manner, certain personality traits of the international investigator and the personality characteristics extracted from the psychological profile of the Romanian population. The traits exhibited by the judicial body comes from manuals and interrogation techniques from the perspective of accusatory and non-accusatory styles of interviewing individuals within the criminal process. The resulting characteristics are placed alongside the personality traits emerging from the psychological profile of Romanians, with the purpose of drawing some conclusions regarding the alignment between the suggested behaviours of the person involved in the interrogation process and the Romanians way of being.

From the combined analysis of these two aspects, a certain incongruity has emerged between the Romanian way of being and the expectations attributed to the modern investigator.

Key words: *investigator, interviewer, hearing, interview, interrogation, psychological profile.*

INTRODUCTION

Whether we talk about interrogating individuals suspected of committing a crime, about people who have suffered damage, or about interviewing those who can provide information regarding the commission of a criminal act, the hearing of individuals in the criminal process represents one of the most dynamic and complex activities, which has at its centre the human being itself.

Research directions on the investigator/investigated pair have expanded primarily towards the investigated person through analysing the inner motives behind the commission of an act, or by identifying different ways in which a person is determined to confess after being categorized as sincere or insincere following behavioural evaluations.

At the national level, research on the personality attributes of the judicial body has been conducted through some studies in judicial psychology and forensic tactics, and the criminal procedural norms have been and are the main benchmark on the legal way of approaching a hearing. For tactical rules to be effective, they require permanent attention and continuous research on how they fulfil the purpose of the criminal process, in the same way that criminal procedural legislation is subject to changes and receives proposals for improvement.

In a paper addressing the theme of tactical and procedural elements regarding the hearing of witnesses, the author from Romania points out some deficiencies in the criminal procedural norm regarding the possibility of assistance by a psychologist for the persons heard and recommends the hearing of children up to 6 years old by a person specialized in child psychology and who possesses specific knowledge of child cognitive development (*Sologon, 2021*)."

Studies focusing on the behaviour of investigators in other countries have revealed important aspects for the entire hearing activity. Thus, by applying a questionnaire regarding the perceptions of Slovenian police officers about the basic characteristics of an investigation and the degree of practical use of the interrogation manual, the following was concluded: some coercive techniques are still used, the manual requires revision, and audio-video recordings represent the solution for directing interrogations towards investigative interviews (*Areh; Walsh; Bull, 2015*).

This article will present certain specific behaviours of investigators from other countries and some personality traits from the profile of Romanians, with the purpose of identifying certain concordances or discrepancies between the internationally proposed investigator profile and the psychological profile of Romanians. The motivation for choosing this topic lies in the need to understand the usefulness of a hearing manual dedicated to the judicial bodies in Romania.

To provide a brief legislative and terminological context, the first section addresses the theme of hearing in the criminal process in Romania, coupled with some elements of judicial psychology found also in the rules of forensic tactics.

The traits of the investigator are highlighted from the perspective of the accusatory and non-accusatory style that marks most of the hearing techniques mentioned in specialized studies, and in the section dedicated to the Romanian way of being, certain personality traits are presented resulting from the shaping of the psychological profile of the Romanian population.

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The conclusions aim to draw attention to certain areas of development within the personality structure of Romanians and to raise awareness of the optimal behaviour that an investigator can adopt during a hearing".

I. INTERNAL ASPECTS

The traits of the investigator that will be referenced in the article will be taken from the international bibliography, as they emerge from various manuals and hearing techniques. Even though the characteristics of the investigator are not taken from Romanian specialized literature, we consider it useful to briefly present the context of the criminal procedural process within which hearings are conducted in Romania, primarily to understand the terminological differences, to which notions of judicial psychology will also contribute.

In accordance with the regulations of the Code of Criminal Procedure (*Law no. 255/2013 for the implementation of Law no.135/2010*), no explicitly significant distinctions are established between the concepts of 'hearing' and 'listening', as an activity that defines the evidentiary process through which a statement is obtained. Article 106 paragraph (1) of the Code of Criminal Procedure shows the alternative application of these terms, without a clear conceptual difference between the two notions being deduced from the legal text. In doctrine (*Neagu; Damaschin, 2020, p. 483*), there emerges an opinion that supports the absence of any procedural differences between the activities of hearing and listening, both encompassing the phase of free exposition and the interrogation stage. Contrary to this approach, another doctrinal position (*Mateuț, 2019, p. 505*) proposes a clear distinction between the two notions, attributing exclusivity to the term 'hearing' in the sphere of the criminal process, while 'listening' would be reserved for judicial approaches external to the substance of the case.

The Code of Criminal Procedure provides for a phased approach regarding the manner of listening to the suspect or the accused. It begins with a preliminary interrogation about personal data and continues with informing about the rights and obligations that come with the status of the person being heard, followed by subsequently offering the suspect or the accused the opportunity for a free narration regarding the crime that has been attributed to them. Later, the participant in the criminal process is likely to be subjected to a set of questions in the interrogation stage. Even though the mention is only about the suspect or accused, this structure of the hearing procedure, consisting of a phase of free narration and one designated for questioning, represents the rule in the matter of hearings. To make a connection with the next section of the article, we can state that the free narration is synonymous with the interview, and the questioning stage represents the interrogation, similar to how the phases of hearing are named and described in various international approaches, especially those from the United States of America and the United Kingdom.

The notion of inquiry, although used in the Code of Criminal Procedure, is limited exclusively to references concerning special methods of surveillance or investigation, and the term 'interrogatory' does not exist in any form. The term 'investigator' or 'interrogator' does not exist either, and to designate the person conducting the hearing, the term 'judicial body' is used, as part of the tableau of participants in the criminal process, alongside the lawyer, the parties in the criminal process, the main procedural subjects, and other procedural subjects, such as the witness and others.

Despite this, from the perspective of judicial psychology and forensic tactics, the notion of inquiry exists in a relative indistinction with hearing, listening, investigation and interrogation. The judicial inquiry, as a procedure carried out both in the phase of criminal investigation and that of trial, is defined [Mitrofan; Zdrenghea; Butoi, 1994, p. 148] as a cumulation of relationships that the investigator has with other participants in the process. Characterized by the presence of a certain emotional tension and conducted in a systematic way, the interrogation represents the contact between the state representative and the person suspected of committing a crime, in which context the judicial body is later also called an investigator [Butoi, 2004, p. 85].

Since the term 'judicial body' is used throughout the criminal process, in all phases and criminal procedural activities, we consider it too generic to exclusively designate the person conducting the hearing, which is why the notion of investigator seems more appropriate. Even though it has a transient character, it better responds to the need for synonymy with terms like detective, investigator, interviewer, and interrogator. The terms will be used as such to maintain the sense the authors intended to attribute in their original works, differently, depending on the legal and conceptual approach.

II. TRAITS OF THE INVESTIGATOR

Subsequently, certain traits of the investigator will be highlighted as they emerge from the interrogation techniques used internationally, starting with the infamous Reid technique, as well-known as it is controversial, and then moving on to non-accusatory techniques, such as the investigative interview. Despite the fact that these are different approaches, certain characteristics are common and serve to create a comprehensive picture of the behaviour and competencies of the investigator.

2.1 Accusatory style

The dominant characteristic of the Reid technique lies in accusing the person being heard after an interview has been conducted, and the interviewer has formed a belief regarding the person's insincerity. Based on this approach, several hearing techniques have been developed, largely built on the basis of conducting an interview in the initial part and then applying knowledge acquired by the investigator for detecting simulated behaviour. The second major stage is the

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actual interrogation and is applied to individuals suspected of being insincere and having a hidden involvement in the investigated act.

In the 5th edition, the most recent of the interrogation manual proposed by the Reid Institute (*John E. Reid & Associates, Inc., reid.com*), the authors of the work approach the investigator's competencies differently depending on the two stages, the interview and the interrogation, and do not exclude the possibility of being the same person. On the contrary, it is recommended that the interviewer continue the interrogation because the trust relationship built with the investigated person is particularly useful in the persuasion process. (*Inbau; Reid; Buckley; Jayne, 2013, p. 64*). From this point, we understand that the investigator proposed by this technique must feel comfortable when manipulating a person they consider guilty, in order to obtain a confession. In addition, it is recommended that the investigator's flexible attitude goes even further so that they can display, in the most authentic way, an apparent sympathy even towards a person suspected of committing the most heinous acts. They must be able to lie about the strength of the evidence in the case and be capable of treating with respect an arrogant or provocative person, all to access the truthful part of the interrogated person.

We understand that a good investigator must possess high confidence in their ability to detect truth or lies, the capacity to discern between them, and the strength to support their decision. This advocacy for behaviour is not out of obstinacy, but from confidence in their capabilities, and a successful interrogation is not driven by passion or resentment, with the emotional control of the investigator being essential. The manual suggests that communication ability is the most important at this stage, where the investigator must be able to maintain a sustained pace of interrogation for a long period of time and not lose the attention or interest of the person being heard. This aspect does not translate into the investigator getting absorbed in a long monologue and losing attention to the suspect's behaviour.

Returning to the stage preceding the interrogation, even within this technique, the conduct of the interview is done in a non-accusatory manner and aims at gathering information. The authors of the manual believe that the personality and attitude of the interviewer play an important role and only those who are authentically concerned about people are successful. The investigator must feel comfortable asking questions and be able to approach sensitive subjects in a relaxed and confident manner, despite the traumatic context and the behavior of the person in front of them. An investigator who feels uncomfortable asking questions creates more nervous tension in the case of a sincere subject and more confidence in the case of an insincere subject (*Inbau; Reid; Buckley; Jayne, 2013, pp. 56-57*).

Because we preferred an inverse approach to the natural stages of hearing, from interrogation back to interviewing, the second part of the subsection dedicated to the accusatory style will develop some elements within the interview

stage, such as the importance of establishing rapport and self-evaluation of activity.

In the second edition of the book for law enforcement forces, John E Hess defines rapport as a state of mind characterized by empathy, sympathy, and comfort (*John E Hess, 2010, p. 11*). To create such a state, the former FBI Academy instructor recommends that the investigator adopt behaviour aimed at reducing the interviewee's anxiety. At the same time, he suggests offering compliments and using mirroring techniques from neuro-linguistic programming to increase the comfort level of individuals in a hearing context. The mirroring technique of Bandler and Grinder contributes to creating good rapport, but overly obvious or unnatural mirroring can create a sense of manipulation and lack of authenticity. The author discovered that flattery is meant to make people feel better about themselves and they will attribute this feeling to the person who initiated the compliment. We understand that the investigator must be able to create a state of reduced anxiety and as much connection as possible with the person being heard, starting from the objective that most interviewed people want to cooperate.

Self-evaluation of activity, or the interview critique made by the interviewer, consists of asking a question regarding how they would do something differently if they were to start the same interview again. Hess argues that most interviewers who are willing to ask themselves this question often have difficulty in answering or are left with a vague feeling of insufficiency, unable to name exactly what they would change specifically. Most often, this happens because of a holistic evaluation of the interview, sufficient to provide an assessment, but not enough to objectively improve performance.

2.2 Non-accusatory style

The purpose of this article is not to conduct a comparative process between the different approaches of hearing techniques used internationally. However, one of the main criticisms brought against the accusatory style is that the adversarial system, even though it is specific to the Anglo-Saxon legal system, should be removed from the interrogation room (*Leo, 2009, p 327*). To support this proposal, the example of the English is given, who proceeded in this way to improve the quality of interrogation practices and the quality of the evidence obtained in the hearing process. In a more recent opinion of the same author and based on the most comprehensive research currently available, police hearings should have an investigative function, carried out through an investigative interview, and not an accusatory one, as is the Reid technique, with the objective residing in finding out the truth, even if it means cancelling the opinions initially formed (*Leo, 2018, p 38*).

To continue along the line of finding the truth, we retain some elements that resulted from studies on the obstacles faced by investigators when they need to accurately assess the veracity of statements. The analysis of these studies was

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carried out within a manual on the psychology of investigative interviewing, as a technique of the non-accusatory style (*Bull, Valentine, Williamson, 2009*).

Thus, the lack of knowledge based on scientific evidence and specific skills for evaluating truth will incline the investigator towards custom and will create a blind trust in their own experience, very close to the popular myths and those of the organization they work in. On the other hand, without training grounded on the latest findings in the field of judicial psychology, it is very difficult to know what lying looks like, and the most convenient is to presume. The lack of critical thinking is considered the main obstacle in accurately assessing the truth, and the lack of objectivity can be observed through internal or external factors. Mental, physical health, and ego, as internal factors, have a very large impact on the decisions of evaluators, and in terms of external factors, investigators may feel the pressure of heavy tasks and unreasonable deadlines (*Bull, Valentine, Williamson, 2009, p. 308*).

In the same work, it is recommended that training for assessing a person's sincerity should focus on four major areas. Firstly, it is necessary to abandon bad habits, then to acquire knowledge based on scientific evidence and to implement scientifically validated tools. The last and most difficult major area consists of using methods that emphasize critical thinking in the evaluation of sincerity.

American psychologist Paul Ekman's research is relevant, according to which most people rely in the process of evaluating sincerity on what has been termed 'my theory' of behavioural evaluation. Myths fuelled by society reflect common beliefs about the 'signs' of sincerity and insincerity, without there being in reality a 'Pinocchio's nose' as an indicator of lying (*Ekman, 1991, p. 80*).

Through a questionnaire administered to a large sample of police investigators in Singapore, a recent study (*Chin; Milne; Bull, 2022*) also examined the behaviours investigators claim to have during hearings, and the results reinforce previous research recommending caution towards the use of interview behaviours associated with an accusatory approach and an openness to communication based on rapport. The same article notes that the cultural structure of the population in Singapore tends to be collectivist, the same inclination that the population in Romania has, as we will see in the next part of the article.

III. HOW ROMANIANS ARE

In 2015, Professor Daniel David managed to obtain certain psychological attributes of Romanians based on evidence-based research and published the book 'The Psychology of the Romanian People: The Psychological Profile of Romanians in a Cognitive-Experimental Monograph' (*David, 2015*), from which I have extracted certain traits that outline the psychological profile of Romanians through the prism of personality traits.

The personality profile addresses the subject of the general abilities of the population in Romania and it was found that the intellectual potential is at a level

close to that of other countries in Western Europe or the United States of America. However, it can be observed that intelligence, whether fluid or crystallized, does not fully reflect the latent potential of Romanian intelligence. The same observation is valid for creativity, which at a deep level is similar to that of other developed societies, but shows notable differences to the detriment of Romanians at the surface level. Also, we note that the emotional intelligence of Romanians is inferior to other nations, both at the depth and surface level, from which we can deduce our difficulty in understanding and managing our own emotions, as well as understanding and managing those of others.

Regarding personal intelligence as a personality indicator, no significant variations are noted, except for the fact that Romanians tend to create a more pronounced positive impression compared to Americans. Regarding the character and temperament of Romanians, the lower level of agreeableness can manifest through stronger ambition, but also through a higher level of suspicion. The motivation for work among Romanians is of an extrinsic nature, seeking to satisfy the need for social affirmation, but due to a reduced self-esteem, the style of personality and relating remains a defensive one.

Romanians are also deficient in managing emotional and relational aspects, which is why they have developed various coping mechanisms such as a superiority complex to cope with states of psychological discomfort. Also, regarding interpersonal relationships, personality tests have highlighted high scores in distrust of people, scepticism, controlled hostility, and indifference, traits that make us seem more reserved in reality than we think we are. Mainly supported by a gregarious spirit and low conscientiousness, Romanians have recorded high values in terms of indiscipline, an aspect that also emerged from self-assessment tests, which means that we are aware of this behavioural deficit.

As a synthesis of the personality profile outlined following research that spanned over ten years on the population of Romania, we can assert that despite a good level of intelligence, the psychological profile of Romanians is marked by distrust, cynicism, and scepticism. There are strong tendencies to accentuate both the positive and negative, and the high level of competitiveness acquires unfavourable connotations when confronted with indiscipline and tends to turn into frustration.

Also, within a Romanian research study, which does not claim to conduct a comparative examination with other nations, the five factors of the Big Five model - emotionality, extraversion, openness, agreeableness, and conscientiousness - were used to identify the grouping of the Romanian population according to these factors (*Albu, 2016, pp. 73-83*). The conclusions of the work positioned the Autonomy and Conscientiousness factors at a low or very low level, which can be interpreted as a lack of personal opinions and high indiscipline. The lack of opinions is characteristic of the gregarious spirit, and indiscipline specifically concerns the way we relate to tasks.

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The gregarious spirit and collectivist structure do not seem to be anything new for the personality profile of Romanians; the person of character has always been the one who followed 'the bell of the herd' and did not step out of the group's word (*Rădulescu-Motru, 1998, p. 36*). In the same work, first published in 1937, the academician Constantin Rădulescu-Motru noted the Romanian tendency towards individualism and wasting time on unimportant things, and the belief that we are hospitable was present then as well. This latter trait, viewed from the perspective of modern research, seems to be more about how we see ourselves and not how we are in reality. It should also be noted that at that time, the current psychometric tests validated on the Romanian population were not used, with most opinions being expressed on emic bases.

We conclude the approach to personality attributes with a reference to recent research on the psychological profile of candidates for police schools in Romania and the Republic of Moldova. The common attributes in the two populations were sociability, activism, and intelligence, with the note that there was a tendency towards desirability among candidates from Romania, a factor that can distort the personality profile (*Olaru; Anton, 2023*). The research once again confirms the tendency to present ourselves in a better light and the belief that we are sociable, active, and intelligent people.

CONCLUSION

Regardless of the accusatory or non-accusatory style of hearing, the investigator is presented as a person capable of creating an authentic rapport. This rapport is based on attributes that involve high communication skills and the ability to feel empathy, sympathy, and comfort in the relationship with the person being heard. Even without the application of interrogation techniques, known for their clarity of steps to follow, hearing requires organization and during the interview stage, a certain structure is useful for the process of self-evaluation.

Creating a state of comfort for the person investigated for committing a crime may seem counterintuitive, but a state of high anxiety is not even useful for liars. Manipulation-based techniques include behaviours of validation through sympathy and respect, even towards the authors of repugnant acts.

Using the non-accusatory style calls for the need to abandon old hearing habits and to use only those methods and techniques that are scientifically proven. Critical thinking is highly valued and aims not only to evaluate the behaviour and words of the interviewee but to question one's own behaviour. The interrogation of the way of thinking and organizing the interview is encouraged, and the investigator must understand and admit wrong research directions.

Presenting the personality attributes of Romanians highlighted the latent potential in the intelligent approach of all tasks, but also deficiencies in emotional intelligence, so important in the hearing process.

It is difficult to assume an easy and authentic rapport of the investigator in the context of the Romanian profile, marked by distrust in people, cynicism, and scepticism. A high score in self-confidence does not mean confidence in one's own decisions, and these values must be correlated with the existence of a superiority complex and an external motivation to receive appreciation from others. It is difficult for a person with high scores in indiscipline to resist the frustration during a hearing and to be able to objectively analyse where they went wrong and where adjustments are needed.

Although we have observed that Romanians tend to present themselves in a positive light, the purpose of the article is to highlight those behavioural areas that need to be developed in the context of interviews and interrogations, as well as to point out the need for a manual or hearing techniques that consider the internal psychological profile.

The need for concrete training in the direction of being aware of the advantages and dangers of hearing techniques is also claimed in international studies, relevant being the position of Spanish investigators who highlighted the almost complete lack of specific training regarding the conduct of interviews (Schell-Leugers; Masip; Gonzales; Vanderhallen; Kassin, 2023).

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