

SOME INSIGHTS INTO THE DEVELOPMENT OF CONFRONTATION IN THE CONDITIONS OF THE SLOVAK REPUBLIC

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Summary

In a scientific study, the author draws attention to the essence of confrontation, which from the point of view of criminalistics-tactical recommendations is essential for the application of the goal of confrontation in individual types of confrontation. The scientific study is one of the outcomes of

the research task "Confrontation in Criminalistics theory and practice", whose project is led by the Academy police force in Bratislava under number research 247.

Keywords: confrontation, types of confrontation, essence of confrontation.

Confrontation in the investigation process has been understood in different ways in the past. Some experts considered it should be a separate criminalistics-tactical method, and others considered it a special form of interrogation. At present, confrontation is considered a separate criminalistics-tactical method and at the same time a separate means of evidence. As a result of different perceptions of confrontation, several different concepts of confrontation have emerged.

A. Krajník, Straus, 2000 – "Confrontation is a separate forensic method in which the claims of two previously heard persons, faced, are intended to clarify the discrepancies in the serious circumstances contained in their earlier statements, which cannot be eliminated otherwise."¹

B. Musil, Konrad, Suchánek, 2001 - "Confrontation is an investigative act in which the allegations of two previously heard persons, faced, are intended to clarify the discrepancies in the serious circumstances contained in their previous statements, which cannot be eliminated otherwise."²

C. Straus, 2005 – "Confrontation is a forensic method in which two previously heard persons, between whom there are serious conflicts, face each other in order to clarify these differences, which cannot be eliminated otherwise."³

D. Meteňko, 2012 – "Confrontation is a specific forensic method of criminalistics tactics used in the process of criminalistics investigation and clarification of a criminalistics relevant event, which is carried out by placing two previously heard persons face to face and interrogating them and conflicting communication about the circumstances there have been serious differences about the substance of the subject matter in the same phenomenon, the state of the relevant criminalistics event, and which cannot be clarified otherwise."⁴

E. Meteňko, Bačíková, Samek 2013 - "Confrontation can

be defined as a criminalistic method, which consists in the simultaneous interrogation of two previously heard persons in a mutual position face to face, in order to remove serious contradictions from previous interrogations, if these can not be eliminated otherwise."⁵

F. Bačíková, Laca, 2014 - „Confrontation is a criminalistics method, which consists in the simultaneous interrogation of two previously heard persons in a mutual position face to face, in order to remove serious contradictions from previous interrogations, unless they can be eliminated otherwise."⁶

The definition marked with the letter B alone defines confrontation as an investigative act, Other definitions understand confrontation as a criminalistic method. At present, confrontation is also understood as a criminalistic method (especially by forensic experts) and at the same time it is a proper means of proof and therefore also an investigative act. All definitions consistently define the basic circle of participants in the method - the fact that it will be a questioning of two previously heard persons and at the same time present the basic confrontational position as a "face-to-face" position. Definitions A, C, D present as the basic goal – "clarify serious discrepancies", definition E presents as the basic goal „elimination of discrepancies". The term "clarify contradictions" rather encourages to identify the causes of contradictions, while the causes are usually relatively well known (most often does not tell the truth about known causes - avoid sanctions, reduce the level of possible sanctions for the act, protection of a close person, fear, etc.). Therefore, the term "eliminate inconsistencies" can be considered more terminologically correct (see definition E). All definitions identically determine another assumption of the confrontation - that is, that the contradictions cannot be clarified or eliminated otherwise - that is, by using a different method. Definition

1 Krajník, V., Straus, J. et al. (2000). *Kriminalistická taktika*. 141.

2 Musil, J., Konrad, Z., Suchánek, J. (2001). *Kriminalistika*. 313.

3 Straus, J. A kol. (2005). *Kriminalistická taktika*. 125.

4 Meteňko, J. (2012). *Kriminalistická taktika*. 170.

5 Meteňko, J., Bačíková, I., Samek, M. (2013). *Kriminalistická taktika*. 211.

6 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 46.

D also states that conflicting communication should be used in confrontation. It is true that conflict clearly occurs during confrontation, but the question is whether conflicting communication will always apply to it and what exactly defines this term. In view of the above, the definitions given under the letter E, F, which are at the same time the most up-to-date and do not yet require further adjustment, can be considered the most concise definitions. The very concept of confrontation already contains a definition of the basic preconditions for the performance of confrontation. These assumptions result both from the requirements of the criminal code, but also from the recommendations of criminology as a science.⁷

We currently consider the following to be the basic preconditions for a decision on the need to carry out a confrontation:⁸

- Previous interrogation of persons in the same procedural position. If a person has been questioned as a witness, he must be confronted as a witness. If her procedural position has changed within a certain time horizon (she is not a witness, but an accused), she must be heard again as an accused and only then confront.
- Existence of serious conflicts. These are inconsistencies from previous statements that have a significant impact on the decision in the case. In essence, they concern the very scope of the evidence, as regulated by §119, par. 1 of the Criminal Procedure Code - "In criminal proceedings it is necessary to prove in particular:

- a) whether the act has taken place and whether it has the characteristics of a criminal offense,
- b) who committed this act and from what motives,
- c) the seriousness of the act, including the causes and conditions of its commission,
- d) the personal circumstances of the offender to the extent necessary to determine the type and extent of the sentence and to impose a protective measure and other decisions,
- e) the consequence and amount of damage caused by the crime,
- f) the proceeds of crime and the means to commit them, their location, nature, condition and cost."⁹

- Conflicts cannot be resolved otherwise. The discrepancy cannot be resolved by another criminalistic method or by the use of another means of proof. It is not possible to eliminate the discrepancy by checking the statement on the spot, repeated interrogation with the use of new evidence, investigative experiments, etc.

We could divide the discrepancies according to many aspects. Among the most well-known aspects, we classify discrepancies according to:¹⁰

- Severities.
- Differences in personality dispositions of confronted persons as causes of conflict.
- Differences in personality characteristics of confronted persons as causes of conflict.

Severity.

According to their severity, it is possible to characterize discrepancies into serious discrepancies and insignificant discrepancies. We consider serious discrepancies to be those that have a significant impact on the substantive legal assessment of a forensically relevant event, on its legal qualification, but also on who committed this act in connection with mitigating

or aggravating circumstances. Overall, these inconsistencies affect the ad hoc decision as well as the degree of fault of the accused in the court proceedings. The discrepancies that we consider irrelevant do not affect the preparatory or judicial proceedings and it is not necessary to eliminate them.

Differences in personality dispositions of confronted persons as causes of conflict.

Among the personal dispositions that can cause conflict, we can include individual physiological and psychological dispositions, which in the simplest level of understanding represent a different level of knowledge, skills, knowledge,

practices and experiences of the individual. The selectivity of perception and memory is given by the different profiling of the car mechanic or fashion make-up artist. The states of sensory receptors in young or old people are also different.

Differences in personality characteristics of confronted persons as causes of conflict.

Different personality characteristics have their origin in different upbringing, different cultural or religious environments, but also different emotional equipment of individuals. Otherwise, the deed will be described by a person of different faith (Christian, Muslim, Hindu), otherwise the deed will

be perceived and described by a person living in the social majority or a member of a minority.

The essence of confrontation is perceived differently in current application practice. Many investigators or agents confuse it primarily for the purpose of confrontation. The es-

7 Laca, M. (2016). Komparácia využívania konfrontácie vo vybraných krajinách európskej únie. *Mezinárodní vědecká konference oblasti práva a právních věd – Právní rozpravy*. 39-46.

8 Šimovček, I. a kol. (2011). *Kriminalistika*. 262; Straus, J. a kol. (2005). *Kriminalistická taktika*. 125.

9 §119 Penal code.

10 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 47-49.

sence of confrontation is the creation of psychological tension between people who are faced (confronted) face to face. The psychological point of view is created so that people who are placed face to face will have eye contact it means that they will look each other in the eye. In application practice, we have often found that the confrontators were properly instructed and instructed in the course of the confrontation and still did not follow the instructions given by either the investigator or the authorized member. We are aware that the implementation of the confrontation is demanding in terms of preparation and application of tactics, and the confrontation implemented many times does not bring the expected results - the contradictions will not be eliminated. To help improve the results

of confrontation, it should be the application of the essence of confrontation, to create psychological tension between persons who are placed face to face, so that they will have permanent eye contact during the confrontation and will not look at answering the questions asked by the investigator or authorized member, or one of the confrontation e.g. down to the ground, to the wall and others.

The importance of confrontation can not be seen only in the possibility of eliminating the discrepancies in the testimonies of persons, but also in the possibility of obtaining new information, in the examination of evidence, etc. The significance of confrontation is reflected in the goals of confrontation.¹¹

Objectives of confrontation.

The basic goal of the confrontation can be considered the elimination of serious discrepancies in the statements and the proper identification of material circumstances about the clarified event. In addition to the basic goal, we can also include the following goals:¹²

- Clarify and correct the mistake of a person who, in essence, is interested in a true statement.
- Detection of so-called false albums.
- Obtain and subsequently verify the evidence associated with a forensically relevant event.
- Verification of the truthfulness of the confronted per-

sons from previous statements.

- Detect and eliminate staging of crimes.
- Gain new evidence to clarify things.
- Identify the cause of serious conflicts.
- Study the social status of confronted persons.
- Create and review investigative versions based on assumptions.
- Confrontation mainly serves to eliminate serious contradictions, but it is possible that it cannot obtain new evidence, which is still unknown.

Types of confrontation.

In the nineties of the twentieth century, the authors took into account exclusively the criminal-procedural position of the confronted persons when calculating the species divisions of the confrontation. In the available professional literature, this was reflected in the following breakdown:¹³

- Confrontation between fellow defendants.
- Confrontation between the accused and the witness.
- Confrontation between witnesses.

In the last decade, there has been an acceptance of criminological-tactical aspects in the area of species divisions of confrontation, which has also been reflected in the overall view of confrontation. At present, it is possible to divide individual types of confrontation according to the criminal-procedural position of the confronted persons and according to the occurrence of the so-called criminological-tactical aspects. According to the criminal-procedural position of the confronted persons, taking into account the tendencies in the statement and taking into account the use of tactical principles and procedures, the confrontation is currently divided into:¹⁴

- "Confrontation between the victim.
- Confrontation between witness and victim.

- Confrontation between the accused and the injured party.
- Confrontation between the accused and the witness.
- Confrontation between fellow defendants.
- Confrontation between witnesses."

The forensic and tactical aspects that have an impact on the preparation, as well as the tactics of confrontation management, according to which the confrontation can be further divided, are currently considered to be mainly:¹⁵

- Goal.
- The entity that made the confrontation.
- The need to ensure security.
- Participation of other people.
- Occurrence of the degree of dependence or relationship between the confronted persons.

Confrontation between the accused and the witness is generally described in criminalistic practice as the most common type of confrontation. It rarely happens that this type of confrontation takes place as a result of errors from the previous criminal proceedings of one of the confronted ones. These are often cases where a witness, under the influence of the accused, has changed his statement - he testifies

11 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 48-49.

12 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 46.

13 Konrád, Z., Kuchna, J. (1986). *K některým problémům konfrontace*. 58.

14 Compare: Meteňko, J., Bačíková, I., Samek, M. (2013). *Kriminalistická taktika*. 212; Meteňko, J. (2012). *Kriminalistická taktika*. 168; Šimovček, I. (2001). *Kriminalistika*. 232; Straus, J. a kol. (2005). *Kriminalistická taktika*. 126.

15 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 57.

untruthfully, even though the accused has confessed to the act. The change in the witness's statement may change as a result of the accused's threats to the witness or his relatives, bribes or an agreement between the witness and the accused. Another common type of confrontation between the accused and the witness is if the accused denies the accusation. These causes are the most common reason for a confrontation and its outcome depends mainly on the entity performing the confrontation. The role of the investigator or commissioner in this type of confrontation is mainly to use all his theoretical and practical experience to neutralize the accused's influence on the witness. It is known from experience that the accused, even if he is sufficiently informed about his rights and obligations, tries to:¹⁶

- Make contact with the witness.
- Influence the witness in their favor.
- Gain and take the initiative in confrontation.

In the defendant's statement to the pre-posed question of the subject performing the confrontation, the defendant's answer generally changes to another topic such as "who is he, what he did for him, whether he is aware that where he lives has his people, etc." This way of initiating the accused may force the witness to change his or her statement. Therefore, the role of the managing body is to prevent a continuous statement or free conversation with the witness, especially at a time when the body performing the confrontation does not have a recorder. It is therefore necessary to divide the problems resolved in the confrontation into several smaller parts so that the accused is forced to testify only specifically to those parts which, by their nature, do not allow them to deviate unnecessarily from the resolved problem of the case.¹⁷

Confrontation between the accused and the injured party is also a relatively common type of confrontation. At the same time, when it comes to the victim - the victim of a violent crime, this type of confrontation can be one of the most difficult to prepare and lead. In the case of a victim of a violent crime, it is appropriate to consider the psychological preparation of the injured party for the actual encounter with the perpetrator and for the emotional complexity of the actual implementation. In rare cases, the help of a psychologist in the form of training the injured party to perform the confrontation is necessary.

Confrontation between witness and victim is one of the less frequent types of confrontation in investigative practice. It is usually implemented in cases of different perceptions of damage or the course of the clarified event. At the same time, however, it shows the greatest risks of possible suggestion by the managing entity, but also by the „emotionally stronger“ confronted person.

Confrontation between fellow defendants is carried out to remove contradictions from previous interrogations, in cases where a pair or group of perpetrators was involved in a criminal-relevant event. This type of confrontation is very challenging, due to the fact that not everyone in the group of perpetrators is willing to confess. The main task of the entity

performing the confrontation is to obtain the confession of at least one of the co-defendants and, using the information obtained, to obtain the confession of the other accused. It is appropriate to leave the accused in the presumption during the confrontation (but he must not make a false presumption under the influence of a lie by the governing body, he will only use the incorrectly derived logical judgment of the accused and does not refute him) that other co-defendants also admitted, which may performance of the confrontation contribute to the elimination of discrepancies in the statements due to surprise.

Confrontation between witnesses. Before conducting this type of confrontation, it is often necessary for the governing body to carefully examine the testimony of witnesses from previous interrogations, compare them with each other and with other materials, and use the information to establish the witnesses' relationship with the accused. This procedure helps the confrontator to make a preliminary view of which of the witnesses is telling the truth. The assumption alone does not mean that the situation cannot change. It is just a finding of an orientation opinion on a criminologically relevant event. Part of this kind of confrontation is to assess which of the witnesses should be asked first. Forensic practice states that, as a rule, the confrontation agent asks the first question to whom the testimony is more credible. However, in some cases, it begins with the testimony of a witness who testified untruthfully, which influences the thinking and influence of the other witness, whose outrage could activate to more strongly expose the lies and contradictions alleged.

Confrontation between the injured is one of the rarest types of confrontation. It is implemented in exceptional cases where there are several victims in the clarified case. Most often there are different opinions on the amount of damage, when one of the confronted tries to increase (more frequent case) or, conversely, reduce the actual damage for various reasons - e.g. possible insurance indemnity, possible recovery in court proceedings from the accused, hatred, love but also other feelings towards the accused.

There is currently significant controversy over whether a confrontation can take place between a witness and a suspect, accused person and expert. The case law and legal commentary have so far only concluded that confrontation cannot take place between co-suspects, between suspects and witnesses and the accused and an expert.

According to the set goal, we distinguish the following types of confrontation:

- The aim is to help one of the participants remember the forgotten memories and facts.
- The aim is to overcome the misleading statement of one of the confronted persons.

Relatively rarely, a type of confrontation is performed in the investigative practice, the aim of which is to help one of the participants to remember seemingly forgotten facts or information. This type of confrontation is not carried out in order to take advantage of the emotional tension in

16 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 57-58.

17 Protivinský, M., Prerad, V., Heřmánek, J. (1974). *Taktika výslechu a konfrontace obviněného a svědka v přípravném řízení*. 118.

this person, but rather, on the contrary, it is carried out if all other attempts have failed (examination of the statement on the spot, repeated interrogation, acquaintance with other evidence, etc.) did not help. It is believed that the other person confronted, in repeating their claims to the eyes, can help the person to remember or overcome the mistake. Confrontation in order to overcome the misleading statement of one of the confronted persons is the most common type of confrontation in general and other criminalistic-tactical aspects apply to it.

According to the entity that proposed the confrontation, we distinguish the following types of confrontation:¹⁸

- Confrontation initiated by the managing entity.
- The confrontation initiated by the lawyer.
- The confrontation that the accused initiated.
- The confrontation initiated by the prosecutor.
- The confrontation initiated by the witness.

The person who initiated the confrontation usually takes into account his own goals towards the execution of the confrontation, but also towards the direction of further investigation. The confrontation that the management body has decided to carry out of its own volition generally tends to eliminate the inconsistencies that the management body needs to clarify in order to continue the investigation properly.

The confrontation proposed by the defendant's lawyer or the accused himself usually leads to the possibility of questioning the other person's previous confrontation. It is calculated with the possibility of fear of the person, or with the possibility of disregarding her claims - especially at the stage of asking questions to each other. Sometimes there is only the so-called purposeful "stretching" of criminal proceedings for various reasons by a lawyer - e.g. expectation of a notified amnesty for this type of deed, or personal reasons of a lawyer (increasing fees for legal representation), etc.

The confrontation initiated by the prosecutor usually performs additional tasks towards the successful completion of the investigation process. If the managing entity did not decide to perform the confrontation, the reason was usually that its performance could not be expected to change the statement of a particular person. The prosecutor does not have as detailed information about the participants in the criminal proceedings as the managing entity. From the point

of view of the complexity of the investigation and exhaustion of the so-called "All options" can therefore proceed to order a confrontation. Experience from investigative practice shows that such a confrontation is almost ineffective and often only causes delays in the proceedings.

The confrontation initiated by the witness is relatively rare. These are cases where the witness is usually personally interested in the outcome of the investigation for various reasons (the victim is a relative, acquaintance, but also a strong outrage over the act, or hatred of the accused, etc.).¹⁹

Based on the need to ensure security, the confrontation can be further divided into:

- Confrontation with the need to ensure security.
- Confrontation carried out without the need to ensure security.

A confrontation with the need to ensure security takes place when there is a significant sign that indicates that some, or both, of the confronted persons are prone to violence. Such significant features include in particular:

- Violent nature of the clarified act - a violent crime is clarified, e.g. rioting, personal injury, etc.
- Some of the confronted persons were aggressive during the previous interrogation.
- Some of the confronted persons were convicted or has been prosecuted in the past for a violent crime.
- The managing entity has information about the violent past of one of the confronted persons, even if it has been prosecuted for its actions.

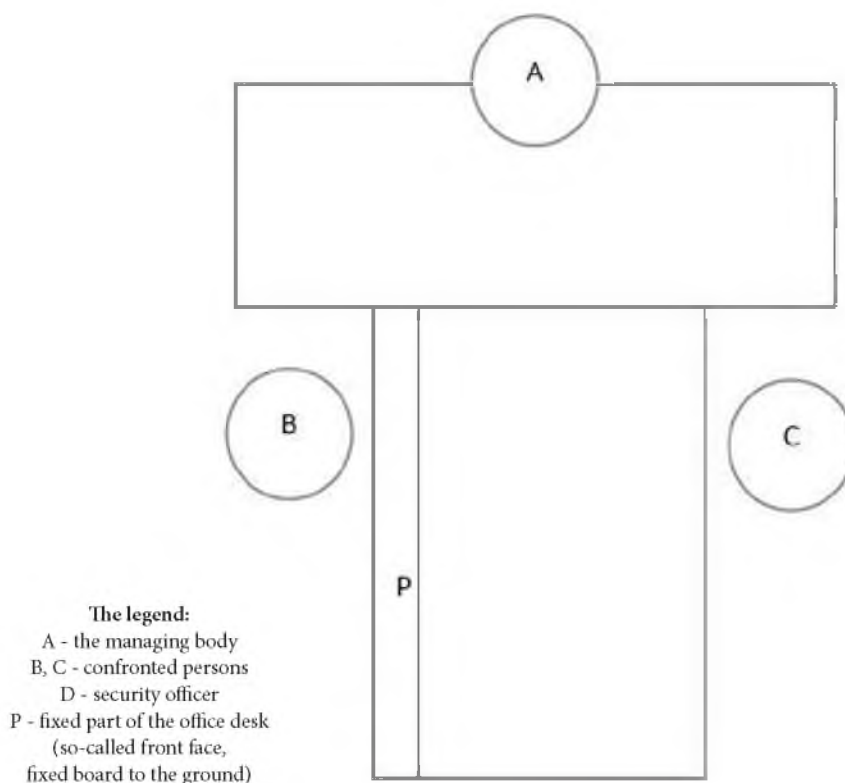
In the event of any of these significant features, the governing body must prepare a safe confrontation. Given that confrontation is usually carried out in the usual offices of investigators or agents, it is appropriate to adjust the way of sitting in the confrontation and to ensure the presence of at least one police officer, who would deal only with security and would be able to prevent the initial attack. Of course, it seems that the removal of all objects that could be thrown after the second confronted person from the reach of the presumed aggressor (e.g. vase, heavier box, decorative object, etc.). With the usual equipment of offices and with the participation of one police officer, ensuring security, it is possible to prepare positions for the confrontation in the following way.²⁰

The concept of confrontation

18 Compare: Straus, J. a kol. (2005). *Kriminalistická taktika*. 126; Protivinský, M., Prerad, V., Heřmánek, J. (1974). *Taktika výslechu a konfrontace obviněného a svědka v přípravném řízení*. 114 – 116.

19 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 61-62.

20 Bačíková, I., Laca, M. (2014). *Konfrontácia*. 63.



Other forensic-tactical aspects are applied in a confrontation carried out without the need to ensure security. Based on the criterion of participation of other persons present during the confrontation, the confrontation can be divided into:

- Confrontation with the participation of a minimum circle of people.
- Confrontation with the participation of a wider range of people.

Confrontation with the participation of a minimum circle of persons – i.e. the managing entity and two confronted persons are among the simpler types in terms of ensuring the organization of the confrontation. The managing body takes into account other forensic-tactical aspects of confrontation.

Confrontation with the participation of a wider range of people - e.g. one or two legal representatives, an interpreter, a recorder, a non-participating person present during the whole confrontation, a legal representative, another police officer, etc., place increased demands not only on preparation - the need to ensure their participation and harmonize the deadlines of all involved, but also in the whole management process confrontation. As a rule, more people present a greater risk of disrupting the confrontation, reduced possibilities for applying tactical procedures - e.g. the presence of an interpreter significantly eliminates the possibility of tactical action on the deceptive person, etc.

Depending on the occurrence of the degree of dependence or the relationship between the confronted persons, the confrontation can be divided into:

- Confrontation with the occurrence of addiction or relationship between the confronted persons.
- Confrontation without the occurrence of dependence or relationship between the confronted persons.

There may be the following types of dependencies or

relationships between confronted persons:

- Social relationship or addiction.
- Emotional relationship or addiction.

Social relationship or dependence can occur in the following forms:

- Colleagues.
- Superior - subordinate.
- Relatives.
- Neighbors.
- Members of a common interest group.
- No social relationship or addiction.

An emotional relationship or dependence can occur in the following forms:

- Friendship.
- Hostility (previous disputes).
- Sympathy.
- Antipathy.
- No emotional relationship or addiction.

Confrontation with the occurrence of addiction or the relationship between the confronted persons is one of the relatively demanding types of confrontations. The very nature of the relationship and its strength are important - relationships based on dependence are stronger, when the confronted person is not willing to stick to his or her original truthful statement, despite the fact that this is captured in the previous interrogation. If this type of confrontation can be avoided, it is tactically more advantageous not to do so, as the failure rate is much higher here than for other types of confrontation. However, if it is necessary to do so, it will not be possible without good preparation to confront the person, where it is necessary to emphasize the risk of punishing the person for perjury, but also to influence the mind or feelings of the confronted person. Other forensic-tactical aspects are applied in a con-

frontation performed without the occurrence of dependence or a relationship between the confronted persons.

The author of the presented scientific study dealt with the issue in the years 2014–2016, where through research he tried to gain a degree of knowledge and application of theo-

retical knowledge in applied practice.

The research is followed by the current international research task “Tactics of confrontation in criminalistics theory and practice”, which is conducted at the Academy of the Police Force in Bratislava under the number of research 247.

Question:

What are the most common causes of false statements in performing various types of confrontation in your confrontational practice?

Possible answers:

- | | |
|--|---|
| A. Fear of legal sanctions (prisons, fines, disqualifications) | D. Protection of a close person (husband, species, son...) |
| B. Shortcomings in the processes of perception, memorization or retrieval of information | E. Coverage of potential accomplices |
| C. Revenge, envy, hatred towards another person | F. Reluctance to testify so as not to cause unnecessary inconvenience |

A. Confrontations between witness and victim

	A	B	C	D	E	F
SV ²¹ do 2 r	65	0	0	0	30	5
SV 2-6 r	54	6	0	0	0	40
SV 6-10 r	71	7	5	2	4	11
SV nad 10r	68	3	20	0	0	9
SV v SR	64,5 %	4 %	6,25 %	1 %	17 %	16,25 %
V ²² do 2 r	37	5	4	26	14	19
V 2-6 r	41	12	25	20	1	1
V 6-10 r	64	5	2	17	8	4
V nad 10 r	14	25	3	9	39	10
V v SR	39 %	11,75 %	8,5 %	18 %	15,5 %	8,5 %
Celkom SV a V v SR	51,75 %	7,87 %	7,37 %	9,25 %	12 %	12,37 %
SV ²³ v ČR	13 %	5 %	0 %	33 %	12 %	37 %
V ²⁴ v ČR	7 %	6 %	0 %	21 %	0 %	66 %
Celkom SV a V v ČR	10 %	5,5 %	0 %	27 %	6 %	51,5 %

Authorized members in the conditions of the Slovak Republic most often encounter the causes of false statements in the confrontation between the witness and the victim in 64.5% of cases for fear of legal punishment (imprisonment, fine, prohibition of activity), in 17% to cover potential accomplices, in 16.25% of reluctance to testify so as not to cause unnecessary inconvenience, in 6.25% of revenge, envy, hatred towards another person, in 4% in shortcomings in the processes of perception, memorization or retrieval of information and in 1% in the protection of a close person

(husband, spouse, son...).

Investigators in the conditions of the Slovak Republic most often encounter the causes of false testimonies in the confrontation between a witness and the injured party in 39% of cases for fear of legal punishment (imprisonment, fine, prohibition of activity), in 18% in the protection of a close person (spouse, son...), in 15.5% in the coverage of potential accomplices, in 11.75% in shortcomings in the processes of perception, remembering or retrieving information, in 8.5% in revenge, envy, hatred towards another person and also in 8,

21 SV in SR – abbreviated investigation in Slovak republic

22 V in SR – investigation in Slovak Republic

23 SV in ČR – abbreviated investigation in Czech Republic

24 V in ČR – investigation in Czech Republic

5% of the reluctance to resign, so as not to cause unnecessary inconvenience.

Overall, authorized members and investigators in the conditions of the Slovak Republic most often encounter the causes of false testimonies in the confrontation between the witness and the injured party in 51.75% of cases for fear of legal punishment (prison, fine, prohibition of activity), in 12.37% in unwillingness to testify so as not to cause unnecessary inconvenience, in 12% in the coverage of potential accomplices, in 9.25% in the protection of a close person (husband, spouse, son), in 7.87% in shortcomings in the processes of perception, remembering or processing information, in 7.37% of revenge, envy, hatred towards another person.

Similar research, which was carried out in 2015-2016, the overall authorized members and investigators in the conditions of the Slovak Republic most often encountered the causes of false testimonies in the confrontation between witness and victim in 37.46% of cases for fear of legal punishment (imprisonment, financial fines, prohibition of activity), in 14.83% reluctance to testify so as not to cause unnecessary inconvenience, in 10.01% in shortcomings in the processes of perception, remembering or retrieving information, in 9.85% in the protection of a close person (spouse), kind, son...), in 9.83% in coverage of potential accomplices, in 9.27% for fear of revenge, in 8.64% for revenge, envy, hatred towards another person.

Authorized members in the conditions of the Czech

Republic most often encounter the causes of false testimonies in the confrontation between the witness and the victim in 37% of cases for fear of reluctance to testify, so as not to cause unnecessary inconvenience, in 33% in the protection of a close person (husband, wife, son)), in 13% of legal sanctions (prisons, fines, bans, against another person).

Investigators in the conditions of the Czech Republic most often encounter the causes of false testimonies in the confrontation between a witness and the injured party in 66% of cases for fear and unwillingness to testify, so as not to cause unnecessary inconvenience,

In 21% in the protection of a close person (husband, spouse, son...), in 7% of legal sanctions (imprisonment, fines, prohibition of activity), in 6% in shortcomings in the processes of perception, remembering or retrieving information, and in 0% of revenge, envy, hatred towards another person and in the coverage of potential accomplices.

Overall, authorized members and investigators in the conditions of the Czech Republic most often encounter the causes of false testimonies in the confrontation between the witness and the victim in 51.5% of cases for fear of reluctance to testify, so as not to cause unnecessary inconvenience, in 27%, kind, son...), in 10% of the legal penalty (imprisonment, fine, prohibition of activity), in 6% in the coverage of potential accomplices, in 5.5% in shortcomings in the processes of perception, remembering or retrieving information, in 0% of revenge, envy, hatred towards another person.

B. Confrontation between witness and accused

	A	B	C	D	E	F
SV do 2 r	54	3	7	32	4	0
SV 2-6 r	69	2	4	22	3	0
SV 6-10 r	43	5	6	31	14	1
SV nad 10 r	14	7	9	52	12	6
SV v SR	45 %	4,25 %	6,5 %	34,25 %	8,25 %	1,75 %
V do 2 r	24	11	2	58	1	4
V 2-6 r	34	15	7	41	2	1
V 6-10 r	47	4	12	2	31	4
V nad 10 r	29	3	15	49	3	1
V v SR	33,5 %	8,25 %	9 %	37,5 %	9,25 %	2,5 %
Celkom SV a V v SR	39,25 %	6,25 %	7,75 %	35,87 %	8,75 %	2,13 %
SV v ČR	0 %	1 %	3 %	11 %	21 %	64 %
V v ČR	7 %	12 %	1 %	0 %	3 %	77 %
Celkom SV a V v ČR	3,5 %	6,5 %	2 %	5,5 %	12 %	70,5 %

Authorized members in the conditions of the Slovak Republic most often encounter the causes of false testimonies in the confrontation between the witness and the accused.

In 45% of cases for fear of legal punishment (prison, fine, prohibition of activity), in 34.25% in the protection of a close person (husband, spouse, son), in 8.25% in the coverage of

potential accomplices, in 6.25% from revenge, envy, hatred towards another person, in 4.25% in shortcomings in the processes of perception, remembering or retrieving information, in 1.75% from reluctance to testify so as not to cause unnecessary inconvenience.

Investigators in the conditions of the Slovak Republic

most often encounter the causes of false testimonies in the confrontation between a witness and the accused in 37.5% in the protection of a close person (husband, wife, son), 33.5% of cases for fear of legal sanctions (prisons, fines, prohibition of activity), in 9.25% of cases to cover potential accomplices, in 9% of revenge, envy, hatred towards another person, in 8.25% in shortcomings in the processes of perception, remembering or retrieving information, in 2.5% of the reluctance to resign so as not to cause unnecessary inconvenience.

Overall, authorized members and investigators in the conditions of the Slovak Republic most often encounter the causes of false statements in the confrontation between the witness and the accused in 39.25% of cases for fear of legal punishment (imprisonment, fines, prohibition of activity), in 35.87% in protection of a close person (husband, kind, son),

In 8.75% in the coverage of potential accomplices, in 7.75% in revenge, envy, hatred towards another person, in 6.25% in shortcomings in the processes of perception, remembering or retrieving information, in 2.13% in reluctance to say so as not to cause them unnecessary inconvenience.

In a similar survey conducted in 2015-2016, the overall authorized members and investigators in the conditions of the Slovak Republic most often encountered the causes of false testimonies in the confrontation between the witness and the accused in 37.76% of cases for fear of legal punishment (prison, fine, 17.21% for fear of revenge, 14.31% for unwillingness to testify so as not to cause unnecessary inconvenience, 8.75% for the protection of a close person (husband, wife, son), in 8.09% of revenge, envy, hatred towards another person, in 7.24% in the coverage of potential accomplices, in 6.52% in shortcomings in the processes of perception, remembering or

retrieving information.

Authorized members in the conditions of the Czech Republic most often encounter the causes of false testimonies in the confrontation between the witness and the accused.

In 64% of cases out of fear and unwillingness to testify so as not to cause unnecessary inconvenience, in 21% in the coverage of potential accomplices, in 11% in the protection of a close person (spouse, son, son), in 3% of revenge, envy, hatred against to another person, in 1% in deficiencies in the processes of perception, memorization or retrieval of information, in 0% of legal sanctions (imprisonment, fines, prohibition of activity).

Investigators in the conditions of the Czech Republic most often encounter the causes of false testimonies in the confrontation between the witness and the accused in 77% of cases for fear and unwillingness to testify, so as not to cause unnecessary inconvenience, against another person, in 0% in the protection of a close person (husband, partner, son...).

Overall, authorized members and investigators in the conditions of the Czech Republic most often encounter the causes of false testimonies in the confrontation between the witness and the accused in 70.5% of cases for fear and unwillingness to testify, so as not to cause unnecessary inconvenience, in 12% to cover potential accomplices. 6.5% in shortcomings in the processes of perception, memorization or retrieval of information,

In 5.5% in the protection of a close person (husband, spouse, son...), in 3.5% for fear of legal punishment (imprisonment, fine, prohibition of activity), in 2% for revenge, envy, hatred towards another person.

C. Confrontation between fellow defendants

	A	B	C	D	E	F
SV do 2 r	17	22	31	15	9	6
SV 2-6 r	42	3	5	32	15	3
SV 6-10 r	17	26	24	28	4	1
SV nad 10 r	19	17	32	19	6	7
SV v SR	23,75 %	17 %	23 %	23,5 %	8,5 %	4,25 %
V do 2 r	28	33	1	34	1	3
V 2-6 r	17	29	5	6	38	5
V 6-10 r	37	6	4	15	26	12
V nad 10 r	24	49	9	2	5	11
V v SR	26,5 %	29,25 %	4,75 %	14,25 %	17,5 %	7,75 %
Celkom SV a V v SR	25,13 %	23,13 %	13,87 %	18,87 %	13 %	6 %
SV v ČR	9 %	2 %	17 %	41 %	2 %	29 %
V v ČR	44 %	7 %	2 %	1 %	13 %	33 %
Celkom SV a V v ČR	26,5 %	4,5 %	9,5 %	21 %	7,5 %	31 %

Authorized members in the conditions of the Slovak Republic most often encounter the causes of false statements in

the performance of confrontation between fellow defendants in 23.75% of cases for fear of legal punishment (prison,

fine, prohibition of activity), in 23.5% in the protection of a close person (husband, wife, son,), in 23% of revenge, envy, hatred against another person, in 17% in shortcomings in the processes of perception, memorization or retrieval of information, in 8.5% in the coverage of potential accomplices, in 4.25% of the reluctance to testify so as not to cause unnecessary inconvenience.

Investigators in the conditions of the Slovak Republic most often encounter the causes of false statements when performing a confrontation between fellow defendants

In 29.25% in the processes of perception, memorization or retrieval of information, in 26.5% of cases for fear of legal punishment (imprisonment, fine, prohibition of activity), in 17.5% in the coverage of potential accomplices, in 14, 25% in the protection of a close person (husband, partner, son...), in 7.75% in the reluctance to testify so as not to cause unnecessary inconvenience. In 4.75% of revenge, envy, hatred towards another person.

Overall, authorized members and investigators in the conditions of the Slovak Republic most often encounter the causes of false statements in the execution of confrontation between fellow defendants in 25.13% of cases for fear of legal punishment (prison, fine, prohibition of activity), in 23.13% in shortcomings in processes of perception, remembering or retrieving information, in 18.87% in the protection of a close person (husband, wife, son,), in 13.87% in revenge, envy, hatred towards another person, in 13% in the coverage of potential accomplices, in 6% reluctant to resign, so as not to cause unnecessary inconvenience.

In a similar survey, which was carried out in the years 2015-2016, the overall authorized members and investigators in the conditions of the Slovak Republic most often encountered the causes of false statements in the performance of confrontation between fellow defendants.

In 36.59% of cases for fear of legal punishment (imprisonment, fines, prohibition of activity), in 16.74% for fear of revenge, in 11.5% in reluctance to testify so as not to cause

unnecessary inconvenience, in 10.27 % in the coverage of potential accomplices, in 9.22% in revenge, envy, hatred towards another person, in 8.29% in shortcomings in the processes of perception, remembering or retrieving information, in 7.35% in the protection of a close person (spouse), kind, son...).

Authorized members in the conditions of the Czech Republic most often encounter the causes of false statements in the performance of confrontation between fellow defendants in 41% in the protection of a close person (spouse, son, son), in 29% in reluctance to testify so as not to cause unnecessary inconvenience, in 17% from revenge, envy, hatred towards another person, in 9% of legal punishment (imprisonment, fine, prohibition of activity), in 2% in shortcomings in the processes of perception, remembering or retrieving information and in covering possible accomplices.

Investigators in the conditions of the Czech Republic most often encounter the causes of false testimonies when performing a confrontation between fellow defendants in 44% for fear of legal punishment (imprisonment, fine, prohibition of activity), in 33% reluctance to testify so as not to cause unnecessary inconvenience, in 13% in the coverage of potential accomplices, in 7% in shortcomings in the processes of perception, remembering or retrieving information, in 2% in revenge, envy, hatred towards another person, in 1% in the protection of a close person (husband, wife, son).

Overall, authorized members and investigators in the conditions of the Czech Republic most often encounter the causes of false statements in the confrontation between fellow defendants in 31% of cases reluctant to testify, so as not to cause unnecessary inconvenience, in 26.5% for fear of legal punishment (imprisonment, fines). prohibition of activity), in 21% in the protection of a close person (husband, wife, son,), in 9.5% in revenge, envy, hatred against another person, in 7.5% in the coverage of potential accomplices, in 4.5% shortcomings in the processes of perception, memorization or retrieval of information.

Conclusion

In the scientific study in question, the author pointed out the importance of the essence of confrontation from a criminalistics-tactical point of view, which is often not applied in application practice, which is also based on the knowledge of the international research task carried out. In our opinion, investigators in police practice have a lack of information base for criminalistics-tactical recommendations of confrontation,

and we therefore consider that even the performance of confrontation in conditions of the situation does not produce the expected results under conditions of the Slovak republic. One of our main recommendations is to create a course focused on confrontational tactics for investigators, which should be a prerequisite for the theoretical and practical readiness of investigators in application practice.

KELETAS IŽVALGŲ DĖL AKISTATOS RAIDOS PAGAL SLOVAKIJOS RESPUBLIKOJE NUSTATYTĄ REGLAMENTAVIMĄ IR PRAKTIKĄ

Martin Laca

Santrauka

Autorius mokslinėje studijoje analizuoja akistatos esmę, kuri kriminalistinių-taktinių rekomendacijų požiūriu yra esminė akistatos tikslo taikymui atskirose akistatos rūšyse. Straipsnis pristato mokslinio projekto „Akistata kriminalistikos teorijoje ir praktikoje“, kuriam vadovauja Bratislavos

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Raktiniai žodžiai: akistata, akistatos rūšys, akistatos esmė.