



## Psychological Aspects of the Search

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**Abstract:** *The article examines the psychological dimensions of the search as a coercive procedural act, highlighting the interaction between the criminal investigation officer and the person being searched. The article highlights the fact that the success of the search is conditioned by a deep understanding of the cognitive, emotional and behavioural mechanisms involved in this process. The paper explores the psychological aspects of the representatives of the judicial bodies, focusing on the cognitive and affective skills essential for the effective conduct of the search: the acuity of observation, the stability of attention, intuition, the ability to analyse and synthesize, as well as emotional self-control. It is argued that the psychological abilities of the judicial body influence the identification of relevant nonverbal and behavioural indices in the process of locating objects of evidentiary interest. The article also examines the psychophysiological reactions of the person being searched, classifying his manifestations in involuntary responses and conscious strategies of concealment. The applicability of "emotional experimentation" and "verbal probing" as tactical methods to induce observable changes in the emotional state of the searched person, thus facilitating the location of hidden evidence, is discussed. At the same time, the paper also highlights the need to respect strict ethical norms in conducting the search, given the psychological impact on the person concerned and the potential risks associated with the escalation of the conflict. By integrating the principles of forensic psychology, a strategic approach is proposed aimed at optimizing the efficiency of searches and minimizing adverse effects on the subjects involved.*

**Keywords:** *psychological factors; emotional reactions; emotional experiment; the ethics of the search; judicial observation*

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## **1. Introduction**

It is difficult to overestimate the role of psychology in many areas of legal activity, especially in the field of criminal proceedings. Correct psychological assessment of the individual in criminal-legal, forensic and criminological aspects determines the success of crime prevention, comprehensive and complete investigation and judicial consideration of criminal cases, correction and re-education of offenders (Goncharenko, 1984, p. 114).

Some provisions of psychology are important in conducting investigative actions, and the use of psychological recommendations enriches the arsenal of tactical techniques developed by forensic science. In this regard, knowledge in the field of psychology is a necessary and essential element of professionalism for an investigator (Poltavtseva, 2003, p. 38). However, among the factors that directly contribute to the success of a search, a central place is occupied by factors of a psychological nature, factors whose knowledge by the judicial body is necessary (Stancu, 2010, p. 498).

The search is, without a doubt, a real struggle, in the psychological realm, between those who carry out this activity and the people searched (Aionitoaie et.al., 1992, p. 209; Ciopraga, 1986, p. 87; Stancu, 1988, pp. 165-166).

From a psychological point of view, a search is a complex and very specific criminal prosecution action. First, it is distinguished by the coercive nature manifested in relation to the person subject to the search. In addition, the search is characterized by the contradictory nature of the purpose of the criminal investigation officer and the other participants in the search, on the one hand, and the purpose of the person subject to the search, on the other hand (Gheorghita, 2017, p. 487). Thus, for the person searched, the compromising objects represent a secret, the disclosure of which would be likely to worsen his situation, if the judicial body is interested in knowing both the objects and the places where they were hidden. This explains, psychologically, a change, a reversal of roles during this dispute between those involved in carrying out this activity; the judicial body's attempt to put itself in the place of the searched person, the attempt to represent, to intuit the way of thinking, of acting, to identify the reasons that could justify choosing a certain place to hide compromising objects; the tendency in the opposite direction of the searched person; the attempt to put itself in the situation of the searcher, to imagine what actions he will take, to which specific objects and places he will direct his attention, which places are more exposed to the risk of being discovered (Jitariuc et.al., 2025, p. 315; Ciopraga, 1996, pp. 117-118; Suciu, 1972, p. 548).

## **2. Research Methodology**

The present research bases its epistemological approach on the general dialectical method of investigation of objective reality, which constitutes the primary conceptual framework in the complex analysis of the studied phenomenon. The scientific validity and the robustness of the formulated conclusions are guaranteed by the integrated application of the dialectical method in correlation with a series of scientific methods, among which the logical-legal, comparative, systemic-structural, grammatical and other methods, each of which contributes specifically to the deepening of the conceptual and operational dimensions of the analyzed topic.

A central methodological role was held by systemic-structural analysis, which enabled the decomposition of the research object into distinct functional components, followed by their examination in relation to the overall systemic structure in which they are integrated. This method provided a suitable framework for investigating the internal relations of dependency and interaction between the constituent elements of the psychological dimension of the search as a procedural act, facilitating the development of a coherent theoretical model.

The theoretical support of the research is constituted by an extensive body of doctrinal works and scientific contributions in the field of criminal procedure, forensic science and forensic psychology, selected according to their relevance and topicality for the issues addressed.

### **2.1. Psychological aspects of the representative of the judicial body conducting the search**

To conduct a successful search, one should not consider only tactical considerations, neglecting ethical and psychological factors. A deep understanding of the essence of mental processes expressed in human behaviour, other psychological patterns, and ethical characteristics contribute to achieving the goals of conducting a search (Konovalova, 1978, p. 75).

The first psychological aspects must be considered at the stage of the preparatory activities (Olteanu et.al., 2009, p. 110). Thus, may arise questions such as „Does a search really need to be carried out?“, „What if complications arise?“, „What if I can't convince my colleagues of the appropriateness of the search?“, „What if I don't find anything?“, „Is it possible to keep under control ..., known for his violent behaviour?; etc. The string of questions can become endless.

The psychology of the judicial body conducting the search must be defined by a well-developed sense of observation, a great power of concentration and stability of attention, a quick intuition, and the capacity for analysis and synthesis. At the same time, he must be persistent, orderly, show a lot of calm and even a certain physical resistance, especially in the case of long-term searches (Stancu, 2001, p. 507; Bogdan-

Tucicou, 1957, pp. 381-383). Essentially, conducting a search requires, among other things, a series of psychophysiological qualities. These are characterized, among other things, by the strength, mobility and dynamism of the nervous system, by the balance between the process of excitation and inhibition. (Olteanu et.al., 2009, p. 111) Thus, Gromov V. rightly noted that the investigator must be able to put himself in the position of the person being searched and find the objects of interest to him, taking into account the special training, psychology, lifestyle, character and habits of the person subject to the search (Gromov, 1935, pp. 152-153).

Given the importance of the search for finding the truth, it is obvious that the judicial body must follow a course of conduct governed by general rules, common to all these criminal prosecution actions (Aionitoaie et.al., 1992, p. 213; Ciopraga, 1996, pp. 118-123; Stancu, 2001, p. 507).

The judicial body conducting the search must be endowed with a keen sense of observation, with a special ability to orient itself in the face of the most unexpected situations, with the ability to mobilize and focus attention on the most significant circumstances, with the ability to spontaneously find a way to solve the problems that arise, as it must possess solid knowledge of the psychology of the person being searched, and have the ability to notice, select and attribute the true meaning to the most insignificant emotional reactions. Self-control, calmness, patience, perseverance, tenacity, order in everything it undertakes are also qualities with which the judicial body must be armed (Ciopraga, 1996, pp. 118-119; Bogdan-Tucicou, 1957, p. 381).

Meticulous examination and permanent observation, in its psychological sense, of directing attention towards a better, more complete perception of both the behavior of the person being searched and the particularities of the entire place where the search is being conducted. Especially in the case of more difficult, long-term searches, it is advisable for a person to be in charge of supervising the behavior of the person being searched, usually the one leading the search (Stancu, 2010, p. 499; Popescu-Neveanu, 1967, p. 33; Floru, 1967, p. 33; Floru, 1971, p. 33; Bogdan-Tucicou et.al., 1981, p. 142). For example, by following the searchee's gaze – very focused on the movements, gestures, and attitude of the searcher – the head of the search team can order the intensification of searches in the place in relation to which the searchee shows signs of emotional distress that could be specific to lying (Olteanu et.al., 2009, p. 111).

It is certain that the person who has objects, documents or assets on him that can prove his criminal activity will notice intense disturbance and anxiety during the search. The psychological tension will increase as the judicial body approaches the places where the compromising objects are located, at a certain moment externalizing itself through a number of physiological manifestations (irregular

breathing, decreased salivation and dry mouth, trembling hands, sweating, increased blood pressure and accelerated heartbeat, change in complexion and normal facial expression), or through inappropriate forms of behavior (kneading hands, twisting the hem of one's coat, crumpling an object, rubbing the earlobe, etc.). If the judicial body moves away from the place where the searched objects are hidden, the searched person may enter a state of relaxation, showing certain signs of calming down: a calmer facial expression, shining eyes, gesticulation, extinguishing or, conversely, lighting a cigarette, etc. (Doras, 2011, pp. 344-345). At the same time, the criminal investigation officer must also consider the fact that people with criminal experience can direct certain mental states (self-control, calm, elegance, servility, illness, fainting, protest, bewilderment or even indignation) in order to distract attention and disrupt the search activity (Doras, 2011, p. 335).

Maintaining stability of attention, which involves avoiding monotony, the role of the searcher being assumed, in turn, by several members of the search team. Informal breaks may also be arranged. Accepting the fact that conducting a search is a laborious activity, with a long duration, attention must be equally distributed throughout the entire activity. Performances in the level of attention are affected by fluctuations generated by factors such as: lighting conditions, the presence of disturbing sound phenomena, temperature; non-acceptance of individual attributions distributed within the team or/and vague representations of the purpose pursued by the search; onset of fatigue, loss of interest or motivation; emotions and excitement caused by the characteristics of the environment in which the search is taking place and/or by the behavior of the person being searched or other people in the place; irritation caused by possible incidents that may occur at the time of entering the place to be searched or immediately after this moment (Olteanu et.al., 2009, pp. 11-112).

Rapid adaptation to concrete situations encountered on the spot, doubled by the mobility of thinking in the interpretation of the data obtained during the search (Stancu, 2001, p. 507). In judicial practice, although the search is carried out objectively, the search activity having to be carried out on the entire perimeter of the space to be searched, a certain emphasis is placed on obtaining information, during the preparatory activities, that will direct the search effort towards certain places. Under these conditions, even if there is a plan that aims to, among other things, direct the searches towards certain places or objects, the representatives of the criminal investigation body must be prepared, at any time, to abandon the initial versions, paying normal attention to other spaces that have become important in the context of conducting the search (Olteanu et.al., 2009, p. 112).

When searching for possible hiding places for the person being sought or the body in question, the criminal investigation officer must consider a series of objective and subjective factors.

By objective factors we mean the general environment and the character of the objects sought. It is known that the criminal's actions in choosing the place and methods of hiding are not free, they are determined by various factors, including the conditions of his house, apartment, garden, etc., in which he hides the means and objects of the crime.

The subjective factors of hiding places are determined by the specific characteristics of the offender. More precisely, the choice of place and means of hiding depends on the totality of the social characteristics, physical and psychological state of the suspected (accused) person (Gheorghita, 2017, pp. 492-493).

Perseverance in search, i.e. tenacity, patience, calm and self-control, certainty and permanent orientation towards the expected goals. As is argued in specialized literature, the search often takes place under the most difficult conditions, determined by the intervention of certain psychological factors. The environmental conditions in which the search activity is carried out (spatial elements, low or high temperature, insufficient lighting), the unruly, sometimes provocative behaviour of those being searched and, as a result, the conflictual situation in which they are activated, the unpleasant appearance of some places and objects with which they come into contact during the search - all of these can cause psychological and emotional states, which could reduce the cognitive capacities of the person performing the respective activity. To those mentioned, we must add the state of fatigue, determined by the prolongation in time of some monotonous operations specific to the search activity, which can have a particularly destructive effect on the concentration of attention and, implicitly, on the perceptive possibilities. Hence, the qualities required of the body that must carry out the search: perseverance, inner discipline, exigency, a lot of calm, certainty and even physical resistance (Doras, 2011, p. 344).

The causes that most often determine the failure of the search are confirmed by the practice of criminal investigation bodies: conducting the search in an atmosphere of open conflict; conducting search operations in a reckless, chaotic manner; superficial examination of unpleasant places and repulsive objects (dirty, infected); hesitation and, as a result, giving in to a large volume of physical work that the search often requires, etc. (Doras, 2011, p. 344)

For the suspect, the accused, as well as for their family members, the search means an unwanted intervention, although permitted by law, of strangers in their home and the revelation of material, personal, intimate aspects of their lives.

As a rule, the fact of the search becomes known to neighbours, acquaintances, co-workers, relatives of the family of the person subjected to the search, which diminishes the authority and dignity of the person searched.

For many people, a search is associated with the guilt of the person being searched for and their family. Such a way of understanding things forms a negative attitude of those around them not only towards the person subjected to the search, but also towards their family.

These circumstances confirm that the search is characterized by a conflict situation which, as a coercive measure, represents one of the important particularities of this criminal prosecution action (Gheorghita, 2017, p. 487).

It is necessary for members of the search team to avoid any conflict with the person being searched, to refrain from making judgments about their personal and family life, and not to express their feelings of joy or dissatisfaction with the results of the search. At the same time, it is necessary for those who carry out the search to overcome the tense states generated by possible errors during the search, accumulated fatigue or the behaviour of the person being searched (Ionescu, 2009, p. 263).

Considering the coercive nature of the search, which limits the citizen's right to the inviolability of his home, to free movement, etc., the criminal investigation officer and the other participants must behave in such a way as not to escalate the conflict. The team leader and other participants are required to be particularly tactful when studying documents, certificates about the personal and intimate lives of the people searched for, correspondence, photographs, diaries, etc.

The criminal investigation officer must show a caring attitude towards the elderly and children, who are in the house, that is subject to the search. It is necessary to satisfy the legitimate and achievable requests and wishes of the person searched for and of his or her relatives (Gheorghita, 2017, p. 491).

Refraining from making judgments about the personal and family life of the person being searched for is, above all, a matter of respect. Secondly, such assessments constitute the prelude to the development of a conflict – which I have just stated is undesirable. Such assessments, possibly said in an “appropriate” tone, are likely to provoke reactions, to provoke behaviours, and this is of interest to the representative of the criminal investigation body, however, the behaviours are not related to the conduct of search activities, to what is important for the criminal investigation, but to some stupid provocations that cannot have anything constructive in them (Olteanu et.al., 2009, p. 113).

The listed ethical requirements are indisputable and undeniable. However, in our opinion, they are universal and, due to their generality, do not allow us to clearly

determine whether a particular tactical technique is acceptable from an ethical point of view during a particular investigative action.

We do not dispute the assertion that the moral criteria for the admissibility of the use of tactical techniques should cover all forensic tactics (Komissarov, 1980, p. 76), but we believe that such general criteria should be specified in relation to a specific investigative action.

A significant contribution to the search for ways to solve the problem under consideration was made by Komisarov V. I. He attempted to classify the moral criteria for the admissibility of using tactical techniques depending on the object, the purpose of using tactical techniques and other factors. The scientist identifies three groups of criteria.

The first includes moral criteria related to the use of techniques in relation to people from whom the investigator wants to obtain certain information (information also includes the discovery and seizure of various objects from the person being searched). Among the persons mentioned, the author identifies two subgroups: a) participants in the process who assist the investigator in obtaining information; b) participants in the process who are unwilling to assist the investigating authorities.

Komissarov V. I. attributes to the second group moral criteria associated with the use of tactical techniques for the purpose of establishing psychological contact with participants in a certain investigative action (witnesses, specialists, operatives).

The third group includes moral criteria for the admissibility of tactical methods, conditioned by the "publicity" of individual investigative actions of the investigator, including a search (Komissarov, 1980, pp. 76-77).

In relation to persons of the first group (persons assisting the investigator), the use of a tactical technique should be conditioned by a respectful and attentive attitude to the feelings and experiences of the participants in the process, and "establishing moral and psychological contact with these persons should contribute to the formation of a trusting atmosphere..." (Komissarov, 1980, p. 77).

The investigator's attentive and respectful attitude within the framework of the specified classification is necessary towards the participants of the second and third groups. Establishing psychological contact is a tactical technique, and not an ethical criterion for its use.

In relation to persons who resist the investigation, Komissarov V. I. suggests using a tactical approach taking into account the moral and psychological properties of the individual, while excluding the possibility of obtaining the desired results on the basis of cultural backwardness, religiousness, superstition, and the establishment of psychological contact should not be based on creating a false impression of the



legality and inevitability of the commission of this crime in the current situation (Komissarov, 1980, pp. 77-78).

In relation to witnesses, operational police officers and other persons whom Komissarov V. I. classifies as belonging to the second group, the investigator mainly carries out coordination activities. Of course, at the same time he also performs a few tactical actions: he explains the rights and responsibilities of the witnesses and gives instructions to the operational officers. However, regarding this group of people, it is more logical to talk not about the moral criteria for the admissibility of using tactical techniques, but about the ethics of interaction between the investigator and these people.

The selection of a third group of criteria, conditioned by the publicity of the investigative action, in our opinion, is also unjustified. Komissarov V. I. explains this selection by the importance of the assessment of the investigator's actions by eyewitnesses of his work. In this regard, he recommends taking measures to remove children from the search site and justifies the inadmissibility of comments regarding the evidence discovered (Komissarov, 1980, pp. 79-80).

The recommendations given are certainly correct, but the tactical actions of the investigator in these cases are determined based on the general criteria of their moral admissibility. Removing children from the search site helps protect their interests and prevents the possibility of psychological trauma. Comments regarding discovered items, especially those concerning the intimate life of the person being searched for, humiliate his honour and dignity, and therefore are unacceptable from a moral point of view.

The proposed classification of ethical requirements is not exhaustive but will contribute to the further development of scientific thought in this direction.

To summarize the consideration of the ethical and psychological characteristics of conducting a search, it should be noted that taking into account some psychological characteristics of conducting a search, strict adherence to ethical standards contribute to a comprehensive and complete investigation of crimes, reduce the likelihood of making mistakes, increase the authority of the investigator and law enforcement agencies as a whole, which contributes to solving the problems of criminal proceedings.

## **2.2. Psychological aspects of the searched person**

Knowledge of the psychology of the person being searched is of particular importance in achieving the purpose of the search, as it allows the judicial body to make a clear distinction between the behaviour and emotional reactions provoked by the search activities (Pletea, 2003, p. 320), and those that are unrelated to the cause: the natural states of disturbance, anxiety or dissatisfaction generated by the

event of the search itself; concern for objects that, regardless of their value, have a special emotional significance; the possibility of discovering correspondence, diaries or intimate memories, etc. The judicial body must be able to notice, select and attribute the true meaning to all the emotional reactions of the person being searched, states of indifference-passivity or calm, of nervousness and indignation, or moments when they simulate various illnesses, fainting or attitudes of protest or rebellion (Ionescu, 2009, p. 261). At the same time, the criminal investigation officer must be a person who knows and likes to work with people, demonstrate self-control, patience, perseverance, mobility in thinking, and possess the quality of focusing attention on any clues – apparently insignificant – that may lead to the achievement of the intended purpose (Aionitoaie et.al., 1992, p. 209).

The person being searched follows with interest and emotion the activity of those conducting the search, so he cannot remain passive at the different stages of the searches, at what is happening.

Regardless of the preparations he has made in advance, the person being searched will not be able to help but react to the developments of the bodies carrying out the search. This, even though the person being searched for may simulate self-control, calmness, bewilderment, some states of illness, fainting, attitudes of protest or rebellion, etc., all with the aim of either impressing or intimidating those conducting the search. Emotional expressions – which are part of behavioural manifestations – allow the perception of the emotional states of the person being searched (Aionitaoaie et.al., 1992, p. 210).

According to a number of scientists (Ratinov, 1967, p. 236; Glazyrin, 1973, pp. 69-85; Konovalova, 1978, p. 76; Karagodin, 1992, p. 111; Chulkova, 1997, p. 11; Bychkov, 2004, p. 26), there is a certain relationship between the physiological, cultural, intellectual and professional characteristics of an individual and the choice of place and method of hiding the sought-after items. The relationships between the gender, age, educational and cultural level of the person being searched for, his mental abilities, life experience, professional skills, hobbies and the choice of place and method of concealment are highlighted. The nationality, religious beliefs, and temperament of the person being searched should also be considered as factors influencing the implementation of the said activity.

In addition, it is proposed to consider the characterological features of the person being searched. Thus, a greedy and distrustful person strives to bring the sought-after objects closer to their permanent location. The coward hides them in more remote places, taking precautionary measures. A prudent and careful person will take steps to disguise the hiding place, a distracted and short-sighted person may make significant mistakes, and a self-confident and frivolous person will not arrange

complex hiding places (Chulkova, 1997, p. 12; Yenikeev et.al., 1994, p. 14; Bashkirsky, 1999, p. 17).

Such a personality trait as courage may lead to leaving the sought-after object in plain sight, in the hope that it will not attract the investigator's attention. Determination and endurance contribute to the confident behaviour of the person being searched for. He is less prone to confusion and inability to control the manifestation of his psychophysiological reactions. Those who possess such qualities often show consistency in their actions and rarely change the location of the hidden (Glazyrin, 1983, pp. 88-89).

For the suspect (accused) and his family members, who know where the objects sought are, the search is a strong stressful factor, capable of bringing them into a state of high emotional tension. These obvious psychophysiological manifestations cannot be masked so easily. The author Gheorghita M. mentions that human reactions to powerful factors can be involuntary and voluntary.

Involuntary reactions are almost not under the volitional control of man. The external signs of these reactions are paleness or redness of the face, trembling hands, increased breathing, excessive sweating, change in voice timbre, stuttering, and a certain lack of coordination of movements. The appearance of these signs in the persons subjected to the search makes the criminal investigation officer believe that he is close to the place where the searched objects are hidden.

Volitional reactions also reflect a state of strong emotional tension. Among the signs of these reactions could be mentioned: facial expressions (Stancu, 2010, p. 500; Enatescu, 1981, pp. 154-155) and gesticulations, specific disturbance, incoherence in expression, other unmotivated manifestations (lip biting, coughing, frequent swallowing movements, etc.). These reactions can also serve as clues to the criminal investigation officer that they are near the place where the means of crime or illegally acquired assets are hidden (Gheorghita, 2017, p. 495).

Supporters of the opposite point of view believe that the excitement and anxiety of the person being searched are a natural human reaction to the fact of a search, and an experienced criminal can easily hide his emotions, so the investigator should not pay attention to such behaviour of the persons being searched (Nikiforov, 1940, pp. 39-40).

Carrying out a search inevitably generates a state of anxiety or discomfort for the person being searched, regardless of whether they are targeted based on an error or in a justified manner. However, the claim that an experienced offender can easily suppress emotional manifestations is questionable. Even for a person with a criminal record, complete control of emotional reactions in such situations poses a significant challenge.

In the opinion of the author Stancu Em., the main somato-visceral manifestations, determined by states of mental tension, manifestations that can be directly noticed by the person, conducting the search, are the following: a) dysregulation of breathing and vocal emission, hoarseness, accompanied by decreased salivation, irregular movement of the „Adam's apple”; b) modification of cardiovascular activity, manifested, among other things, by congestion or pallor, typical of emotion; c) twitching, changing the normal facial expression, performing unnatural movements, gestures or actions; d) modification of latency time, the individual responding with delay, and sometimes precipitately, to questions that have affective charge (Stancu, 2001, p. 508).

Other authors (Glazyrin, 1973, p. 76) distinguish several groups of emotional reactions caused by the actions of the searchers. The first group is represented by involuntary reactions of the body caused by a high degree of nervous excitement and in most cases not subject to conscious control. Such reactions manifest themselves in stuttering, trembling of the voice, hands, sweating, changes in complexion, subtle movements of the arms, legs, and body of a person. The second group consists of reactive actions that are subject to volitional control, which are manifested in gestures, facial expressions, gaze, coughing, lack of consistency and logic of actions and words.

A number of authors (Ratinov, 1967, p. 239; Konovalova, 1978, p. 80) rightly notes that the reactions, described above, can be caused not only by the searcher approaching the place, where the sought-after is hidden, but also by other circumstances accompanying the irritant, for example, fear of publicity about some circumstances of the personal life of the person being searched or reasons not related to the given episode of the search, and the reactions of the second group can be completely simulated.

The quality of the observation performed is dependent – to a significant extent – on the ability to mobilize attention on the object of observation. Thus, by following the searcher's gaze – increasingly focused on the hands of the person being searched – the criminal investigation body can intensify its searches in the place or area that generated such reactions. Also, the way the person being searched speaks, can be a clue in guiding searches and discovering hiding places (Aionitoaie et.al., 1992, p. 210; Ciopraga, 1986, p. 89; Stancu, 1988, p. 167).

It is particularly important to notice manifestations that betray the loss of control on the part of the person being searched for: servility, diligence, special care for certain objects, sudden love for certain household activities - watering flowers, moving furniture or other objects, cleaning or arranging them, etc. By observing the behaviour of the person being searched, the way in which he is marked by affective-emotional states, the criminal investigation body must correctly interpret such

manifestations, considering the nature of the activities carried out up to that moment, the places and objects examined. For this reason, it is advisable to mark the exact moment of the appearance of such reactions – at what moment of the activity and in connection with the examination of which objects – and, especially, to establish whether they recur in the event of resuming the activities that determined them (Aionitoaie et.al., 1992, p. 210; Olteanu et.al., 2009, p. 114).

Knowledge of the psychology of the person being searched allows the criminal investigation body to differentiate the reactions that occur in connection with the search activity from the reactions due to other causes, the event of the search itself - an affective factor that can explain feelings of anxiety, disturbance, dissatisfaction or indignation -, concern for; some objects of value or that have an emotional value for him - paintings, sculptures, works of great artistic, historical or scientific value, correspondence, memoirs, intimate diaries, photographs, etc. -, without being part of the category of those that are of interest to the case: finding objects or documents that are not the object of the search but which, for more or less justified reasons, may be considered compromising by family members, etc. (Aionitoaie et.al., 1992, p. 210)

Manifestations belonging to the category of reactive states, such as crumpling the handkerchief, biting the nails, gesticulating, glottis spasm, attraction to certain places or objects may be due to the states through which the person being searched rubs, but, due to the fact that they can be subject to control, they can also be directed. Not infrequently, the attempt to conceal emotional states can be hidden behind a condescending behaviour, materializing in an exaggerated kindness, in the solicitude to please those conducting the search, to make the objects sought available to them, to “extend the invitation to inspect certain rooms or objects, etc.” Other times, the behaviour of the person being searched is at the opposite pole, resorting to attitudes of protest and indignation, supporting the idea that the reputation and honour, he enjoys, protects him from any suspicion and, therefore, the search is meaningless. The two behavioural types, most often, aim to confuse the criminal investigation body, channel it onto a false trail and, ultimately, give up on searching for the objects (Aionitoaie et.al., 1992, p. 211; Olteanu et.al., 2009, p. 115).

Carrying out such actions requires the investigator to have broad knowledge in the field of psychology. Therefore, we share the opinion expressed in the literature about the effectiveness of involving a specialist psychologist in the conduct of investigative actions (Grishina, 2005, p. 13), including searches. His participation will help the investigator interpret changes in the behaviour of the person being searched from a scientific standpoint, guide him toward the correct direction of the search, and also help distinguish signs in the actions of the person being searched that indicate the location of the sought items from experiences associated with the fact of the search itself or with any other circumstances.

From a tactical point of view to "thwart" the manoeuvres undertaken by the person being searched (protests, invitations to check certain places, distraction), it is advisable for the judicial body to adopt a sober, restrained attitude, not to react immediately, demonstrating that it is confident and determined to complete the search. A useful tactical procedure for more clearly noticing the reactions of the person being searched is that of asking questions regarding the purpose of certain objects, the layout of the rooms in the home, etc., as well as inviting them to open or move certain pieces of furniture (Stancu, 2010, p. 501; Lechat, 1959, pp. 245-246; Olteanu et.al., 2009, p. 115; Ruiu, 2013, p. 203).

To increase the effectiveness of observation of the described reactions, various lines of behaviour for the investigator are proposed. Conventionally, they can be divided into actions that increase the psychological tension of the person being searched, and actions that neutralize it. The latter may include a recommendation to the investigator not to notice external manifestations on the part of the person being searched, while remembering all the features of his behavior when approaching certain areas of the object being searched for and moving away from them (Glazyrin, 1983, p. 77).

In our opinion, the means of enhancing (neutralizing) psychological tension can be included in the content of such a tactical technique as an emotional experiment. This technique was proposed by Dulov A. V. in relation to interrogation tactics. According to the author, the essence of an emotional experiment is that the investigator specifically creates conditions in which the emotional state of the person being interrogated changes dramatically, often entailing certain physiological reactions. The experiment is called emotional because its purpose is to identify changes in the emotional state, subsequent analysis and use of this identified change in interrogation (Dulov, 1979, p. 322).

We believe that the use of the "emotional experiment" is effective not only during interrogations, but also when conducting searches, as the creation by the criminal investigation officer of conditions that cause the emotional state of the person being searched to change facilitates the identification of objects relevant to the case. Regarding the criticisms brought to this method in investigative practice, we emphasize that the change in the person's emotional state only has a guiding role for the criminal investigation officer in directing searches. This change has no evidentiary value, meaning that it is not necessary to "decode the fear curve" or establish the person's involvement in the commission of the crime.

In the context of an emotional experiment, the verbal exploration method can be used (Dulov, 1973, p. 146; Glazyrin, 1983, p. 39-40; Komissarov, 1980, p. 115). The essence of this method is to have a conversation with the person being searched for during the search, in which information is obtained about certain circumstances,

such as the layout of rooms, the purpose of certain objects or the belonging of things. This process creates favourable conditions for modifying the psychophysiological state of the person concerned. During the answers given by the searched person, the criminal investigation officer must carefully observe their condition. If any physiological reaction is noted (such as changes in tone of voice, gestures or facial expressions), the prosecuting officer should request details about the cause of this reaction. This approach can help to identify clues relevant to the case, without affecting the legal and ethical nature of criminal prosecution.

The emotional experiment can also be implemented by performing specific actions by the criminal investigation officer. Criminal prosecution practice provides relevant examples, such as situations where the constant glances of the criminal prosecution officer towards a cupboard led the person, being searched, to reveal the objects hidden there. Another example is the exclamation of one of the members of the search team about the alleged discovery of a sought-after object, which led the person being searched, previously indifferent during the search, to check the contents of a hiding place. Also, a simple gesture, such as the person being searched looking at a radiator after being asked to leave and return to the room, gave the investigator the correct direction to continue the search. Such examples highlight the importance of carefully observing the target person's behaviour during the search, to identify subtle clues that can guide search actions (Baev, 1992, pp. 85-86).

It is also important to make observations of birds and animals, because they can provide information about whether someone or something is hiding nearby. It is known that many domestic animals become agitated when a dead body is near them, and dogs are very anxious when a stranger is on their territory (Gheorghita, 2017, p. 496).

Some authors recommend, in the absence of reasonable grounds for concern, asking the person being searched to open certain storage spaces and move individual objects on their own. Noting that this approach allows the criminal investigation officer to observe the person's behaviour and identify any signs that might indicate the need for a closer check of a particular place. Insisting that this method not only facilitates interaction with the person being searched but can also reveal behavioural or physiological reactions that would guide searches effectively, without violating legal norms or the rights of the person concerned (Leey, 1983, p. 21).

Such a recommendation seems to be quite questionable for several reasons. First, the criminal investigation officer may request the searched person to open a storage space only if the person has legitimate access to that space. Secondly, the performance of such actions by the searched person significantly increases the risk of destruction of the objects being searched. This may compromise the safety measures that must be observed during criminal prosecution. Moreover, in a state

of stress, the person being searched could, while "moving certain objects", take out a bladed or firearm weapon, endangering the physical integrity of the participants in the search or his own life. Thus, the use of this method involves considerable risks that cannot be ignored and that may compromise the safe conduct of the search action. The complexity of the forms through which the emotional states of the person being searched are highlighted, their observation and the correct interpretation of the real meaning are closely related to the concrete activities undertaken by the criminal investigation body. In relation to the circumstances at the scene of the search and considering the need for constant surveillance of the person being searched, the observation activity must be entrusted to one of the team members – usually its leader – or even to several people. However, the person observing the behaviour of the person being searched must not be involved in performing other tasks during the search (Aionitoaie et.al., 1992, p. 211; Ionescu, 2009, p. 262).

### **3. Conclusions**

The search is a psychological confrontation between the judicial body and the person being searched, and the success of this action depends on the understanding and use of specific psychological mechanisms. The judicial body must be able to correctly interpret the behaviours and emotional reactions of the person being searched to optimize the results. However, conducting an effective search requires that judicial bodies possess a series of essential skills, such as distributive attention, the capacity for analysis and synthesis, perseverance and emotional stability. Developing these skills through training programs can significantly improve the quality of investigations. Regarding the searched person, who manifests a wide range of reactions, from involuntary psychophysiological disorders (sweating, change in voice timbre, uncontrolled gestures) to conscious behaviours of dissimulation (protests, simulation of calm, attempts to manipulate the criminal investigation officer) it is necessary to correctly identify these manifestations for the effective orientation of the search. Techniques such as "emotional experimentation" and "verbal probing" can be used to observe behavioural changes in the subject and facilitate the location of hidden evidence. However, the use of these methods must respect ethical and legal boundaries. Due to the coercive nature of the search, there is a risk of tension or violent reactions from the person being searched. The judicial body must adopt calm, impartial and professional conduct, avoiding any comments or actions that could cause unnecessary conflict. We also mention that the search affects the inviolability of the home and the private life of the person concerned, which requires compliance with strict ethical principles. The judicial body must show tact, avoid humiliating the person being searched, and not express satisfaction or disappointment with the results of the search.



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