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**Psychological Characteristics of the Suspect or Defendant in the Period of
Criminal Investigation**

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Abstract: With the objective of making a significant contribution to establishing the truth in a criminal case, forensic activities within criminal proceedings may involve confrontations between the judicial authorities tasked with investigating the offence and the individual suspected of violating the criminal law. These confrontations take place on a psychological level and can directly influence the outcome of the truth-seeking process in criminal proceedings.

Keywords: Criminal investigation; defendant; forensic psychology; offence; subjective element; suspect

According to the rules of criminal procedure, a person against whom, on the basis of the evidence and information gathered, there is reasonable suspicion that they have committed an offence under criminal law acquires the status of a suspect. From the moment criminal proceedings are initiated, that person acquires the status of a defendant. In accordance with the relevant legal provisions, the defendant becomes a party to the criminal proceedings, being the subject in respect of whom the judicial authorities are obliged to clarify the circumstances of the offence, the form and degree of guilt, as well as the penalty to be imposed. (Ciobanu & Stancu, 2017, p. 174)

With the objective of making a significant contribution to establishing the truth in a criminal case, forensic activities within criminal proceedings may also take the form of confrontations between the judicial authorities tasked with investigating the criminal offence and the individual suspected of violating the provisions of criminal law; these confrontations take place on a psychological level and can have a direct influence on the outcome of the process of establishing the truth in criminal proceedings.

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This confrontation takes place on a psychological level. Criminal proceedings are, by their very nature, a legal relationship in which the judicial authority conducts the investigation of offences under criminal law; however, this interaction between the investigator and the suspect also involves overcoming certain obstacles in a context that can be likened to a psychological confrontation.

The criminal investigation phase involves a direct and immediate relationship between the parties to the proceedings, a relationship arising from the establishment of a specific criminal procedural legal relationship, determined by the commission of a criminal offence. Within this relationship, the state, represented by the competent judicial organisations, is in a position to exercise the authority necessary to resolve the case, whilst the perpetrator is the person called upon to answer criminally for the act committed. (Ciobanu & Stancu, 2017, p. 174)

The outcome of the investigation, in terms of establishing the truth, depends essentially on the investigator's mastery of the concepts of forensic psychology, which underpin the application of the rules of criminalistic tactics specific to the questioning of suspects or defendants.

Achieving the aim of criminal proceedings is also closely linked to a comprehensive understanding of the person under investigation, including the psychological mechanisms involved in making statements and that person's attitude towards the criminal investigation authorities or the court.

The complexity of the suspect's or defendant's psychological behaviour stems from the specific nature of the stages of the offence through which they pass, whether consciously or partially consciously. In legal doctrine, the psychological mechanisms of the perpetrator are, broadly speaking, related to three distinct stages.

The first stage concerns the formation of the subjective aspect of the offence, through mental processes specific to the conception of criminal activity, such as the mental image of the act, the inclination to commit the offence, and the formation of the criminal intent. This stage is characteristic of offences committed with intent.

In the second stage, the criminal activity itself takes place, which is usually structured into the phase of preparatory acts, the phase of execution and the phase of producing the consequences. In this context, intense psychological processes manifest themselves, which may affect inhibition mechanisms and the capacity for sensory perception. The disorganisation of perception is amplified by the almost exclusive concentration on the object of the offence, to the detriment of the correct perception of elements in the surrounding environment, even if the perpetrator seeks to observe everything that is happening around them. Added to this is the influence of other disruptive factors, such as previous criminal experience.

The third stage, the post-offence stage, is characterised by psychological processes generated by the fear of being discovered and by the efforts made to avoid criminal liability, manifested through behaviours of simulation, dissimulation and, in general, by resorting to lying. (Bulai, 1992, p. 164)

The first two stages, which are common to most intentional crimes, involve a sequence of intrapsychic processes, such as the mental representation and inclination to commit the act, deliberation and hesitation, the formation of intent, the choice of means and victim, the identification of the opportune moment, and the commission of the criminal act.

During questioning, an understanding of the psychological mechanisms specific to the post-offence stage is essential, without overlooking the importance of understanding the psychological processes characteristic of the preceding stages. These psychological processes are of particular relevance, especially for establishing the subjective aspect of the offence. In this regard, the questioning of the

suspect or defendant, conducted in accordance with appropriate criminal investigation tactics, is an indispensable tool in the investigative process.

After committing a criminal act, most offenders experience a state of psychological tension distinct from that prior to the offence, driven by the fear of being discovered and the legal consequences of the act. This state influences the individual's behaviour, often leading to a predominantly depressive mood. (Ciobanu & Stancu, 2017, p. 177)

The psychological processes specific to the post-offence period manifest themselves through anxiety, insecurity and atypical behaviour, which explain a series of actions undertaken by offenders after committing the offence. These include quickly leaving the scene of the crime, destroying or concealing material evidence, leaving their home, as well as attempts to create alibis through movements designed to divert attention to other locations. (Ciobanu & Stancu, 2017, p. 177)

In certain situations, perpetrators resort to staging other crimes to conceal the offence committed, such as faking a suicide or an accident in the case of homicides. There are also cases where, after the crime has been discovered by the authorities, the perpetrators attempt to obtain information regarding the progress of the investigation, returning to the scene of the crime or contacting individuals who have already been interviewed.

Such behaviour, occurring under the pressure of severe psychological stress, leads to errors and omissions, which manifest as contradictions in statements, the denial of obvious or even proven facts, or a desire to retract previous statements.

Furthermore, situations may arise, particularly in the case of first-time or occasional offenders, where statements are imprecise or contradictory. In such cases, the judicial authorities must take into account the fact that the objective and subjective factors which may influence the perception of witnesses may also affect the perception of the suspect or defendant. We refer here to poor visibility, the brief duration of the event, a state of intense psychological stress, sensory limitations, as well as the individual characteristics of the processes of memorisation and, ultimately, of recall in statements.

During the questioning stage, the psychological mechanisms of the suspect or defendant exhibit a number of characteristics that must be known and understood by the judicial authorities, particularly with a view to identifying and countering these individuals' attempts to mislead. Such attempts by the person under investigation to mislead the investigator may manifest themselves through feigning, concealment or other similar tactics which the suspect or defendant considers capable of influencing the establishment of the judicial truth in their own interest, or of compelling the authorities to take a decision to alter the legal classification of the offence, thereby reducing the social danger of the act committed and resulting in a more lenient criminal liability.

Generally speaking, individuals questioned by the judicial authorities in a criminal case display a certain emotional state, the intensity of which varies depending on their individual psychological makeup as well as their procedural status in the case—namely, that of suspect, defendant, witness, civilly liable party or injured party.

In the case of the suspect or defendant, psychological tension is, as a rule, much more pronounced compared to that of the other participants in the criminal proceedings. Judicial practice shows, however, that certain offenders, such as repeat offenders or those with at least some criminal experience, who are apparently more familiar with the investigative procedure, may display a lower emotional level that is more difficult for the investigator to identify.

Given the diversity of factors that can influence the expression of emotions, specialists emphasise that their presence can be detected, but never with absolute certainty. (Basarab, 1968, p. 268)

Intense emotional states and psychological tension are associated with a range of somatic and visceral manifestations, the most relevant of which are:

- a. rapid and irregular breathing, associated with disturbances in vocal production, such as hoarseness, and with reduced salivation, manifested by a sensation of dryness in the mouth and on the lips;
- b. increased blood pressure and accelerated heart rate, accompanied by congestive vascular reactions or, conversely, pallor;
- c. contraction of the skeletal muscles, expressed as rigidity, tension or motor blockage, characteristic of a state of intense inhibition;
- d. changes in facial expressions and body language, against a background of agitation, manifesting as unnatural gestures and movements, inconsistent with the person's usual behaviour. Generally, any psychological experience is reflected in a particular bodily expression, with outward behaviour serving as an indicator of the inner state;
- e. altered reaction time, consisting of delayed responses to questions of an affective or critical nature, delays which may significantly exceed the reaction time to neutral questions. This interval is measured from the moment the question is asked until the start of the response. (Bogdan, Santea & Drăgan-Cornianu, 1983, p. 138).

Generally, against the backdrop of the psychological strain inherent in a hearing in a criminal case, high-intensity emotional manifestations may arise; such manifestations may constitute indications of feigned, concealed or insincere behaviour, understood as a form of intentional distortion of the truth. These changes may be detected by the judicial authority, with a certain degree of accuracy, depending on their level of professional experience and knowledge of forensic psychology.

An investigator with solid professional experience and a thorough grounding in forensic psychology can identify, with a high degree of certainty, moments of difficulty and increased psychological tension in insincere individuals under criminal investigation.

Beyond direct observation of such conduct, the identification of feigned behaviour can also be aided by employing specific methods to verify sincerity, namely by examining the statements of the suspect or defendant using polygraph technology.

In order to present a version of reality that is as credible as possible yet distorted, suspects or defendants frequently resort to various strategies, including:

- simply refusing to admit to the acts they are accused of;
- the unrealistic claim that they are unable to recall the events in question;
- fabricating alibis, either prepared in advance or devised on the spot during the hearing;
- presenting facts of minor importance to the case, with the aim of distracting the investigator from the relevant aspects of the case;
- justifying criminal conduct by claiming provocation or a moment of uncontrollable confusion;
- resorting to the simulation of suicide attempts or acts of self-harm.

It is not uncommon for defendants to retract their previous statements in court, claiming that these were made as a result of coercion, pressure or intimidation by the investigators.

It should be emphasised here that it is possible that some of the retractions of statements invoked by the defendant in court may be genuinely justified, which is why these retractions must be given all due attention. For this reason, such statements made by the defendant before the court require thorough verification, as they are classified as being of the utmost seriousness.

It should be noted that the emotional displays of the suspect or defendant during hearings can be classified into two categories: voluntary displays and involuntary displays.

Voluntary manifestations are those reactions controlled by the person's will, through which they attempt to conceal their true mental state. This category includes simulating self-control, confusion, fainting, or adopting an attitude of defiance or protest, with the aim of intimidating or influencing the investigator. Although these manifestations are sometimes unnatural, they can mislead the prosecuting authority, particularly in cases where there is a lack of experience.

Involuntary manifestations reflect the body's internal reactions, determined by the activity of the central nervous system, and cannot be consciously controlled. Examples of this include: facial flushing or paleness, dilation of the veins on the temples or neck, profuse sweating on the face, arms or neck, as well as changes in heart rate or breathing. These reactions depend largely on each person's nervous disposition, which is why they differ from one individual to another. Consequently, it would be wrong to determine a person's guilt or innocence, or their sincerity, solely on the basis of these manifestations. (Ministry of the Interior, General Inspectorate of the Militia, Institute of Criminalistics, 1974, p. 9)

It is important to note that, in practice, there have been cases where some experienced offenders have behaved in an apparently natural manner in critical situations, managing to control their reactions even under such difficult conditions.

As a rule, an innocent person appears confident at the hearing, showing an interest in the reasons for their summons and adopting an open attitude. This person answers questions promptly, without overthinking their responses, and refutes the allegations with reasoned arguments.

In contrast, the guilty person, depending also on their criminal experience, adopts a different behaviour. As a rule, before the hearing, they prepare and memorise answers to the questions they anticipate will be put to them. However, this anticipation often becomes stressful, leading to the emergence of unusual and easily detectable emotional displays.

During questioning, the guilty party tends to be reserved and to answer questions laconically. Answers are usually formulated after careful consideration of the terms used, though this plan does not always succeed, as their responses are accompanied by an apparent confidence and an artificial calm. However, the gestures accompanying their speech may reveal the psychological tension generated, primarily, by the fear that their guilt will be proven.

A characteristic feature of the guilty person's behaviour during questioning is the avoidance of key issues and the steering of the discussion towards secondary matters, irrelevant to the case.

Sometimes, misinterpreting the firm and consistent attitude of the investigating authorities, some offenders may even resort to provocation, attempts at bribery or behaviour lacking even a minimum of respect.

Distinct characteristics emerge in the case of persons under investigation who are in custody or on remand, compared to those at liberty.

Prolonged detention can lead to states of melancholy or agitation in the suspect, characteristic of detention psychosis. Under such conditions, the suspect may be more inclined to make confessions, but due to the psychological imbalance created, there is a risk of making statements that do not correspond to reality.

Therefore, this situation of prolonged detention for the suspect also requires increased attention from the prosecuting authority, which must observe and correctly interpret the external signs of the suspect's emotional state.

References

Basarab, M. (1968). *Forensic science: Course notes*. Babeş-Bolyai University.

Bogdan, T., Santea, I., & Drăgan-Cornianu, R. (1983). *Human behaviour in the judicial process*. Ministry of the Interior Publishing House.

Bulai, C. (1992). *Romanian criminal law: General part* (Vol. I). Şansa Publishers.

Ciobanu, P., & Stancu, E. (2017). *Criminalistics: Criminalistic techniques*. Universul Juridic.

Ministry of the Interior, General Inspectorate of the Militia, Institute of Criminalistics. (1974). *Practical methods and procedures for questioning suspects, defendants and witnesses: Some issues concerning the questioning of minors*. Cultural Press and Publishing Service of the Ministry of the Interior.