

THE ADVANTAGES AND DISADVANTAGES OF TACTICAL BLUFF IN THE INVESTIGATION AGAINST CRIMINAL ORGANISATIONS IN HUNGARY

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Abstract. *I have conducted several consultations and interviews with police officers (investigators, detectives, inspectors) pursuing criminal procedures, also with prosecutors, judges and attorneys (hereinafter: criminalists) on what they mean by tactical bluff. I understood, that some criminalists do not differentiate between colloquial bluff and tactical bluff, that can be the source of several mistakes.*

Keywords: *tactical bluff, criminal organisation, interrogation, testimony, inspection*

Introduction

The obtained *testimony may point out the structure of a criminal organisation*, and according to the rules of the domino effect, it may lead to the prosecution of its leaders, consequently, I consider the analysis of the issue important.²

The applicable Act on criminal proceedings does not specify the definition of tactical bluff, so the analysis of the issue is even more necessary.

On the one hand, properly applied tactical bluff may have several advantages in the investigation against criminal organisations and the criminal offenses committed by their members, while, on the other hand, the recognised, inadequately conducted tactical bluff or common sense bluffs may have serious negative impacts.

Due to the nature of the ‘domino effect’, proper conduct of the tactical bluff plays a rather significant role in the combat against organised crime, since

- we may detect information that was previously unknown by the authority,
- it is significant in rolling up criminal organisations,
- it may point out the structure of the criminal organisation,
- it may lead to the prosecution of the members and leaders of the criminal organisation,
- it may distract the member of the criminal organisation (suspect) from his ‘artificially’ construed, memorised and carefully rehearsed testimony, as he may also react to the tactical bluff,
- the interviewed person is unaware of the aims of the tactical bluff, therefore, he will possibly make wrong conclusions out of it and will direct his actions,
- he may eventually realise that he has been exposed by such inconsistencies, so he will make a confession,
- the information revealed may confirm the suspect’s innocence in the criminal offense,

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² Generally, the testimony of the criminal organisation’s weakest link starts the domino effect, that may lead to the conduct of the procedural measure.

- it may point out that the suspect's statement of confession was made under the force of coercion or threat, because his motive was to spear the member of the criminal organisation from the criminal procedure.

Consequences and disadvantages of the recognised, inadequately conducted tactical bluff or common sense bluffs:

- information may be transferred or the suspect may be influenced, which will effect the conduct, the results and efficiency of the investigation,
- the detective loses credibility due to groundless holding out hopes or bluffs, moreover, the suspect's disposition to cooperate may decline,
- the statements and announcements (audio recordings of interception or taping) might be misleading,
- the announcement is misleading and it may lead to inappropriate conclusions,
- the suspect may come to a conclusion on the method of obtaining the information,
- the suspect recognises the tactical bluff, to which he may respond with another bluff that remains hidden from the investigator, and so the investigation will pursue on the wrong path,
- the person who has been misled or has been given groundless hopes by the interrogator will not be cooperative in the new criminal procedure,
- the member of the criminal organisation might become dubious or might start self-checking, whether they are under surveillance or not,
- the suspect (the member of the criminal organisation) subject to a special investigative measure (during phone interactions) may make false statements on the opposing criminal organisations or on trusty and respectable public officers, moreover, the suspect may mislead the further investigation, so part of the perpetrators (members of the criminal organisation) can not be prosecuted,
- the testimony made under the bluff shall (may) be considered as unrightfully acquainted evidence, even more so, such unrighteous procedural measure may be deemed as a criminal offense itself (e.g. unlawful interrogation),
- it might cause vast damages to the budget.

In order to differentiate between bluff and tactical bluff I find the classification of the elements of the definition rather important. Actually, only very few researches refer to the instrument of the tactical bluff.

Most criminalists believe, that criminal tactics (principles and recommendations) are 'everlasting', however, we may not agree with this approach in all cases, since the methods and measures of law enforcement are changing constantly, in compliance with the development of technology, consequently, tactical recommendations should follow the changes as well.

Nevertheless, there are only a few scientific fields, at which the store of learning would change constantly and dynamically, where everyday or random events create context for living science (Pallo, 2018:99).

The application field of tactical bluff is actually quite broad during the investigation, as it may also be applied in the course of coercive measures (e.g. at the search), however, this study examines *raison d'être* of the tactical bluff in relation with the suspect's interrogation.

Definition of the tactical bluff

Tactics and measures of the interrogation may affect the efficient investigation of the criminal offense. Without any reference to evidentiary measures, the suspect must be

advised on the main elements of his actions conducting the criminal action subject to suspicion, and also the classification of such acts in accordance with the provisions of the Criminal Code (Gov. Decree 100/2018. VI. 8.). In most cases, it is reasonable to show the obtained evidence after thorough interrogation of the suspect, or otherwise, defining the time of showing the evidence is advisory upon tactical reasons. Nevertheless, in certain cases it might be reasonable to keep the person subject to the interrogation in obscurity about what we know, even more so, confronting the person subject to interrogation with the actual evidence is usually more effective (Lakatos, 2009:199).

Tactical bluff is one of the tactical measures, however, its conduct is usually quite controversial. Probably, one of the reasons of the arguments is the fact, that many usually still identify the definition of colloquial bluff with tactical bluff.

The conduct of tactical bluff might have its most significant importance *in rolling up criminal organisations, whereas, during the interrogation process we may gain information and data that was previously unexposed to the authority.*

Of course, the interrogator using the instrument of the tactical bluff must be adequately skilful, but he must also have the necessary creativity and fantasy, as in they are both principal elements of the criminalistics mind. Having the principal knowledge of the character of the interrogated person should help the interrogator (Lehoczki, 2011:62-81). Moreover, the person of the interrogator is rather significant, since it can have direct effect on the person making the testimony (e.g. he would open up), as it may also effect the interrogation situation, i.e. it may be infirm, partially or entirely free of any confrontation, or confrontational (Lakatos, 2004: 204-207).³

However, the so called 'tactical bluff' is admissible during the interrogation, if it is *'a manner of behaviour, direction of interrogation, situation creating, or addressing a question (series of questions), whereas the person making the testimony does not understand or recognise the goals or significance of such action, therefore, he does not even consider whether to answer at all, or he does respond upon his own wrongful conclusions about what we know or what evidence we have.'* (Lakatos, 2004:208).

Some criminalists insist, that being unlawful and ethically unacceptable, tactical bluff should not be conducted. I suppose, this approach originates in issue of different cognizance of common sense bluff and its appearance in the context of criminalistics. This is exactly why it is necessary to clear the differences between bluff and tactical bluff.

Tóth's definition of tactical bluff: '[...] it is one of the procedures in the system of tactical measures that aims to gather evidence, whereas the inspector deliberately attempts to create a situation that may encourage the suspect to provide previously unexposed evidence, by suggesting a reality based on at least partially unproved and uncontrollable facts or circumstances [...].' (Toth, 2004: 867)

According to my conclusions, tactical bluff is a *reality-based investigative measure of addressing questions or creating situations, whereas the goals and significance of the measure are not recognised by the declarant (during the interrogation, gathering data or during other investigative action), leading the subject to reveal relevant*

³ Three typical kinds of interrogative situations: interrogation conducted in non-confrontational (e.g. the detective is convinced regarding the credibility of the person subject to interrogation and believes that the content of testimony complies with the truth); interrogation in confronted situation (e.g. in case of a false testimony or at testimonies believed to be false by the investigator); interrogation in uncertain situation (e.g. the investigator is not able to decide over the credibility of the testimony)

data to the investigating authority, that will promote the investigation or the evidentiary procedure.

In most cases, tactical bluff is conducted during the interrogation of the suspect, with regards to the requirement against the witness who must tell the truth in accordance with his best knowledge and his conscience, nevertheless, it may also be conducted during data gathering (e.g. prying or probing).

I must agree with Eszter Szijártó's opinion, according to which tactical bluff does not interfere with the provisions of law, and if properly applied, unwanted consequences can be avoided and can be a valuable instrument in the investigator's tactical toolbox (Szijarto, 2013:62).

If the question of the investigator is associated with other thoughts by the suspect during the cognizance process, it shall not construe a lie. On the other hand, should the investigator lie, his actions shall most probably result or create a lie in return, and the testimony shall be uncontrollable, because the investigator can not be sure if the suspect has any information on the facts questioning the lie.

Nevertheless, in certain cases it is necessary and advisory to apply the instrument of the tactical bluff during the interrogation of the witness as well (for example, if the credibility of the witness is questionable), and also at certain investigative actions (e.g. gathering data, search, on-site interrogation).

Tactical bluff may also be used to distract the suspect from his 'artificially' construed, memorised testimony, and the suspect may react to the action. The forensic linguistic expert can be a great support in filtering out memorised testimonies (Ürmösne, 2019: 65-75). The suspect is not aware of the aims of the tactical bluff or he misunderstands the action, that drives the suspect to make the wrong conclusions and act accordingly to his misbelief. In the line of the tactical bluff, the suspect remains unaware of the fact that the situation created by the investigator is actually a 'trap'. Answering the question, the suspect intends to avert imminent danger (being exposed), nevertheless, he is not able to prepare for every question, therefore, he will alter from his previously memorised testimonies (not or only partially containing true elements). When confronted with the contradictions of his testimonies, the suspect shall realize that he has been exposed by the contradictions, and may make a confession.

The new Act on criminal procedures that came into force only lately has incorporated the legal institution of agreement to criminal proceedings, whereas the defendant may expect more lenient penalties due to his statements disclosing previously unexposed details that would assist, accelerate and promote successful conclusion of the criminal procedure (Bárándy, 2019).

Distinction between tactical bluff from (ordinary) bluff

We must acknowledge the difference between tactical bluff and bluff referred in everyday life in the colloquial sense.

Bluff is:

- 'very vocal words of vanity or misguidance', (Hungarian Dictionary, Editors: Juhász, József et al., 2003: 137)
- boast, bluster, deception of someone (Hungarian Dictionary, Editors: Juhász, József et al., 2003: 137).

It may occur, that investigators fail to differentiate between the two definitions, as they only concentrate on acquiring the confession, so instead of using the instrument of the tactical bluff they are bluffing, leading to the result that these parts of the acquired

testimony are not admissible as evidence. The goal of the interrogation is not be the acquaintance of the confession, but to reach to an exploratory and truthful testimony, taking into consideration that the perpetrator and the suspect is not necessary the same person (Lakatos, 2004: 224).

The aim of the tactical bluff is to create a situation by deliberately using suspicions believed to be true, provided that the suspect shall deliver evidence against himself (Toth, 1980:15).

Furthermore, the interrogator shall never prove anything through the bluff, but shall aim to indicate expressions that may serve as evidentiary measures or may lead to evidence (Toth, 1980:16). Another factor of importance is that the suspect may not only deliver damning evidence against himself due to the tactical bluff, but, in consequence of the tactical bluff, further information may also occur, that will eventually point out that the suspect did not commit the criminal offense, therefore he is innocent. It may occur that the suspect made the testimony under the forces of coercion or threat, or else, he intended to spear the member of the criminal organisation from the criminal procedure. This aspect should give further confirmation to the aim, that the suspect's interrogation should not be the acquaintance of the confession, but to have an exploratory testimony that is in compliance with the truth.

When questioning the suspect at the interrogation, the possibility that the suspect and the perpetrator is not necessarily the same person must be taken into consideration, therefore, 'protected data' can not be exposed to the interrogated person. In such case, most probably the innocent person shall not give any reaction. 'Protected data' is a kind of data *'of which only the actors of the case and direct participants of the investigation may have knowledge about'* (Ballane-Lakatos, 2012: 105)

It is crucial, that the question should only content any new information for thee interrogated person to the necessary extent only, otherwise the testimony shall become uncontrollable. More so, the member of the investigating authority shall not be able to detect, what is known by the suspect that he would have voluntarily imposed. The suspect must be granted the possibility to represent his testimony as a comprehensive whole.

If covert measures were used against the suspect, most probably, the announcements construed after the interrogation (audio recordings of the interception or taping) will be misleading, in case the questions of the interrogator referred to protected data of the investigation (on circumstances or perpetrators), of which the interrogated person if innocent, might not have an information about. The third party listening to (monitoring) the phone conversation might be mislead by the given statement and might come to the wrong conclusions.

The viewpoint and opinion of the witness is better learned upon an unbound and free statement that may assist to find out whether the witness is biased or objective. in such cases they likelier to share information on facts they remember more clearly, the ones they find injurious, or what they want to bring to the notice of the authority by all means. Usually, several facts previously not integrated to the case might emerge in the course of such comprehensive presentations, or otherwise, questions of such nature would not have been addressed in the lack of the given information. Efficiency of the interrogation may also depend on the relation of the person conducting the interrogation and the witness, as in the interrogator must gain confidence of the witness, whereas such confidence and trust might be accompanied with the intent of cooperation (Ibolya, 2016: 14-15., 26.)

Preparation for the tactical bluff

Extensive and thorough preparation must precede the conduct of the tactical bluff, since if the suspect realizes that he has been subject of a tactical measure by the member of the investigating authority, he might as well change his attitude and start bluffing, that would deliberately mislead the authority and cause additional work to the authority.

It is advisory to make a plan prior to the interrogation. It is recommended to prepare a memorial-like plan contrary to merely theoretically defined line of ideas. Laying down the ideas only in the mind is usually acceptable from interrogators of exhaustive experience, however, several external inducements may effect such mental objectives, which may cause that previously planned questions will pass into oblivion. Likely, relevant information announced during the comprehensive presentation of the interrogated person might have such external impact on the interrogator, driving the officer to define new questions. Due to any new information or to the questions of the interrogated person, the questions defined during the preparatory process might be deleted or forgotten, regardless of the fact if the suspect was cooperative and the interrogation has taken place in a non-confrontational situation. An eventual conflict or an infirm momentum of the interrogation may cause further problems as well, therefore, it is recommended to make a memo-like plan before the hearing.

Sadly, experience proves that in most cases the investigator has not time to prepare for the pursue of the tactical bluff before the interrogation, as he has to improvise and conduct the measure of the tactical bluff in the very moment during the interview. The detective has to address the questions to the interrogated person in reflection of the new information, provided to clarify the emerging information knowledge. Answers lay in the establishment of a situation or in the wording of questions, until the importance of such measures remains undetected by the interrogated person, therefore his responses shall confirm or exclude his preceding statements.

In case preliminary preparation for the conduct of the tactical bluff is possible, it is recommended to study both the person to be interrogated and also the criminal case itself (available records of the investigation). Furthermore, information collected during the covert intelligence gathering may also serve as a basis of preparation.

It is also considerable, that if the suspect gains knowledge of the tactical bluff, the authority shall lose its credibility and the previous disposition to cooperate may decline.⁴ If a defense attorney is present at the investigative measure, there is much higher chance of de-conspiracy for a weakly structured tactical bluff. The attorney may recognise the signs of tactical bluff, he may draw consequences from the investigator's conduct, nevertheless, on the other hand, it must also be taken into consideration that usually all details of facts are only known to the suspect, so on these grounds in certain cases, whereas the suspect is the actual perpetrator, most probably only he will react to the tactical bluff, while the defense attorney is unlikely to recognise the tactical bluff.

Conduct of the tactical bluff

As one of the tactical instruments, tactical bluff plays a significant role in the combat against organised crime. So tactical bluffs must be adequately chosen and may not be conducted at any prize, since even in case of a confession, all other evidentiary means

⁴ In most cases, the members of criminal organisations are already 'tried' criminals who usually despise police officers even at the very beginning of the interrogation and they intend to thwart the procedure. Consequently, in such cases authorities shall not lose credibility if the suspect gains knowledge of the tactical bluff.

must be acquainted. On the other hand, and especially in priority cases, special emphasis must be taken in order to avoid measures of taking testimonies by breaching evidentiary prohibitions.⁵ (See more in Vári, 2018: 129-140, 133) In case of inappropriate conditions, other tactical measures and methods can also be applied, as, for example, the tactic of presenting the evidence (first, the less important evidence should be revealed, then the rest if it does not endanger the investigation).

Tactical bluffing may be conducted verbally, in the course of a conversation or in the form of questions, or, in other cases, by the creation of a certain situation, whereas the person subject to interrogation remains unaware of the objectives and significance of the measure.

A crook was taking over money by issuing fake vouchers for years. During the investigation, only three persons were heard as witnesses, but also, they handed over the receipts to the authority. As a start, the inspector show only one of the receipts to the suspect who maintained a negative attitude, then he turned to show the second and later the third one, further on, he placed a bunch of papers underneath the real vouchers, suggesting that the he has at least 10-15 receipts, implying the number of victims as well. Seeing the stock of documents, the suspect told the names of victims the investigator did not even know about. The inspector pursued to apply the tactical bluff in line with the gradual showing up of the evidence, which proved to be conducive to the success of the method (Toth, 2004: 880) The inspector did not state that any of the invoices laid down on the table were given to the victims by the suspect. The suspect could only presume, that he issued them, so he revealed further transfer of invoices the authority had no information of.

Tactical bluffing may be conducted verbally, in the course of a conversation or in the form of questions, or, in other cases, by the creation of a certain situation, whereas the the person subject to interrogation remains unaware of the objectives and significance of the measure.

Following the structure of a conversation-based (question-based) tactical bluff, and building the tactics on the available data and the suspicion he believed to be true, after the confession of the person who has been preparing forged administrative documents (suspect), the interrogator told the suspect that the quantity of the blank sheets of papers found and seized at the search conducted at his apartment presume the preparation of thousands of forged documents (e.g. certificates, diplomas) upon order.

The presumption is based on valid data, since the seized items (clues) and the audio recordings of the interception actually confirm the assumption. Then the interrogator asked the suspect about the number of the forged documents he had prepared in the past years. The suspect did not think much before he would answer the question, he did not realise the significance of the situation (question), because he could only think of the mentioned clues. So, the suspect answered, that he forged only a few hundred of documents with his associates, but not thousands of them, then he recalled, that it was around 563 cases, and added that that he actually kept a list on a pendrive, that can be found in the table drawer in his apartment.⁶ The detective's questioning method was

⁵ Factual persuading of the authority related to its own version of conviction very often leads to unlawful evidentiary measures, especially if confirmation of such version is only possible through the breach of procedural regulations.

⁶ The authority gained knowledge that the target person (later suspect) has prepared fake documents with his associates upon order. During the secret intelligence gathering approximately 100 persons ordering fake documents were identified. The investigating authority learned, that the suspect has been preparing fake documents for years preceding the preparatory procedure

adequate, he did not mention actual numbers, so he could not influence the suspect, who was only misled by the question. The clues, the question referring to the forged documents and the situation created an assumption in the suspect that the interrogator has or might have substantive information, to which he has to respond, even more so, he felt compelled to tell the truth. The rules tactical bluff is usually lectured as part of the regulations of interrogation at universities (e.g. the National University of Public Service), whereas the definitions is explained through examples, but sadly, due to the narrow number courses, there is not time for rehearse the use of tactical bluff during the interrogation practice. According to our opinion, tactical bluff can not really be taught (at the interrogation practice), due to the fact that every case is unique and even the case cases of the same sort show differences, but even if its conduct is situation based, its significance can be introduced through examples, moreover, we may draw attention to the fact, how tactical bluff should be eliminated from bluff.

Judges may also use tactical bluff in the session of the court, as shown by the following marvellous example. The indictment stated that the prostitutes working at the brothel run by a family provided sexual services for HUF 2-3000. One of the defendant, a pretty lady denied that she would ask for money for intimacy. She stated that she would only give sexual services if she actually liked a young man, and she would only accept dinner invitations after the event. At the session of the court, the judge asked her, 'how come, that such a pretty lady would involve in intimate relationships only for a dinner?'. The defendant did not comprehend the focus of the question, so she immediately said that 'I even got HUF 10000 from men'. It is clear, that the defendant did not reconsider the gist of the question, she could not prepare for the answer and responded at once, then only later did she realise that she slipped and made a confession. The example shows, that tactical bluff is admissible at the court, nevertheless, it also depends on the case and the situation.

According to the above examples, tactical bluff can be applied by the investigator, the detective, the inspector, the prosecutor and by the judge as well. Usually, its conduct is permitted at every offense, however, it has its greatest significance in the investigation of criminal organisations. However, in the course of my research, I have met a detective (interviewee) who said that when using 'tactical bluff', 'we have worded-and-turned the suspect, who confessed'. To my next question the detective shared what he generally meant by tactical bluff, which made it clear for me, that he was thinking of everyday bluff. In case the interrogator addresses a question that includes the statement of an unproved fact, the effected parts of the acquired testimony could be deemed as 'obtained in other forbidden manner' as well.

By wrongful conduct of the tactical bluff we may share information, we may influence the suspect, also the course and the result of the investigation thereto.

Prohibition of 'bluff' and consequences of the wrongful conduct of tactical bluff

Since they can not be fulfilled, groundless holding out hopes or bluffs addressed to the suspect cause the investigator to loose credibility. Unfounded promises may lead to even more serious consequences in the future, for example, in a new criminal case, the person formerly flattered by baseless promises of a detective is not going to be willing to cooperate

with his associates, but had no information on these clients. The suspect has made an exploratory testimony during the interrogation, however the investigating authority wanted to inspect the criminal offense thoroughly and intended to identify and prosecute all perpetrators, therefore they decided to ask questions and create a situation, yet hiding the actual importance and objective of the procedure from the perpetrator.

anymore. However, intelligence of such source can be crucial in cases when organised criminal groups are preparing, for example, to execute explosions, or in cases when police forces plan to roll up criminal organisations, to identify or check members of the organisation, furthermore, in case of a suspected criminal act, they decide to initiate criminal procedure.

However, suspect may be told, that his testimony may be evaluated as extenuating circumstances by the court.

It does not matter if the officer conducting preliminary investigation had any information about intelligence sources of the given person, if such person has been bullied (by the interrogator) earlier, he shall feel stifled and will not be willing to cooperate. Therefore, a bluff may effect a latter case of priority as well, so preliminary investigators shall have difficulties to convince the informant to cooperate with the authorities. It may occur, that this very person could be a source of information, that could prevent a more severe criminal offense or the information of the source could save lives.

In case the suspect recognises the tactical bluff, he will possibly respond with a bluff, that is, if not recognised by the officer, shall mislead the investigation. Thus, adequate conduct of tactical bluff is not sufficient enough, but detectives should also recognise the bluffs of the suspect. Bluffing, the aim of the suspect is to make the process of investigation more difficult.

Members of organised criminal groups, usually well tried and slick criminals shall become dubious and start self-checking after the recognition of the tactical bluff, reconsidering whether they are under surveillance, or being intercepted.

Perpetrators may agree to call each-other earlier, time-to-time sharing misleading information, waiting for the reaction of the investigating authority, whether their phones are intercepted or not. During the phone conversation, the suspect may mention (drop a sentence) that the officers might have something in their hands (e.g. they shall soon find the hideaway), so he describes (in a manner to be identified) the location (e.g. certain segment of a forest or a park) where the illicit assets originating from the offense 'are hidden'. Following, the suspect and his associates shall watch the given address. Should police forces appear, they shall know that they are under surveillance, so they shall not use former numbers, acquaintances, they either shall be more careful or may destroy the evidence.

They may also state false information about the opposition, stating, its members have conducted severe criminal actions, or they plan to do so. They are well aware of the fact, that the investigating authority has to check the information, in certain cases, the covert intelligence gathering, or the authority has to initiate a preparatory procedure and use special measures, all based on forged information.

Members of organised criminal groups can disrupt another group's powers, knowing that the other group is also involved in criminal acts, financing its activities from illicit sources, and they also presume, that authorities shall succeed to find substantive data during the strike at the other group. (After the criminal procedure, the criminal organisation delivering information shall take over the other organised criminal group's illegal territories.)

Criminal organisations channel vast amount of false information on trusty and respectable public officers, nevertheless, any and all information must be forwarded to the competent and authorised National Protective Service for further checking.

Any doubts originating in wrongly conducted tactical bluffs may allow the members of the organised criminal groups to spend more time and energy to check

whether they are under surveillance or not, furthermore, they shall be even more precautionous about the most insignificant details than they were before.

Perpetrators may set a route where they return in vehicles from time to time, or they decide to line up in certain streets, while a third or fourth associate stays steady, monitoring and recording the licence plate numbers of the vehicles passing by on the given route. All they have to do is to check the repetitiously appearing licence plate numbers at the given time and route, so they manage to gather the type and licence plate numbers of the vehicles involved in the operation. Upon their surveillance information, they may decide to postpone or to finish the planned criminal action. Furthermore, they may deliberately leave the intercepted communication items at their residence, so even after triangulating the signals the investigating authority can not draw any consequences on their location. When committing the criminal act, the criminal organisation may use new, disposable phones, making seizure of the phones impossible at the search, so the possibility of further data request or verification of acquaintance is eliminated.

According to my opinion, wrongful conduct of a tactical bluff may even influence the assessment of the information gathered during the operation using a covert measure (interception), it may result in false analysis or evaluation of incoming data to a great extent. Inappropriate practice of the tactical bluff may have several negative consequences, especially if the detective is unaware of the suspect's bluff, furthermore, if he misunderstands the statements heard.

Groups of criminal organisations may attempt to influence the witness, but first, they have to identify the person who gave the testimony. It is also possible, that the defense attorney shall bluff as well, in order to find out the name of the witness, who has asked for separate and confidential treatment of his personal data during the investigation, or is probably the only witness.

Under the umbrella of his bluff, the defense attorney may call the case officer (few days after the interrogation of the suspect) to announce his motion requesting for hearing of a few persons as witnesses. The attorney may also excuse himself for bothering the officer at all, or for too long, stating he would only like to clarify the names he should include in his motion out of the four persons he had mentioned. There is no reason to write the name of the person already interviewed by the officer. The helpful officer, not realising that he had been bullied, hearing the list of names, might as well ask not to enlist the second person in the motion, since he has interviewed the person as a witness.⁷

By these means, the defense attorney has already learned the name of the only witness probably acquainted with the perpetrators, so this person is easy to find.⁸ Thereafter, members of the criminal organisation might threaten the witness, who may, under such pressure, change his testimony, undertaking legal consequences (e.g. perjury). After such threat many witnesses tend to change their testimonies in the protection of their families, and ignore the consequences. There is no use of the most fundamental witness protection instruments, namely confidential treatment of personal data of the witness, investigating authorities must step to a higher level of protection, since the witness's identity has become known to the perpetrators and he has been threatened. In such cases, second level of regulatory witness protection could be personal protection, however, in this case, the third level of protection, that is, declaration of the person a specially protected witness is not

⁷ In certain cases bluffs of the defense attorney may conduct the criminal offense of harboring a criminal.

⁸ The interrogator did not recognise the aim of questioning.

possible. In the worst case scenario, the witness may be adopted in the witness protection program in accordance with the statutory provisions. In order to protect the witness, investigating authorities must be aware of the regulatory provisions of witness protection and the related tactical recommendations for certain investigative measures.

The interrogator's bluffing that would hinder human dignity of the person subject to interrogation (e.g. the suspect's wife, making her believe, that she has been cheated by her husband) is unacceptable. The only aim of the interrogator's bluff is to force out an incriminating testimony of the wife to her husband.

Conclusions

Conclusively, we may state that tactical bluffs must be based on available data, the assumptions must be confirmed, however, it is not recommended to use all data to avoid sharing information with the suspect in case of unsuccessful tactical bluffing, because it may mislead the investigation. In case we do not use all data we have, even in case of inefficiency, we may use other tactical measures.

Tactical bluff must have a clear objective, same as for prying or probing. Thus the investigating authority's queries can not be accidental, its intention is to either verify or exclude its own assumptions, based on factual data. Even partial success should be awarded, since we may gain data to continue the investigation by other measures (Toth, 1980: 20.) Even in case of successful conduct of tactical bluff control is a must, similarly to prying or probing, nonetheless, there is always a doubt whether the confession is truthful or the obtained data is eligible for the detection of further source of evidence or not.

Certain criminalists intend to believe, that as known types of data gathering, instruments of mass communication (e.g. media: newspapers, internet, television) could be involved in the conduct of tactical bluff, in order to motivate the suspect to act. The scientific field of pragmatism may also support detectives, analysing presuppositions, implications, discursive implicatures, direct and indirect verbal activities and shun languages, that can support parts of tactical bluff in assumption, indication and aim. (See more in: Ürmösné, 2014., 2018) As another tactical element and data gathering method, the tool of observation of persons, items, objects, locations and events should be involved. In the course of direct observation, the investigating authority has the opportunity to conduct the measure and to obtain evidentiary measures.

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