

HUMAN RESOURCES AND THEIR POSSIBLE FORENSIC MEANINGS

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SUMMARY

Forensics (forensis – before the Forum) means the application of knowledge from different scientific fields in order to define facts in judicial and/or administrative procedures. Nowadays forensics, besides this, finds its application even in different economic processes. For example, forensics enters the commercial areas of business intelligence and of different security areas. The European Commission recognized the importance of forensics, and underscored the importance of development of its scientific infrastructure in member States. We are witnessing the rise of various tragedies in economic and other kinds of processes. Undoubtedly, the world is increasingly exposed to various forms of threats whose occurrences regularly involve people.

In this paper we are proposing the development of a new approach in the forensic assessment of the state of human resources. We are suggesting that in the focus should be the forensic approach in the psychological assessment of awareness of the individual and of the critical infrastructure sector operator (CISO) in determining the level of actual practical, rather than formal knowledge of an individual in a particular field of expertise, or in a specific scientific field, and possible forensic meanings.

Key words: forensics – psychology – threat – assessment – awareness - knowledge

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THREATS, PEOPLE, CONSEQUENCES

The style of contemporary life is bringing ever more exposure of people to different forms of threats. The consequences for people, material resources and nature can grow on a large scale up to catastrophic proportions. Nowadays it is recognized that infrastructure facilities are especially exposed to harmful impacts. Aware of these threats the European Union has developed a regulatory foundation for their protection. According to guidelines of the European Critical Infrastructure (ECI) were identified as Critical Infrastructure Sectors (CIS). National Critical Infrastructure Protection (NCIP) is considered as the system of permanent and dynamic cooperation of the owner or proprietor of the national critical infrastructure, of the operator and the government, in order to contribute as much as possible to the permanent operational capacity of infrastructures of key national importance.

With this kind of cooperation they ensure development of capacities intended for prevention of malfunction or interruption of work of critical infrastructure. In spite of the sophisticated defence of infrastructure and other objects with different systems, recommendations, activities, etc., the central and essential, practically unavoidable factor in different threats is the human being in the positive and negative meaning of the expression, either in the role of someone who is protecting him/herself from threats or if the threat is created by him/herself.

Attempting to diminish consequences of the mentioned threats we suppose that with increased reliability on

people included in different critical processes this could result in creating certain threats, that might substantially contribute in diminishing the possibility for certain incidents to occur. Aiming at development of new methodology of insight into reliability of a person in realization of certain processes we are suggesting the inclusion of a new approach to the forensic assessment of the state of capabilities of human resources. The focus should be on the forensic approach to the dimension of human condition assessing the psychological consciousness and social sensibility of that person, and assessment of practical and not only formal knowledge of the specific professional or scientific field.

Understanding many facets of human vulnerabilities, in this paper we will first address that – what we consider is the essential cause of cases that matter in the field of forensic assessment of occurrences and consequences that appear as a matter of forensic cases in the judiciary frame of reference.

ROOTS OF HUMAN VULNERABILITY AND CONSEQUENCES

The roots of human vulnerability pertain to the essential human conditions. Looking at human existence from its intrauterine beginnings, circumstances connected to the birth, and later extrauterine development, we are ever more conscious of the great vulnerability of human being, and how that vulnerability in later development could emerge or unfold compensatory symptoms. Certainly, we are talking about traumas that could have their lasting or transitional functional cause(s) and

expression. Anyhow, what we recognize as a result of psychic traumatization is often diagnosed either as difficulty from the field of anxiety or depressive disorders, or as PTSD.

Looking from that point of view it becomes ever more evident that the conceptualization of perception of the essential existence since the early childhood shows oscillations between paranoid-schizoid and depressive moods (or 'positions' according to M. Klein).

Together with predominantly expressed changes in the domain of feelings that emerge as anxiety depression or anhedonia, psychotraumatized persons might manifest difficulties in regulation of emotions through symptoms of shame, guilt, rage, hate, hopelessness, and others. If behavioural changes predominate they are characterized by difficulties in the impulse and reactions control, auto-and-heteroaggressivity, hyperactivity or passivity, dependency, sleep difficulties, tendency of abuse of alcohol, smoking, or some illegal psychoactive substance.

If the disturbance is mostly expressed somatically then we can find symptoms of psychosomatic characteristics on any system of the organism (e.g. heart and blood vessel, digestive tract, skin, etc.).

Difficulties or impossibility of mentalization of the emotional stress situation predicts poorer prognosis and more severe course of the disorder. Severe disturbance of emotional functioning, especially those connected with dissociative and paranoid features that can provoke even psychotic outbursts, have a poorer prognosis (Urlić 2014).

The sensitization to recognizing stress events or situations that provoke psychic traumatization probably does not mean only results of advances in numerous scientific fields, but in specific understanding of dynamics of psychic development and relationships. It pertains generally to the widespread consciousness about aggressive influences on forming and functioning of the human psyche in the intrapsychic, intersubjective, and a larger social area. In this context we will first take into consideration the grieving process that is in most of cases intertwined with the traumatic event or lasting situation and its consequences

Psychic trauma and the process of grieving (bereavement)

The assessment of suffering of psychic pains ('fears' in the forensic frame of reference) for an expert witness represents a very complex task. It should be underscored that besides strictly professional assessments of psychiatric and psychological elements exposed in a forensic (judiciary) case in question, the considerations of physicians of somatic medical branches and objective data from reports about traumatic event, as well as reports of witnesses or documentation that confirm psychic trauma, have their specific importance. PTSD and disturbances of psychic functioning from the anxiety and depressive spectrum in contemporary stances

are connected with different aspects of psychological traumatization (various kinds of abuse and maltreatment from childhood on, sexual exploitation, accidents connected with the workplace, traffic accidents, war deeds, natural catastrophes ...) and with other events that stimulate feelings of fear, often up to panic dimensions. Stress and fear might be followed by feelings of guilt, shame, humiliation, loss of self-perception, feelings of helplessness, suicidal imaginations, etc. These symptoms represent parts of the grieving processes that follow traumatic events. As it was previously stated they could be expressed either as psychic symptoms or as psychosomatics. As part of life experiences, nowadays stress is often connected with epidemic spreading and represents a growing problem in the area of public health and legal procedures. One of the key roles in identification of psychic trauma and its consequences pertain to the legal institutions or judicial practice (Urlić 2007).

Many historians rightly or wrongly consider the 20th century as the century of wars above precedence in human history. Now, we are witnessing that the 21st century started and continues with war and terrorist threats, as well as other threats of aggressive activities and menaces to human existence in all its phases. WHO is monitoring that depression is becoming ever more important cause of psychiatric disturbance, and that by 2020 it will occupy the second place regarding causes among psychiatric diagnoses.

How can all that has been said so far impact on different economic categories, especially when the specific question is the matter of forensic expertise? Besides traumatic events and its consequences, and grieving manifestations afterwards about health conditions, the question of the investment in education – either as a request of the company or as a private initiative that enters the requirements of the specific professional activity, is often within the frame of reference of the forensic (complex) consideration.

The importance of education in contemporary society and in contemporary organizations

In the 20th century production technology was considered as the most valuable asset. In the 21st century the most valuable asset of either profit or non-profit organizations is considered to be the knowledgeable level of workers and their productivity (Drucker 1999). This is the reason why in contemporary society it is considered that the most important concurrent features are knowledge and skills of manpower (Thurow 1997). In the 21st century only those states or organizations will be successful whose citizens and workers will be educated, skilled, creative, and capable to adjust to continuous changes. Contemporary organizations and associations that would like to be successful have to adopt the principle of continuous education, quick learning and getting rapid contact with relevant new information and findings (Bahtijarević-Šiber 1999).

ON NEW APPROACHES OF FORENSIC ASSESSMENT OF HUMAN RESOURCES

In recent years much has been written about human resource management (HRM). The essential conceptualization (according to Smriti Chand) starts with the notion that nothing will move unless a piece of paper moves, and no paper can move unless a person moves. Even if there is total automation, the organization will require a person to press the button. This shows how important manpower is to any kind of organization.

An indispensable part of modern management is the inseparability of constant encounter with the s.c. thirteen fatal mistakes. According to W. Steven Brown (1987) the fatal mistakes of contemporary management refer to:

- Refusing to accept personal responsibility (accountability);
- Failure to develop people;
- Trying to control results instead of influencing thinking;
- Joining the wrong crowd;
- Managing everyone in the same way;
- Forgetting the importance of profit;
- Concentrating on problems rather than objectives;
- Being a friend, not a boss,
- Failure in setting standards;
- Failure in training their people;
- Condoning incompetence;
- Recognition only of top performers;
- Trying to manipulate people.

Following the adverse effects in the processes of governance contained in the economic activities one or more of the mentioned errors occurs to the detriment of the economy with harmful consequences. Because of partial awareness of errors, and consciousness of consequential damages, over time there were developed different approaches to reduce harmful effects. According to the development of the mentioned notions there appeared the term 'knowledge management' (KM). The term entered into use in the mid-eighties, and is still in use and continues to develop. The definition encompasses various processes in knowledge management. (Karl M. Wiig: Knowledge management: Where did it come from and where will it go?).

Overviewing the concept of the thirteen fatal mistakes of modern management it might be concluded that all the errors partly or completely contain human qualities or characteristics of managers. They could be defined as follows:

- awareness – conscientiousness – empathy
- actual knowledge.

Therefore, we would like to reasonably assume that with better insight into the level of consciousness and

actual knowledge of managers in key positions, especially in dealing with critical infrastructures conducted under continuously developing methods, the risks would become significantly lower.

All organizations, irrespective of size or extent of its resources, commercial or non-profit, have people. They have human resources. Organizations survive and thrive only because of the 'Concept of Human Resource Management' (HRM). History of HRM is as old and complex as the history of work and organization. HR is the most important asset possessed by any organization. The strategists talk about sustainable competitive advantage, and the HR help to hold the advantage.

HRM is management of human energy and capabilities. It relies primarily (according to Chand) on (a) the complex scientific research results and art of managing people and fostering their creativity; (b) it covers all levels and all categories of people, and management and operational staff; (c) it contains human resource planning from recruitment to selection, training, and to performance appraisal; (d) It serves all other functional departments; (e) regulation-friendly attitude: the benefits and non-violation of human rights must be taken care of; (f) it is a multi-disciplinary activity utilizing knowledge and inputs from psychology, sociology, economics, etc. It is changing itself in accordance with the changing environment; (g) it has its focus on results, rather than on rules, it is commitment oriented; (h) it tries to help employees to develop their potential fully; (i) HRM recognizes individuality and individual differences. Every manager to be successful must possess social skills to manage people with differing needs; (j) it is an integrated concept: its scope includes the personnel aspect, the welfare aspect and the industrial relations aspect in itself. It is also integrated as it has concerns not only with acquisition, but also development, utilization, and maintenance.

Working in the forensic field where examinees/defendants are often persons with damaged internal objects world and with poor early experiences that caused distorted perceptions, communication can be difficult, overloaded with projections that are not easy to contain and withstand. For that reason the forensic psychiatrist should be able to recognize and monitor his/her own reaction(s) (countertransference) in order to avoid acting out (Cordess 1998), or unrecognized projections and projective identifications.

The countertransferential reactions of the expert witness

Each expert is trying to meet the basic requirements of the profession, giving the court objective, fact-based findings.

Experts observe the test taker's emotions, behaviour, attitudes towards human values, and the deed that was done. It is inevitable that sometimes, given the observing ego of the forensic psychiatrist, there will be included his/her experiential ego which will interfere in

the process of identification with the examinee or with the penal system (Sattar 2004).

There are external sources of countertransferential reactions, as well as internal ones that depend on the personality of the expert witness pertaining to other sources. The external sources are important in relation to emotional sensitivity of the court expert and require complex individual assessment (what is beyond the aim of this paper). The internal ones pertain primarily to the empathic capacity, ethics, and the previous elaborations of life experiences of the expert witness.

Among 'objective' sources of countertransferential reactions there may be uncertainty of the young expert, or some insufficient knowledge, overcrowding with forensic judicial cases, and obligation to respect the time limits set by the court.

Countertransferential reactions of court experts always depend on personal defense mechanisms that reflect their personality structure and level of emotional maturity. Emotional reactions might originate from different parts of the ego of an expert witness, i.e. from pre-conscious and unconscious layers.

Another group of reactions belong to internal factors, which means that behaviour and emotions of examinees stimulate certain emotions of experts. Additional factors represent the type of crime, witnesses that provide additional information, the victim and the victim's family, and finally the expert's experience and his/her family background (Gutheil 2002).

The emotional reactions of court experts can be observed in several situations. The first one is the trial of the accused, the trial and examination of an expert witness in court.

Reading of the court file and testimonies before the expert witness means that the examinee certainly favours the creation of a series of images. The examinee might have different ideas about the way in which his expert could hinder or help in that particular case.

Sometimes the additional expert analysis is found in the court file, or is requested by the court. This represents another very delicate situation that requires special attention of the expert witness, such as irrational reactions of the expert (Goreta 2004). This kind of situation will certainly influence the objectivity and neutrality of the expert witness, and in the training of the forensic psychiatrist it is essential for the forensic psychiatrist to bear in mind this aspect of forensic jurisprudence practice, primarily in order to have under control his own narcissistic vulnerability.

From the experience it could be said that in expert witnesses findings it is possible to find not only objective descriptions of the events and the experience of victim(s) and witnesses, but also echoes of some moral and moralistic attitudes of the expert(s) and institution(s) that are involved in processing of the particular case. That is one of the main reasons why consultation with some other experts is often needed.

Court proceedings are initiated by some endangered rights and the desire for the establishment of justice. Justice itself is seen as a goddess with the scales and is blindfolded. Symbolically such figuration of the goddess of justice shows that besides external there are internal eyes, meaning deep comprehension that should play a decisive role in understanding the meaning and background of the merit of the transgression done. These external and internal eyes are subject to the two powerful components of human mental functioning - the rational and the emotional. The emotional is genetically older than the rational one, and is prone to interfere whenever our perceptions are stimulated.

Feelings are older in relation to the processes of thinking and understanding, and often remain as nameless impressions, therefore specifically unrecognized. This points to the vital importance of the emotional impact on experiences, thinking and recognition. The above mentioned is especially true of the primordial sentiments of libido (the spectrum of feelings of love) or aggressive (hatred and spectrum of destructive feelings) areas, and specific labelling of the dominant condition (Goreta 2004).

The psychodynamic (psychoanalytically informed) method can be chosen as the essential research instrument to study these subjects, according to Goreta (2004). It offers the possibility of observing and interpreting psychological and psychopathological phenomena ranging from individual analysis to the assessment of various social events.

The application of the classic phenomenological, psychopathological approach in the assessment of accountability and criminal responsibility does not give sufficient basis for its adequate scientific foundation. In particular, this refers to the assessment of deviants from a non-psychotic population, for whom the exclusive application of a biological model appears to be entirely insufficient. It pertains to the assessment of criminal responsibility and other relevant aspects of forensic assessment, as well as in the assessment of dangerousness to others, in prognostic expectations, and in the indication and realization of adequate treatment. Comprehensive analysis of guilt – as a basic element in criminal responsibility – is possible only by the application of psychoanalytically informed and psychological methods (combined?), of which psychoanalytical concepts and stances today offer the most complete theoretical model for research of this kind and interpretations of the dynamics of the personality structure development and motives for criminal behaviour.

Guilt is not regarded as a unique category, but is examined from at least three aspects that are constantly present during the court trial and forensic-psychiatric assessment: Subjective feeling of guilt, projected guilt, and objective, real guilt, which is predominantly determined by a rational, scientific method. Objective guilt is determined by the limits of the autonomy of the ego, primarily its degrees of freedom from pressure exerted by unconscious impulses from the id and

superego, and by the ego's relation to reality. If the application of the aforementioned analytic approach in the assessment of accountability and criminal responsibility proved to be practical, it would definitely affect the relativization of the importance of classical conventions, in which diagnostic categorization greatly determines the essence of the assessment.

Contemporary psychodynamic (psychoanalytically informed) literature offers its arguments to the effect that standards of objectivity, reliability and validity that are applied in natural sciences do not necessarily hold for sciences dealing with socio-psychological problems. It should be said that the subjective dimensions of the relationship with the object of study are actually increasingly recognized even in such „hard“ sciences as physics, chemistry, and biology. This approach brings into question the hypertrophied objectivism focused primarily on the acquisition of hard, „objective“ data, while ignoring other, „less valuable“ data, without which, however, it is impossible to obtain a full, differentiated and complex picture of the object under study. Especially extremely polarized approaches are unjustified and are detrimental to the progress of scientific methodology in all domains of its use, and in forensic assessments as well.

The personality of the investigator and his educational level, psychotherapeutic experience and other personal factors certainly remain highly important for the whole process of investigation and for the ultimate evaluation of the results in the frame of reference of the forensic assessment of some damage suffered.

On combined expertises

In court proceedings problems that are related closely to knowledge of certain profession, and particularly to a specific scientific field, are often considered in a particularly complex expert evaluation. It is expected that there might be appointed two or more experts. This creates a common or a team forensic expertise, what is often called a combined expertise. Although in judicial cases combined expertise is often used, it is not precisely stated by the law under what circumstances and in what manner it will be exerted. Besides, combined expertises are an important part of forensic practice, but in literature are insufficiently described. There are no clear regulations when they would be mandatory, and when they are only recommended. Usually they are used in the case of traffic - technical and forensic - medical expertises.

Usually it is enough to include only two to three appropriate experts, adequately experienced, who are able to, with complex analysis and in terms of their professional competence, provide answers to relevant arising questions (Definis-Gojanović 2013).

On psychiatric mental integrity violations

According to Šarić (2013) the psychiatrist as court expert in his expertise should respond to the fear

(primary and secondary), and on its intensity and duration. However, it is important to emphasize that experiencing fear means that there has been a violation of mental integrity. This injury is assessed in percentage terms only if it is permanent and if it deteriorates the possibilities of life activities of a person. There are criteria for the evaluation of the percentage of severity of damage done to mental integrity.

If the psychological problems are only temporary then descriptions are used in terms of mild, medium or severe disturbance of mental functioning in relation to the critical event(s) and consequences.

The right to mental health is violated if there are a number of difficult and uncomfortable feelings such as anxiety, irritability, fears of ordinary character, sadness, depression, feelings of worthlessness, loss of hope, of joy of life, the impossibility of dealing with certain hobbies, sports or some other activity, even if a mental disorder or disease did not develop.

Special comment refers to the assessment how the above mentioned changes in psychic functioning have affected the quality of life of a person in his/her personal, professional and social functioning, whether adequate treatment, was applied what results were obtained, whether the treatment was completed, and what has changed in a person's life after an adverse event.

It is also important to examine whether the person was previously expressing some psychic disturbances and what were general features of his/her functioning.

CONCLUDING REMARKS

Working with human beings represents the most delicate of all interpersonal and group activities. The risks regarding some harmful effects, in the acute or chronic sense, should be prevented and not only deal with harm reduction policies. In that sense the 21st century brought about a paradigmatic change regarding relationship towards workers in the frame of reference of a company or some specific activity. Human resource management is developing to satisfy the contemporary requirements. They are not directed only towards productivity but to prevention of accidents while working, as well. Instead of technology that was the most important asset in the productivity of 20th century, actual times underscore knowledge and quick following of innovative ideas.

In this frame of reference some new features emerged, but all are centred on human being. The requirements of flexibility, continuous learning and creativity, should be fostered and protected, as well. In this way human vulnerability and difficulties in the possibility of quick readjustments to the new requirements dictated by the commercial field and other social forces give rise to the new approach to the ways of treating human resources. In this process human resource management is emerging as key concept.

Thus the process of grieving for past times, methods and relationships has an important place. In order to readjust we have to grieve the lost, which is non attainable any more. This is a healthy attitude towards past nice memories, in order to free the way to the new modalities, new knowledge transferred through continuous education. Here we see the place for the new approach for the creation of, University Department for Forensic Studies.

In planning HRM and its activities we would like to underscore not only what is needed for manpower to achieve, but even what are desirable managers' characteristics. In the case of the need of forensic assessment regarding controversies with judicial consequences regarding health damages in the somatic and psychic sense, auto-and-heteroaggressive acts, damages regarding technical elements, violent behaviour, addictions, etc., the forensic assessment often requires the combined expertise of two, three or more expert witnesses. The Department for Forensic Studies with its team of experts should be the most adequate institution to assess the management and possible inadequate attitudes or practice regarding the damages and injuries in the working ambience. If the accident occurs in some other place, it should be able to engage its experts in combined analysis of causes and effects and foreseeable long term consequences.

It is important to point out that empathic capacity of expert witnesses is constantly exposed to influences of the forensic situation and human suffering. This can influence the objectivity of the expert. These counter-transferential issues could be better discerned inside the mechanisms of the Forensic Department.

Creation of the Centre/Department for Forensic Studies would better serve the judicial needs for multi-dimensional analysis and for comprehensive expertise of each case with its specific features, due to the possibility of creating teams that could better serve the specific requirements of the court case.

The other aspect of the importance of creation of such a Centre/Department is in the specific approach to professionals that have weapons, deal with fire, pilots, and other persons dealing with high risks for their and other people's wellbeing, to have regular medical, psychic, social behaviour controls, and their continuous follow-up in order to prevent dramas and tragedies that have recently become ever more frequent.

In order to be up to date with rapid changes of threats to security of people it is important to organize continuous education, not only for better completion of knowledge but to foster the capacity of those responsible to endure very anxiety provoking situations, threats, and to cooperate with their mentors – helpers in the unfolding of these very difficult tasks.

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