

Excerpts from
Behind the Scenes

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Considerations for Planning and Preparing an Investigative Interview

**Part Two:
Understanding Offence Elements Prior to Conducting an Investigative Interview
and Linking Them to the Objectives**



A Recipe for Success

I love to eat but I have never been called a good cook, probably because I'm too lazy to learn a few easy recipes. This is the lifestyle I have chosen and it has worked for me because, although I may not use the recipe to create dishes myself, I do pay attention to what goes into each meal. I eat with the objectives of keeping my heart healthy, remaining relatively slim and eliminating toxins that could increase the risk of disease. I have listened to experts on what to eat to help me make healthy choices. I guess you could say that I may not know how to use a recipe to make a meal but I know how to use one to meet my health objectives. Understanding what makes up a healthy recipe allows me to plan my meals according to my objectives rather than indiscriminately eating and hoping to have arbitrarily made the right choices. This planning strategy isn't limited to food; it is easily-applied to investigative interviewing where healthy choices may be made by knowing the elements of the offences you are investigating.

Whether you are charged with investigating a criminal offence or one that falls within the realm of policy and procedure every potential contravention must be codified. This simply means that every offence will be clearly defined and broken down into the parts that must be satisfied so that investigators, prosecutors and judges know whether to believe an offence has been committed. These offence elements are the equivalent to the recipe ingredients mentioned above and as important to the interview outcome as they are to preparing a healthy meal. This paper will look at the relatively simple offence of assault to illustrate what offence elements are and how they could be used to improve interview results by linking them to the objectives of the interview.

Let's begin with a simple scenario to show how this works.

Scenario Details:

You are planning to interview Marty Feldman who reported on October 6, 2019, that he was punched in the arm by Peter Sellers while both were at an office party in Maple Ridge, BC, at 11:30 the previous evening. You believe this may have been a common assault and plan to interview the alleged victim to find out what happened by achieving the goals of obtaining information that is both complete and reliable. In the *Criminal Code of Canada*, our recipe book, you look for common assault and find it under Section 265(1)(a). It is defined as:

A person commits an assault when without the consent of another person, he applies force intentionally to that other person, directly or indirectly

You highlight words that you think might be important to establishing whether the offence had indeed been committed.

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When added to the logical belief that every occurrence must take place at a specific time and place, the following elements or ingredients, would have to be proven before believing the offence of assault had truly been committed:

The Recipe

1. a specific person had committed the offence
2. a specific person had been assaulted
3. force had been used against that other person
4. the force had been applied intentionally
5. the force had been applied either directly or indirectly
6. no consent was given by the person on whom force was used
7. the offence had been committed on a certain date
8. the offence had been committed at a certain place

If all these elements could be proven, a charge could be proposed using the following wording: :

Peter Sellers, on or about the 5th day of October, AD 2019, at or near Maple Ridge, in the Province of British Columbia, did commit assault against Marty Feldman [to wit punching his arm], contrary to Section 265 of the Criminal Code and amendments thereto.

We now have an understanding of the elements to this offence but how do we take these ingredients and make a meal? Simply by linking them to the components or topics that we might anticipate making up the interviewee's agenda. We will refer to these as the objectives.

Interview Objectives:

The objectives of an interview are more specific than the goals and focus on the categories of information desired. Rather than giving us an overarching statement about obtaining information, the objectives lay out what type of information, specifically the who, what, where, when, why and how of the focal event. It is the information required to know as much as possible about the matter at hand and guide us toward the fine grain detail desired and the topics of inquiry that should be pursued. It is the roadmap to reaching the goals in a manner that minimizes aimless meandering whilst maximizing relevant information.

For most eyewitness interviews, the information being sought relates to an episode from the past and is appropriately called episodic or narrative memory. The details provided often speak to observations about nouns and verbs associated to people, places, things, times and events. These fit well into the mnemonic P.L.A.T.O. which stands for People, Locations, Actions & conversations, Times and Objects. Using P.L.A.T.O., as a framework to brainstorm objectives prior to an interview helps to maintain some organizational control throughout the process once the initial free recall has been given. It allows the interviewer to predict which topics the interviewee might provide as his/her agenda; thereby, lowering the interviewer's cognitive load. Let's look at our scenario.

Scenario Objectives:

The objectives in this interview are to find out as much relevant information as possible about the potential topics that we expect even from the limited details known. Using P.L.A.T.O., here's what we might expect the witness to mention as part of his agenda:

P-people:

- Peter Sellers
- Marty Feldman

L-ocation:

- The office party
- Maple Ridge, BC

A-ctions & conversations:

- punch

T-imes:

- 11:30 pm
- October 6, 2019

O-bjects:

- Feldman's arm

Using the aforementioned example of what would be required for a charge proposal, we could add the components of P.L.A.T.O. :

Peter Sellers [**P-erson**], on or about the 26th day of September, AD 2019 [**T-ime**], at or near Maple Ridge, in the Province of British Columbia [**L-ocation**], did commit assault [**A-ction**] against Marty Feldman [**P-erson**] [to wit punching his [**O-bject**] arm], contrary to Section 265 of the Criminal Code and amendments thereto.

Once the expected topics have been listed, each could be expanded to provide a map of specific details required to understand what happened.

P – Peter Sellers:	Can Marty Feldman identify him? Description Relationship to alleged victim State of sobriety
P – Marty Feldman:	Description at the time State of sobriety Reason he was punched
L – Scene:	Description Sketch Photographs
A – ction:	Was force applied? Was it intentional? Was it direct? Was it indirect? Video What happened before What happened after
T – ime:	When did it happen? Corroborated by anything? Duration
O – bjects:	Were there any marks or bruises on the arm? Location on the arm Which arm? Photographs Medical assistance

You'll notice that this is not a list of questions to pose. Rather, it is a compilation of anticipated topical areas (the interviewee's agenda) that should be at least considered before moving to the interviewer's or investigative agenda (topics not mentioned in the interviewee's agenda that are nonetheless important to understanding whether the offence had been committed). Should the interviewee not mention any of the topics, they would obviously be probed as part of the investigative agenda.

Additionally, it would be expected that more components within P.L.A.T.O. would be mentioned by the interviewee throughout the process. For example, additional persons might be mentioned such as witnesses or an object such as a weapon might be added. These initially unanticipated topics would be developed (probed) accordingly for relevant detail.

Conclusion:

If your cooking experience revolves around peanut butter and bread or Kellogg's Cornflakes, you may not need a recipe to survive. However, if you want to become a good chef, one that is creative and consistent, you would probably rely on one. As an interviewer, you have the same choice. You may decide to be a lazy, fly-by-the-seat-of-your-pants type and do peanut butter sandwich investigations or you could challenge yourself to be an iron chef interviewer. The latter requires training, practice and recipes so that the ingredients are used appropriately and consistently. Without the recipe, the end result is left up to chance and may be lacking in the detail required for a full understanding of what, if anything, happened. As with many things in life, planning and preparation makes the difference between a professional job and one that is haphazard. Understanding the elements of the potential offences and applying them to the interview objectives will leave everyone with a better taste in their mouth. Bon appetit!

Acknowledgments:

Although this is not meant to be a scholarly paper, I would like to thank the following people who, even though they may not know it, have helped me to understand what I have written about: Kerry Marlow, Dr. Andy Griffiths and Dr. Eric Shepherd