

LEGAL AND POLITICAL SCIENCE

TACTICAL FEATURES OF APPLICATION OF METHOD «WALT DISNEY» BY R. DILTS

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ABSTRACT

At the present stage, there is an urgent problem in modifying methods and means for pre-trial investigation of criminal offenses. Therefore, the arming of investigators with a set of modern means of science and technology is a major, strategic task. In the article, the authors proposed the modification of R. Dilt's method «Walt Disney» as to the conditions of pre-trial investigation of a criminal offense. To do this, they described the general provisions of R. Dilt's method “Walt Disney” and set out some recommendations as for the algorithm for its application.

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There is a large number of different methods for pre-trial investigation of criminal offenses, among which, there is a group of heuristic methods of great importance.

Heuristic methods, as a rule, are applied in conditions of uncertainty of factual data, incompleteness of the source information regarding the object and the objective side, the subject and the subjective part of the crime and the elements of the forensic characteristics of the crime. They are based on creative rethinking and sequencing into a logical completed system of a set of individual facts regarding the nature of the crime or the individual circumstances of an event that has signs of a crime. They are the basis of the process of constructing and verifying forensic versions; the process of planning investigative actions and operative-investigative activities; organization of a pre-trial investigation of a criminal offense, etc.

Heuristic methods arming the subjects of pre-trial investigation with the system of receptions, norms of cognition, principles, requirements, rules and allow to save power and time for the search of the truth and also move to the aim in the shortest possible way.

Thus, the main purpose of applying heuristic methods during a pre-trial investigation of a criminal offense is the creation of ideas and assumptions about the nature of the crime or individual circumstances of the event that has the features of a crime, to find the most rational and new constructive decisions and to establish the truth [1].

Heuristic methods are reliable assistants for the creative search, detection, receipt and capture of factual data (evidence) relevant to criminal proceedings and subject to proof.

Heuristic methods were described by scientists in various fields of science (psychology, management, sociology, forensics, etc.), however, the algorithm of application in the pre-trial investigation of the criminal offense of the method «Walt Disney» by R. Dilt's in scientific papers was not described. So, let's first consider the general provisions of this method and then recommend the algorithm for its application.

The essence of the method «Walt Disney», (the «Three Chairs» method), is to discuss the key issue of the pre-trial investigation of criminal proceedings from three positions [2]:

- 1) the idea generation;
- 2) improvement of the idea and inventions of ways of its realization and verification;
- 3) criticism of the idea and ways of its implementation and verification.

The purpose of the method is to discuss a certain key issue of pre-trial investigation from different angles, positions to clarify the nature of the subject of the study.

It should be emphasized that the benefits of using R. Dilt's method is that it allows:

- 1) to discuss a certain key issue of pre-trial investigation from different angles, positions;
- 2) to find the weak points in the generated idea;
- 3) to improve the idea and invent the ways of its implementation.

Its disadvantages are that it is too voluminous and requires mostly group work. The method can be used both individually and in group, however, group work is the most effective form. However, the basic rules of its application should be observed and the conditions of application should be taken into account. As for the rules for applying the method, it is first of all to:

1. All answers must be fixed.
2. Subjects of pre-trial investigation should carefully listen to each other's answers, that is, not interrupt each other.
3. Only reasoned and constructive criticism is allowed.

The conditions for effective application of the method are:

1. Before applying the method, it is imperative to collect as much information as possible regarding a criminal offense.
2. The number of subjects of pre-trial investigation should not be less than three.
3. All subjects of pre-trial investigation should be well acquainted with the materials of criminal proceedings.
4. Each subject of a pre-trial investigation should strictly observe the instructions.
5. Each idea or assumption is discussed separately from different positions.
6. All subjects of pre-trial investigation must take a constructive view of criticism.
7. All subjects of pre-trial investigation should take an active part in the application of the method.
8. All records that will be made during the application of the method should be kept until all variants of ideas (assumptions) are checked.

Thus, following the rules of the R. Dilt's method «Walt Disney» and taking into account the conditions for ensuring its effectiveness, it is possible to achieve the goal set by the investigator during the pre-trial investigation of a criminal offense.

It should be noted that arming the subjects of pre-trial investigation with a set of newest methods, it is necessary to provide clear algorithms for the application of one or another method. So, let's consider the algorithm of R. Dilt's method «Walt Disney» at the stages of its implementation - preparatory, main and final.

At the preparatory stage, subjects of pre-trial investigation should collect as much more evidence and information as possible regarding a criminal offense. The investigator prepares the necessary materials that will be needed to apply the method.

At the main stage, the proper application of R. Dilt's method «Walt Disney» takes place. The indicated method can be used in two variants.

As for the first variant, the algorithm of the method «Walt Disney» by R. Dilt's is as follows:

1. An investigator (senior officer of the Investigational Task Force (ITF) or an Investigative Group (hereinafter referred to as the IG)) offers to all subjects of pre-trial investigation (members of ITF or IG) to discuss information on a particular key issue of pre-trial criminal proceedings and all ideas (assumptions, decisions) that have already been verified but not confirmed. That is, it is necessary to actualize the problem of «deadlock», the lack of ideas.

2. The investigator (senior officer of the ITF or IG) invites all subjects of pre-trial investigation (members of the ITF or IG) to apply R. Dilt's method «Walt Disney» to invent new ideas or assumptions; improvement of these ideas, inventions of ways of its realization and verification; finding «weaknesses» in the generated idea and ways of its implementation and verification.

3. The investigator (senior officers of the ITF or IG) distributes the role of «Dreamer», «Realist» and «Critic» among the subjects of pre-trial investigation (members of ITF or IG).

The investigator (senior officers of the ITF or IG) must give a card with the task to each participant:

- the first card is for the «Dreamer» (the task is to generate a new, original and rational idea);
- the second card is for the «Realist» (the task is to refine the idea and invent the ways of its realization, verification);

- the third card is for the «Critic» (the task is to find weak points in the generated idea of the «Dreamer» and in the ways of its improvement and verification (realization) of the «Realist».

An investigator (senior officer of the ITF or IG) emphasizes the need to comply with the instructions which is indicated on the card.

4. A subject that plays the role of a «Dreamer» offers a new idea regarding the key issue of pre-trial investigation.

The investigator (senior officer of the ITF or IG) paints on a flipchart (a board, a sheet of A1 format) a table that contains seven columns and in the first left column he/she writes the generated idea.

5. The «Realist», supporting the idea of the «Dreamer», improves it and finds ways of its implementation, verification.

The investigator (senior officer of the ITF or IG), in the second column records the improved idea, and in the fourth – the ways of its implementation and verification.

6. The «Critic» – searches for weaknesses in the generated idea and in the ways of its verification (implementation).

The investigator (senior officer of the ITF or IG), in the third column records the gaps and drawbacks of the generated idea; in the fifth – the gaps and shortcomings in the ways of its implementation and verification.

It should be emphasized that the «Dreamer» can generate several ideas, so paragraphs 5 and 6 repeat as much as the «Dreamer» has ideas.

7. Investigator (senior officer of ITF or IG) invites all subjects of pre-trial investigation (members of ITF or IG) to decide on the authenticity of the generated ideas and the ways of its implementation.

The investigator (senior officer of ITF or IG,) in front of each idea in the sixth column, makes a mark: «+» or «?» or «-» (where: «+» is the most reliable idea; «?» is a dubious idea; «-» – a non-constructive and irrational idea).

8. The investigator (senior officer of ITF or IG) invites all members of the pre-trial investigation (ITF or IG members) to decide on the possibility of realizing the generated ideas.

The investigator (senior officer of ITF or IG) in the seventh column makes a mark – IR or DI, or RR (where: IR – impossible to implement, DI – difficult to implement, RR – realistically realized).

9. Investigator (senior officer of ITF or IG) invites all subjects of pre-trial investigation (members of ITF or IG) to exchange roles and repeat the algorithm described in paragraphs 4-8.

10. Investigator (senior officer of ITF or IG) invites all subjects of pre-trial investigation (members of ITF or IG) to re-exchange roles and repeat the algorithm described in paragraphs 4-8.

As for the algorithm of the second version of the method «Walt Disney» by R. Dilt's. The investigator (senior officer of ITF or IG) offers to all subjects of pre-trial investigation (members of ITF or IG), the following:

1. To discuss information on a particular key issue of pre-trial criminal proceedings and all ideas (assumptions, decisions) that have already been verified but not confirmed. To actuate the problem of a «deadlock», lack of ideas.

2. To apply the method of R. Dilt's to invent new ideas or assumptions; to improve these ideas, to invent the ways of its realization and verification; to find «weaknesses» in the generated idea and the ways of its implementation and verification.

3. To generate a new, original and rational idea in relation to the subject of the study.

The investigator (senior officer of ITF or IG) paints on a flipchart (a board, a sheet of A1 format) a table that contains seven columns and in the first left column writes the generated idea.

4. To improve the idea and to invent the ways of its implementation, verification.

The investigator (senior officer of ITF or IG) in the second column records the improved idea, and in the fourth – the ways of its implementation and verification.

5. To identify the weak points in the generated idea and in its ways, to improve it and verify it.

The investigator (senior officer of ITF or IG) in the third column records the gaps and drawbacks of the generated idea; and the fifth – the gaps and shortcomings in the ways of its implementation and verification.

Then the algorithm of R. Dilt's method «Walt Disney» completely coincides with paragraphs 7-10 of the first version of its application.

At the final stage of applying R. Dilt's method, an investigator (senior officer of ITF or IG) summarizes the work and develops a plan of operative-investigative activities and investigative actions on the areas of verification of the most reliable and rational ideas and directions for solving a key problem.

Summarizing all above, we would like to note that the expected results of method's application are that it will promote: 1) the generation of new ideas (assumptions, decisions) that have not yet been worked out during the pre-trial investigation of criminal proceedings; 2) the invention of the most effective ways to verify or implement the generated idea (assumptions, decisions); 3) ensuring the objectivity of the pre-trial investigation; 4) inventions of the most rational and new constructive ideas (assumptions, decisions).

It is considered very important to create a methodical case of the investigator, which should describe the algorithms of the latest methods of pre-trial investigation of criminal offenses. Today, in the law enforcement system, this is a rather topical issue.

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