

Interviewing Victims with Disabilities

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Disability in Perspective

- 50 million Americans
- Over 3,000 different disabilities
- Do not need to be an expert on every disability
- Generalizable Skills
 - Existing
 - New

Disability in Perspective: Perception

- Historical Perception
 - Commodus
- 1940's
 - "Lebensunwertes Leben"
 - Eugenics
- Federal Law
 - "Medical Treatment"
- 2000's
- And making headlines today...

New Castle County, Delaware

- Two boys, ages 13 and 14, were taken into custody on Saturday for the beating of a man with Williams Syndrome
 - The video, which has gone viral after it was posted on social media, shows a 26-year-old Newark, Delaware man being beaten by several teenagers.
 - The mother of Karon (victim) could barely watch the video as a teenage boy body slammed her defenseless son and punched him in the face - all as others watched
 - "He doesn't do anything to anyone but be kind," she said.
 - And it gets worse - there are other videos posted online showing other attacks on Karon, possibly by the same suspects, who appear to be ages 14 to 16.
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Realities for Individuals with Disabilities

- Privacy and sense of own body
 - ADL support
 - Expectations for life and achievement
 - Obedience and passivity
 - History of maladaptive behavior
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Realities for Individuals with Disabilities

- Social isolation
 - Difficulty being accepted by peers
 - Disproportionately criminally victimized
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Disproportionate Victimizations

- People with developmental disabilities are disproportionately at high risk for violent victimization, abuse, and neglect (USDOJ, 2014; Petersilia et al., 2001)
 - Among persons with disabilities, the rate of rape and aggravated assault increased from 2009 to 2012.
 - (USDOJ, 2014)
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Bureau of Justice Statistics – 2014 Report

Average Annual Rates: 2012

- Violent victimization for persons with disabilities was more than **triple** the rate among persons without disabilities
 - Serious violent victimization for persons with disabilities was more than **three times** than that for persons without disabilities
 - Rate of violence for males with disabilities was 59 per 1,000 compared to 25 per 1,000 for males without disabilities.
 - More than **double** the rate
 - Rate of violence for females with disabilities, was 62 per 1,000 compared to 20 per 1,000 for females without disabilities.
 - More than **triple** the rate
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Bureau of Justice Statistics – 2014 Report

Average Annual Rates: 2009 - 2012

- Persons with intellectual disabilities had the **highest rate** of violent victimization from 2009 to 2012.
 - Among persons with intellectual disabilities, the average annual rate of serious violent victimization **doubled** from 2009 to 2012.
 - The average annual rate of serious violent victimization against persons with self-care disabilities **more than tripled** from 2009 to 2012.
 - From 2009 to 2012, the percentage of violent victimization against persons with disabilities in which the victim had multiple disability types **increased** for **rape** or **sexual assault** and **robbery**.
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Disproportionate Victimization

- Some offenders specifically seek victims with disabilities because they are perceived (Lang & Frenzel, 1988):
 - To be vulnerable
 - Unable to seek help
 - Cannot or will not report the crime
 - Risk of victimization is likely increased if the offender believes the victim will not be able to successfully or credibly tell anyone about the crime (Bryen, Carey, & Frantz, 2003)
 - The nature of the child's disability may prevent them defending themselves, escaping from the abusive situation, or reporting the abuse; this may cause potential perpetrators to believe they can "get away with it" (Ammerman & Patz, 1996; Wolcott, 1997).
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Disproportionate Victimization

- Victimization rates for persons with disabilities is highest:
 - Sexual assault (up to 10 times as high)
 - Robbery (up to 12 times as high)
 - (Sobsey, et al., 1995; Sobsey, 1994)
 - 49% of people with developmental disabilities who are victims of sexual abuse will experience 10 or more abusive incidents (Valenti-Hein & Schwartz, 1995).
 - 88 to 98% of sexual abusers are known by the victims with disabilities (Sobsey & Mansell, 1994)
 - About a quarter of all victims of violent crime with disabilities were injured (USDOJ, 2009)
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Children and Youth with Disabilities

- Rate of violence experienced by youth with disabilities compared to youth without disabilities
 - Ages 12 to 15: **Triple the rate**
 - Ages 16 to 19: **More than double (2.5x) the rate**
 - (USDOJ, 2014)
 - Children and youth with disabilities are more likely than children and youth without disabilities:
 - To experience physical abuse resulting in bodily injury
 - To experience serious sexual offenses including those involving:
 - Penetration
 - Repeated abuse
 - Use of force
 - Threats
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- Hershkowitz, Lamb, & Horowitz, 2007
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Children with Disabilities

- In a five-year retrospective study of 4,340 child patients with disabilities in a pediatric hospital:
 - 68 percent were found to be victims of sexual abuse
 - 32 percent were victims of physical abuse
 - Willging, Bower, and Cotton, 1992
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Children with Intellectual Disabilities

- According to studies including almost 160,000 children: Children with Intellectual Disabilities are:
 - 2.9 - 3.7 times as likely to have been neglected
 - 3.4 - 3.8 times as likely to be emotionally abused
 - 3.8 - 5.3 times as likely to be physically abused
 - 4.0 - 6.4 times as likely to be sexually abused
 - (Spencer et al., 2005; Sullivan & Knutson, 2000)
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Reporting, Prosecutions and Convictions

- Underreporting
 - Only 3% of sexual abuse cases involving people with developmental disabilities are ever reported (Valenti-Hein & Schwartz, 1995.)
 - Over 70% of crimes against individuals with severe mental retardation are unreported (Wilson & Brewer, 1992).
 - A study in Boston suggested that only 5% of serious crime against people with disabilities were prosecuted compared to 70% general population (Boston Globe, 2001).
 - Convictions?
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What are we left with?

- Higher Rates of Victimization
 - Underreporting
 - Less Prosecution
 - Less than 100% conviction rate
 - Consequence?
 - Next question: Why?
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Susceptibility to Victimizations

Susceptibility to Victimizations: Intellectual Disabilities

- Intellectual Disability
 - Infantilized
 - Lack of understanding of what constitutes abuse
 - Perceptions of:
 - Lack of assertiveness
 - Memory difficulties
 - Restricted vocabulary
 - Fear of retribution
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Susceptibility to Victimizations: Autism

Autism

- Perceived Vulnerability
 - Deficits in Expressive Communication
 - Referential Communication Deficits
 - Referential communication requires a speaker to provide enough specific information to a listener so that the listener knows to what the speaker is referring (i.e., communicating information not already known by the listener)
 - Deficits in Detecting Deception
 - Attribution of “Autism” Behaviors
 - Assuming behaviors are attributable to the child’s autism and not some other cause
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Susceptibility to Victimizations: Speech/Language Disorder

- **Communication Disorder**
 - Assumed intellectual deficit*
 - Bias in the U.S.
 - Communication Difficulties
 - Use of Alternative Communication
 - Limitations
 - Misuse
 - Damage
 - Repeated victimizations
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Traza: Speech Disorder

Video Clip courtesy of Barbara Wheeler, Ph.D.
Director, Center for Disability Studies and Community Inclusion
USC University Center for Excellence in DD Research, Education and Service (USC UCEDD)

Susceptibility to Victimization: Cerebral Palsy

- Cerebral Palsy
 - Reliance on others for:
 - Bathrooming / Bathing
 - Eating
 - Mobility
 - Possible Difficulties in Communicating
 - Use of alternative communication
 - Repeated victimizations
 - Assumed intellectual deficit*
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Child Molester's: Behavioral Analysis

Kenneth Lanning, FBI

- Perspective on Sexual Victimization of Children

 - Moving from Denial to Understanding

 - Strangers
 - Family
 - Acquaintance

 - And the "Gr's"
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Strangers

- Period: 1950's and 60's

 - Who: Dirty old man in wrinkled raincoat

 - Prevention: "Stranger Danger"
 - Say no, yell, tell

 - Gr: "Grabbers"
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Intrafamilial

- Period: 1970's and 80's
 - Who: Fathers, stepfathers, grandfathers, uncles, brothers and female family members
 - Prevention: "Good touch" vs "Bad touch"
 - Gr: "Granters"
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Acquaintance

- Period: Today
 - Who?
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Acquaintance

- Period: Today
 - Who: Teachers, coaches, clergy, police, nurses, boy scout leaders, boyfriend...Anyone
 - Prevention: Complex
 - Guilt with "say no, yell, tell"
 - Lack of 'unwanted' sexual activity by victim
 - Gr: "Groomers"
 - Term: Paramours*
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Paramours

- Child Welfare Term: Boyfriends or girlfriends of custodial parents
 - Paramours have proven repeatedly to be a significant danger, especially to infants and toddlers
 - General Risks: Most Significant for Age 2 and Under
 - Children who cry, scream, fuss, soil the sheets and stay up half the night while the paramour is on babysitting duty
 - Children can become competitors for the mother's attention and affection
 - The children may be seen as 'in the way' by the boyfriend
 - Increased Risk for Children with Disabilities
 - ADL needs
 - Problem or Odd/Embarrassing Behavior
 - Sensory Issues
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Victims with Disabilities

Communicating / Interviewing

I.Q. and Function

- I.Q.
 - Specific measure of intelligence
 - Should not be used to determine overall function
 - Case study example
 - Bob: IQ – 35
 - Henry: IQ – 65
 - Which individual would you say is "higher functioning?"
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Communication

Communication

Verbal Repertoire

- Four Basic Types of Communication
 - Expressive vocal verbal (speaking)
 - Receptive vocal verbal (being spoken to verbally)
 - Expressive non-vocal verbal (gestures, facial expressions, body postures, etc.)
 - Receptive non-vocal verbal (understanding gestures, facial expressions, body postures, etc.)

- ACTIVITY: “Non-Verbal”

- Use of the term “Function”

Use of the Term “Function”

- Labeling someone as low or high functioning

- Better to use
 - Level of Independence
 - Support Needs
 - Skill Sets

- Receptive Language versus Expressive Language
 - Bias in the U.S. and all over the World
 - The Story of “Bert”

- Assumptions Pledge

- Use of language
 - Treating People like People

We are not toys...

Interview Techniques

Interview Considerations

- Myth – “I can’t get good information from a person with an intellectual disability”
 - Why?
 - Difficulty communicating what happened
 - Remembering the order of events that led to the crime
 - Difficulty naming people, places, and times
 - Providing consistent testimony
 - Truth – All witnesses have difficulty with some of the above
 - Do not dismiss a victim because they have difficulty with 1 or more
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Special Considerations for Individuals with Disabilities

- Interviewer should have knowledge of:
 - The victim/witness's memory abilities
 - Victim/witness's capacity for language
 - Expressive and receptive
 - Intellectual disability across varying levels of intensity and severity
 - Uniquely susceptible to the effects of leading questions and to suggestion
 - Interview should match developmental level
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Special Considerations for Individuals with Disabilities

- Pace of the interview should be set by victim/witness
 - Victim/witness must be able to describe events in own words
 - Rapport building can be critically important
 - Reducing anxiety
 - Improving trust
 - Provides baseline information about communication skills, memory functioning, etc.
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Specific Considerations for Individuals with Disabilities: “3 P’s”

- Pausing
 - 8 – 10 seconds before repeating or rephrasing
 - Prompting Cues (Facilitative Cues)
 - Repeating the end of the last statement
 - “So you just finished cleaning up after dinner...and then what happened?”
 - Pain
 - Differences in responding to and describing
 - Does not mean “no pain”
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Interview Techniques: Basics

- **Communication**
 - Pay attention to:
 - Vocal Verbal
 - Non-Vocal Verbal
 - Receptive vs. Expressive Language
- **Concrete and Literal**
 - "It's raining cats and dogs outside"
- **Conversational punctuations**
 - Ex. "Really", "You do", "Good", "I see"

Interview Techniques: Basics

- **Interrogative Statements**
 - "You like Mr. Steve"
- **Questions posed in the Negative**
 - "Do you not like going to the doctor?"
- **Negative Interrogative Statements**
 - "You don't like Ms. Tammy"
- **"I" and "You" confusion**
 - Use proper names for people, locations and acts

Interview Techniques: Basics

- **Resist temptation to fill in the blanks**
 - Case Example of Observation of Interview (poor)
 - Response: "...hurt....head....bad"
 - Question back: "You hurt your head bad?"
 - What if the person is describing what happened to someone else?
 - Example of what not to do: Another Case Example
 - Statement: Paul...touch....penis
 - Question: Paul touched your penis?
- **Expect to take more time**

Interview Techniques: Adaptations

Influenced Responses

- Individuals with disabilities are taught to “get along” with other people and respect those in authority
 - As a result, they may change their responses if they think you don’t like their answer

 - Research suggests individuals with intellectual disabilities can be as accurate as individuals without disabilities, but are significantly more suggestible
 - (Henry & Gudjonsson, 1999)

 - Mary
-

Mary

Video Clip courtesy of Barbara Wheeler, Ph.D.
Director, Center for Disability Studies and Community Inclusion
USC University Center for Excellence in DD Research, Education and Service (USC UCEDD)

Interview Techniques: Adaptations

How to avoid influenced responses?

- Keep your body language and voice tone neutral
 - Examples
 - Nodding or shaking of head during responses
 - Interrogative statements
 - Avoid conversational punctuations
 - “Good”
 - Resist temptation to be helpful and supportive
 - Balance between overly helpful, friendly and cold
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Interview Techniques: Asking Questions

Ideally, you would be able to ask Open questions

- **Open**
 - Tell me what happened Thursday?
 - What happened in the bedroom?
 - Tell me more about that?
 - **Some individuals may only be able to answer YES/NO**
 - Leading vs. Not Leading YES/NO questions
 - **Leading Yes/No**
 - Did Mr. Steve touch your penis?
 - (Prior to any previous identification of Mr. Steve)
 - Did Brian hit you?
 - (Same – prior)
 - **Not Leading Yes/No**
 - Did someone hit you?
 - Do you know who hit you?
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Interview Question Sequence

- “Funnel” Technique
 - Free Narrative
 - Open Ended
 - Multiple Choice
 - Yes / No
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Questions: Free Narrative / Open-Ended

- Yield the most valid information but...
 - The individual must generate the response
 - Remember everything that happened
 - Remember the order in which it happened (sequencing events)
 - If question is too broad or open:
 - Ex. Tell me what happened, or
 - Ex. Tell me what you know about sex
 - May be difficult because:
 - It requires editing important information
 - They may not know what is important
 - May have a difficult time sorting through the details
 - Ex. Collin
-

Richard: Open-Ended Question

Questions: Focused Open-Ended

Strategy

- Use “focused open-ended questions”
 - Break down open-ended question with specific questions or multiple choice or either/or questions
 - Example: 1st grader
 - Q: What did you do today in school?
 - A: “Nothing”
 - Why this response?
 - This is higher level thinking that requires them to sort through multiple bits of information and retrieve only perceived observer deemed relevant information
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Focused Open-Ended

Instead of:

- “What did you do in school today?”

Ask:

- “What did you do in math today?”
 - “Did you do additions or subtractions?”
 - “What did you do in reading today?”
 - “Did you read out loud or did the teacher read?”
 - Sample study
 - Results
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Use of Support Persons

- When possible interview the individual alone
 - If included - set rules for their participation
 - Examples:
 - No speaking or coaching
 - Keeping posture and facial expressions neutral
 - Do not interpret unless requested
 - If support person cannot comply or upsets individual, remove them from interview
 - Advantages
 - Calm victim
 - Identify people mentioned in interview
 - Disadvantages
 - May be a perpetrator or colluding with a perpetrator
 - May influence answers
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Communication Disorders

Communication Disorders

Communication Disorders

- Time
 - Patience
 - Communication is a two way street

 - With difficult to understand speech
 - Use yes/no format as appropriate
 - Repeat and paraphrase – wait for confirmation
 - Don't be afraid to say: "I didn't understand, could you repeat"
 - Example.....
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Sharon

Communication Disorders

- With difficult to understand speech
 - The more you are around an individual with a speech disorder – the easier it is to understand
 - Expect to take more time
 - Sometimes you cannot understand what a victim is saying vocal verbally
 - Example
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Michael: Unintelligible Speech

Communication Disorders

- What do you do with unintelligible speech?
- Create yes/no communication
- Validation:

Communication Disorders

- If capable, ask to:
 - Write their response
 - Draw their response
 - Show you
 - Ex. "Assa Pa"
- Ask support person how they communicate
 - They may be able interpret victim's speech
 - Can verify with victim for accuracy (yes/no)
 - May not be admissible
- Use of pictures or other AAC
- AAC (Augmentative and Alternative Communication)
 - Processes or devices that augment or replace an individual's method of communication

Augmentative and Alternative Communication (AAC)

- Manual signing, gestures, facial expressions, pantomime, pointing, and/or eye gaze
- American Sign Language (ASL)
 - Use professional interpreter
 - Learning basics for rapport
- Low tech
 - Picture Exchange Communication System (PECS)
 - Ex. Picture board
- High tech
 - iPad
 - Computer

Massachusetts Supreme Court

- Ruby McDonough, sexually assaulted, 10 years earlier stroke
- Verbal Behavior
 - Reliably answer “yes” and “no” questions
 - Point to pictures and objects to make her needs known
- Court Ruled
 - Ruby’s rights had been violated when she was deemed incompetent to testify
 - Established brand new rules to ensure that the rights of all crime victims with disabilities will be better protected
 - Individuals with disabilities not only have a right to physical accessibility (e.g., wheelchair ramps to ensure they get IN to the courthouse), they have a right to accommodations that will enable their “full and equal” testimonial and participatory rights as witnesses in criminal cases

Alternative Communication Testimony

- MA Supreme Court
 - Allowed Ruby to use gestures and answer only “yes” and “no” style questions
- Ohio
 - Ricardo Woods, 35, was convicted of fatally shooting David Chandler
 - Police interviewed Chandler while he was hooked up to a ventilator, paralyzed after being shot in the head and neck as he sat in a car. He was only able to communicate with his eyes and died about two weeks later.
 - Prosecutors showed jurors a videotaped police interview in which they say Chandler blinked three times for “yes” to identify a photo of Woods as his shooter.
 - Judge Myers watched the video and said that she found the identification reliable
 - She noted that Chandler’s identification was made by pronounced, exaggerated movement of the eyes and not by involuntary movements.
 - A doctor who treated Chandler also testified that Chandler was able to communicate clearly about his condition

AAC Summary

- Do not assume people who use AAC have intellectual disabilities
- AAC may be one of several ways a person communicates
- No special training is needed to communicate
- Speak directly to the AAC Device user
- Try not interrupt when they are using their device
- Be comfortable with silence
- “Voice” from Carrie-Lynn

Carrie-Lynn

Final Considerations

- Range of communication abilities
 - Both receptive and expressive
 - No assumptions of intelligence based on physical appearance and/or VVB
 - Anxiety / Stress
 - Increases in maladaptive behaviors
 - Perseveration
 - Echolalia
 - Responses to sensory input
 - Increase your experience

 - Be Cool
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