

## 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
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### Disability in Perspective: Perception

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

- 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 Victimizations

- 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

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### 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

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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)

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## 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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## Communication

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## 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”

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## 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

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We are not toys...

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## Interview Techniques

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## Interview Considerations

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- 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"

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## 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

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## 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**

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## 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
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## Mary

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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)

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## 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
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## Richard: Open-Ended Question

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## 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: 1<sup>st</sup> 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

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## 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

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### 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

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## Communication Disorders

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

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## 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

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## 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

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## 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

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## 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

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## 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

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Carrie-Lynn

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### 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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### Contact Info

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