Objectives
1. Participants will have increased understanding of adaptations and considerations for communicating with children with disabilities.
2. Participants will have increased knowledge of common biases regarding investigating cases with children with disabilities.
3. Participants will be introduced to skills on interviewing children who are considered non-verbal or do not speak.

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

Realities for Individuals with Disabilities
• Social isolation
• Difficulty being accepted by peers
• Disproportionately criminally victimized

Reporting, Prosecutions, and Convictions
• Underreporting
  • Estimated only 3% of sexual abuse cases involving people with developmental disabilities are ever reported
  • Some research suggests that over 70% of crimes against individuals with severe intellectual disability are unreported
  • A study in Boston suggested that only 5% of serious crime against people with disabilities were prosecuted compared to 70% general population.
Some offenders specifically seek victims with disabilities because they are perceived (Lai & 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 individual’s disability may prevent them from 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; Holcomb, 1997).

Rate of violence experienced by youth with disabilities compared to youth without disabilities: Ages
12 to 19: More than 5 times the rate.

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
  - Use of force
  - Threats

According to studies including almost 150,000 children: Children with Intellectual Disabilities are:
- 2.9 – 3.7 times as likely to be neglected
- 3.4 – 3.5 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

Children with learning disabilities experience digital penetration or oral copulation at triple the rate
(Halton, Osochir-Kerr, & Gruber, 2007).

Language

- Person-First language
- Identity-First language
- Preference of the individual
- When in doubt, ask the person how they like to be described.
Myths about Sexuality and Relationships

• Myths:
  - Individuals with disabilities are not sexual
  - Individuals with disabilities don’t need sexual education
• Results of myth:
  - Lack of knowledge/education surrounding sexuality, healthy relationships or intimate partner violence
  - Less likely to understand what constitutes abuse
  - Unable to recognize abuse
  - Less empowered to report
  - Individuals with disabilities experience most if not all the same physical and emotional changes as their peers.

Bias/Assumptions

• Infantilization
• Asexual
• Assumption of Inability
  • Unable to accurately report
  • Unable to participate in court proceedings
  • Low intelligence

Assumption: Low Intelligence

Impaired speaking

Physical appearance

• Strategy:
  • Intentionally assume normal intelligence

Language and Perspective

• Use of the terms:
  - “functions like a 5-year-old”
  - “has the brain of a 3-year-old”
  - “capacity of a 5-year-old”
**Language and Perspective: “Nonverbal”**

“Non-Verbal”

No universal understanding

Removing assumptions and biases: “functions like” and “non-verbal” allows the investigator to follow best practices in gathering reliable information.

Sending the case down the trajectory where the individual is dismissed as being unable to provide information.

**Individual Considerations**

Deficits in pragmatics of communication:
- Physical proximity (e.g., too close or too far)
- Not making eye contact
- Laughing inappropriately
- Discussing topics unrelated to the situation
- Hyper-focus on a particular topic

Flat affect:
- Monotone
- Facial expression (or lack of)

**Perseveration**

Difficulty transitioning from one activity to the next

Strategies:
- Give warnings before transitions
- Be clear and predictable

Hyper-focusing on a particular item or topic of discussion

Strategies:
- Re-direct the individual if they perseverate off topic
- Re-frame the question if it elicits an off-topic discussion

**Echolalia/Delayed Echolalia**

Repeating of words spoken by others

Normal in children as a developmental process

Not random speech

Taking his “turn” in the conversation

Strategies:
- Time
- Reduction of Anxiety
- Patience

**The Brain, Memory, and Trauma**
The Brain, Memory, and Trauma

- It is NOT reasonable to expect a trauma survivor to recall traumatic events in the same way they would recall a happy occasion.
- A happy or emotionally positive experience typically doesn’t evoke the biological fight, flight, or freeze response forcing the midbrain to take over.

Memory and Trauma

- The linear nature of these experiences can be distorted.
- The interviewee may remember certain events out of order.
- An interviewee may focus on one experience or element and be able to describe that one and not remember anything else.

Memory and Saliency

- Asking questions that are open will encourage the interviewee to accurately recall details which are important and memorable to them.
- Interviewers must be cautious to not ask for details that the interviewee feels are important.
- The best option is to offer a platform for the interviewee to provide the details they remember.
- This is best done using free narrative or open-ended questions.

Strategies for Communicating

- Assume normal intelligence unless there are multiple data points to indicate otherwise.
- Assume conversational capacity, vocabulary, complexity of responses to questions.
- Practice patience and pausing (8-10 seconds).

Assuming Normal Intelligence

- Assume normal intelligence unless there are multiple data points to indicate otherwise.
- IQ
- Conversational capacity
- Vocabulary
- Complexity of responses to questions

Avoiding Infantilization

- Be cautious of tone of voice that may be whimsical, or body language or topics of conversation reserved for young children.
- Avoid conversational punctuations:
  - “Really?”
  - “Good.”
  - “You do?”
  - “I see.”
Establishing a Thorough Baseline

- Rapport building and Narrative Practice is critically important
- Identify strengths
- Identify cognitive and social issues
- Assess the child’s comfort level
- Assess the child’s mode of communication
  - Language skills
  - Conversational ability
  - Capacity for free narrative
- Rapport development begins with the first encounter

Four Basic Question Types

Narrative Prompt
- Open-Focus
- Choice
- Yes/No

The Recycling Funnel Model

Most Reliable
- Narrative Prompt: “Tell me about…”
- Open-Focused: “Who, what, where, when, why?”
- Choice: “A, B, or something else?”
- Yes/No

Least Reliable

Structured Forensic Interview Protocols

Improve Quality and Informativeness of Investigative Interviews with Children: A Review of Research Using the NICHD Investigative Interview Protocol (Lamb, Orbach, Hershkowitz, Esplin, & Horowitz, Child Abuse and Neglect 2007, V. 31 (11-12) 1201-1231)

All-ages
- Open ended prompts produced 3-5 times more information
- About half of forensically relevant details given in response to free-recall prompts
- Completeness increased when utilizing cued invitations (anchoring using the individual’s words)

Interviewers
- Used at least 3 times more open-ended prompts, used half as many option-posing and suggestive prompts

“She Wanted to Know the Full Story” – Children’s Perceptions of Open Versus Closed Questions, Brubacher, Timms, Powell & Bearman, Child Maltreatment 2015, V. 24(2), 222-231

- Closed questions easier to answer
- Felt most listened to & perceived the greatest interviewer interest when asked open-ended questions
- Open-ended interview elicited approximately 3.5 times more information
- Responses were significantly more accurate in the open-ended interview than the closed interview

Research Tells Us...

- Similar to individuals without ID, open-ended questions elicit more reliable information
- Questions that are presumptive / leading have the greatest influence on responses for adults with ID regardless of open or closed question types
  - (Bowles P. & Sharman, S., 2014)

- Children with ASD & Typically Developing Children
  - Open-ended child-led recall prompts elicited accurate information
  - Option posing questions elicited significantly more errors after a longer delay
  - Cued invitations elicited more detailed accounts than all other types of prompts

Establishing a Thorough Baseline
- Expect to spend more time establishing rapport
- Work to match the child's developmental level
- The word and sentence complexity used should match established baseline.

Strategies for Communicating
- Be concrete and literal
  - Use the child's words
    - Use prompting cues (cued invitations) that repeat the end of the previous statement (e.g., “So you just finished cleaning up after dinner... and then what happened?”)
  - Use proper names rather than pronouns
  - Avoid figures of speech/idioms
    - Idioms (e.g., it's raining cats and dogs)
  - Avoid sarcasm

Time Segmentation (Bookends)
- From the time you got on the bus... until the time you got off the bus...

Cued Invitations (Anchoring)
- “You said __________ Tell me about ___________”
  - Utilizes the individual's words to follow up on details in an open-ended, concrete manner.

Strategies for Communicating
- Avoid:
  - Questions and interrogative statements posed in the negative (e.g., You don't like Frank?)
  - Compound and complex questions
  - Stacking Questions
  - Repeated questions
Practice Patience and Pausing

• Pacing:
  • Follow the child's lead
  • Be sure that the pace is set by the child being interviewed
  • Take breaks as needed
• Pausing:
  • 8 – 10 seconds before repeating or rephrasing

Strategies for Communicating

• High Probability (HP) Instructional Sequence
  • Building momentum and increasing response effort
    • Communicative Response
    • Gestural Response
    • Motor Response
• Reverse Scaffolding
  • Ex. “Pick up the paper”
  • “Raise your hand”
  • “Give me a high five”
  • “Go pick up the paper”

Interview Techniques: Adaptations

• What if a child is only able to answer “yes” or “no”?

Interview Techniques: Asking Questions

• Not Leading Yes/No
  • Maximize gain on questions
  • Establish Options
    • Think in terms of algorithms
  • Be sure to go through each option
  • Complete threads before moving on
  • Address Singularity

Hybrid Question Style

Most Reliable
• Narrative Prompt: “Tell me about...”
• Open-Ended: Who, what, where, when
• Choice: Yes, No, etc.

Least Reliable

Hybrid Question Style

• Not Leading Yes/No
  • Limit total number of questions, if possible
  • Follow Protocol if Applicable and Adapt to Yes/No
    • Safety
    • Anatomical Drawings
    • Establish Options including ‘Something Else’
  • Use factual or externally verifiable information as appropriate
  • Orient to event
  • Be sensitive to leading
Hybrid Questioning Example

- **Interviewer:** "I want to know if you went with your family, friends, staff or someone else?"
- **Interviewee:** "Yes."
- **Interviewer:** "Did you go with friends?"
- **Interviewee:** "No."
- **Interviewer:** "Did you go with staff?"
- **Interviewee:** "No."
- **Interviewer:** "Did you go with anyone else?"
- **Interviewee:** "No."

Gathering Additional Information

- **Stay on Threads**
  - How Many?
  - Who?
  - Where?
  - When?

Massachusetts Supreme Court

- Ruby McDonough, sexually assaulted, 10 years earlier stroke.
- **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 into the courthouse), they have a right to accommodations that will enable their “full and equal” testimonial and participatory rights as witnesses in criminal cases.
  - Allowed Ruby to use gestures and answer only “yes” and “no” style questions.

Alternative Communication Testimony

- 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.

Thank you!

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