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Communicating with Children with Disabilities

FIND
FORENSIC INTERVIEWING FOR INDIVIDUALS WITH DISABILITIES

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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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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.

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Bureau of Justice Statistics – 2021 Report

Average Annual Rates: 2017–2019

- Violent victimization for persons with disabilities was **almost four times** the rate among persons without disabilities
- The rate of rape/sexual assault for persons with disabilities was **more than four times** than that for persons without disabilities
- Rate of violence for males with disabilities was **more than three times** the rate compared to males without disabilities
- Rate of violence for females with disabilities, was **more than four times** the rate compared to females without disabilities

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Bureau of Justice Statistics – 2021 Report

Average Annual Rates: 2017 – 2019

- Violent crime against persons with disabilities was **less likely** to be reported to police than violence against persons without disabilities
- For persons with disabilities, family members account for **double** the violent victimization compared to persons without disabilities.
- Sexual assaults against persons with disabilities are reported to police **at half the rate** compared to persons without disabilities
- Persons with **intellectual disabilities** had the **highest rate** of violent victimization from 2009 to 2019


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Language

- **Person-First language**
- **Identity-First language**
- Preference of the individual
- When in doubt, ask the person how they like to be described.




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Bias/Assumptions

- Asexual
- Infantilization
- Assumption of Inability



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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.

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Bias/Assumptions

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

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Assumption: Low Intelligence

Impaired speaking

Physical appearance

- Strategy-
 - **Intentionally assume normal intelligence**

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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”



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Language and Perspective

- Use the following prompts:
 - Do they need assistance with Activities of Daily Living?
 - If so, which ones?
 - How are they assisted?
 - What is their level of independence?
 - What are their best skill sets?
 - What are their support needs?
 - What are their behavior needs?

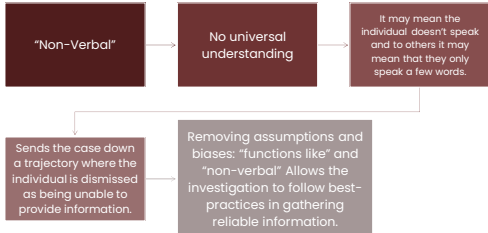


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Language and Perspective: “Nonverbal”



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    graph LR
      A["Non-Verbal"] --> B["No universal understanding"]
      B --> C["It may mean the individual doesn't speak and to others it may mean that they only speak a few words."]
      C --> D["Sends the case down a trajectory where the individual is dismissed as being unable to provide information."]
      C --> E["Removing assumptions and biases: 'functions like' and 'non-verbal' Allows the investigation to follow best-practices in gathering reliable information."]
  
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Language and Perspective

- Use the following prompts:
 - How do they communicate?
 - Do they speak?
 - Do they use gestures?
 - Do they write?
 - Do they draw?
 - Do they text?
 - Do they type?
 - How do they get their needs met?
 - Do they understand you?
 - Do they use any augmentative or alternative communication devices?
 - Is there anything else I need to know how they communicate?

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Intellectual Disability

Mental Retardation = Intellectual Disability


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Intellectual Disability

- Individuals with intellectual disabilities fall on a spectrum – Mild to Severe
 - Language capabilities vary
 - Conversational capacities vary
 - Intellectual (IQ) capacities vary



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I.Q. and Function

- I.Q.
 - Specific measure of intelligence
 - Should not be used to determine overall skills and abilities
- Case study example
 - Bob: IQ – 35
 - Henry: IQ – 65
 - Which individual would you say has higher skills and abilities?


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Cognitive Characteristics: Impact on Communication

- Cognitive Considerations:
 - Need concrete information
 - Abstract Concept Issue
- Poor incidental learning



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Cerebral Palsy

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Characteristics: Cerebral Palsy

- Definition
 - Damage to the immature brain
 - Differences
 - 2yr / 30yr / 80yr
- Abnormalities of muscle tone
 - Ex. Quadriplegic Spastic CP
- Intelligence
 - Variable
- Communication Capacity
 - Variable

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Autism Spectrum Disorder


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Autism: Definition

- Defined
 - "a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other associated behaviors include engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences" [P.L. 108-446]
- Spectrum Disorder (ASD)
 - Mild to Severe




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Autism Distinguishing Features

- Emotion and expressive/receptive verbal disconnect
 - "I'm happy."
 - "You make me angry."
- Expectation of commensurate facial expressions, voice tone, and body language connected to that emotion
- Facial Expressions




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Autism Distinguishing Features

- Rule Governed
 - Different from Obsessive Compulsive Disorder
- Cortisol and Stress
 - Stress Hormone and Autism
 - New Link
 - Individuals with higher support needs
 - Individuals with lower support needs
 - Putnam, et al., 2015 (Journal of Developmental and Physical Disabilities)
- Sensory Integration Disorder
 - Auditory, Visual, Kinesthetic
 - Multiple inputs (e.g., conversations) and focus
 - Anxiety



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Autism and Comorbidity

- 95 percent of children with autism present with at least one co-occurring condition in addition to autism (Journal of Autism and Developmental Disorders).
 - Examples: Anxiety, ADHD, sleep, behavioral and gastrointestinal issues
- Average almost 5 of the secondary conditions, with a higher prevalence among 8-year-olds compared to 4-year-olds.
- Children who had co-occurring conditions were more likely to be diagnosed with autism at younger ages.

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Autism and Child Abuse

- Children with ASD were 2.5 times more likely to be reported to the Child Abuse Hotline by the age of 8.
 - Fisher et al. (2018)
- Girls with ASD were six times more likely to have substantiated allegations of maltreatment than males with ASD
 - Fisher et al. (2018)

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Mortality and Autism

- Average age of death
 - General population – 72 years old
 - Autism – 36 years old
- Autistic children aged 14 years and younger are 40 times more likely to die from injury than the general pediatric population
- Drowning accounts for 46% of all injury deaths among children with autism
 - 160 times the chance of dying from drowning compared to other children.

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Autism Incidence

- United States Average
 - 1980: 1 in 10,000
 - 2005: 1 in 150
 - 2008: 1 in 88
 - 2010: 1 in 68
 - 2014: 1 in 59
 - New Jersey: 1 in 34
 - Arkansas: 1 in 77

- Distribution
 - 2010: White children 50% more often than Hispanic children
 - 2010: White children 20% more than African-American children
 - 2014: White children 20% more often than Hispanic children
 - 2014: White children 10% more than African-American children



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Autism

- Theories
 - Extreme Male Brain Theory
 - Systematizing vs. Empathizing
 - Mirror Neuron Theory
 - Mu WAVE suppression on EEG in premotor cortex
- Boubba / Kiki Test

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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)

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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

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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


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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.



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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.

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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 interviewer 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.

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Assuming Normal Intelligence



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

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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
 - Examples:
 - "Really?"
 - "Good."
 - "You do?"
 - "I see."



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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

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Four Basic Question Types

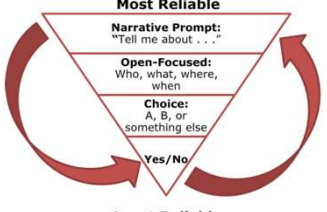
Narrative Prompt
Open-Focus
Choice
Yes/No

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The Recycling Funnel Model



Most Reliable
Narrative Prompt:
"Tell me about . . ."

Open-Focused:
Who, what, where,
when


Choice:
A, B, or
something else

Yes/No

Least Reliable

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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	Interviewers
<ul style="list-style-type: none"> • 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) 	<ul style="list-style-type: none"> • Used at least 3 times more open-ended prompts, used half as many option-posing and suggestive prompts

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“She Wanted to Know the Full Story” – Children’s Perceptions of Open Versus Closed Questions, Brubacher, Timms, Powell & Bearman, *Child Maltreatment* 2019, 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

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Research Tells Us...

- Similar to individuals without ID, open-ended questions elicit more reliable information
 - (Cederborg, A. et. al, 2009; Cederborg, A., & Lamb, M., 2008; Agnew, S. & Powell, M., 2004)
- 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)

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Effects of Delay, Question Type, and Socioemotional Support on Episodic Memory Retrieval by Children with Autism Spectrum Disorder Almeida, Lamb, & Weisblatt Journal of Autism and Developmental Disorders 2019, Vol. 49 (3) 1111-1130

- 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

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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.

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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
 - Clichés (e.g., every cloud has a silver lining)
 - Idioms (e.g., it's raining cats and dogs)
 - Hyperbole (e.g., I've told you that a million times)
 - Axioms
 - Avoid sarcasm

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Time Segmentation (Bookends)

From the time you got on the bus.....

Until the time you got off the bus.

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Cued Invitations (Anchoring)

“You said _____. Tell me about _____.”

- Utilizes the individual’s words to follow up on details in an open-ended, concrete manner.

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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

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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

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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"
 - "Touch your nose"
 - "Give me a high five"
 - "Go pick up the paper"

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Strategies for Communicating

Assume	Assume normal intelligence unless there are multiple data points to indicate otherwise
Avoid	Avoid infantilizing
Establish	Establish a thorough baseline for their overall language skills, conversational ability and capacity for free narrative or open-ended responses
Practice	Practice patience and pausing (8-10 seconds)

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Massachusetts Supreme Court

- In re McDonough, 457 Mass. 512, 930 N.E.2d 1279.
- 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 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
 - Allowed Ruby to use gestures and answer only "yes" and "no" style questions

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Alternative Communication Testimony

- Ohio - State v. Woods, 2014-Ohio-3892
 - 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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Check out MCG's podcast

"Forgotten Victims: The Forensic Interview"

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