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Communicating with Children with Disabilities
Part I


FIND

FORENSIC INTERVIEWING FOR INDIVIDUALS WITH DISABILITIES

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Objectives

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

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Comfort Zone

- People are most comfortable around others who are a reflection of themselves.
- Until the unfamiliar becomes the familiar we often act with awkwardness or discomfort.
- You don't need to become an expert in all areas.
 - Just need to know what's required to get the job done.

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Disability in Perspective

- 61 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
- Today...

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Woman Pleads Guilty After Urging People Not to Help Choking Son

- She tried to stop people from helping her son who has an intellectual disability and was choking at a restaurant.
- Foigelman admitted to shouting "let him die" when he was choking on food at Boulevard Family Restaurant back in June.
- Other customers helped, but Foigelman attempted to stop them

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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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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 individual'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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Children with Disabilities and Victimization (USDOJ, 2017)

- 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:
 - o Penetration
 - o Use of force
 - o Threats

(Herstkowitz, Lamb, & Horowitz, 2007)

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Children with Disabilities and Victimization (USDOJ, 2017)

- Children with learning disabilities experience digital penetration or oral copulation at triple the rate (Helton, Gochez-Kerr, & Gruber, 2017).
- According to studies including almost 160,000 children: Children with Intellectual Disabilities are:
 - 2.9 - 3.7 times as likely to be 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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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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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

- Infantilization
- Asexual
- 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 TD
    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["Removing assumptions and biases: 'functions like' and 'non-verbal' Allows the investigation to follow best-practices in gathering reliable information."]
    D --> E["Sends the case down a trajectory where the individual is dismissed as being unable to provide 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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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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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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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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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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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

- 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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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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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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Four Basic Question Types

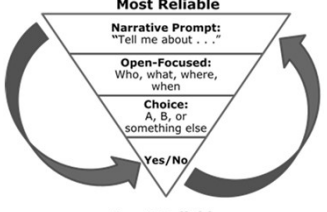
Narrative Prompt
Open-Focus
Choice
Yes/No

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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 Almedia, 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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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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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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