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Communicating with Children with Disabilities
Part II

FIND
FORENSIC INTERVIEWING FOR INDIVIDUALS WITH DISABILITIES

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Communication Disorders

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Pre-Interview Considerations

- 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 gestures to communicate?
- Do they use any augmentative or alternative communication devices?
- Is there anything else I need to know how they communicate?

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Communication Disorders

- Time
- Patience
- Give credit to the fact that 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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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 an individual is saying
- Example

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Communication Disorders

- If capable, ask to:
 - Write their response
 - Draw their response
 - Show you
- Ask support person how they communicate
 - They may be able interpret individual's speech
 - Can verify with individual 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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Interview Techniques: Adaptations

- What if a child is only able to answer "yes" or "no"?


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Activity: 20 Questions

- Broad Eliminating Questions
 - Maximum gain
- Objective as Possible
- Stay on Threads
- Minimize Proxy Questions
- Account for "I don't know"
- Account for "Something else"




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Communication Disorders

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




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Communication Orientation

- Interviewer: "I was told by _____ (use specific name, e.g., mother, brother, staff member Shanice, etc.) that you use gestures for yes and no." Pause. "Show me how you say yes."
 - Wait for response and note gesture.
- Interviewer: "Show me how you say no."
 - Wait for response and note gesture.
- Interviewer: "Do you use any other gestures to communicate?"
 - Wait for response and note gesture.



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Hybrid Question Style

Most Reliable

Narrative Prompt:
"Tell me about . . ."

Open-Focused:
Who, what, where, when

Choice:
A, B, or something else

Hybrid

Yes/No

Least Reliable

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Interview Techniques: Asking Questions

- **Not Leading Yes/No**
 - Maximize gain on questions
 - Establish Options
 - Think in terms of algorithms

X ✓ X ✓

- Be sure to go through each option
 - Complete threads before moving on
- Address Singularity

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Hybrid Questioning Example

- Interviewer: "I want to know if you went with your family, friends, staff or someone else."
- Interviewer: "Did you go with family?"
- 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."

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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

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Interview Techniques: Asking Questions

- **Recap Sexual Abuse: Not Leading Yes/No**
 - Maximize gain on questions to limit total number if possible
 - Follow Protocol if Applicable and Adapt to Yes/No
 - Safety
 - Anatomical Drawings
 - Establish Options including 'Something Else'
 - If not protocol, use factual information as appropriate
 - Orient to event
 - Be sensitive to leading

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Interview Techniques: Asking Questions

- **Neglect: Not Leading Yes/No**
 - Maximize gain on questions to limit total number if possible
 - Follow Protocol if Applicable and Adapt to Yes/No
 - Types of Neglect
 - LOS
 - Nutritional
 - Environmental
 - Educational
 - Medical
 - Other


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Gathering Additional Information

- Stay on Threads
 - How Many?
 - Options
 - Who?
 - Singularity
 - Options
 - Where?
 - Singularity
 - Options
 - When?
 - Options



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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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Wrap-up

- Any questions?
- Concerns?
- What do you plan to take back to your team?

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Thank you!

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Check out MCG's podcast:
"Forgotten Victims: The Forensic Interview" 

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