Adults with Developmental Disabilities and Interview Techniques

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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

Disability in Perspective: Perception

- Historical Perception
  - Commodus
- 1940’s
  - “Lebensunwertes Leben”
  - Eugenics
- Federal Law
  - “Medical Treatment”
- 2000’s
Realities for Adults 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

Disproportionate Victimization

- 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)
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

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.

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 persons 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).
Women with Disabilities

**Domestic violence against women with disabilities:**

- Raped and abused at a rate at least twice that of the general population of women (Sobsey, 1994)
- More likely to stay longer in an abusive situation
- More likely than males to be victimized by intimate partner (USDOJ, 2009)
- Have fewer options for safety due to systemic and physical barriers in the community

**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?**

**What are we left with?**

- Higher Rates of Victimization
- Underreporting
- Less Prosecution
- Less than 100% conviction rate
- Consequence?
- Next question: Why?
Susceptibility to Victimizations

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
  - Fear of vacancy

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 the child’s autism and not some other cause
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
  - Passive monotone voice with unusual pronunciations

- Facial Expressions
  - Audience Participation

Autism Distinguishing Features

- Rule Governed
  - Difference between OCD

- Sensory Integration Disorder
  - Auditory, Visual, Kinesthetic
  - Multiple inputs (e.g. conversations) and focus
  - Anxiety

Susceptibility to Victimization:
Speech/Language Disorder

- Communication Disorder
  - Assumed intellectual deficit
    - Bias in the U.S.
  - Communication Difficulties
  - Use of Alternative Communication
    - Limitations
    - Misuse
    - Damage
  - Repeated Victimizations
Susceptibility to Victimizations: Cerebral Palsy

- Cerebral Palsy
  - Reliance on others for:
    - Bathrooming / Bathing
    - Eating
    - Mobility
  - Perceptions of:
    - Lack of assertiveness
    - Restricted vocabulary
    - Perceived Intellectual deficit*

Communication

- Types of Verbal Behavior
  - Expressive Vocal Verbal
    - Speaking
    - Includes Paralinguistic: Tone, Cadence (Speed and Rhythm), Volume, Intensity
  - Receptive Vocal Verbal
    - Understanding / Responding Contingently to Vocal Speech
  - Expressive Non-Vocal Verbal
    - Gestures, Facial Expressions, Body postures, etc.
  - Receptive Non-Vocal Verbal
    - Understanding / Responding Contingently to Gestures, Facial Expressions, Body Postures, etc.
- The Label: "Non-Verbal"
- ACTIVITY: "Non-Verbal"
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

We are not toys…

Interview Techniques
Interview Considerations

- **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

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

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.
Special Considerations for Individuals with Disabilities

- Allegations of abuse in a facility
  - List of all employees and residents
  - Staffing schedule
  - Floor plan
  - Policy related to discipline, staff/person interaction
  - Continuity of policy vs. practice

- Minimize contamination of memory
  - Susceptibility similar to young children

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”

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”
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

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

- Ideally, you would just be able to ask a question and get a response

Interview Techniques: Adaptations

- However, sometimes an initial question can be too difficult or the person is not oriented to answering questions

- For this, use Reverse Scaffolding

- Ex. Mary
Reverse Scaffolding

1. **Ex:** “Pick up the paper”
   - “Raise your hand”
   - “Touch your nose”
   - “Give me a high five”
   - “Go pick up the paper”

2. **High Probability (HP) Instructional Sequence**
   - Building momentum and increasing response effort
     - Vocal Verbal Response
     - Non-Vocal Verbal Response

3. **HP Sequencing Examples**

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**Interview Techniques: Adaptations**

- **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
Interview Techniques: Adaptations

Perseveration

- Hyperfocus on a particular topic or subject unrelated to the topic of discussion

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

- Example......

Justin - Perseveration

Interview Techniques: Adaptations

- Saliency
  - Emotional “strength or pull” of an experience
  - Helps all people remember things – good or bad
    - Lunch 2 Wednesdays ago?

- The saliency of common events may be greater for individuals with disabilities

- Perceptions of emotional significance
  - Salience Landscape...
Salience Landscape and Autism

- The limbic system triggers the autonomic nervous system – preparing the body for action
  - Ex. Fear – heart rate increases and body sweats
- The ANS arousal in turn provides the brain with feedback amplifying the emotional response – thus creating an emotional map of the emotional significance of the individual’s environment (Salience Landscape Theory – Ramachandran & Oberman, 2006)
- Individuals with autism may have a distorted salience landscape
- Distorted perceptions of emotional significance may explain:
  - Inappropriate social responses to events
  - Intense preoccupation with ex. train schedules
  - Looking away during normal conversation to reduce stress

Keith: Saliency

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?
Interview Question Sequence

- “Funnel” Technique
  - Free Narrative
  - Open Ended
  - Multiple Choice
  - Yes / No

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

Richard: Open-Ended Question
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

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: ………….
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 verbally
  - Example

Michael: Unintelligible Speech
Communication Disorders

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

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
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

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

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
Final Discussion

- Increase Experience

- Avoid Assumptions
  - Language
  - Appearance
  - Disability Label

- Q & A

Contact Info

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