



Making the Connection & **Maximizing Results**

Investigative Interviews of
People with
Intellectual Disabilities



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Today's Presentation

The focus today is on interviewing people with intellectual disabilities who have been involved in an incident.



Today's Presentation:

My professional experience primarily involves interviewing people with intellectual disabilities who have been identified as the **alleged victim or a witness** in an incident.



Today's Presentation:

If the person with an intellectual disability is the **alleged perpetrator** in an incident, the first thing that should happen is that their rights to representation are protected, especially with regard to false self-incrimination.



Regarding people with
intellectual/developmental
disabilities – some helpful
background information:



U.S. Federal Definition:

- According to the Developmental Disabilities Act, section 102(8), "the term 'developmental disability' means a severe, chronic disability of an individual 5 years of age or older that:
- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;



U.S. Federal Definition:

- **Results in substantial functional limitations in three or more of the following areas of major life activity;**
 - **Self-care;**
 - **Receptive and expressive language;**
 - **Learning;**
 - **Mobility;**
 - **Self-direction;**
 - **Capacity for independent living; and**
 - **Economic self-sufficiency.**



U.S. Federal Definition:

Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided."



Examples of Developmental Disabilities that may be associated with intellectual challenges include:

- **Autism**
- **Brain injury**
- **Cerebral palsy**
- **Down syndrome**
- **Fetal alcohol syndrome**
- **Neurological Impairment**
- **Many other causes**



General Guidelines:

- **Speak in a straightforward manner and check understanding.**
- **Be patient and wait for the person to finish what they are saying.**
- **Don't pretend to understand the person if you don't. Ask them to repeat what they have just said or to say it in another way (using different words, for instance).**



People with I/DD may:

- . . . be easily victimized and targeted for victimization
- . . . be less likely or able to report victimization
- . . . be easily influenced by and eager to please others
- . . . think that how they have been treated is normal and not realize the victimization is a crime
- . . . think the perpetrator is a “friend”
- . . . be unaware of how serious or dangerous the situation is
- . . . not be considered as credible witnesses, even in situations where such concern is unwarranted
- . . . have very few ways to get help, get to a safe place or obtain victim services or counseling



Please Keep in Mind:

A person with an intellectual disability meeting with someone in authority may fear that they are in trouble.



Please Keep in Mind:

A person with an intellectual disability may not feel empowered and that they are living a life in which everyone seems to have authority over them.



Please Keep in Mind:

A person with an intellectual disability may say “yes” to every question in an effort to please the interviewer.



Please Keep in Mind:

A person with an intellectual disability may have experienced interpersonal violence and/or bullying and have lingering trauma.



Please Keep in Mind:

A person with an intellectual disability may be afraid to “tell on” their caregiver for fear they will lose needed support.



Please Keep in Mind:

A person with an intellectual disability may feel ashamed and try to hide their disability, which may seem like they are not cooperating.



Please Keep in Mind:

The sooner the interview can take place, the better, while the memories are fresh.



And most importantly:

We're all people first. All of us appreciate respect, kindness and patience.



The Phases of an Interview



1. Preparation
2. Setting Up the Interview
3. The Interview
4. Documentation



Preparation





Preparation

- Do I have access to the initial report?
- Who are principal parties?
- What do I know about them?



Preparation

- Who made the allegation?
- What were the words used to describe the allegation?
- Did the person with a disability communicate the allegation directly?



Preparation

- How does the person communicate?
- Do they use an assistive device or sign language?



Preparation

- Do they communicate non-verbally?
- Is there someone I can talk with about this person's needs?



Preparation

- Does the person have a legal guardian or involved family?
- Have I contacted the guardian/family member?
- Does the guardian/family member want to be at the interview?



Preparation

- Is there a history of incidents regarding the people involved available to me?
- Is there any other documentation regarding the people involved available to me?
- Have I had any prior contact with the people involved?



Preparation

- Is there a history of unexplained injuries?
- Is there a history of unfounded allegations?
- Is there a history of incidents that are unsubstantiated with concerns?



Preparation

- What questions need to be answered?
- Have I written down the questions I need to ask?



Preparation

- How will I establish rapport?
- What topics are of interest to the person?



Setting Up the Interview





Setting Up the Interview

- Where will the interview be?
- Am I just showing up or arranging it ahead of time?
- Will it be a private and secure location?



Setting Up the Interview

- Will it be in a location that's free of distractions and interruptions?
- Who should be present?
- What will the roles be of other people present?



Setting Up the Interview

- Will someone else be there that I can trust to assist me and be a witness to the interview?
- Is there a game plan?
- Are we on the same page?



Setting Up the Interview

- Who will lead the questioning?
- How will the interview be documented?
- Who will take notes?



Setting Up the Interview

- Do I need another person there to provide additional assistance in communicating with the person I need to interview?
- Will I need an assistive communication device?



Setting Up the Interview

- Will the location need to be accessible to someone using a wheelchair?
- Have I ever been in this interview room before?
- Is it filled with boxes, broken furniture (i.e., distractions)

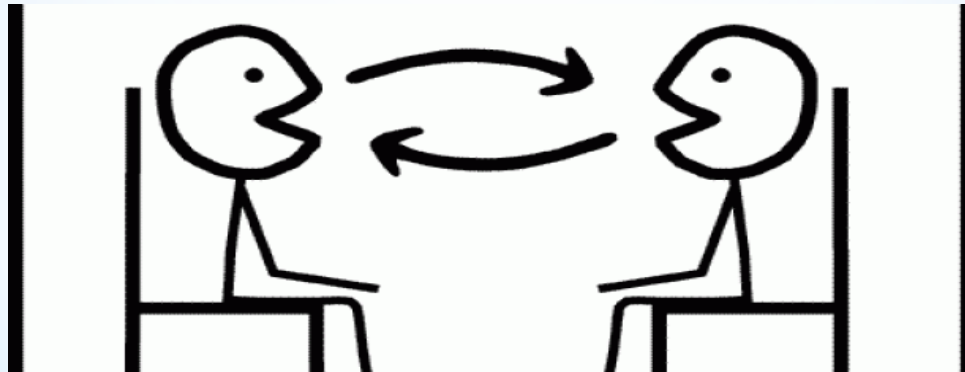


Setting Up the Interview

- Will the presence of a guardian or family member be helpful with my interview?
- Will the presence of a guardian or family member interfere with my interview?



The Interview





The Interview

- How am I dressed?
- Am I setting a relaxed, friendly tone with my greeting?
- Am I modeling open, friendly body language?



The Interview

- Are the appropriate people at the interview?
- Is everyone seated where I want them to be?
- Am I sitting directly across the person I am interviewing?



The Interview

- Did I take note of how the person introduced themselves (what name)?
- Have I asked how they would like to be addressed?
- Am I directly addressing the person I am interviewing?



The Interview

- Have I explained why I am here?
- Have I assured the person that they are not in trouble (assuming they are not an alleged perpetrator)?
- Have I explained confidentiality?



The Interview

- Have I engaged in some relaxing small talk on a topic of interest to the person?
- Am I actively listening and responding to cues from the person?



The Interview

- Am I utilizing this opportunity to assess the orientation of the person to person, place and time?
- Do I need to ask some specific questions to determine that the person is oriented x3?



The Interview

- In asking about the incident, have I started with an open-ended question to allow the person to tell their story?
- Am I giving time to the person to express themselves fully, in their time?



The Interview

- Am I nonverbally expressing my interest in the person while they are speaking?
- Am I avoiding distractions, such as looking at my cell phone, while the person is speaking?



The Interview

- Am I listening carefully to the words the person is using to describe actions, body parts, etc.?
- Am I asking the person for clarification when needed?



The Interview

- Am I asking the specific questions I planned to ask?
- Am I establishing a time line of events as expressed by the person?
- Am I clarifying timeline discrepancies?



The Interview

- Am I avoiding leading the person with my questions?
- Am I avoiding completing their sentences?
- Am I making sure no one else in the room is speaking for the person?



The Interview

- Am I mindful of my own reactions to what is being said?
- Am I cutting the person off because of my own discomfort with what is being said?
- Am I avoiding expressing non-verbal cues that could unduly influence the person?



The Interview

- Have I asked the person if there is anything else they would like to tell me or that they think is important for me to know?
- Have I asked the person if they have any questions for me?



The Interview

- Have I thanked the person for their time and cooperation?
- Have I communicated what will happen next, to the extent possible?
- Have I concluded the interview in a friendly, cordial manner?



Documentation





Documentation

- Do I have a copy of the notes?
- Can the person provide a written statement?
- Have I documented the time and location of the interview?



Documentation

- Did anything unusual occur during the interview?
- Do I need to take some time to write notes immediately after the interview?
- Am I immediately securing the notes as a confidential document?



Review

- 1. Preparation**
- 2. Setting Up the Interview**
- 3. The Interview**
- 4. Documentation**

- Respect**
- Patience**
- Kindness**



Questions? Comments?

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