



# Successfully Investigating Sexual Assault Against Victims with Disabilities

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## Course Description

This module is written from a law enforcement perspective, providing information and guidance for first responders as well as investigators and even prosecutors. However, it is intended to be equally helpful for others whose work intersects with the criminal justice system, to ensure that people with disabilities who are victimized have equal access to information, programs, and services - and that they are treated with fairness, compassion, and respect. Everyone involved in the criminal justice and community response system plays a critical role in providing that access and fair treatment.

- We begin by offering definitions and an overview of the prevalence and impact of sexual assault committed against people with disabilities. Detailed information is also provided on the Americans with Disabilities Act (ADA).
- We then review the prevalence of sexual violence against people who have disabilities, and explore similarities and differences in the dynamics of perpetration, victimization, and responses among sexual assault victims, regardless of whether or not they have any disabilities.
- Next, we examine the general framework for crafting an investigative strategy, based on key factors such as whether the victim is capable of consenting to sexual activity and whether the suspect is in a caregiver role or other position of authority.
- Various stages of the investigation are described in the following section, including the initial response and preliminary investigation, the detailed follow-up interview(s) with the victim, and other steps that need to be taken to identify additional evidence and witnesses.
- For victims who have a severe cognitive disability, the key determination will be whether they have the capacity to legally consent to sexual acts. We dedicate an entire section of this module to addressing the legal tests and strategies used to answer this question.
- The next section focuses exclusively on the sexual assault of victims who have cognitive disabilities, with particular emphasis on intellectual disabilities. This type of case is commonly reported to law enforcement, and there are fundamental implications for how the investigation and prosecution will proceed, particularly during the interview. Detailed guidance is offered for how to ask questions, to increase the chance of accurate communication and understanding.

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- Information is then presented for victims who have physical, sensory, or communication disabilities. This is followed by a section on victims who have mental illnesses or other disability issues. The goal is to help law enforcement investigators and other professionals prepare to interact effectively with a range of victims.
- Throughout the module, you will find tips for use with a community-based Sexual Assault Response and Resource Team (SARRT).
- The module then concludes with various Appendix materials that provide supplemental information as well as resources and tools. These materials can be used for training purposes and also to improve the application of these principles to daily practices.

**Estimated time for completion:** 20 hours

## OVW Grant Funding

The OLTI was created and continues to be supported with funding from the Office on Violence Against Women, U.S. Department of Justice. However, the opinions, findings, conclusions, and recommendations expressed are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

## Expert Contributions

OLTI training content is created and updated with input from professionals in a variety of disciplines, including law enforcement, prosecution, health care, victim advocacy, and related fields. Please see the acknowledgements page of each module, for a list of the individuals who served as contributing authors or expert reviewers.

## Course Evaluations

At the end of each module participants are asked a number of questions, including the overall quality of the module, as well as its difficulty. They are also asked to indicate how likely they are to apply the information they learned on the job. Their responses are summarized in the following charts, and illustrated with the quotes.

### ***What did you find most helpful in this module?***

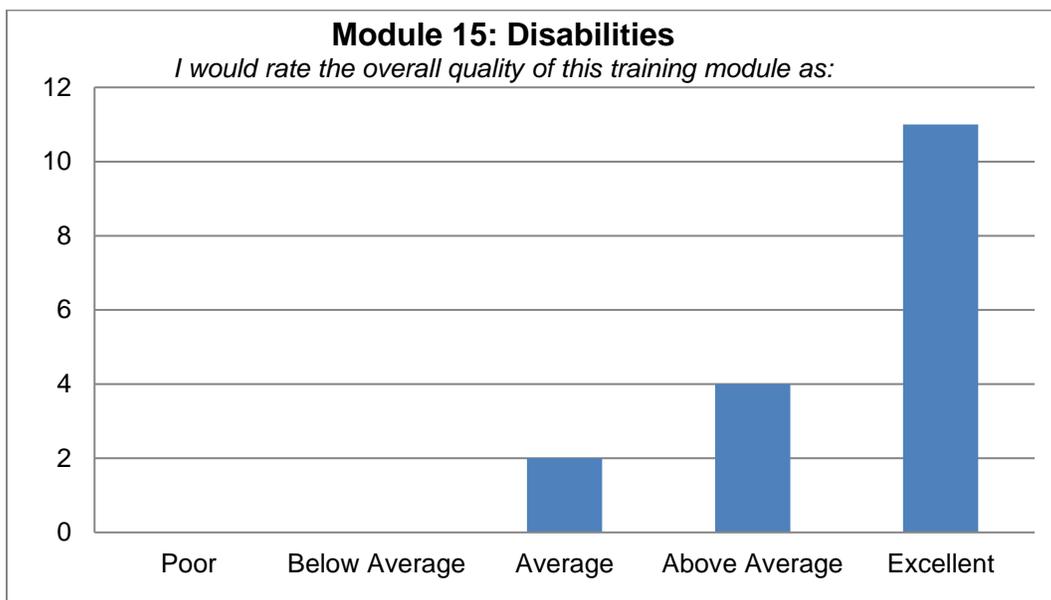
The module covered a wealth of material that will help in dealing with victims in a number of crimes.

The level of detail about various disabilities was most helpful. The resources and links to obtain model forms and policies were also very helpful.

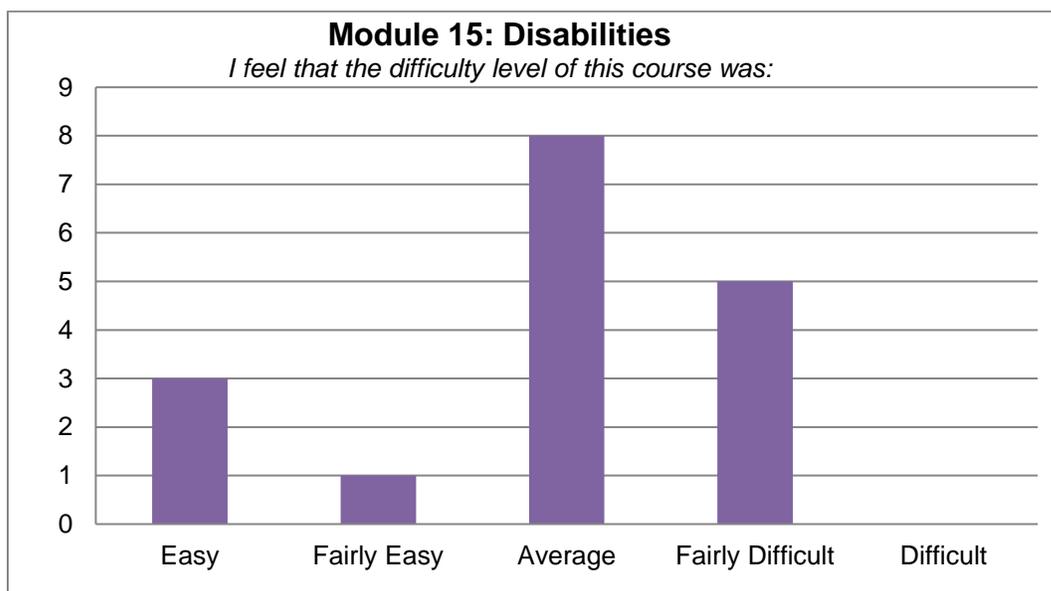
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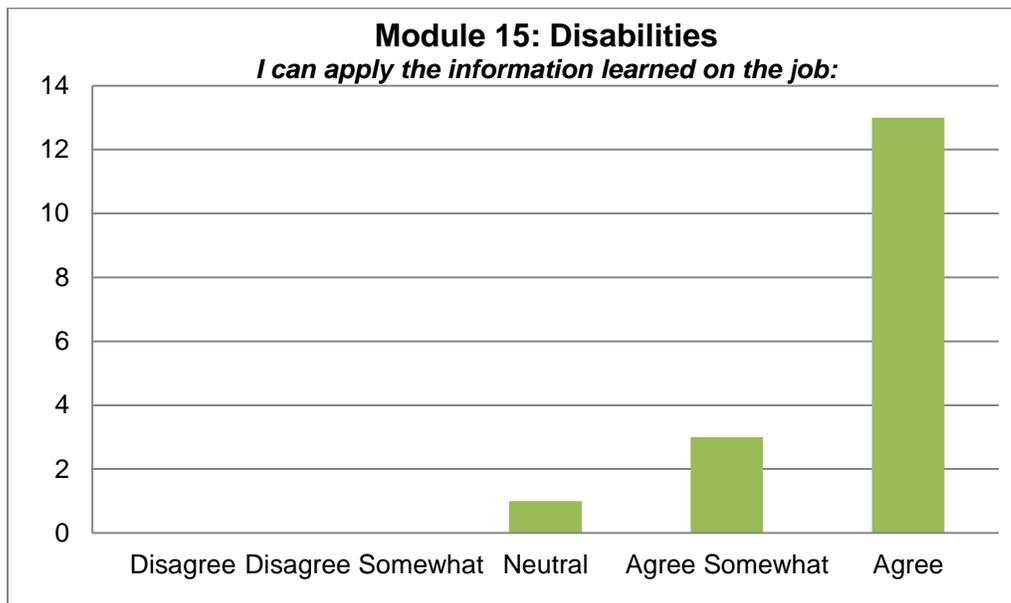
**88% rated the module “excellent” or “above average.”**



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**94% “agree” and “somewhat agree” that they can apply what they learned on the job.**

## Course Objectives

At the end of this training module, the learner will be able to:

1. Explain the general concept of disability and outline the definition and legal protections offered in the Americans with Disabilities Act (ADA).
2. Explore the responsibilities of law enforcement agencies under the ADA and recognize the need to develop comprehensive policies addressing these issues.
3. Recognize that people with disabilities are more likely to be sexually assaulted than other members of the general U.S. population and explore the similarities and differences in the dynamics of perpetration, victimization, and response.
4. Consider the importance of effective responses to victims with disabilities in the successful investigation and prosecution of sexual assault cases.
5. Outline the legal elements of various sexual assault offenses committed against people with disabilities, and craft an appropriate investigative strategy.
6. Explain what an accommodation is and appreciate the need for accommodations for people with disabilities who are victims of crimes such as intimate partner violence and sexual assault.
7. Conduct a preliminary investigation of a suspected sexual assault, including an initial evaluation of the victim’s general capabilities and adaptive functioning.

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8. Plan and execute a successful detailed, follow-up interview with the victim by ensuring that the victim's needs are met and incorporating best practice recommendations for gathering accurate information.
9. For victims who have severe cognitive disabilities, obtain a formal assessment of the victim's capacity to consent to sexual acts, in coordination with forensic interviewing specialists and other community resources.
10. Incorporate respectful and effective communication practices when interviewing victims who have one or more disabilities.
11. Access sign language interpreters, Video Relay Services, and other communication aids and services when needed.
12. Identify local resources that can provide support, resources, accommodations, and services to victims with disabilities.
13. Overcome barriers to investigations, including those arising when the victim receives residential or day services from a disability program or organization.
14. Identify additional evidence and witnesses in a thorough follow-up investigation.
15. Recognize common defense strategies and plan appropriate investigative strategies to collect and document relevant evidence.
16. Adapt and utilize sample tools to increase effectiveness when responding to victims with disabilities.

## Course Outline

- I. Definitions, Laws, and Dynamics of Sexual Violence
  - a. Disability: definitions and experience
  - b. The Americans with Disability Act
  - c. Sexual violence against people with disabilities
- II. Investigative Strategies
  - a. Establishing legal elements
  - b. Developing an investigative strategy
  - c. The critical importance of corroboration
- III. Stages of the Investigation
  - a. Initial response
  - b. Preparing for the detailed, follow-up interview with the victim
  - c. Conducting the detailed victim interview
  - d. Techniques for effective communication
  - e. Identify Additional evidence and witnesses
  - f. Anticipate a defense strategy
  - g. Prepare for courtroom testimony
  - h. Special considerations for residential and care facilities
- IV. Evaluating Capacity to Consent: Victims with Cognitive Disabilities
  - a. Conducting a formal evaluation of capacity to consent
  - b. Medical forensic examinations
- V. Victims with an Intellectual Disability
  - a. Understanding intellectual disabilities

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- b. Interviewing victims with intellectual disabilities
- c. Specific interviewing techniques
- d. Obtain a current assessment of the victim
- VI. Information on Specific Disability Types
  - a. Victims who have Alzheimer's
  - b. When the victim has a physical disability
  - c. When the victim has a communication disability
  - d. People who are deaf or hard of hearing
  - e. People who are blind or have low vision
  - f. People with epilepsy
  - g. People with autism
  - h. People with mental illness
  - i. People who use service animals
  - j. People with hidden disabilities