Investigating Sexual Assault Against People with Disabilities

Part 5: Conducting the Detailed Victim Interview

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December 2015
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Recommended Citation

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Shirley Paceley is the founder and director of Blue Tower Training in Decatur, Il. Blue Tower has resources in 48 states and 15 countries; she has spoken in over 30 states as well as in Iceland and Guam. Ms. Paceley has worked with people with disabilities for 40 years and has a Master’s degree in Clinical Psychology. She is on the Editorial Board of Sexual Assault Report. Ms. Paceley is a Project Advisor to the National Center for Criminal Justice and Disabilities. She also served on a national roundtable to develop a national strategy to end sexual abuse of children with disabilities.

Ms. Paceley developed the WE CAN Stop Abuse Curriculum for people with developmental disabilities and authored My Body My Choice as well as numerous book chapters and articles, music CDs, and DVDs. Ms. Paceley serves on the Illinois Imagines Team that facilitates systems change to enhance the response to survivors of sexual assault who have disabilities. Ms. Paceley also serves on the Illinois Family Violence Coordinating Council Responding to Survivors with Disabilities Committee which developed the first and only model statewide protocols for law enforcement and prosecutors in responding to victims with disabilities. Ms. Paceley also serves as Project Coordinator of Ensision Illinois, which addresses domestic violence in the lives of
people with all kinds of disabilities. Ms. Paceley also provides inspirational trainings and coaching. She also published the book, Living Joy-Fully.

**Christine Herrman** has over two decades of working to end violence against women. She started her career as a victim advocate and community services coordinator at a domestic and sexual violence program in her hometown of Ketchikan, Alaska. In that role, she provided prevention education and victim services to communities in the area, including towns, logging camps, Native villages, and settlements. Christine attended law school at Duke University, where she established a collaboration between the local rape crisis center and law students to provide advocacy services to sexual assault victims. After graduating from law school in 1999, Christine returned to the Pacific Northwest, where she served as a prosecutor in King County, Washington, focusing on sex crimes and crimes against children. In 2008, Christine assumed leadership of the Oregon Attorney General’s Sexual Assault Task Force, a statewide nonprofit organization that provided training and technical assistance to professionals in Oregon and nationwide on prevention of and response to sexual violence. Christine recently joined the Vera Institute of Justice in New York City as Project Director in the Center on Sentencing and Corrections. In this role, she is working on national technical assistance and research projects related to the conditions of confinement of vulnerable individuals, including one addressing the overreliance on segregation and one providing assistance to facilities implementing the Prison Rape Elimination Act. Christine is a member of the board of directors of the Oregon Crime Victim’s Law Center, and a member of CounterQuo.
This is the fifth installment in our series of training bulletins on successfully investigating sexual assault against people with disabilities. In the previous installment, we discussed the importance of conducting background research and evaluating the need for possible accommodations to prepare for the detailed follow-up interview with a victim who has a disability. In this bulletin, we provide a number of specific tips and tools for conducting this interview. Once again, much of this information pertains specifically to victims who have a disability affecting cognition and communication. However, some of the material is also relevant for sexual assault victims who have any type of disability.

**Allow Enough Time**

Investigators should begin by recognizing that more time may be needed to interview a person with a disability than might be needed for other victims. However, with sufficient patience, time, and investigative skill, victims with a disability can have equal access to the criminal justice system when they are victims of crime.

After conducting your background research, it is time to meet with the victim to establish rapport, observe communication patterns, practice using any communication aids, and gain comfort in the situation.

**Introduce Yourself and Address Concerns**

When you begin talking with a victim who has a disability, start by introducing yourself, explaining who you are, and emphasizing that you are there to help. If the initial report was made by a third party, the next step will be to find out whether the victim actually wants to talk to you. This can help to establish rapport, because it demonstrates that you are treating the victim with respect and not assuming that the third party speaks on his or her behalf.

When victims do not want to talk with the investigator, they can be asked why. The resulting discussion may reveal some misunderstanding that can be clarified or other concerns that can be addressed. If their fears can be alleviated with respect and compassion, victims may decide they are willing to talk with you. However, victims should never be forced to talk with you if they do not want to.

**Acknowledge the Victim’s Ordeal**

Acknowledge the ordeal that the victim has endured, with statements like: “I’m sorry that this happened to you.” This helps establish empathy and creates an open and nonjudgmental demeanor. This is also an appropriate time to address any fears or self-blame expressed by the victim.

For victims who appear to blame themselves for the sexual assault, you can stress the seriousness of the incident and emphasize that it is not their fault.
Determine Who Will Be Present

For victims who have a disability, it is important that they are allowed to decide whether they want a support person with them during the interview, to provide support and encouragement. In fact, this is recommended for any victim of sexual assault, not just those with disabilities; they should be offered the option of having a victim advocate or other support person present during the law enforcement interview.

Sometimes having a support person can help a victim provide better information. For victims with a disability, however, this may be a necessity. A family member, caregiver, or other staff person may be needed to assist with communication and generally facilitate the victim’s cooperation. As long as the victim expresses a wish to have the person present, and the person is not disruptive, the benefit of having them included is usually well worth the presence of an additional person in the room.

On the other hand, there will be situations where sexual assault victims do not want a particular person present, but they do not feel comfortable saying so in front of that person. This can be especially challenging when the victim has a disability, because family members and caregivers will often expect to be in the room with them. They may even be accustomed to “speaking for” the victim. Therefore, investigators must be very careful to avoid asking the victim whether or not to include a support person while that person is present. You will need to find a way to ask victims privately whether or not they want a particular person to present in the room during the interview.

Of course, support people should not be included in the interview if there is any reason to believe they might be a suspect in the case or otherwise motivated to cover up for the suspect or the organization where the assault was committed. Unfortunately, this is easier said than done because such motivations are not always clear during the early stages of an investigation. However, it should be one of the highest priorities to try and make this determination.

Explain the Role of Support People

Whoever is going to be in the room as a support person, it is critical that their role is clearly explained – both to the support person as well as the victim. For example, it must be clear that they are there to provide emotional support to the victim and to facilitate the victim’s communication and cooperation, but not to provide responses to sexual assault is never the victim’s fault. We take these issues very seriously, and I will do everything I can to get you the help you need.
questions that are directed toward the victim. They should also be advised not to take notes or write reports to document any part of the interview.

Help the Victim Feel Comfortable

Beyond determining who will be present, other steps can be taken to ensure that the victim is comfortable during the detailed, follow-up interview. For example, you can offer victims water or another beverage, indicate where the restroom is, and ask for their consent to conduct the interview. Let victims know you will be taking breaks from time to time and explain that they can ask for a break whenever they want one.

Another thing you can do to help victims feel comfortable is to increase your own comfort level:

> If you have had little interaction with individuals with disabilities, the person’s physical appearance may initially cause you some difficulty or discomfort. This is normal and only requires for you to adjust. Soon, you will find that after greater exposure to people with differences these feelings will subside and disappear (Office for Victims of Crime, 2011, pp. 9-10).

Some have even recommended that you can increase the victim’s comfort level by having materials available in the interview room they can handle and touch, “such as drawing paper, pencils, and stress balls” (Office for Victims of Crime, 2011, p. 18).

Ask Victims What They Want and Need

Another basic strategy is to ask victims what they want and need in a particular situation. This includes how the person would like you to refer to their disability, what assistance they need, and how you can most effectively communicate with each other:

> Most victims would prefer to answer these few questions upfront rather than endure your uneasiness or be uncomfortable themselves throughout an entire interview. Your respectful and sensitive questions will ensure that the language you use and the accommodations you make are appropriate, not detrimental (Office for Victims of Crime, 2008, p. 15).

However, do not ask questions merely to satisfy your own curiosity. For example, if a crime victim was blinded in an accident as a child, it would not be necessary or appropriate to ask detailed questions about the event or its impact on the person’s life – unless it is relevant to the assault. Your questions should focus on the victim’s needs and specific accommodations to address the issues at hand.
Evaluate the Victim’s Ability to Participate

While observing the victim’s communication patterns, keep in mind that any medications they are taking may have side effects that could affect their ability to participate in the interview. This could include memory loss, decreased concentration and a loss in cognitive functioning. Sometimes they may resemble the effects of drug or alcohol use (e.g., staggering gait or slurred speech). While this might be misperceived as the result of drinking or drug use it may actually be the effect of a neurological disability, a mental or emotional disturbance, or hypoglycemia (US Department of Justice, 2006).

Other problems may also be observed in the victim’s communication patterns. For example, the victim may have trouble following your conversation or producing coherent thoughts. Victims may also slur their words or even fall asleep during the interview. In this situation, it will be critical to determine whether the problem is the result of the victim’s disability or any medications they have been given. Check with the caregiver or treatment facility to find out what medications the victim was given and what time they were administered.

If the problem is the result of medications, there may be another day or time that would be better for the interview. Investigators should be flexible about scheduling, so victims can provide the most accurate and reliable information possible.

However, it is also possible that medications were deliberately administered with the goal of inhibiting the victim’s ability to participate in the interview. In fact, this may be the same medication that was given to the victim to facilitate the sexual assault or impair the victim’s memory. If there is reason to suspect that the victim is being deliberately medicated to impede the investigation, law enforcement may need to take a number of measures: taking the victim into protective custody, obtaining a blood sample for toxicological analysis, and expanding the investigation to look into this question as well as other forms of possible abuse.

Assess for Abuse or Coercion

You should also be looking for signs to indicate whether the victim is able to communicate openly. As in cases involving domestic violence, elder abuse, and child abuse, investigators must carefully consider whether the victim can provide information without pressure, coercion, or undue influence by caregivers or others. This requires watching for signs that the victim is being abused or coerced into not disclosing information to authorities.

These signs could include the caregiver:

- Isolating the victim from the outside world, family or friends
- Speaking for the victim
- Ignoring or not speaking to the victim, or emotionally isolating the victim
• Not touching or comforting the victim
• Threatening or intimidating the victim
• Acting defensively
• Behaving intrusively, or not allowing the victim to have any privacy
• Displaying a negative attitude toward people with disabilities
• Handling the victim roughly
• Showing hostility, agitation, and/or volatility
• Cursing, screaming, insulting and/or calling the victim names
• Resisting outside help, refusing to apply for aid or services (adapted from the New Mexico Coalition, n.d.)

When such behaviors are observed, law enforcement will need to expand the investigation to determine whether the victim is in fact being abused or coerced.

Allow Additional Time When Needed

Especially for victims who have disabilities affecting cognition and/or communication, it will be important to allow plenty of time for the detailed, follow-up interview.

In most cases, you will be able to complete the interview in one sitting. However, due to either cognitive or communication disabilities, there may not be enough time in one interview to gather all the information you need. Be prepared to schedule several shorter interviews to accommodate the needs of victims who have disabilities. They may tire, become too upset, or for other reasons be unable to answer all of your questions in one session (Office for Victims of Crime, 2011, p. 15).

Keep these factors in mind as you schedule and plan to interview the victim.

Up Next

Now that we have provided background on how to prepare for and conduct the detailed follow-up interview, our final installment in this series will offer specific strategies to help communicate effectively with sexual assault victims who have disabilities.

For More Information

This training bulletin is an adapted excerpt from the OnLine Training Institute (OLTI) module entitled: Successfully Investigating Sexual Assault Against People with Disabilities, by Sgt. Joanne Archambault (Retired, San Diego Police Department), Kimberly A. Lonsway, PhD, Shirley Paceley, MA, and Christine Herrman, JD.
For more information, you can register for the interactive training module in the OLTI, or you can print out the document in our Resource Library. Please note, however, that the document version does not include the review exercises or test questions that are included in the OLTI. After successfully completing the module in the OLTI and passing the end-of-course test, you can also download a personalized certificate of completion.

For detailed information on how to conduct a successful interview with a sexual assault victim, you can also see the OLTI module entitled, Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault.

For guidance specifically focused on interviews conducted by forensic interviewing specialists with sexual assault victims who have a disability, there is a DVD and guidebook published by the Office for Victims of Crime (2011).

**References**

New Mexico Coalition of Sexual Assault Programs (no date). *Accessibility to the Judicial Process for Crime Victims with Disabilities: A Law Enforcement Guide to Ensuring Equal Justice Involving Domestic Violence, Sexual Assault and Stalking*. Albuquerque, NM: New Mexico Coalition of Sexual Assault Programs, Inc.

