End Violence Against Women International (EVAWI)

Investigating Sexual Assault Against People with Disabilities

Part 6: Techniques for Effective Communication

Kimberly A. Lonsway, PhD
Sergeant Joanne Archambault (Ret.)
Shirley Paceley, MA
Christine Herrman, JD

December 2015

This project is supported by Grant No. 2013-TA-AX-K021 awarded by the Office on Violence Against Women, US Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
Public Domain Notice

Unless something is excerpted directly from a copyrighted source, all the material in this document is in the public domain and may be reproduced or copied without specifically requesting permission from End Violence Against Women International (EVAWI) or the authors. Any direct quotes or excerpts should be properly cited, however. No one may reproduce or distribute this material for a fee without the specific, written authorization of End Violence Against Women International (EVAWI).

Electronic Access

The publication may be downloaded from End Violence Against Women International’s Resource Library.

Recommended Citation

Investigating Sexual Assault Against People with Disabilities: Part 6
Techniques for Effective Communication
Lonsway, Archambault, Paceley, Herrman

December 2015

Authors

Dr. Kimberly A. Lonsway has served as the Director of Research for EVAWI since 2004. Her research focuses on sexual violence and the criminal justice and community response system. She has written over 60 published articles, book chapters, technical reports, government reports, and commissioned documents – in addition to numerous training modules, bulletins, and other resources. She has volunteered for over fifteen years as a victim advocate and in 2012, she was awarded the first – ever Volunteer of the Decade Award from the Sexual Assault Recovery and Prevention (SARP) Center in San Luis Obispo, CA. She earned her PhD in the Department of Psychology at the University of Illinois, Urbana – Champaign.

Sgt. Joanne Archambault (Retired, San Diego Police Department) is the Chief Executive Officer for EVAWI. In 2003 prior to founding EVAWI, Sgt. Archambault worked for the San Diego Police Department for almost 23 years, in a wide variety of assignments. During the last 10 years of her service, she supervised the Sex Crimes Unit, which had 13 detectives and was responsible for investigating approximately 1,000 felony sexual assaults each year. Sgt. Archambault has provided training for tens of thousands of practitioners, policymakers and others – both across the country and around the world. She has been instrumental in creating system – level change through individual contacts, as well as policy initiatives and recommendations for best practice.

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-Fullly.

**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 final installment in our series on investigating sexual assault against people with disabilities. Previously, we provided tips on how to develop an investigative strategy and an overview of how to evaluate a victim’s general capabilities as well as the specific capacity to consent to sexual acts. We also offered recommendations on how to prepare and conduct the detailed follow-up interview of a victim with a disability affecting cognition or communication.

In this installment, we describe techniques to effectively communicate with a victim who has any disability that may impact his or her ability to understand you, or your ability to understand the victim.

**Start with the Assumption You Can Communicate**

First, you should start from the assumption that you can have a normal conversation with the victim. Unless the victim has a severe cognitive or communication disability, you should be able to communicate effectively, even if it takes a while to become accustomed to the victim’s “speech patterns, inflections, and accent” (Office for Victims of Crime, 2011, p. 21).

You should also allow sufficient time for this natural process, but monitor the length of the interview, because this can become burdensome for victims (Office for Victims of Crime, 2011). Also try to “focus on what the person is saying, rather than how she/he is saying it” and “do not try to finish the individual’s sentences or thoughts (SafePlace, 2007).

**If You Cannot Understand the Victim**

If you find that you cannot understand the victim, no matter how hard you try, do not pretend that you do. Seek clarification using the strategies offered by SafePlace (2007):

**Wait:** Listen to the whole sentence or phrase. Wait for a second and try to relax. Let the conversational context help you.

**Repeat:** Simply repeating the sentence or thought may be enough. There are times, though, when repeating will not help because the speaker is not going to be able to change the way a specific word is pronounced. If repeating does not work, move on to another strategy.

**Rephrase:** Ask the individual to try and express the same thought using various words. Often, the misunderstanding hinges on one or two words in a sentence.

**Identify:** Which part of the sentence or thought was misunderstood. If you know most of the phrase and can identify which part(s) are unclear, you might try repeating what you know, and ask him/her to focus on finding a way to communicate just the part you did not get.
Spelling: Once you have located the word you do not understand, ask the individual to spell it for you. It usually just takes the first few letters of the word to clear up the confusion.

Writing: You can ask the person to write it down, or you can write down what you heard.

Getting help: if nothing else is working, you may want to ask the person if there is someone who might assist in communications (SafePlace, 2007, pp. 63-64).

If you do have someone assist with communications, however:

Carefully consider whether this other party is safe or will have opinions that influence her/his interpretations. Do not allow this person to add to or critique the crime victim’s comments, or comment about the crime itself. The crime victim must know that you believe her/his own statements (SafePlace, 2007, p. 64).

When to Switch Interviewers

When none of these strategies work, then it may be time to switch interviewers. Guidance for this difficult situation is offered by the Office for Victims of Crime (2008):

You may need to call in someone as an interpreter who knows the individual and is not invested in any way in the outcome of the interview, such as a teacher or speech therapist. If this is necessary, the interpreter must be briefed on what is expected of him or her during and after the interview. The interpreter may require debriefing following the interview, both for the person’s psychological well-being and for issues of confidentiality that may concern the victim. In the best circumstances, the new interviewer would have been observing the interview (Office for Victims of Crime, 2011, pp. 21-22).

Specific Techniques for the Interview

Assuming the interview will continue, some additional recommendations are adapted from Dr. Nora Baladerian’s (1998a) work and the Office for Victims of Crime (2008):

- Except for very brief interactions, try to position yourself at eye level with the person you are talking with. You may need to squat or sit down to communicate with someone who is sitting.

- Begin the conversation with general information to establish rapport and observe communication patterns. Keep in mind that all human beings are more difficult to understand when they are distressed. By starting an interview with topics that are
general or not directly related to the sexual assault, this can allow time for both parties to feel more comfortable.

• Discussion relating to general information or shared interests should be kept relatively limited, so it does not seem like you are focusing on trivial matters at such a traumatic moment in their lives.

• Make regular eye contact with – and speak directly to – the person from whom you are obtaining the information, not the support person or interpreter. This can be hard to do, because we are accustomed to making eye contact with the person we are actually speaking to. However, it is important to remember that the interpreter or support person is not the person you are actually speaking to.

• Proceed with rapport building. Ask general questions, use active listening, and get to know the person as an individual. Active listening requires the listener to pay attention to not only what is said, but how it is said. Reflecting back to the victim what you think is being said – and finding out how the person feels – can be helpful for understanding the communication and establishing rapport.

• If the person is an adult, communicate with the person like an adult and use a normal tone of voice. Do not speak like you might to a child, using a condescending tone or terms of endearment.

• Do not touch the victim or exhibit affectionate behaviors normally reserved for friends and family such as hugging, hand holding, or patting.

• Make sure to allow sufficient time for the person to respond to you, both for questions and other prompts. For example, if you extend your hand for a handshake, give the person time to respond by extending her or his hand in return. If you ask a question, allow ample time for the person to respond before speaking again.

• Explain that most sexual assault victims do not report to police or participate in a criminal prosecution, so you realize it took courage for them to do so. Let victims know you are honored that they trusted you enough to talk to you.

• Before terminating an interview, thank the victim for the information and assistance that she/he provided, and let the victim know what will happen next. This sets the tone for future interactions.

• Give the victim the case/incident number and your own contact information or the contact information for the investigative unit so he or she can follow-up if needed.

• Make sure victims and support people have received written information on resources and referrals for community agencies.
Conclusion

In this training bulletin series, we offered a number of tips and tools you can use when investigating a sexual assault against a person with a disability. We also provided recommendations you can use to successfully plan and execute a 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. In this final installment, we focused on strategies to incorporate respectful and effective communication practices when interviewing victims who have one or more disabilities.

We hope the information provided in this training bulletin series has increased your understanding of how to successfully investigate and prosecute a sexual assault committed against a person with a disability. The ultimate goal is to improve our responses to crime victims with disabilities and enhance their access to safety and justice.

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.

References


SafePlace (2007). In My Jurisdiction; Responding to Crimes Against People with Disabilities, Deaf Individuals, and Older Adults. Austin, TX: Disability Services ASAP (A Safety Awareness Program) of SafePlace with Deaf Abused Women and Children Advocacy Services (DAWCAS) and Family Eldercare.