Working with Victims and Witnesses with Intellectual Disabilities and Developmental Delays

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INTELLECTUAL DISABILITY

MILD: IQ level 50-55 to approx. 70
(mental age: 8.3 – 10.9)
MODERATE: IQ level 35-45 to 50-55
(mental age: 5.7 – 8.2)
SEVERE: IQ level 20-25 to 35-40
(mental age: 3.2 – 5.6)
PROFOUND: IQ level below 20-25
(mental age: 3.1 or less)
Essential Elements of Intellectual Disability

1) IQ of approximately 70 or below
2) Ability to be independent in the activities of daily living is not commensurate with chronological age;
3) Onset of disability is before age 18
Clinical Assessment

Stanford-Binet Intelligence Scale
Wechsler Intelligence Scales for Children – Revised
Kaufman Assessment Battery for Children
Peabody Picture Vocabulary IQ Test
Practical Assessment

EIPs
Teachers
Guidance counsellors
Family
Neighbors
Practical Assessment

Describe
Needs help with…
Independent living?
Pay own bills?
Gets from Point A to Point B?
Work – Type of job/responsibilities
How Common is Abuse In this Population?
More than 90% of persons with developmental disabilities will experience sexual abuse at some point in their lives –

Valenti-Hein, Schwartz 1995

49% of persons with developmental disabilities will experience ten or more instances of sexual assault –

Sobsey, D. and Doe T. 1991. Patterns of Sexual Abuse and Assault and Disability 9(3), 243-259
1 in 3 children with an identified disability for which they receive special education services are victims of some type of maltreatment vs. 1 in 10 non-disabled children. Children with any type of disability are 3.44 times more likely to be a victim of some type of abuse compared to children without disabilities.

• Sullivan and Knutson, 2000
Specifically regarding children with intellectual disabilities, they are ten times as likely to be victims of crime than others without disabilities.

Sobson, et al. 1995
Why?

Can be the function of society’s response as much as the disability itself: i.e. not “believed” by adults

Feeds into vulnerability and ability of the abuser to commit acts against victim
Parents’ fear that if they report abuse occurring in the group home/activity center that they may be forced to remove child from that placement.

Why?
Vulnerable child’s characteristics themselves:

Eager to please
Wants to make adults happy
Wants love/stability
• Perfect Victims
  • Unable to understand what is being done is wrong
  • Unable to communicate what is happening/verbalize episodes of abuse
  • No one will believe this poorly behaved child

• Especially if multiple disabilities
Why?

• 97 to 99% of abusers known & trusted
• 32% of abusers family members or acquaintances
• 44% had a relationship with the victim related to the victim’s disability
  ▪ Residential care staff, transportation providers & personal care attendants
Why?

• Victims trust the offenders
  • Persons providing them care
  • Don’t realize actions are inappropriate

• Offenders may threaten victim
  • Many children take these threats seriously
  • Children w/ disabilities more likely to take seriously

• Fear of getting in trouble

*Stats & Statistics thanks to The Arc’s “People with Intellectual Disabilities and Sexual Violence’ by Leigh Ann Davis, M.S.S.W., M.P.A.  www.thearc.org
Consequences of Abuse

• Psychological consequences:
  • Depression
  • Anxiety
  • Panic Attacks
  • Low Self-Esteem
  • Shame and Guilt
  • Irrational Fear
  • Loss of Trust
Consequences of Abuse

- Psychosomatic symptoms:
  - stomachaches, headaches, seizures and difficulty sleeping

- Behavioral difficulties include withdrawal, aggressiveness, self-injurious and sexually inappropriate behavior
Challenges to Prosecution

• All of these factors interacting before you ever enter the picture

• Remember: victim or witness is still a child
  • Perhaps on a different developmental level than chronological age
Challenges to Prosecution

• Getting the jury to understand:
  ▪ Your child
  ▪ Your child’s disability
  ▪ What it means re: credibility

You need Experts!
Working With This Population

• Must Understand Disability
  ▪ Intellectual Disability
  ▪ Learning Disability
  ▪ Communication Disorder
  ▪ Behavioral Disability
  ▪ Physical Disability

• Combination of Several
Social Development

- Short-term memory impairment
- Lower language ability
- Problems with abstract thinking
- Social isolation
- Inappropriate coping strategies
- Over-Accommodation/obedience
- Desire for social acceptance
Intellectual Disability

• Intellectual Disability
  • Must understand the disability
  • Is child moderately delayed? Severely delayed?
  • Are there model practices for communicating with someone with this disability
Intellectual Disability

• Partner with CAC or other local mental health professionals for help

• Your local ARC can be extremely helpful with both understanding and finding experts in the field
Intellectual Disability

• Understand how disability affects this child
• Speak with Family:
  ▪ Get sense of where the child is at
  ▪ How is family successful at communicating?
  ▪ Any Triggers?
  ▪ If non-verbal, does child communicate in other ways?
  ▪ Safe environment for communicating?
    • Environmental Sensitives?
Understanding Disability

• Does the Family Understand Nature of Disability?
  • Tamika’s mom described her as being “a little slow and her brain doesn’t work right”

• Sometimes family members suffer from disabilities themselves
  • Example: Tamika’s mom was also “a little slow”
Building Rapport

• Meet child where they are at:
  • May not be willing or able to discuss facts first time (or even second or third or, or, or)
  • That is OK!
  • More important child begins to trust you

• Every time you speak with child, don’t make it about the case
Building Rapport

• Be flexible
  • More communicative at home?
  • Is office conducive?

• Inability to Focus
  • Several short meetings
Talking About Case

- Let child lead conversation
  - Open ended questions
  - Like forensic interview
  - You can still guide to keep on track

- Ask for more details
  - You will need more details in court
  - Allows child to become more comfortable talking about it
Tamika

28 years old when her case crossed my desk
Sexually abused by her father since the age of 10
Second outcry
Nothing happened the first time
Characteristics

She describes herself as her brain not working right
Cerebral Palsy
Intellectual Disability – IQ of 63
“No one would believe a disabilities person”
Characteristics

Can’t live independently – lives with grandmother
No job/doesn’t drive
Suffers from seizures
She was pregnant when we met her
Characteristics

She had been told that no one would believe her.

Once we bonded, she relied on us heavily and we became part of her family.
Proving her Vulnerability

Tests
Victim Inquiry
Percipient Witness Inquiry
Investigation/Proving

Investigated her condition
Expert testimony
Friends/Family
Additional Evidence to Obtain

• Medical Records
• School Records
  • Talk to Teachers
  • Tamika’s Guidance Counselor
• Mental Health Records
  • Are they protected in your state??
  • What are discovery rules??
• Do you have the child assessed?
Present Therapist / Expert?

• Case by Case Decision
  • Does it help or hurt your case?
  • Are you going to get much from it?
    • Worth putting private records in public courtroom?
  • Will defense attempt to put evidence in?
  • Will therapist hold up under cross examination?
Confession…. He thought it was okay as long as she was 18 or older

Credibility 😊
Dad/Perp

1° Abuse of a V/A – sex abuse
2° rape – Mentally Defective Ind.
2° sex offense – Ment. Def. Ind.
3° sex offense – Ment. Def. Ind.
Incest
Sex Abuse – Minor
Child Abuse
Working with Tamika

Lots of interaction

Before and after
Result of the Case

Dad pled guilty – Cts. 1 and 2
Sentenced to 30 years
Tier III sex offender
The Aftermath

Continued interaction with Tamika
Still telephoned regularly
Birthdays/Holidays
Wanted to visit her dad in prison – Forgiveness

Permission/Grandmother
Tommy

50 year old man
Financially exploited by someone who “befriended him”
Financial Exploitation

By the time this came to his family’s attention, his “friend” had more than $250,000 in new mortgages on Tommy’s home, which was worth $60,000
Financial Exploitation

• The defendant had made Tommy a “partner” in a fake business, giving Tommy an important-sounding title – Tommy felt that giving the money to Eugene was what “partners” did
Characteristics

I.Q. of 61
Lived independently – same house his entire life
Works at the post office
Eats every day at the same place
Sits in the same booth at the restaurant
Doesn’t drive
Able to walk to and from work (Post Office)
If he needs to go somewhere outside his routine, friends drive him (or neighborhood police) or he takes taxis
Family deeply involved – pay/check his bills and mortgage
(which is how this came to our attention)
Habits and routine are very important to him

Does the same thing at the same place each day

A disruption in his routine could cause an upset reaction (one day his table was not available at the Friendly’s)…
Proving Tommy’s Vulnerability

Expert testimony – test scores
Proving Tommy’s Vulnerability

Talked with community members
Restaurant employees
Boss at work
Brother/Sister
Defendant Pled Guilty

P.D. wanted to meet Tommy

20 years DOC
The Aftermath

Wanted NO contact with us
Hearing from us causes stress and upset
We are associated with a very bad time in his life
May lose his house – family still in a battle over it
Questions