

Remember: Anyone can become a victim of a crime.

VIOLENCE AND PEOPLE WITH DISABILITIES

- While the numbers of people with disabilities who experience violence has not been tracked extensively, there are numerous studies that indicate that the risk of criminal victimization of a person with a disability is much higher than for people without disabilities.
 - Persons with disabilities are 4 to 10 times more likely to become a victim of violence, abuse, or neglect than persons without disabilities (Petersilia 2001).
 - Children with disabilities are more than twice as likely to be physically or sexually abused as children without disabilities (Petersilia 2001; Sobsey and Mansell 1994).

DEFINING DISABILITY

- In the United States, one out of five people have a mental or physical impairment. The disability is severe for half of this population.
- In Arkansas according to BRFSS data, an estimated 22 % of the adult population has a disability.
- These disabilities come in many forms, physical, cognitive, psychiatric, sensory, or developmental.
- Disabilities may be obvious, i.e. person who uses a wheelchair, or it may not be obvious. Disabilities may also be acquired or present since birth.

Visible-obvious disabilities

Cerebral palsy
Spinal cord injury
Blindness
Down syndrome
Loss of a limb

Invisible-not always obvious

Learning disabilities
Mental health issues (mental illness)
Autism
Seizure disorder
Language disorder
Traumatic brain injury

- There are also over 50 federal acts and programs, each with its own definition of disability. The act that most effects victim services is the Americans with Disabilities Act.
- Individual states sometimes have their own definitions
 - such as Arkansas' definition of developmental disability that is more narrow than the federal one

- Most definitions are set forth for the purpose of determining eligibility for services for a particular program or funding source

ATTITUDINAL AWARENESS AND ACCEPTANCE OF DIVERSITY

If you do not have any personal experience with people who have disabilities you may feel awkward and uncertain in how you respond to the individual.

It is important to first be aware of our own attitudes and beliefs about disability. Negative attitudes of others are sometimes persons with disabilities greatest barrier. How we refer to people often times has to do with how people end up treating them. Consider the following tips.

Disability Conversation Tips

Use "people first" language. Instead of saying:

- "The disabled"
- "The blind"
- "The deaf"
- "The retarded"
- "The handicapped"

Say:

- "People with disabilities,"
- "People who are blind"
- "People who are deaf"
- "Person with a developmental disability"

Put the person first, not their disability!

Avoid references that diminish or magnify the person's disability and put the disability in control of the person (i.e.):

- "Victim of"
- "Afflicted by"
- "Suffers from"
- "Wheelchair-bound"
- Etc.

Instead use terms that put the person in control of the disability like:

- The person who "uses a wheelchair"
- The person who has "sustained an injury" or "has [a condition]"

You also want to **avoid terms** like:

- "Crippled"
- "Deaf and dumb"
- "Deaf-mute"
- "Retarded"
- "Demented"

LAWS THAT APPLY TO SERVING VICTIMS WITH DISABILITIES

Both the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination on the basis of a disability.

Title II of the ADA applies to state and local government entities, while Section 504 applies to recipients of federal financial assistance, including recipients of grants from the U.S. Department of Justice (DOJ). Title III applies to places of public accommodations including private agencies that are either for profit or non-profit that provide services to the public.

Under the ADA and Section 504, an individual with a disability is a person who

- (1) has a physical or mental impairment that substantially limits one or more major life activities;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

Major life activities include things like:

- caring for one's self
- performing manual tasks
- walking,
- seeing
- hearing
- speaking
- breathing
- learning
- and working

To be substantially limited means that such activities are restricted in the manner, condition, or duration in which they are performed in comparison with most people.

Title II and III of the ADA and Section 504 require that victims of crime who have a disability have an equal opportunity to benefit from and participate in all programs, services, and activities of an agency.

Agencies are required to make reasonable modifications to policies, practices, and procedures where needed to accommodate crime victims with disabilities, unless doing so would fundamentally alter the service, program or activity the agency provides.

PRACTICAL INFORMATION FOR PROVIDING SERVICES

- **Let's begin by looking at this COMMUNICATIONS FRAMEWORK for victim service providers that is taken from Chapter V of the National Crime Victim Assistance Academy Training Manual**
 - Victim service providers have an opportunity and a responsibility to advocate for victims with in the aftermath of a crime and throughout their involvement in the criminal or juvenile justice system. Victim service providers must be able to communicate effectively with crime victims and survivors, who may be in crisis and in a hypersensitive state, in order to assess the situation and respond effectively to their needs. Victim service providers who practice good communication skills are better able to help victims move forward and reclaim the control they have lost as a result of their victimization. Poor communications can further traumatize and revictimize the victim.

The goals of effective communication with crime victims are to:

- Identify victims' needs and attempt to meet them.
- Explain the justice process and the role of the victim service provider and allied professionals.
- Help victims to understand and exercise their statutory and constitutional rights in accordance with the law.
- Protect the safety of victims.
- Provide information.
- Obtain information.
- Be sensitive to additional needs or concerns.

Good communication requires that the message be sent and received as it was intended. Victim service providers must do everything in their power to become aware of and overcome any communication barriers that might exist in their relationships with crime victims. (From V-17 NCVAA)

Some disabilities may impact communication or the processing of information:

- Ability to take in information (**INPUT**)
 - Amount of competing stimuli either internally or externally that may be present

- Understanding of information taken in – comprehension (**PROCESSING**)
 - The amount of information that can be taken in at any one time
 - The level of stress and/or fear based on prior experiences as a result of the disability also effects this
- Ability to respond (**OUTPUT**) – usually speaking

Some disabilities may result in difficulty in your communication with them as crime victims. These may include:

- Person who is Deaf who cannot take in verbal language.
- Person who has a learning disability that affects how they process information.
- Person who has a speech impairment that may prevent them from verbally communicating or who are difficult to understand.

People who use wheelchairs

- The wheelchair is an extension of the person’s body – remember to treat it as such.
 - ◆ If a person transfers to a chair be sure not to move their wheelchair, cane, crutches, walker or other device beyond easy reach. Get at eye level to speak rather than standing if it will be a long conversation.
 - Speak to the person face to face.
 - ◆ Always ask before you move a person in a wheelchair, out of courtesy, but also to prevent disturbing the person’s balance.
-
- ◆ Know that transportation may be difficult or unavailable for victims with physical disabilities
 - ◆ Assistance with housing may require some additional steps to insure accessibility and use by the person or additional time maybe needed to put supports in place.
-

Information on building accessibility was included in the Americans with Disabilities Act of 1990. 28 CFR Part 36 was published by the Department of Justice and includes the ADA Standards. You can obtain a copy of this by calling the Department of Justice information access line at 1-800-514-0301 or you can obtain materials by visiting their website at www.usdoj.gov/crt/ada/adahom1.htm

People who have hearing loss or who are Deaf

- Hearing loss, deaf” and “hard of hearing” have different meanings.
- Not all people who are deaf or hard of hearing can read lips.
- For someone who does read lips, always face a person and keep hands from in front of your face.

- Finger spelling is not the same as sign language.
- People who are Deaf will often times need an ASL or other type of interpreter to insure effective communication.
- Be prepared to use a TDD or the telecommunications relay system.

DIFFERENCES BETWEEN- A SIGNER and AN INTERPRETER

SIGNER

Knows sign language but is not fluent.

Can communicate his/her own thoughts effectively most of the time.

Is not familiar with the Code of Ethics for interpreters and therefore will not follow them.

May have had one or two sign language classes or may have learned signs from a book.

Will not be certified or state screened.

May know only one or two persons who are Deaf.

Is not knowledgeable about the professional interpreter's role, but rather views his/her role as a "helper."

Is not ready or qualified to interpret.

Is NOT a professional.

INTERPRETER

Is fluent in English and sign language.

Can interpret someone else's thoughts effectively.

Is knowledgeable of and promises to follow the Code of Ethics.

Is formally trained in language systems, interpreting theory, cross cultural communication and ethical decision making.

Will be certified or hold a state screening level.

Is involved in the Deaf Community and knows many people who are Deaf.

Is highly knowledgeable about the professional role of interpreters.

Is qualified and able to interpret in most settings.

Is a professional.

Statewide Interpreter Referral Services

- Communication Plus (private company) contact Liz Watson (501) 224-2521
- Arkansas Rehabilitation Services (state agency that maintains list of interpreters) contact Zania Musteen (501) 686-9684
- Sign Language Specialists (private company serving Northwest Arkansas) 866.372.1773 <https://www.signlanguagespecialists.com/index.php>

For specific cost information contact the agency directly. It is also possible to hire interpreters directly without going through an agency. This often times saves money but also increase the amount of staff time as it might require several calls to find someone. Another issue is that the level of the interpreter in this type of work is critical. There is a state level certification and a national level certification. For work in the legal system it is best to use nationally certified interpreters or at the very least – high level state certification. For issues related to court proceedings, the Administrative Office of the Courts provides for interpreters.

Explanation of Credentials

CSC (Comprehensive Skills Certificate)

Holders of this full certificate have demonstrated the ability to interpret between American Sign Language and spoken English and to transliterate between spoken English and a English-based sign language. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. The CSC examination was offered until 1987.

CI and CT (Certificate of Interpretation and Certificate of Transliteration)

Holders of both full certificates (as listed below) have demonstrated competence in both interpretation and transliteration. Holders of the CI and CT are recommended for a broad range of interpretation and transliteration assignments.

CI (Certificate of Interpretation)

Holders of this certificate are recognized as fully certified in Interpretation and have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English in both sign-to-voice and voice-to-sign.

CT (Certificate of Transliteration)

Holders of this certificate are recognized as fully certified in Transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign.

NAD V

This is certification that was previously awarded by the National Association of the Deaf. An NAD V is the highest level awarded by the organization. A person who holds this level is currently recognized by RID, the Registry of Interpreters for the Deaf.

USE OF SIGN LANGUAGE INTERPRETERS

•Qualified Interpreters

–Typically interpret for 45-60 minutes at a time, then take a break

•Do not speak or look directly at the interpreter, look at the person.

- Do not attempt to involve the interpreter in the conversation. They are there as a communication aid and not as a participant.
- Do not ask questions to the interpreter to ask the person – ask the person.
- Do not ask questions of the interpreter following the interview about anything related to the interview.

Arkansas Relay Service

This service enables you to have a telephone conversation with a person who cannot use a standard telephone due to hearing or speech difficulties

In Arkansas dial 711 if using either TTY or voice

Making a call using the relay service:

1. Dial the voice phone number: **711**.
2. A Communications Assistant (CA) will answer.
3. Tell the CA that you want to place a TDD call to (person's name) and give the phone number.
4. The CA then uses a TDD to contact that person.
5. The CA acts as an interpreter to relay what both parties say.
6. The CA will let you know when connection has been made.
7. Talk in your normal speaking voice (you may want to slow down a little but not too much). Try to imagine you are actually typing yourself and use TDD abbreviations and descriptions of emotions.
8. When you are finished speaking say "**GA**" for "**Go Ahead**". This lets the CA know that you have completed what you are saying and it is their turn to speak/type.
9. Think of the CA as an interpreter, who is there only to relay your conversation. Talk directly to the person you called, do not say "Tell him or her".

Receiving a call from a person using a TDD through the Relay Service

When you answer the phone, the CA will explain that you have a relay call from (person's name). Just begin talking to the person as you normally would. E.g., "Hello, this is (your name), GA" and continue as outlined in the TDD instructions.

However many people who are Deaf are now using another method of communication called video-phones. For an explanation of this service and how it works – go to www.sorenson.com

Sorenson Video Relay Service (VRS) is a free service for the deaf and hard-of-hearing community that enables anyone to conduct video relay calls with family, friends, or business associates through a certified ASL interpreter via a high-speed Internet connection and a video relay solution (or VRS call option).

People who have cognitive or developmental disabilities

- **Use simple language and short sentences**
 - Example “ A lot of feelings” rather than overwhelmed
 - **Speak slowly and clearly**
 - **Do not use technical terms, jargon or acronyms**
 - **Use concrete terms and ideas (avoid abstract as much as possible).**
 - **Ask questions using few words.**
 - **Restate questions if needed.**
 - **Ask the person to repeat back to you what you said.**
 - **Proceed slowly and give support and encouragement.**
 - **Avoid questions that give the person the answer you expect.**
 - **Phrase questions to avoid yes or no answers.**
 - **Avoid frustrating questions about time, complex sequences, or reasons for behavior.**
-

People with speech difficulties

- **Having a speech difficulty does not mean a person does not comprehend or understand language.**
- **Take time to listen and relax.**
- **It is okay to ask the person to repeat for you.**
- **Eliminate background noises as much as possible.**
- **It is okay to say “I do not understand.” Patience is the key.**
- **Some persons with speech difficulties may use assistive technology to communicate (for example an augmentative communication device or a letter board)**

People with mental illness or mental health issues.

- **Mental illnesses are biologically based brain disorders. They cannot be overcome through "will power" and are not related to a person's "character" or intelligence.**
- **Mental health issues can happen to anyone at anytime.**
- **Mental illnesses fall along a continuum of severity.**
- **Their lives are made more difficult by the fact that many people do not understand the illness nor them**
 - Often in society they are feared, avoided or mocked
- **Be respectful and calm.**

- **Be very patient and know that your comfort level is very important when interacting with a person with a mental illness**
- **If needed ask the person what support strategies would be helpful.**

People who are blind or have low vision.

- **The ability to see exists along a continuum from sighted to partially sighted to blind**
- **Identify yourself immediately to the person when coming into their presence.**
- **Speak in a normal tone**
- **Do not yell or talk loudly**

ISSUES THAT ADD TO THE SILENCE OF VIOLENCE IN THE LIVES OF PEOPLE WITH DISABILITIES

(The following is taken from a presentation by Leigh Ann Davis of the ARC of the United States and is used with permission)

Some issues unique to victims with disabilities include:

1) Using the term “abuse” vs. “crime”

Often crime against people with disabilities is called “abuse” rather than a crime or assault. Using the word abuse may minimize the fact that the act was also a crime. The media may use the term abuse as opposed to the word crime when someone with disabilities is assaulted, for example rape is often called sexual abuse. This can lead to less outrage among the public and law enforcement officers. Euphemisms are often used in institutional settings where such acts are dealt with administratively, rather than calling the police. This leads to the next issue:

2) Using administrative remedies vs. prosecution

Crimes that occur in residential facilities are often not reported to police. It will often be handled “in-house” through some sort of administrative action (the person is fined, suspended or fired rather than arrested).

3) Victimization by primary caregivers and personal assistants

Some people with disabilities receive care from family members or paid caregivers. The victim may not want to report the crime for fear of losing the care they need or the victim may be afraid that the caregiver will retaliate (a realistic fear) or lose their love or friendship. Remember, some people with disabilities have very limited access to friendships and often experience a great deal of isolation.

4) Little to no education or training for victim advocates, police, prosecutors and others

People with disabilities, especially those with hidden disabilities, may not have the same access to victim services due to an uneducated (not necessarily uncaring) criminal justice system. Those with disabilities who attempt to obtain assistance may find that the people they contact are insensitive or have no idea of how to

provide effective assistance. This is to be expected without providing adequate training and information.

5) Lack of reporting or prosecution of crimes against those with disabilities

Reasons for not reporting crime include: 1) denial that it happens, 2) the belief that nothing will change to benefit the victim if it is reported, 3) fear of retaliation of the victimizer, 4) probability of not being taken seriously or being labeled incompetent to testify, 5) fear of losing friendship or a care provider that one is completely dependent on.

6) Perceived ability to provide testimony (the credibility issue)

People with developmental disabilities are often seen as incompetent witnesses based on the presence of a disability. A recent study (June, 1999) found that people with mental retardation can give accurate accounts of witnessed events. The accounts are usually less complete than those provided by the general population and they are greatly influenced by methods of questioning. People with mental retardation are likely to require assessment before being allowed to testify, but their competency to serve as a witness should be based on specific requirements of the task rather than using stereotypes.

NETWORKING BETWEEN THE VICTIM SERVICES AND THE DISABILITY COMMUNITY

Programs that have been successful in serving people with disabilities have:

- **Included information about serving people with disabilities in their training.**
- ◆ **Understood the need to promote efforts to work with people with disabilities**
- ◆ **Insured access to information and services**
- ◆ **Outreached to persons with disabilities by networking with other programs**
- ◆ **Provided auxiliary aids and services to insure effective communication. This has included interpreters for people who are Deaf or hard of hearing.**
- ◆ **Learned about and worked to comply with the Americans with Disabilities Act**

RESOURCES - for DISABILITY INFORMATION

- Centers for Disease Control (CDC) <http://www.cdc.gov>
- National Dissemination Center for Children with Disabilities (NICHCY). <http://www.nichcy.org/publist.asp>
- Family Village <http://www.familyvillage.wisc.edu/library.htm>
- Depression and Bipolar Support Alliance formerly known as the National Depressive/Manic Depressive Association <http://www.ndmda.org>
- National Alliance for the Mentally Ill (NAMI) <http://www.nami.org>
- National Organization for Rare Disorders (NORD) <http://www.rarediseases.org>
- Job Accommodation Network <http://www.jan.wvu.edu/links/>

RESOURCES – about VIOLENCE and DISABILITY

- Accessing Safety Initiative, <http://www.accessingsafety.org/>
- Safeplace in Austin, Texas,
http://www.safeplace.org/site/PageServer?pagename=program_disability_trainingmaterials
- Victims of Crimes with Disabilities: Resource Guide
<http://wind.uwyo.edu/resourceguide/>

RESOURCES – The following additional websites may be helpful in connecting you with resources in your community. These can serve as jump sites to other programs. This is not an exhaustive list.

- Arkansas Commission on Child Abuse, Rape and Domestic Violence
<http://www.accardv.uams.edu/>
- Arkansas Mental Health Council - <http://www.mhca.org/>
- Arkansas Department of Human Services- DHS Listings
<http://www.state.ar.us/dhs/homepage.html>– includes Divisions of Developmental Disabilities Services, Behavioral Health Services, and Aging and Adult Services
- Arkansas Coalition Against Domestic Violence (ACADV)
<http://www.domesticpeace.org>
- Arkansas Coalition Against Sexual Assault (ACASA) <http://www.acasa.org>
- NAMI-AR <http://ar.nami.org/>
- Partners for Inclusive Communities – UAMS <http://www.uams.edu/partners>

Centers for Independent Living in Arkansas can assist with providing information about how best to serve victims with disabilities as well as Partners for Inclusive Communities.

Sources for Community IL Services, Inc.

Jim Mather
1918 North Birch Avenue
Fayetteville, AR 72703
(479) 442-5600
TTY: (479) 442-5600
FAX: (479) 442-5192
EMAIL: sources@arsources.org

Spa Area IL Services, Inc.

Brenda Stinebuck
101 Archwood Street
Hot Springs, AR 71901
(501) 624-7710
TTY: (501) 624-7710
FAX: (501) 624-7003
EMAIL: bstinebuck@ar-sails.org

Mainstream Living, Inc.

Rita Byers
300 South Rodney Parham, Suite 5
Little Rock, AR 72205
(501) 280-0012
TTY: (501) 280-9262
FAX: (501) 280-9267
EMAIL: mainstreamlr@sbcglobal.net

Delta Resource ILC

Lynne McAllester
1514 South Poplar
Pine Bluff, AR 71601
(870) 535-2222
TTY: (870) 535-2222
FAX: (870) 534-8191
EMAIL: drcil@sbcglobal.net
URL: none

**Victims Justice – Crime Victims with Disabilities Project
Partners for Inclusive Communities**

**2001 Pershing Circle – Suite 300
North Little Rock, AR 72114
501-682-9900
501-682-9902 TTY**

Content for this presentation was obtained from the following sources:

- Americans with Disabilities Act Technical Assistance CD-ROM, United States Department of Justice, Civil Rights Division. Updated 2003.
- Mansell, Sheila and Sobsey, Dick. (2001) Counseling People with Developmental Disabilities Who Have Been Sexually Assaulted. Published by NADD. New York.
- Myers, L. A. (Pending). Access to Justice: A Disability Primer for Law Enforcement, Milwaukee: Independence First.
- State and Metropolitan-Area Estimates of Disability in the United States, 2001, November 2005, Vol 95, No. 11, American Journal of Public Health
- 2007 National Victim Assistance Academy, Foundation Level Training, Participants Manual, Office for Victims of Crime.