

What? Please Repeat That:

The Importance and Consequences of Non-Typical Communication in the Criminal Justice System.

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Who are you and why did you choose this workshop?

- Have you/your agency served people with significant speech disabilities/complex communication needs?
- What communication barriers did you experience? How did you resolve any barriers?
- What was your reaction to the experience?
- Were you SURE you understood what the person was saying? (How did you know?)

What Is VOICE?

Validating Others' Intentional Communicative Expression

VOICE is a tool to ensure that crime victims with complex communication needs are heard...by law enforcement, first responders, victim service professionals and the court system.

What is Communication? The Basics

- Communication: *The creation of shared meaning; takes "two" – speaker and listener; sender and receiver*
- Speech: *Oral production of spoken symbols in order to share meaning*
- Language: *Rule-governed use of symbols (spoken, written) to convey (express) or understand meaning*

What is Communication? The Basics

- Components of Communication: Who, what, why, where, when, and how
- Components of Speech: articulation, rhythm (fluency, rate), voice (resonance, loudness)
- Components of Language: syntax (grammar), semantics (meaning), pragmatics (social use)

The Communication Process

- Sending *and* receiving
 - Not just speech
- One person speaks--One person listens
 - Speaker encodes thoughts and mental representations into speech (or writing, or...)
 - Listener decodes sound waves into speech sounds and speech sounds into words, and assigns meaning
- Speaker and listener must share same code
- Communication partners co-construct the message

Communication Competence

- Efficient and effective use of phonological, semantic, syntactic, and morphological systems
- Fluency and cohesion
- Pragmatics, including conversational repair
 - Can identify when the listener did not understand the message
 - Can supply needed modifications
- Can initiate and follow topics

So...

- Can you have language without communication?
- Can you have communication without speech?
- Can you have language without speech?

“Don’t assume that, because I don’t speak, I have nothing to say”

Who are the people with communication disabilities?

- Acquired diseases (Parkinson’s, ALS, stroke)
- Acquired conditions (head injury, including other injuries that may have resulted from accident, abuse/neglect)
- Developmental disabilities (cerebral palsy; childhood apraxia of speech; autism) – may [or may not] be associated with intellectual disabilities
- Associated with cognitive deficits, mental illness (ideation, confusion)
- Hearing loss

*Why do we need
“VOICE”?*

We Need VOICE Because

Communication is key to disclosing, reporting, and testifying in court.

Communication is key is receiving appropriate supports and services.

The “best” victim is the one who can’t tell.

Incidence and Prevalence

Compared to women without disabilities, women with disabilities are:

- More likely to experience physical & sexual violence
- Increased severity of violence
- Multiple forms of violence
- Longer duration of violence

Incidence and Prevalence

25%- 83% of women with intellectual disabilities have been sexual abused

High probability of repeat victimization

Heightened risk of victimization regardless of their living situation

Research Tells Us...

Offenders often are care providers

Limited national/large data collection requirements or initiatives focused on people with disabilities

Very few sexual assault support services

Similar trauma experience

Disclosing & Reporting

More than half the crimes never reported

Not perceived as credible witnesses

Handled administratively

Lower rates of police follow-up, prosecution and convictions

Impact of Life Experiences in Residential Settings and Crime Reporting

INSTITUTION

GROUP HOME

LIVING WITH FAMILY

INDEPENDENT LIVING

Meet Our Colleague

- Listen/watch our colleague.
- Write down the answers to the following questions:
 - Her full name
 - Three facts about her educational background
 - Four facts about her professional employment history

Things that facilitated/impeded understanding

- Characteristics of the woman's speech?
- Characteristics of the environment?
- Your experiences (e.g. with people with communication impairment)?
- Your expectations (context)?
- Other factors?

Augmentative and Alternative Communication (AAC) Basics

- Strategies for people with complex communication needs to increase communicative success
- May be aided (low tech/high tech) or unaided (e.g. signs, gestures)
- Speech generating devices (SGD) – “dedicated” or generic with specialized software (or app!)
- Multimodal
- Video

Augmentative and Alternative Communication (AAC) Realities

- Not everyone who could benefit from an SGD has one (choice; access; funding)
- Not everyone who has an SGD uses it well (especially in high stress situations)
- Communication rate is slower than speech
- Vocabulary is usually pre-programmed; location (and meaning) may need to be taught
- If the user can't spell, vocabulary is constrained
- Use of pre-stored messages may make it appear that the message is not the user's “own words”

Case Scenario

A 16 year old girl, attending a school for students with significant disabilities, discloses to staff that her mother's boyfriend had sex with her.

The victim uses both her voice and an AAC device to communicate. When experiencing stress she relies more on her AAC device.

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Issues Presenting the Case

- Does the witness need/want her Speech Generated Device (SGD) in court?
- What impact may the stress of the situation have on her use of the device?
- How will the presence of the SGD impact the judge? Jury? Others?

Issues Presenting the Case

- How will the presence of the Speech Generated Device (SGD) impact the judge? Jury? Others?
- Are the words that the witness needs available and can she readily retrieve them? does her vocabulary allow her to use sufficient detail and respond to likely questions?
- Logistics: Battery life; recharging if necessary; back-up device(s) including low tech

Who is VOICE for?

People with significant SPEECH disabilities who

- Use AAC devices most of the time, but use of VOICE may validate the person's message.
- Use AAC devices but who prefer to use their speech, especially when they do not have the vocabulary they need on their device (and can't spell).
- Use a “low-tech” communication aid, in conjunction with their speech.

Who is VOICE for?

People with significant SPEECH disabilities who

- Usually DO NOT use AAC devices but depend upon their speech (sometimes accompanied with gestures or signs).
- May also have **mild** language, intellectual or cognitive impairments.

VOICE is NOT for?

- NOT for people who are Deaf or Hard of Hearing.
- NOT for people with significant linguistic, intellectual, or cognitive impairment.
- NOT for people who are speakers of other languages

Requesting VOICE: An Accommodation for People with Complex Communication Needs

Who makes the request for VOICE ?

- Victim Services
- The Prosecutor
- Disability Advocate
- Family
- Victim
- Disability Service Provider

VOICE Components

- The “speaker”
- The “listener” - the VOICE interpreter
- The physical environment/context
- The topic/situation
- Unaided strategies for clarification
- Aided strategies for clarification

Conditions Affecting Intelligibility: *The Speaker*

- Communication skills – speech; language; cognition
- Health condition(s)
- Disability
- Familiarity with communication partner
- Familiarity with environment/context
- Content of the message

Conditions Affecting Intelligibility: *Who is Listening?*

- Age (may impact vision, hearing skills)
- Familiarity (with particular individual; with persons with non-standard articulation in general)
- Gender
- Better vs. poorer listener

Who makes a good listener?

- To some degree...proficient listeners may be able to compensate for reductions in the talker's proficiency (Fletcher and Galt, 1950).
- Partners familiar with the particular speaker (extensive contact, over time)
- Partners familiar with or interested
- in individuals with speech disabilities (e.g. speech-language pathologists) (DePaul and Kent, 2000)

Selecting a VOICE interpreter

- The individual's MOST familiar partner(s) are most likely to be able to understand the individual BUT those partners may have a "stake" in what the individual is saying in this matter.
- A speech-language pathologist or other person experienced with individuals with impaired speech may be useful.
- VOICE interpreter should have normal hearing and be a native speaker of English

Preparing the VOICE Interpreter

- The prospective VOICE interpreter should gain experience with the individual prior to testimony.
- Preliminary interaction(s) may include one or two in which familiar listeners are present who can validate the VOICE interpreter's understanding.
- The prospective VOICE interpreter should have an opportunity to interview familiar listeners about the individual's use of idiosyncratic gestures and their meanings (if any).

Preparing the Environment

- Lighting
- Noise (movement of materials; AC/Heating; others talking, traffic, tree limbs brushing against a window, noise from neighboring office)
- Movement/distractions (others talking, moving about)

Judicial Proceedings Differ from Typical Communication

- Emotional context – fear; anxiety
- Physical context - unfamiliar environment; unfamiliar people
- Form of communication – formal, Q&A versus conversational
- Complexity of linguistic INPUT – extra processing demand
- Use of words not frequently used

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Preparing for the Interview

A private, quiet and comfortable space

No interruptions: no telephone, intercom, cell phone, Blackberry

Have tissues, bottle water, stress ball readily available

Sit facing the person

Preparing the Victim

- Introduce yourself
- Explain your role
- Develop rapport
- Develop signals for when the victim is tired, wants to stop, wants you to repeat or correct your re-voicing
- Stay focused
- Pay attention to victim's body language
- Short multiple interviews

Introductory Questions

- What do you like to do when you are in school or at work?
- How long have you lived here?
- What's your favorite television show?
- What kind of music do you like to listen to?
- Let's talk about your pet.
- Where do you like to shop?
- What's your favorite restaurant?

Conditions Affecting Intelligibility: *What is being said?*

- Paragraphs, narrative accounts
- Sentences
- Words in sentences
- Words
- Predictable content /not predictable

Other Considerations

- Will the individual use a low-tech or high-tech communication system (AAC device) with which she is familiar and skilled? How? (e.g. if the person is spelling the word letter-by-letter, the VOICE interpreter might state/re-state the word when completed).

Other Considerations

- What is the availability of vocabulary needed for proceedings? if new vocabulary is added allow time for learning its meaning and location.
- PRACTICE will be required before use in high-stakes contexts.

Other Considerations

- Who will pay for VOICE interpretation?
- Where do you find suitable VOICE interpreters?
- How do you ensure confidentiality?
- Future directions: Standardization of the VOICE interpreter training protocol, including the development of listener proficiency indices

Any Questions?



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