

Instructor Worksheet 3.1

Applicable Laws Questions/Answers

1. Created a Victim's Compensation Fund. (VOCA)
2. Helps victims through means other than punishing the criminal. (VOCA)
3. Administers grants for victim compensation and victim assistance. (VOCA)
4. Provides for victim assistance, such as this. (VOCA)
5. Ensures the right to be reasonably protected from the accused. (Justice for All Act)
6. Ensures the right to full and timely restitution. (Justice for All Act)
7. Ensures the right to be heard at public proceedings. (Justice for All Act)
8. Ensures the right for victims to be treated with fairness and respect. (Justice for All Act)
9. Eliminates DNA backlog. (Justice for All Act)
10. Improves criminal justice and community-based responses to domestic violence. (VAWA)
11. Funds services through STOP Grants, Elder Abuse Grants, and other grant programs. (VAWA)
12. Funds services to enhance investigation and prosecution of violent crimes against women. (VAWA)
13. Emphasizes a coordinated community response to domestic violence, dating violence, sexual assault, and stalking. (VAWA)
14. Extended voting rights throughout the U.S. (Civil Rights Act)
15. Prohibited racial segregation in schools. (Civil Rights Act)
16. Established a Commission on Equal Employment Opportunity. (Civil Rights Act)
17. Invalidated Jim Crow laws. (Civil Rights Act)
18. Requires employers to provide equal employment opportunities to qualified people with disabilities. (ADA)
19. Requires state and local governments to give people with disabilities equal opportunities to benefit from programs, services, and activities. (ADA)
20. Requires state and local governments to make "reasonable modifications" for accommodation. (ADA)
21. Prevents discrimination against people with disabilities in public accommodations, privately operated entities, and commercial facilities. (ADA)

INSTRUCTOR WORKSHEETS
Supporting Crime Victims With Disabilities

22. Considered the first “rights” legislation to prohibit discrimination against people with disabilities. (Rehabilitation Act)
23. Contains Section 504, which defines the rights of people with disabilities to participate in federal programs, benefits, and services. (Rehabilitation Act)
24. Defines individuals with disabilities as “persons with a physical or mental impairment which substantially limits one or more major life activities.” (Rehabilitation Act)
25. Specifically prevents recipients of federal financial assistance from discriminating against people with disabilities in employment opportunities. (Rehabilitation Act)
26. Authorizes the U.S. Attorney General to investigate conditions of confinement at state and local government institutions. (CRIPA)
27. Focuses on abuse and neglect in nursing homes and juvenile facilities, and sexual victimization of women prisoners. (CRIPA)
28. Enforces the rights of institutionalized persons with disabilities to receive adequate habilitation and active treatment. (CRIPA)
29. Allows that the Attorney General may initiate civil lawsuits in cases where conditions are “egregious or flagrant.” (CRIPA)
30. Designed to increase public awareness of victims of crime who have developmental disabilities. (CVDA)
31. Authorizes the collection of data to measure the extent of crimes against individuals with developmental disabilities. (CDVAA)
32. Encourages strategizing to address the safety and justice needs of victims of crime with developmental disabilities. (CDVAA)
33. Notes that studies showed crime victims with developmental disabilities were at risk for repeated victimization. (CDVAA)
34. Gives federal authorities greater ability to investigate hate crimes that local authorities choose not to pursue. (Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act)
35. Removes the prerequisite that the victim be engaging in a federally-protected activity. (Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act)
36. Makes it a federal crime to assault someone because of his or her gender, gender identity, sexual orientation, or disability. (Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act)
37. Enacted the first federal law to extend legal protections to transgender individuals. ((Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act)

Instructor Worksheet 5.2

Challenges With Responses

Law Enforcement

Law enforcement officers occasionally stop and arrest people with disabilities because they have little or no training in disabilities. By the same token, people with disabilities – especially developmental and intellectual disabilities – may not understand why they are being stopped. If questioned inappropriately, they may admit to something they didn't do, whether out of pressure or fear of authority.

When someone with a disability is arrested, and an investigation takes place, the individual's disability may not even be recognized. Most people don't realize that a majority of those affected by intellectual disabilities are only mildly affected (approximately 88 percent) and will not readily appear as having a disability.

However there are a number of checklists that have been created to help officers identify the presence of a disability. (*The Arc of the U.S. Justice Advocacy Guide 2006, Leigh Ann Davis*)

For example, an officer can find out if the person:

- Has a support coordinator (for ID/DD) or a case manager (for mental illness) or other staff or friends at a center or group home.
- Lives in a group home, or other congregate living facility.
- Receives SSI.
- Has an ID that provides a phone number to call.
- Appears too open to being led by others or too eager to agree or please the questioning officer.
- Has difficulty communicating events in his or her own words (without parroting or mimicking responses).
- Seems overly awed or intimidated by the police uniform, badge, and gun.
- Seems to agree to everything asked of him or her.

It is important for the police officer to ask the person for an ID. People with intellectual and developmental disabilities often carry identification with a phone number for a contact person (support coordinator, friend, family) that the police can call.

In addition, some states have created registries where families can provide a photo and essential and confidential information about a person of any age with disabilities to the local sheriff's office or police department. This may be called a "Premise Alert" system. It is available to anyone who wants first responders to know that living in their home is an elderly person, small child, pets, a person with a disability – anyone the first responder should be aware of that might need assistance in case of a fire or other emergency.

Community Advocates (victim service providers; disability service providers)

Advocates such as victim service providers and disability service providers have a number of responsibilities that can span disciplines. Immediately after an assault, it is most important that the victim find a safe place, such as a neighbor or friend's house, police station, or hospital. If the assault occurred in the home, the house should be secured as soon as possible by locking all the doors and windows. If a survivor is hurt, it is imperative to immediately dial 911 to request an ambulance or have a trusted friend or relative transport the survivor to the nearest medical facility for evaluation and treatment.

Advocates may also:

- Calm the victim and provide emotional support, if necessary.
- Encourage the victim to go to the hospital and – in the case of sexual assault – have a sexual assault exam performed.
- Contact relatives, friends, or others who can support the victim.
- Accompany the victim to the hospital, during the sexual assault or other exam, and to the police station, if a report has not been filed.
- Help with finding personal assistive equipment such as wheelchairs or hearing aids, if these items have been damaged or stolen in the crime.
- Provide translators or temporary assistive devices for crime victims who need them to communicate about the crime.
- Provide information about reporting procedures and what to expect.
- Provide legal advocacy and accompany the victim to court.
- Offer emergency crisis intervention, counseling, and referrals.
- Offer counseling for the victim's partner, spouse, or family.
- Assist in finding child care, if needed, for the victim.
- Provide information about sexually transmitted diseases, HIV, and pregnancy testing

Instructor Worksheet 5.2, continued

Legal Professionals

Although some courtrooms are now accessible for people with physical disabilities, there's still a lack of knowledge in the court system about crime victims with intellectual or developmental disabilities. Some victims with complex communication needs or intellectual and development disabilities are not seen as credible if they have difficulty communicating or if they communicate in a non traditional manner, such as using a communication device or communication book.

Crime victims with complex communication needs or intellectual and developmental disabilities can provide credible testimony when they have the appropriate supports. They must be able to report criminal activities, file charges, or pursue any other legal action necessary in order to ensure their legal rights and have access to the same opportunity to protect themselves as people without disabilities.

The Justice Advocacy Guide, published by the Arc of the U.S. in 2006, suggests the following stages:

Stage One: Emergency Response

Victim advocates should be aware of and sensitive to the possibility that a disability may exist. You can use various techniques to try to identify if the person has a disability, as described in the previous section.

Once the presence of a disability is known, the victim advocate can use simple accommodations in order to improve communication. One accommodation often needed, but not available, is physical access to emergency shelters for victims with physical disabilities. Often, crime victims with physical disabilities are turned down for services simply because there is no way for them to get into the building.

Victims also have the right to report or not report victimization and access to people who can help them figure out whether or not to report. There are resources the victim advocate should locate when interviewing individuals with intellectual disabilities about victimization.

Stages Two and Three: Victim Stabilization and Resource Mobilization

Effective crisis counselors are very important in this stage because the sooner the victim can get help, the more quickly he or she can recover from the crime. Ongoing supportive counseling is also an important resource for the victim. You should have experience working with people with disabilities or know where to request a consult from advocates who *are* experienced. In the meantime, a safe person who is trusted by the victim can attend counseling sessions with him or her in order to facilitate communication.

Stage Four: After Arrest

When there is an arrest, prosecutors play a key role in the victim rights system and in the victim's life. Prosecutors are rarely trained in disability issues and, therefore, frequently lack the ability to communicate with the victim effectively. Prosecutors should receive training to learn how to interview crime victims with disabilities before a court appearance.

Certain accommodations can be used by the prosecutor during interviews, for example:

- Preparing the environment by limiting distractions and conducting warm-up interviews in a quiet room or location where the person feels safe.
- Breaking down all questions/sentences into single thoughts; choosing each word carefully
- Using a qualified interpreter to communicate with Deaf victims and victims with hearing disabilities.
- Letting the victim "lead the interview" in the disclosure of information and asking open-ended questions.
- Taking plenty of time for the interview and taking breaks (at least every 15 minutes).

Stage Five: Pre-Court Appearance

It's unreasonable to expect a crime victim with an intellectual disability (or anyone, for that matter) to be able to walk into a courtroom knowing exactly what to do. A crime victim with an intellectual disability can be accommodated by:

- Preparing the victim by methodically going over the court process several times. If possible, go to the courtroom and explain who sits where and what each person's job will be.
- Explaining in simple terms what is going to take place, in order to prepare the person as much as possible.
- Role-playing and rehearsing how to give the testimony, but *not* telling the victim what to say.

Stages Six and Seven: Court Appearance and Before Case Disposition

When the trial is about to begin, it would typical for the crime victim (or witness) to be stressed and afraid to testify. To build confidence in testifying, a support person should be permitted to sit near the victim during the testimony. If the victim does want a support person, the prosecutor should be told before the court date so arrangements can be made. If the crime victim is receiving therapy from a qualified licensed mental health practitioner, that person can help prepare the victim psychologically for the courtroom.

Instructor Worksheet 5.2, continued

Because there may be questions of competency of the witness, an expert witness who is familiar with disability issues should be available to provide guidance to the court and judge.

If the person is unable to testify in court, consider videotaping the testimony. If there is a Children's Advocacy Center in your area, they may have the technology to videotape an interview. However, be aware that videotaped testimony may not be allowed though because of the 2004 *Washington vs. Crawford* decision. This decision requires the defendant to be confronted with the witnesses against him.

Stage Eight: After Case Disposition

After disposition, the victim may continue to be in contact with corrections agencies, victim advocates, therapists and prosecutors. The victim will have the opportunity to be notified of future hearings and to give input. Victim and disability advocates can provide accommodations by helping the person understand when the hearings are, what they are for and how to get there. Or, they may even arrange for transportation to be provided.

Instructor Worksheet Module 6

Welcome to Burgville

A break is scheduled before Module 6 begins. Before the break, select or ask five volunteers to be “workers” in the “Welcome to Burgville” activity. The workers must return to the training room 5 minutes before the break is over.

Prepare the room during the break. Label a tear sheet with the following steps:

1. Find a job.
2. Find a house.
3. Get a loan.

Conduct the “Welcome to Burgville” activity immediately after the break.

Equipment and Materials

- Tear sheet with the steps listed in order.
- Instructions for workers.
- Adhesive labels with red, blue, green, and yellow dots for badges for all participants. Have as close as possible an equal number of color dot badges.
- Badges identifying the roles of workers, and table tent identifying their work station.
- Slips of paper with jobs for Job Counselor.
- House photos for the Real Estate Agent.
- Play money for the Bank Officer.

Instructor Note:

At the end of the activity, ask participants to remove their badges and **acknowledge that everyone was playing a role and that this is now the end of the activity**. Ask each participant to tear up their badge with the dot on it. Pass around the trash can or another receptacle so that participants can throw away their badges.

Conducting the Activity

This activity requires five participants to play the roles of “workers” and the remaining participants to play the roles of “new residents.” The intent of the activity is to demonstrate how people sometimes have preconceived stereotypes about others, and these stereotypes can result in differences in the quality of service received.

1. During the break, create five work stations within the training room. A work station can simply be a desk and a chair, with the appropriate table tent indicating what the work station represents:

- a. Employment Office
- b. Realtor
- c. Bank
- d. Jail
- e. Finish Line

2. Five minutes before the break ends, gather the five workers. Assign them their roles and give them their instruction sheets and badges indicating their role:

- a. Job Counselor
- b. Real Estate Agent
- c. Bank Officer
- d. Police Officer
- e. Escort

As participants enter the training room, give each person a badge with a color dot on it. Tell them they are to find a job, find a house, get a loan, then go to the finish line – in that order. Be sensitive to anyone who appears to be vulnerable and DO NOT assign them a yellow or green dot.

3. Allow about 30 minutes for participants to work through the activity, then debrief.

Job titles (from Job Counselor) are:

Part-Time Minimum Wage

Entry Level

Middle Management

CEO

Worker Instructions

Job Counselor

Participants wearing red dots:

The Job Counselor should give every participant with a red dot a CEO position. Congratulating the new CEO profusely, the Job Counselor asks the Escort to personally take the CEO to the Real Estate Agent.

Participants wearing blue dots:

The Job Counselor should treat participants wearing blue dots courteously but quickly, and give them “middle management” jobs.

Participants wearing green dots:

When meeting with participants wearing green dots, the Job Counselor should demand to see ID, and ask questions about where they came from, why they are in Burgville, before giving them an entry-level job.

Participants wearing yellow dots:

The Job Counselor should treat participants wearing yellow dots with disdain and tell them to wait at the end of the line. When they reach you, treat them rudely and offer them a part-time minimum-wage job.

Real Estate Agent

Participants wearing red dots:

If a participant has a red dot, the Real Estate Agent should give them a big smile and congratulate them on the purchase of their new mansion. Give them a photo of their house. Ask the Escort to take them to the Bank Officer.

Participants wearing blue dots:

The Real Estate Agent should smile and congratulate participants wearing blue dots on the purchase of their new house in the suburbs. Give them a photo of their house. Tell them to go see a Bank Officer.

Participants wearing green dots:

When meeting with participants wearing green dots, the Real Estate Agent should demand to see ID, and ask questions about where they came from, and why they are in Burgville. Give them a photo of their new house, and tell them you hope they can hang onto it. Tell them to go to the bank and see if they can get a loan.

Participants wearing yellow dots:

If/when participants with yellow dots get to the Realtor, the Real Estate Agent should give them photos of very poorly maintained houses, and tell them this is all they can afford. Tell them good luck at the bank, they’ll need it.

Bank Officer

Participants wearing red dots:

The Bank Officer should fawn over every participant with a red dot, and give the participant a fistful of money, no questions asked, and ask the Escort to take the red dot participant to the finish line.

Participants wearing blue dots:

The Bank Officer should be agreeable and polite to participants wearing a blue dot, and agree to give participants a loan for their house, smile, and carefully count out a small pile of bills.

Participants wearing green dots:

The Bank Officer should be very suspicious of participants wearing a green dot, demand to see ID, ask questions about where they came from, and why they are in Burgville. Tell them you will need to do a credit check before you can give them a loan, and to call you next week.

Participants wearing yellow dots:

When meeting with participants wearing yellow dots, the Bank Officer should laugh, tell them there is no way they can get a loan, and dismiss them rudely.

Police Officer

Participants wearing yellow dots:

The Police Officer will watch for a person with a yellow dot entering the Real Estate line. Arrest them and take them to jail. You may arrest up to two people. After a minute or two, tell them they are free to go.

Participants wearing green dots:

The Police Officer will watch for a person with a green dot entering the Bank Officer line. Approach them, ask for ID, conduct a mock “search” (do not touch the participant). Treat them rudely and send them to the back of the line.

Participants wearing blue dots:

For any participants wearing a blue dot, the Police Officer will watch them as they go through the lines. If you make eye contact, simply nod and say hello.

Participants wearing red dots:

The Police Officer should not approach participants with red dots, but may smile obsequiously at them.

Escort

At any time during the activity that a line forms, the Escort will move any participants wearing **red dots** to the front of the line.

Stay near the Job Counselor, Real Estate Agent, and the Bank Officer.

- Any time a Job Counselor asks, you will escort the **red dot** participant to the Real Estate Agent.
- Any time the Real Estate Agent asks, you will escort the **red dot** participant to the Bank Officer.
- Any time a Bank Officer asks, you will escort the **red dot** participant to the finish line.

Instructor Worksheet 7.1

Interacting With Crime Victims With Complex Communication Needs With Answers

Note: The following tips for communicating with crime victims with various types of disabilities are not meant to be an in-depth resource. They are, however, general guidelines that you might find helpful when working with crime victims with disabilities. The guidelines have been adapted from *A Law Enforcement Guide for Working with children with Autism, Intellectual and Communication Disabilities*, developed by Scott J. Modell, Ph.D. and Marcie Davis, M.S., and published by the New Mexico Coalition of Sexual Assault Programs, Inc., and by the *Disability and Business Technical Assistance Centers*, <http://www.adata.org/adaportal/Communication/communication-techniques.html>.

1. Tips for communicating if the crime victim has difficulty communicating because s/he has an intellectual or developmental disability:

- Be calm, literal, and concrete when speaking. The crime victim may be traumatized and may not be able to clearly focus on your words.
- Match your questions to the individual's level (e.g., responses in two or three word sentences; dictate questions in short sentences). However, speak to the person as you would an adult, not a child.
- Pay attention to verbal and non-verbal language for both yourself and the individual. Crime victims with intellectual disabilities may use non-verbal language to indicate that a part of their body was abused.
- Avoid double negatives.
- Use proper names for people, places, and acts (individuals with ID can confuse pronouns "I" and "You").
- To avoid socially desired responses to questions about the crime:
 - ~ Be aware of your body language (e.g., try not to nod or shake head during responses).
 - ~ Keep your voice tone neutral; never convey judgment about the crime victim's actions during the crime.
 - ~ Avoid interrogative statements (e.g., "You weren't at home").
 - ~ Avoid conversational punctuations (e.g., "Good" or "I see").
 - ~ Resist temptation to fill in the blanks. For example, if the crime victim says, "Paul...touch...penis" don't say, "Paul touched your penis?" Paul could have been touching his own penis.

INSTRUCTOR WORKSHEETS
Supporting Crime Victims With Disabilities

- When an individual with ID does not understand the concept of time, use daily activities as a reference for determining the time of the crime.
- Be patient and expect to take more time with a crime victim with a disability.
- Do not assume the individual has an intellectual disability because communication is unclear.
- It is not unusual in the event of a crime or other stressful situations for someone's speech to become harder to understand.
- Create a simple "yes/no" system for communicating, and phrase questions so they can be answered with a "yes" or "no."
- Consider writing as an alternative means of communication. Use a computer terminal, an assistive device, an interpreter, or paper and pencil. Or, have the crime victim demonstrate.
- Do not finish the individual's sentences.
- Do not pretend to understand what someone is saying. If you don't understand, try other ways to clarify, such as repeating and paraphrasing.
- If no solution to the communication problem can be worked out with you and the person, consider asking if there is someone who could translate or interpret what is being said.
- If it is a stressful situation, try to stay calm. If you are in a public area with many distractions, consider moving to a quiet or private location.
- Never become impatient or exasperated with the communication. The ability to communicate is absolutely essential for crime victims with complex communication needs.
- Remember that lack of language skill does not correlate with memory or intelligence.

2. Tips for communicating if the crime victim is Deaf or has a hearing disability:

- Gain the attention of a crime victim who is Deaf by waving a hand in front of their face or by gently touching him before beginning a conversation.
- Find out how the individual communicates best. Keep the following points in mind:
 - ~ Not all persons who are Deaf can lip-read.

Instructor Worksheet 7.1, continued

- ~ Sign language is not another form of English; it is an official language with its own grammar, syntax, and rules.
- ~ Not all persons who are Deaf use sign language.
- ~ Lip-reading, while helpful without sound clues, is only 30–50 percent effective, and sometimes less.
- ~ More persons who are Deaf or hearing disabled have some hearing rather than no hearing at all.
- ~ Not all persons who are Deaf write and read well.
- If the person reads lips, speak in a normal, not exaggerated way. Short, simple sentences are best. Avoid blocking their view of your face, and make sure the lighting is good.
- Be aware of situations where a person may be waiting for a service (transportation, a table, the start of an activity) where the common way to communicate is an announcement or the calling of the person's name. Make sure you take notes when someone cannot hear you and develop an alternative way of notifying them.
- If there is some doubt in your mind whether the crime victim has understood you correctly, rephrase your statement and ask them if you have been understood.
- If the crime victim uses an interpreter or Augmentative and Alternative Communication (AAC), address the victim, not the interpreter or the device.
- When someone asks, "What did you say?" the answers, "Never mind," "Nothing," or "It's not important," are very common replies. These are insulting and demeaning, because they communicate that the person is not worth the effort of repeating yourself.
- Persons who deal very well one-on-one in communication may have a hard time with two or more speakers, especially if there are many interruptions and interjections.
- Make sure there are no physical barriers between you and the crime victim while in conversation.
- If the person is using hearing aids, avoid conversations in large, open, and noisy surroundings.
- Do not become impatient or exasperated with the person if it takes longer to communicate. In the aftermath of a crime, any victim may have trouble communicating.

3. Tips for communicating if the crime victim is blind or has a sight disability:

- Remember that while many persons who are blind can use Braille, the majority of persons who are blind do not.
- Introduce yourself. Identify who you are and what your job or role is. Give the person verbal information that is visually obvious to those who can see.
- Tell the crime victim when you have brought new items into their environment, describing what they are and, most importantly, where you have put them.
- Lead someone who is blind only after they have accepted your offer to do so. Allow them to hold your arm rather than you holding their arm. It is important for a person who is blind to control their own movements.
- Be descriptive when giving directions. Saying “Over there” has little meaning to someone who cannot see you point. “Four doors after turning right from the elevator” would be much more helpful.
- Describe things from their perspective, not yours. Some persons who are blind use a “clock” reference for things directly in front of them such as a meal. For example, something could be positioned at three o’clock (directly in front and close). Before using this strategy, ask the person if this is useful to them.
- Persons who are blind have a long history of being patronized and talked to as if they were children. They have been told more often what to do rather than asked what they would prefer doing. This attitude is not acceptable towards any person. After an individual is the victim of a crime, it is especially critical that the victim feel in control of the situation.
- Persons who are blind and/or visually disabled are by and large much more independent than most people realize. Many times negotiating the physical environment is less frustrating than trying to communicate with persons who are not sensitive to their needs.
- Do not interact with a guide dog while it is working (in harness).
- Do not move items (furniture, personal items) after the person has learned their position. This can be frustrating and, in some cases, dangerous for the person.
- Do not use references that are visually oriented like, “Over there near the green plant.”

Instructor Worksheet 7.1, continued

4. Tips for communicating if the crime victim has difficulty communicating because s/he has autism spectrum disorder:

- Be calm, literal, and concrete when speaking.
- Avoid sarcasm.
- Pragmatic deficits are common (proximity choice when communicating, topics of communication, odd laughing, lack of eye contact) and do not imply lack of intelligence, disrespect, or deceitfulness. These deficits are likely to be more pronounced when the individual with autism has been the victim of a crime.
- When echolalia occurs; be patient, continue to build rapport and reduce anxiety and continue to try and communicate.
- Do not interpret monotone voice or lack of emotion as lying or lack of ability to feel. Just remember that is part of ASD.
- Find a quiet place to talk with minimal distractions and avoid touching the person. The individual may be especially sensitive to physical contact after a crime.
- Use gestures or a calm voice with simple one or two step commands.
- Expect to take more time.

