

# **Resource Guide for Investigating and Prosecuting Cases Involving Child Victims with Disabilities**

## **Introduction**

The Children’s Law Center prepared this resource guide for lawyers, law enforcement officers, child protection workers, children’s advocacy center workers, and others involved in the investigation and prosecution of child abuse cases in which the victims have disabilities. The Children’s Law Center prepared this resource guide in collaboration with the South Carolina Children’s Justice Act Task Force.

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## **Background**

Numerous studies demonstrate that people with disabilities are particularly vulnerable to becoming victims of crime. In *Working with Victims of Crime with Disabilities*, Cheryl Guidry Tyiska, director of victim services, Office for Victims of Crime (OVC), cites several research studies:

...research has found that 68 percent to 83 percent of women with developmental disabilities will be sexually assaulted in their lifetime, which represents a 50 percent higher rate than the rest of the population (footnote omitted). People with developmental disabilities are more likely to be re-victimized by the same person and more than half never seek assistance from legal treatment services (citation omitted). It is not just individuals with developmental disabilities who suffer very high rates of victimization. A study of psychiatric patients found that 81 percent had been physically or sexually assaulted (footnote omitted). The Colorado Department of Health estimates that approximately 85 percent of women with disabilities are victims of domestic abuse, compared with, on average, 25 to 50 percent of the general population (footnote omitted).<sup>1</sup>

According to that same article, there are approximately 54 million Americans who live with a variety of physical, emotional and cognitive disabilities.

Children with disabilities are also more vulnerable to becoming victims of crime. According to OVC, children with disabilities are three times more likely to be abused or victimized than children without disabilities.<sup>2</sup> In the same bulletin, OVC noted a 5-year study of 4,340 pediatric hospital patients with disabilities. The study showed 68 percent of those children were victims of sexual abuse and 32 percent were victims of physical abuse.<sup>3</sup>

There are numerous information resources for professionals who may become involved in investigating and prosecuting crimes against people with disabilities. This resource guide does not provide a comprehensive list of all available resources. It is an introduction to selected organizations and selected resource materials and is designed to be a quick pathway to more comprehensive information. This resource guide does not reproduce available materials but provides web sites or other information from which the information may be obtained.

## **Selected Agencies and Organizations Providing Information Resources**

### **Federal Agency**

U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime: <http://ojp.usdoj.gov/ovc>

The Office for Victims of Crime was established in 1984 through enactment of the Victims of Crime Act. The office oversees many programs which benefit victims of crime. It has an online list of publications and training programs which provide a wealth of information on people with disabilities who are victims of crime.

### **State Agencies**

S.C. Department of Disabilities and Special Needs: <http://www.state.sc.us/ddsn>

This state agency serves people with mental retardation, autism, traumatic brain injury, and spinal cord injury and the conditions related to each of those disabilities. The agency has a number of information resources and lists of service providers for the disabilities within the agency's purview.

S.C. Department of Mental Health: <http://www.state.sc.us/dmh>

This state agency serves people with mental illness including adults, children and family members affected by serious mental illness and significant emotional disorders. The agency offers numerous services for people within the agency's purview.

University of South Carolina Center for Disabilities Resources: <http://uscm.med.sc.edu/cdrhome>  
For child abuse library resources: <http://uscm.med.sc.edu/CDR/abuse.html>

The University of South Carolina Center for Disabilities Resources is one of 61 university centers of excellence in developmental disability education, research, and services located throughout the United States. The Center has an extensive library of resources including a list of child abuse resources (link to child abuse library set forth above).

### **Private Organizations**

The Arc of the United States: <http://www.thearc.org>

The Arc is a community-based organization of and for people with intellectual and developmental disabilities. The Arc provides publications and other information resources related to serving and supporting individuals and families.

CAN DO Child Abuse and Neglect: Disability Outreach Project: <http://disability-abuse.com/cando>  
For resource list: <http://disability-abuse.com/cando/list.htm>

CAN DO provides resources and training to reduce the risk of crime for people with disabilities and to assist those who investigate and prosecute cases involving victims who are people with disabilities. The organization maintains an extensive list of resources (link to the list is set forth above).

### **Selected Information and Training Resources**

#### **General**

Davis, Leigh Ann (2006). The Arc's Justice Advocacy Guide, An Advocate's Guide on Assisting Victims and Suspects/Defendants with Intellectual Disabilities  
Available on the Arc's website: <http://www.thearc.org>

Promising Practices for Serving Crime Victims with Disabilities Toolkit  
Available

at: [http://www.ojp.usdoj.gov/ovc/publications/infores/ServingVictimsWithDisabilities\\_toolkit/welcome.html](http://www.ojp.usdoj.gov/ovc/publications/infores/ServingVictimsWithDisabilities_toolkit/welcome.html)

#### **Information for Law Enforcement Officers and First Responders**

First Response to Victims of Crime Who Have a Disability, Office of Victims of Crime (2002)  
Available at the OVC web site: <http://www.ojp.usdoj.gov/ovc>

Cheryl Guidry Tyiska (1998). Working with Victims of Crime, *OVC Bulletin*  
Available at: <http://ojp.usdoj.gov/ovc/publications/factshts/disable.htm>

## **Information for Forensic Interviewers**

Anderson, J., Heath, R.T. (2006). Forensic Interviews of Children Who Have Developmental Disabilities, Part 1 of 2, *APRI Update 19(1)*

Anderson, J., Heath, R.T. (2006). Forensic Interviews of Children Who Have Developmental Disabilities, Part 2 of 2, *APRI Update 19(2)*

Ericson, K., Perlman, N., and Isaacs, B. (1994). Witness Competency, Communication Issues and People With Disabilities, *Developmental Disabilities Bulletin*  
Available at <http://www.ualberta.ca/~jpdasddc/bulletin/articles/ericson1994.html>

Hoffman-Rosenfeld, J. (2004). Approaching the Child Abuse Interview of a Child With Disabilities  
Available at <http://www.montekids.org/library/download/interviewing.pdf>

Cederborg, A-C, La Rooy, D. and Lamb, M. (2007). Repeated Interviews with Children Who Have Intellectual Disabilities, *Journal of Applied Research in Intellectual Disabilities*  
Available at <http://www3.interscience.wiley.com/cgi-bin/fulltext/119417476/PDFSTART>

## **Information on DVDs**

### *Victims with Disabilities: The Forensic Interview*

This DVD lasts 56 minutes and 52 seconds and features techniques for interviewing victims with communication or cognitive disabilities.

### *First Response to Victims of Crime*

This DVD lasts 30 minutes and features law enforcement officers and victims speaking about their experiences.

### *Serving Crime Victims With Disabilities*

This DVD lasts 14 minutes and features victims speaking from their own experiences.

All three DVDs are available by contacting the Office for Victims of Crime Resource Center, 800-851-3420.

### *Victims with Disabilities: Collaborative, Multidisciplinary First Response*

This DVD has a 70 page written trainer's guide and provides the basis for initial training of first responders to victims of crime with disabilities. The trainer's guide may be downloaded from the Office of Victims of Crime web site and the DVD may be ordered on the website. The website is [www.ovc.gov](http://www.ovc.gov).

## **Training Information**

*Voices Ignored* is a training and outreach package developed by the Center for Child and Family Studies, College of Social Work, University of South Carolina. The training package has a video and companion discussion guide and features a 3.5 hour expandable curriculum. It also has a CDROM which may be used for independent study. It is designed to assist law enforcement officers and victim assistants to respond effectively to people with developmental disabilities who have been sexually assaulted.

A facilitator's manual and a discussion guide for the training may be downloaded from the Center's website: <http://www.sc.edu/ccfs/training/voicesignored.html>

Information concerning ordering the training package may be obtained by phone (803) 777-0385 or mail, Center for Child and Family Studies, College of Social Work, Columbia, SC 29208.

## Selected Case Law

*Byndom v. State*, 39 S.W.3d 781 (Ark. 2001)(court denied appellant's assertion that he was denied right to confrontation when trial court allowed complaining witness with cerebral palsy and mental retardation to testify through an interpreter and by using the "yes/no" functions of a speech synthesizer)

*People v. Spencer*, 457 N.E.2d 473 (Ill. App. 1983)(court rejected argument that defendant was denied right to confrontation when complaining witness with moderate retardation and inability to communicate verbally testified in response to leading questions and used a board containing alphabet, numbers and symbols for testimony)

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<sup>1</sup> Cheryl Guidry Tyiska (1998). Working with Victims of Crime with Disabilities, *OVC Bulletin*. Available at <http://www.ojp.usdoj.gov/ovc/publications/factshts/disable.htm>.

<sup>2</sup> Promising Practices in Serving Crime Victims with Disabilities (visited Feb. 10, 2009) <  
[http://www.ojp.usdoj.gov/ovc/publications/infores/ServingVictimsWithDisabilities\\_bulletin](http://www.ojp.usdoj.gov/ovc/publications/infores/ServingVictimsWithDisabilities_bulletin).

<sup>3</sup> Id.