

Effectively Communicating with People with Intellectual Disabilities

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Who are we concerned with?

- **INTELLECTUALLY CHALLENGED:** persons who function or comprehend at an age level that may not correspond with their actual age (Downs syndrome; autism/aspergers; mentally delayed; F.A.S. etc.)
- **MENTALLY ILL:** persons who suffer from an illness that impairs their level of comprehension or understanding (paranoid schizophrenic; manic depressive)

Our concerns

- Am I being accurately understood by my subject?
- Does my subject understand the potential seriousness of the issue?
- Do I accurately understand what my subject is communicating?
- Is my conduct promoting or inhibiting effective communication?

The Team Concept

- Disadvantaged persons may benefit from a multi-disciplinary approach involving:
- Mental health professionals
- Mental health workers
- Advocates
- Case workers
- Family
- Police
- Prosecutors

What's my role?

- Mental health professionals: ensuring a persons mental health can withstand the interview and does not deteriorate
- Mental health workers: bring a background knowledge of the individual and/or situation
- Advocates: ensure the subjects rights are not undermined
- Case Workers: knowledge of individual, history, situation
- Family: provide support and insight
- Police: gather evidence through the interview process (witness, suspect, or victim)
- Prosecutors: can decide or recommend formal or informal resolution

Dangerous assumptions

- Deciding (arbitrarily) a disadvantaged person cannot be held criminally responsible for their actions
- Doubting a victim/witness account of an incident due to their disability
- Making any assumption concerning level of comprehension or understanding

Concerns for Workers

- The only privilege that protects statements made by a suspect are those made *to their lawyer*.
- Any remark made to any other person (doctors/workers/family etc) by a subject who has committed a crime may be evidentiary
- Statements made to workers by victims are of extreme importance and should never be influenced

Workers are not investigators
and.....

Investigators are not workers

Effective Communication – the Basics

- When we speak, we want to be heard
- We communicate more effectively with persons with whom we feel comfortable
- When we feel rushed or are interrupted, we usually edit
- We will only interact positively with persons we like or respect on some level (RAPPORT)

Establishing Rapport

- Never place an obstacle between yourself and your subject (i.e. desk, table)
- Be mindful of your posture
- Be aware of your overall conduct and facial expressions
- Be sure your speech pattern and voice tone show empathy, patience and understanding
- Be careful not to “talk down” to your subject
- Validate and self disclose when appropriate

Structure

- If your subject is a suspect in a crime, deal with the law (caution, charter)
- In all instances, surface the issue you intend to discuss early on
- Before discussing in detail, always conduct a background interview

Why Background?

- Allows an opportunity to get to know our subject
- Allows our subject to get to know us
- Permits some nervousness/anxiety to burn off
- Permits an opportunity to observe “baseline” behavior, establish a norm.

Baseline/Norm

The more obvious...

- Body posture
- Eye contact (held and broken)
- Voice pitch/intonation
- Use of gestures
- Response time (answers)

“Tell me your story”

- Cooperative/truthful persons want to tell you their story
- Properly prepared persons are encouraged to provide as much detail as possible
- The more we interrupt with questions, the more frustrated they may become
- A skilled and patient listener will always get more information

Our memory

- There are 3 stages to memory:
- Encoding (putting it in)
- Storage (keeping it there)
- Retrieval (the most difficult stage)
- A skilled interviewer can assist/aid a person's retrieval stage
- An unskilled impatient interviewer can inhibit the retrieval process

Encouraging the subject (preamble)

- “ I want you to tell me everything that you can about what happened that day. I want you to tell me anything you remember seeing, anything that you may have heard, even the way this made you feel, physically or emotionally. Everything that you can remember may be very important, so don't rush through this, and please, don't leave anything out. Start whenever you're ready, I'm here to listen”.

Listening skills –non verbal

- Open/Involved posture
- Socially spaced
- Validation through facial expression
- Head nods
- Eye contact
- Prompts

Listening skills - verbal

- Neutral prompts (go on; go ahead; I'm listening..)
- Validation (I can understand why you felt that way; I'd have felt the same way; I don't blame you for...)
- Invitation (please tell me more; what else can you tell me)

Proximics

- Social space (six to twelve feet)
- Personal space (four to six feet)
- Intimate space (less than four feet)
- Most interviewing is done while socially spaced
- Least time is spent in intimate space
- Proximics can vary with individuals

Questions

- Should come at the end, once a person clearly demonstrates they are finished their story
- Should be as open ended as possible
- **Good** – *“What can you tell me about what that person looked like?”*
- **Bad** – *“Was that person tall/short/older (etc...)”*
- If close ended questions are required ask them at the END after open ended are exhausted .

Preserving the interview

- Important interviews should be preserved
- Writing notes during an interview can detract from the actual interview process
- Audio taping is valuable, however non-verbals cannot be assessed
- Best is audio-video taped from start to finish (lights on-lights off).

Two heads are better than one...

- The best interview situation is one on one
- If a third person is in the room (non-interviewer) they should remain passive
- Workers (in the room) should be aware that they can be compellable witnesses
- Best interviews are monitored from another room

Am I being understood?

- Some situations dictate we **MUST** demonstrate a level of understanding (legal cautions, rights etc.)
- In all situations we will want to ensure we are being accurately understood
- The only way to determine if we are understood is to have things repeated back
- “What does this mean to you?”

Am I accurately understanding?

- We can never take for granted any assumptions are accurate
- Have all terms/references clarified
- If a worker knows of a term that has been used, always clarify with the subject during your interview
- If you're not completely sure, always ask
- Use/keep/retain any charts/drawings

What's new?

- ***Nothing.***
- The basics of effective communication are largely universal
- The key to effective communication is empathy combined with patience
- All persons appreciate being treated with respect and dignity
- The more we practice, the more effective we become

Polygraph?

- Used since the early 1900's
- Has been used widely by law enforcement since the 1940's
- Used to verify whether a person (suspect) is truthful when denying a crime
- Polygraph results (charts) are not entered as evidence
- Polygraph interviews may be entered as evidence

Polygraph – the process

- All tests are requested by the police
- All tests are voluntary and can be terminated (by the examinee) at any point
- Examinees must be found suitable at the time of testing
- Polygraph is an investigative tool designed to verify the truth (clear suspects)
- Those not cleared remain under investigation

Polygraph process (continued..)

- There are three phases of any polygraph test
- Pre-Test – examiner determines if the subject is suitable and prepares them for testing
- In-Test – charts are administered
- Post-Test – results are discussed with examinee

Polygraph process (continued..)

- Entire procedure takes app two to three hours
- Actual test take around twenty minutes
- Polygraph monitors blood pressure, breathing rate, sweat gland activity.
- All polygraph (test) questions are answered only “yes” or “no”
- Examinees know ALL questions prior to testing

Can an intellectually challenged person be tested?

- Any test must involve a clear/single issue
- Any potential examinee must understand the seriousness of the issue and potential charge (jeopardy)
- Any examinee must accurately understand what the examiner is saying to prepare them to test
- All potential examinees are assessed on an individual basis

Any society is judged by the way it treats its weakest most vulnerable members (anon).

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