

Promoting Accessibility & Accountability: Law Enforcement and Survivors with Disabilities/ Deaf Survivors

End Abuse of People
with Disabilities
Webinar Series
May 9, 2017

Promoting Accessibility & Accountability: Law Enforcement and Deaf Survivors



Introductions

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Agenda

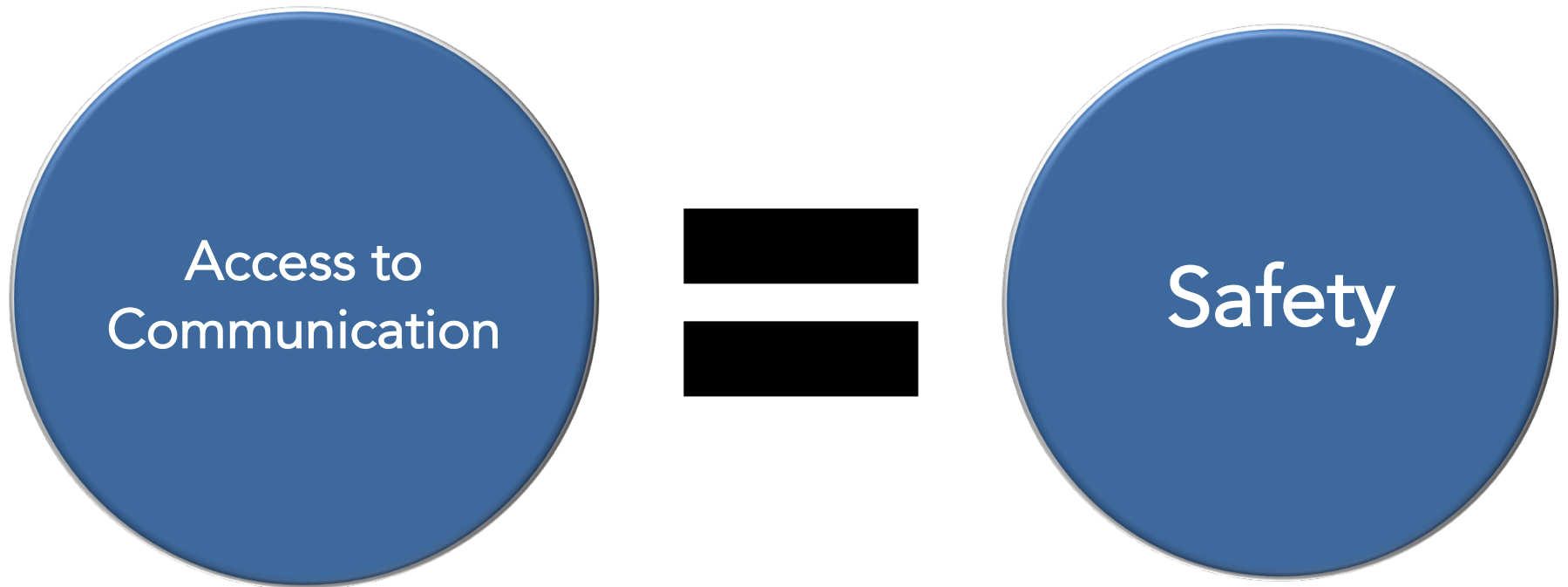
- I. Why are Deaf people at risk for victimization and law enforcement interaction?
- II. What are the barriers that Deaf survivors face when interacting with law enforcement?
- III. How does the ADA cover the Deaf survivors?
- IV. Solutions
 - a) General Recommendations and Best Practices
 - b) KEYS 4 Deaf Access' work with Cleveland Division of Police

Keys 4 Deaf Access

- Domestic Violence Child Advocacy Center
- Cleveland Division of Police
- Cleveland Hearing & Speech Center
- Cleveland Rape Crisis Center



Safety for Deaf Survivors/Victims





Barriers to Communication Access

- Written materials are not accessible
- Accessibility of legal documents
- Relying on lip reading or written notes
- Securing interpreting services
- Interpreter training/lack of qualified interpreters



Unique Barriers and Safety Considerations for Deaf Survivors/ Victims

- Lack of understanding about DV/SV
- High prevalence of DV/SV in Deaf Community
 - Trauma from childhood or other relationships
- Lack of accessible services
- Technology considerations: videophones/ smartphones
- Concerns for their children and family pets and/or service animals

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- Believe that abuse is deserved because of certain limitations
 - Concerns about managing independently
 - Power Dynamics (i.e. hearing perpetrator)
 - Societal perceptions of Deaf individuals as being less competent
 - Community considerations: leaving their community (comfort zone) and gossip spreading

Mistrust of the Law Enforcement

- 25% of Americans say they have a great deal of confidence in the police.
- Deaf/HOH victims have reported frequent misunderstandings with police officers (2)
- H.E.A.R.D. has collected a log of 44 Deaf/HOH people that have either died or suffered from encounters with police officers.

Mistrust of Law Enforcement (Con't)

- Marlee Matlin collaborated with H.E.A.R.D. and the American Civil Liberties Union (ACLU) to create a video to educate the Deaf community about communication with the law enforcement in 2015 (3)
- Social media, especially vlogs, has helped to spread awareness and knowledge about interacting with the law enforcement and the Deaf community nationwide

Interactions Between the Deaf and Law Enforcement

“Deaf wrongful convictions often begin when police officers fail to ensure that communication is effective pursuant to federal disability rights laws”

(Talila L. Lewis- founder of H.E.A.R.D.) (4)

Identifying Ways To Reconcile and Build Trust



Survey of Law Enforcement

- Needs assessment - June to August 2013. We ensured that we had fair representation from the Deaf, Hard of Hearing, hearing allies, and the police
- 131 participants
- 18 focus groups
- 14 interviews
- **68 patrol officers took the survey**
- 17 Cleveland Hearing and Speech Center (CHSC) board members and 9 board members from Domestic Violence Child Advocacy Center (DVCAC) also took the survey

Four Communication Barriers Identified

- Majority were unable to communicate effectively
- Staff and leadership within all three partner agencies lack knowledge on how to effectively respond
- A safe, welcoming, and accessible environment is highly desired by individuals who need assistance
- Many in need were unaware of available services and resources and may lack access to them

Additional Issues Identified

- Top Two Issues: training for patrol officers and training on Deaf specific safety issues
- Some patrol officers wanted to know more about the difference between working with the Deaf community and people with mental illness
- The patrol officers do not want to waste time waiting for the interpreter to arrive – VRI
- “Attitude affects the journey.” If the first encounter they have with the law enforcement is negative, it will set the atmosphere for the rest of the process.

ADA and Deaf Survivors

- It is recommended that the law enforcement ask the Deaf/HOH person of their preference of choosing which auxiliary service they prefer.
- The Deaf/HOH person's wish must be honored unless it can be proved that another effective and equivalent auxiliary service is available. If it is shown that it is an undue burden or a fundamental alteration, allocations can be permitted to offer other choices. (5)

Types of Auxiliary Services Recommended

- A qualified note taker
- A qualified sign language interpreter (*someone who is able to interpret effectively, accurately, and impartially, both receptively and using any necessary specialized vocabulary*)
- An oral interpreter
- A cued-speech interpreter
- A tactile interpreter
- Real-time captioning
- Written materials
- Provide a printed script. (5)

Keys 4 Deaf Access' Collaboration with Cleveland Police Division

- The Cleveland Division of Police recognized the need for immediate access to communication with Deaf citizen
 - Providing VRI services - time efficient and cost effective in removing the communication barriers
- Revised CDP's General Police Order
- 10 iPads were purchased with a data plan for easy access on the road. VRI minutes were preloaded on each iPad.
- The iPads were distributed amongst 6 police districts, Family Justice Center, the DVCAC shelter, and the office at DVCAC
- One more will be purchased for the Cleveland Rape Crisis Center (CRCC)

What is Video Remote Interpreting?

Video remote interpreting: (VRI)

- A fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language interpreting services for conversations between hearing people and people who are Deaf or have hearing loss
- It is not advised to use VRI if the person who needs the interpreter has difficulty seeing the screen.
- Can be useful in rural areas where on-site interpreters may be difficult to obtain
- For more information about VRI performance standards click:

<https://www.ada.gov/effective-comm.htm>

Best Practices for using VRI with Law Enforcement

- Assign a person of contact (POC) for monthly check ins- updates to iPads, Z5 app, repairs, restocking of VRI minutes, and/or technical problems
- Training refreshers every 6 months
- Ensure that the Officers In Charge (OIC) are taking care of the iPads and ready to go out in the field anytime any day. The iPads should be 100% charged at all times.
- Train dispatchers to use the VRI procedure to help the first responders. Dispatchers should have the information on local interpreting agencies. Code the call properly to let the police know that the victims may be Deaf.

General Recommendations

- Ongoing training for law enforcement
- Integrate agency trainings to ensure cultural competency
- Visible signage to let the Deaf community know accessibility is available
- Providing accessible information and/or the production of videos posted on websites
- Have written materials made using plain language
- Have closed captions made available
- While a VRI is beneficial for immediate access it is always recommend to bring in a live interpreter
- Maintain relationships with key stakeholders within Law Enforcement Agencies

Works Cited

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Thank You!



This project was supported by Grant No. 2011-FW-AX-K004 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Promoting Accessibility & Accountability: Law Enforcement and Survivors with I/DD

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Why Training is Imperative

- Little or no advocacy exists, at the same time serious barriers in accessing services for survivors with I/DD remain
- People with I/DD are more likely to be victims of crime than the general population
 - The “best” victim is the one who can’t tell
- Those with less opportunities or ability to communicate go unseen, unheard and ignored

The Numbers

- Rate of violent crime against people with disabilities was 2.5 times higher
- Those with cognitive disabilities had the highest rates of victimization
- One in five violent crime victims with disabilities believed they were targeted due to their disability

As Victims, People with I/DD Might...

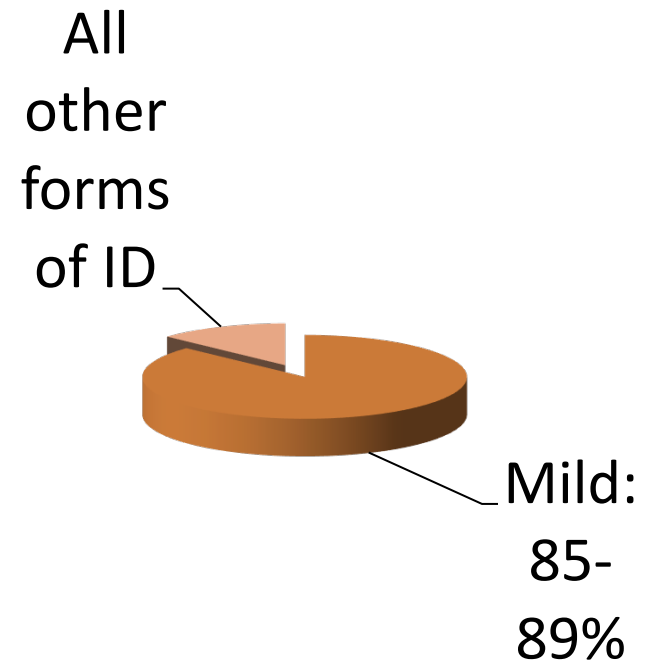
- Be easily victimized and targeted for victimization
- Be less likely or able to report victimization
- Think that how they have been treated is normal and not realize the victimization is a crime
- Think the perpetrator is a "friend"
- Be unaware of how serious or dangerous the situation is
- Not be considered as credible witnesses, even in situations where such concern is unwarranted
- Have very few ways to get help, get to a safe place or obtain victim services or counseling

Barriers to Justice for Victim/ Survivors with I/DD

- Increased risk (or perception of increased vulnerability)
- Lack of resources and support systems
- Physical or social isolation
- Lower rates of police follow-up, prosecution, and conviction
- A judicial system that is not physically or cognitively accessible
- The disability itself (If a disability impacts the ability to resist the perpetrator, or to interact with law enforcement)

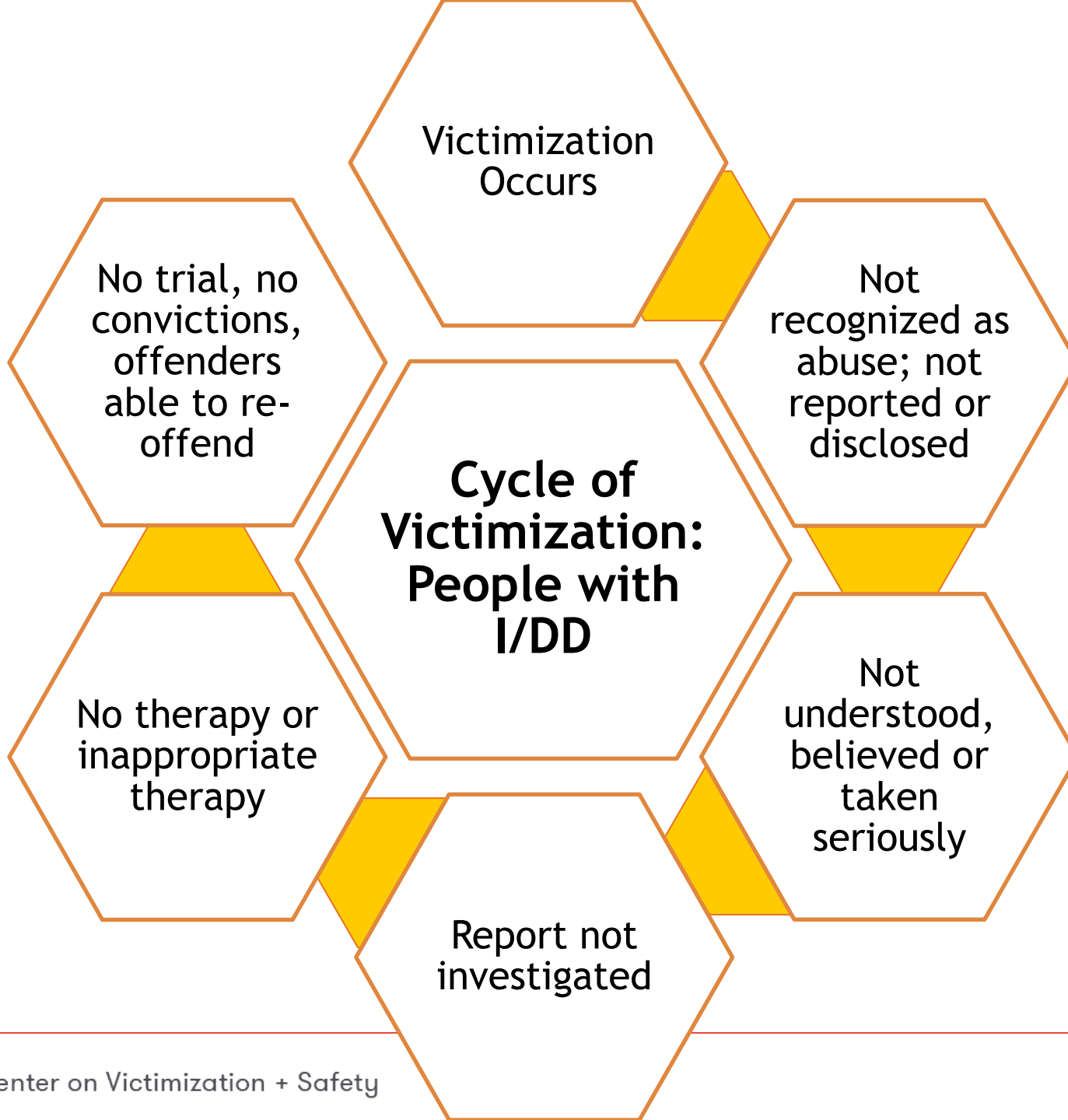
Barriers to Justice: Identification of I/DD

- Most function on upper end of the spectrum (“mild I/DD”)
- Fear of disclosing disability
- Often no visible or outward signs



Barriers to Justice: Reporting Crime

- Believability and credibility within the criminal justice system overall
- Speech and cognition difficulties
- Lack of sexual assault prevention
- Acts are viewed as abuse rather than crime

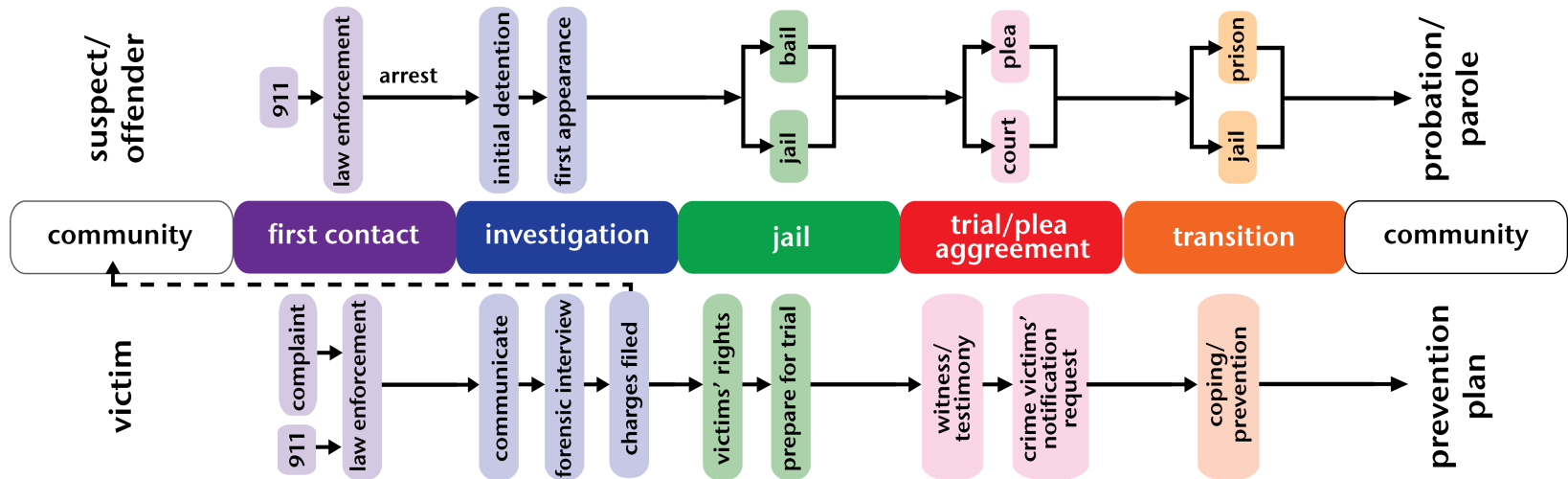


The Pathways to Justice Model



National Center on
Criminal Justice & Disability

Pathways to Justice Model*



*This model is based on The Sequential Intercept Model. SAMHSA's GAINS Center for Behavioral Health and Justice Transformation. (2013). Developing a comprehensive plan for behavioral health and criminal justice collaboration: The Sequential Intercept Model. Delmar, NY: Author.

Accommodations

- Know how to communicate with and interview crime victims with I/DD
- Take extra time to ask more questions to determine presence of disability
- Speak slowly, clearly; check for understanding
- Use simple language, pictures, symbols, communication boards
- Assist filling out forms as needed
- Call on local disability agencies as needed

Communication Tips

- May be more difficult for a person to follow what is being said and to speak after a traumatic event
- Ability to communicate what happened is not necessarily related to cognitive understanding or truth-telling
- Developing trust is essential
- Some people communicate in nontraditional ways but can communicate if officers take the time to understand
- Some people can understand what is said; however, have difficulty expressing what they want to say

Tips for First Responders

Say: My name is.... I'm here to help you, not hurt you

Show: Your picture identification and/or badge (as you say the above)

Give: Extra time for the person to process what you are saying and to respond

Use: Pictures and objects to illustrate your words. Point to your ID picture as you say who you are, point to any protective equipment as you speak about it

Predict: When events will happen (tie to common events in addition to numbers and time, for example, "By lunch time..." "By the time the sun goes down...")

More Tips

Ask for/Look for: An identification bracelet with health information/diagnosis

Repeat: Reassurances (for example, "You may feel afraid. That's ok. We're safe now.")

Reduce: Distractions. For example: lower volume of radio, use flashing lights on vehicle only when necessary

Explain: Any written material (including signs) in everyday language

Share: The information you've learned about the person with other workers who'll be assisting the person

7 Steps: Interviewing Crime Victims with I/DD

- Preparing for Interview
- Introducing Yourself
- Providing for victim's needs
- Developing Rapport
- Using Simplified Language
- Personality Traits
- Patience & Demeanor
- Signals & Control

Solutions for Change: How Criminal Justice and Disability Professionals Can Work Together

- Write a protocol for how to assist crime victims with I/DD at your agency
- Develop screening tools to identify how many people with I/DD are interacting with your law enforcement agency
- Create accessibility and accommodation “check lists” (with a focus on cognitive access) to help better serve crime victims with disabilities.
- Create community-wide campaign to raise awareness of the high risk of victimization of people with disabilities, especially those with I/DD
- Create Disability Response Team and provide effective training

Disability Response Team (DRT) Hosted by Chapters of The Arc

Criminal Justice Professionals

Disability Community

Law Enforcement

Victim Services Providers

Legal Professionals

Family Advocates

Disability Advocates
(Other than The Arc)

Self-Advocates

Disability Response Team
Responsibilities

PROACTIVE

Train other members of your profession

REACTIVE

Respond to situations involving people with I/DD

Law Enforcement

Victim Service Providers

Legal Professionals

Self-Advocates

Parent Advocates

Disability Advocates



***"There is nothing more powerful than an
idea whose time has come."***

- Victor Hugo

Photo from: rogilde - roberto la forgia on Flickr

Thank You!

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Questions?

Thank You!

Please take a moment to complete our [online survey](#) about this webinar. To access the survey, you can either:

click the hyperlink above, or

go to the "Survey" pod, click "Survey" and then click "Browse to."

Please be on the lookout for information about our next End Abuse Webinar!