

Introduction

The Support Service for Victims with Intellectual Disabilities of the Carmen Pardo-Valcarce Foundation, and the research project we present with the Spanish Police Behavioral Analysis Group and the University Complutense of Madrid, constitute the first initiative in Spain to tackle the problem of the vulnerability of people with intellectual disabilities (ID) to be victims of abuse and neglect and to suffer a process of secondary victimization after their referral to the Protection Services.

This vulnerability is due to the fact that the police officers and the judicial agents lack the knowledge of all those practices that must be implemented in order to accommodate and make accessible the police and judicial environment to vulnerable alleged victims. The UN Convention, ratified by Spain in 2008, obliges the public services to provide people with disabilities an “Equal recognition before the law” (article 12) and “Access to justice” (article 13). To assure these, changes in legislation and police and judicial legal proceedings must be introduced.

After a qualitative analysis of the state of the matter regarding actual criminal legislation for people with ID, barriers faced by them have been assessed in order to analyze which supports should be introduced so that the actual judicial process are aligned with the principles of the UN Convention.

Methodology

The research to identify barriers in the access to Justice by victims with Intellectual disabilities and their equal recognition before the law and the implementation of procedures in accordance with The Convention is composed of several phases where several variables have been considered:

1) Giving evidence. In order to prosecute a case of alleged abuse, the person with intellectual disabilities must be able to describe what has happened to them, and be able to give evidence in Court. The Convention establishes that the interviews must be adapted to enable the person with ID to describe what happened. There are principles of Good Practice that relate to interview in general and that will be assessed by two independent evaluators:

- Give some thought to the questions you will need to ask before the interview starts.
- Keep the language clear and simple
- Try to keep to one idea per sentence
- Keep the sentences short

- Find out what the person's own words are for specific things
- Be supportive

The factors that Bull (2010) interviewers need to take into account will also be assessed, comparing police who have been specially trained with people with ID to those police that have not been trained:

- Speak slowly
- Allow extra time to enable the person with ID to take in what is being said
- Allow time for the person with ID to think about their answer
- Not rush questions
- Avoid interrupting

Recio (2012) also points out the importance of evaluating the capacities that affect their testimony in order to facilitate the interview. The quantity and quality of details obtained when giving evidence will also be compared in the cases where a Supporter-advisor intervenes and evaluates those capacities before the questioning phase and those other cases where capacities are not assessed.

2) Asking questions. There is research evidence that the method "Achieving Best Evidence" (ABE) has been proven to be the best method to account what happened. The structured ABE follows a set format (rapport/free narrative/open questions/closing), that is almost never used in Police Groups. We assessed the using of this interview and compared the quantity of details given when using it and when not using it.

This methodology has been adapted to each phase of the research:

- Qualitative Review of the State of Matter regarding actual criminal legislation for people with intellectual disabilities, comparing the Spanish, French and English criminal legislation.
- Qualitative Case Study Research, to assess barriers faced by 30 victims with ID and their families in the Police Referral and the Judicial Process. The qualitative data sources are:
 - Observation and Participant Observation (fieldwork) in the cases selected where the Care Unit for Victims with Intellectual Disabilities has intervened, comparing those cases where the figure of the Supporter-advisor was present and those where it was not.
 - Interviews and questionnaires (to victims, their families, police agents and judicial agents) to detect the main impairments to article 12 and 13 of the Convention in the Police Interview and victim's first referral and the further interviews in the Judicial Process. The variables that are being analysed are: the type of questioning, the capacity of the police

- and judicial agents to adapt procedures (identification line-up and interview) and the ways in which the difficulties of the victims are or are not assessed when giving evidence in court.
- Delphi Groups (clients of our Support Unit with ID and their families; specialized professionals in ID; law and police agents) to assess barriers regarding disclosure, complaint, judicial investigation and trial.
 - Experimental studies, to analyse the factors affecting the assessment of the credibility of the statements of victims with ID and the way their capabilities must be assessed in order to design the needed supports. Understanding the factors that affect the accuracy of the statements of victims will minimize its impact. Moreover, this allows designing protocols that control these factors considering the actual capabilities of these people beyond the myths about their performance as witnesses in criminal cases.
 - Expert Group Sessions, to identify and design supports to eliminate the previously identified barriers. We have reviewed and defined the elements of Good Practice of other European Countries. With both the Good Practices selected, and the barriers identified, during the second semester of year 2014, the research team worked with multidisciplinary expert groups (lawyers, judges and ID expert therapists, policemen, forensic psychologists, people with ID and their families) in order to define supports for each previously identified barrier.

The first and the third phase have been the focus of the first year of project, while the second and fourth have been developed during 2014. Lastly, we carried out a commitment related to the interchange of good practices in the police proceeding, that has to do the French translation of the guide of police intervention with people with intellectual disabilities, introduced in the Spanish police forces during 2012, and the possibility of adaptation to the French police. In relation to the latter, a series of contacts with the French police and the Gendarmerie were established, and Firah was placed aware of these conversations, definitely being in charge of them in December 2014.