

South African CRIME QUARTERLY

No. 72 | 2023

An exploratory study

Challenges experienced by
South African police officers
when taking statements
from victims with a
communication disability

**Erna Viljoen, Kerstin Tonsing and
Juan Bornman¹**

dr@eviljoen.co.za
kerstin.tonsing@up.ac.za
juan.bornman@up.ac.za

<https://doi.org/10.17159/2413-3108/2023/vn72a15490>

Police officers increasingly come into contact with persons with a communication disability in their line of duty. This study describes the challenges officers face when taking statements from such victims. Focus group discussions were conducted with South African police officers. Findings showed that they face a myriad of challenges in the statement-taking process. These could be categorised under four main themes: the transactional nature of communication, lack of resources to support communication during statement-taking, the vulnerability of complainants with communication disabilities, and police pessimism. The article recommends that disability sensitivity training, as well as training on communication disability, be provided to police officers.

Introduction

Media reports internationally² and in South Africa suggest that interactions between persons with disabilities and police officers

are fraught with challenges.³ In worst-case scenarios, they end with police officers using unnecessary force, often with tragic outcomes.⁴ One factor that seems to increase the risk

of negative interactions with the police is the presence of a communication disorder. A communication disorder is an impairment in the ability to receive, comprehend, process, and send verbal or nonverbal concepts and graphic symbol systems and may be evident in the processes of hearing, language and speech.⁵ Communication disorders are not linked to a single aetiology and could include diagnoses such as intellectual disability, autism spectrum disorders, deafness, cerebral palsy or motor neuron disease. Persons with a communication disability may or may not encounter intellectual and physical challenges in addition to their communication disorder. However, these individuals have a common disjuncture between how they express themselves and how society expects them to communicate. Hence, some authors also refer to this population as having 'complex communication needs' or being 'nonverbal'.⁶

Since persons with a communication disability are often voiceless and invisible in society, they are at greater risk than the general population of falling victim to violent crime and, therefore, have a greater need for police services.⁷ Perpetrators tend to consider 'a silent victim as the perfect victim'.⁸

Crime victims report the crime to the police as a first step in the criminal justice system. Police officers then spend a significant amount of time interviewing and taking statements from victims, witnesses and alleged perpetrators in order to prosecute the crimes.⁹ The adapted Sequential Intercept Model illustrates the seven-step criminal justice system, starting with the police.¹⁰ Victims must give a credible statement to police for the case to proceed through the justice system to Intercept 2 (Investigation), Intercept 3 (Court) and beyond to allow for the conviction of the alleged perpetrator.¹¹ A statement ensures that the case is registered and allocated a case number in the South African Police Service

(SAPS) Crime Administration System, after which it is assigned to the responsible SAPS unit. In South Africa, all violent crimes (not only rape and sexual abuse) perpetrated against persons with any type of disability are escalated to the Family Violence, Child Protection and Sexual Offences (FCS) unit for investigation. The presiding officer must be able to rely on the police statement, as incomplete or incorrect information delays and obstructs the process.¹²

The purpose of a statement is fivefold: to elicit information from the crime victim; to obtain a written record that may be read and checked by the victim; to determine what action the police must take; to assist the victim in court, and to justify police action and shorten criminal trials.¹³ Effective communication between police officers and victims is therefore essential for incorporating the relevant facts in the statement.

However, taking statements often occurs in less-than-ideal circumstances due to time constraints, the number of statements to be taken down daily, police officers' limited writing skills, and victims' high stress levels.¹⁴ Communication difficulties negatively affect the process, producing statements of reduced accuracy and reliability.¹⁵

Research shows that victims with a communication disability are less likely to obtain a case number than victims without disability.¹⁶ This might be attributable to complex and multifactorial barriers, including (but not limited to) the former's social or physical isolation (often stemming from stigma and stereotypes), their limited and often inappropriate vocabulary for disclosing and reporting crimes, and their fear of retribution from perpetrators, especially if they are dependent on the perpetrators for care and resources.¹⁷ Carers and family members may also not support them in reporting their complaints to the police.¹⁸

According to Baladerian et al., less than half of crimes involving victims with intellectual disabilities were reported to police, and of those

reported, over half stated that no attention was paid to their case.¹⁹ This might be in part attributed to police officers' false beliefs, misconceptions, stereotypes and negative attitudes towards victims with communication disability due to the officers' limited knowledge of, exposure to and interaction with persons with a communication disability.²⁰

The above justifies why police officers should be upskilled in taking statements from victims with a communication disability as the first step towards ensuring access to justice for these individuals. This exploratory study, therefore, aimed to identify, through focus group discussions with police officers in FCS units, the challenges in taking statements from persons with a communication disability who report being crime victims.

Methods

Research design

Qualitative focus group discussions were employed, which are effective in exploring participants' perspectives on a particular topic. Participants query one another's thoughts, thereby allowing their respective reasoning to become apparent.²¹ Furthermore, the group dynamics stimulate discussion and help participants conceptualise issues in greater depth.

Participants

Ethics approval was obtained from the relevant university and SAPS at national, provincial, and station levels. Participants were recruited from two FCS units selected from a list of nine potential FCS units in the greater Durban area (KwaZulu-Natal). Contact was established with the FCS unit commanders via e-mail and followed up by telephone. The criteria for recruiting potential participants were communicated to the unit commanders, and a predetermined date and time were set for the focus groups.

Three selection criteria were set: participants had to be practising, in-service police officers; they had to have a minimum of two years' FCS unit experience to ensure reasonable knowledge of statement-taking and investigating crimes against vulnerable populations; and they had to be proficient in spoken and written English. Unit commanders were requested to identify and invite at least six members for potential inclusion in the study.

Sixteen police officers, including three unit commanders, consented, necessitating two separate focus groups facilitated by the same researcher, co-moderator, and note-taker. As the two groups were similar, data was collapsed into a single dataset. Biographic information was collected using a questionnaire before the group discussions commenced (see Table 1).

Table 1: Description of participants (n=16)

Criterion	Description			
Sex	Male (n = 11)	Female (n = 5)		
Age	31 – 40 yrs (n = 7)	41 – 50 yrs (n = 6)	>50 yrs (n = 3)	
First language	English (n = 11)	isiZulu (n = 5)	isiXhosa (n = 1)	
Years of SAPS experience	2 – 5 yrs (n = 1) 21 – 25 yrs (n = 2)	6 – 10 yrs (n = 1) 26 – 30 yrs (n = 5)	11 – 20 yrs (n = 6) >31yrs (n = 1)	
Years of FCS unit experience	1 – 5 yrs (n = 7)	6 – 10yrs (n = 2)	11 – 20 yrs (n = 7)	
Rank	Constable (n = 2)	Sergeant (n = 5)	Warrant Officer (n = 4)	Captain (n = 5)
Highest qualification	Grade 12 (n = 11)	Grade 12 + 1 yr tertiary education (n = 1)	Grade 12 + 2 yrs tertiary education (n = 1)	Grade 12 + 3 yrs tertiary education (n = 3)

The study's 2:1 male-to-female ratio corresponded with the overall SAPS ratio, which showed 61% of the police force being male in 2021 (a ratio of 1:0,064).²² Ages ranged from 32 to 54 years, with an average age of 42.68 years. More than two-thirds of the participants reported English as their first language (68%), followed by isiZulu (31%), the language predominantly spoken in KwaZulu-Natal.²³ Years of experience in the SAPS ranged from 4 to 34 years, with a mean of 19.68 years. The years of experience in the FCS unit specifically ranged from 2 to 17 years, with a mean of 9.68 years. The participants' qualifications were representative of the reported SAPS profile, as typically only 25% of employees have post-Grade 12 qualifications.²⁴ Regrettably, more recent information is unavailable, but the findings from the current study confirm those of a 2019 study conducted in Cape Town, which reported that approximately 46% of police officers had Grade 12 as their highest educational qualification.²⁵

Material and equipment

Besides the short biographic questionnaire, a script was developed to ensure consistency between the two focus groups. The script commenced with a welcome comment and an expression of gratitude to the participants for their participation despite their busy work schedules. The objectives of the focus group were explained, as well as its format and ground rules. Two broad open-ended questions were then introduced: 'What challenges do you experience when interacting with persons with communication disability in your work context?' and 'How do you manage to support and take statements from persons with a communication disability who have come to report a crime?' Follow-up questions flowed from previous statements and reminded participants to reflect on communication disability specifically. Verbal probing techniques were also used, which

included summarising what participants said, repeating the initial question and asking for expansion, clarification, or specific examples. Nonverbal probing techniques such as facial expressions (for example, frowning), body movements (nodding) and vocalisations ('mmm')²⁶ were also used. The discussion bolstered the researchers' understanding of the specific police-focused language used by participants to describe their challenges and experiences when interacting with persons with communication disability.²⁷ The researchers concluded the group discussion by thanking participants and assuring them of the value of their study contributions.

The note-taker used a laptop and data projector to capture and project all the responses emanating from the focus groups. This enabled everyone to follow the discussion by seeing, checking, and revising their projected statements, thus enhancing the trustworthiness of the data.²⁸

A voice recorder with an omni-directional microphone captured the discussions, allowing for the clarification of any data at a later stage.

Data collection procedure

For participant convenience, the focus groups were held in the FCS units' rooms, where regular work meetings occurred. The room set-up was retained, as the semi-circular table arrangement allowed for optimal interaction and contributed to a relaxed atmosphere. One of the units was attached to a police station, while the other unit operated from premises opposite the public hospital (allowing victims to be interviewed and medically assessed in one location).

The focus group discussion was pre-set to conclude within two hours, thereby allowing the researchers to gain much data in a relatively short period.²⁹ Eight participants arrived for each focus group at the specified time and

day. First, they completed the consent forms, followed by the short biographic questionnaire. Participants were put at ease and assured that every contribution was valuable. Since their participation was voluntary, they could withdraw from the process at any time without repercussion. Confidentiality was emphasised, and participants were encouraged to keep information about the discussions within the group.

Data analysis

The recordings were transcribed and then analysed using an inductive thematic approach. Three coders followed a collaborative and reflective approach during coding to achieve rich interpretations of the meaning of the data.³⁰ They worked independently to generate codes and organised these into themes using Braun and Clarke's six-phase process.³¹ Phase 1 entailed becoming familiar with the data by reading and re-reading the entire dataset. Phase 2 involved generating initial codes by labelling segments of text that seemed related to the research question with descriptive phrases. Phase 3 generated themes by grouping similar codes to find overall patterns of meaning. Phase 4 involved reviewing potential themes to establish if any themes needed to be revised. Phase 5 entailed defining and naming themes by re-reading all the codes allocated to a specific theme, thus deepening an understanding of the data, obtaining a comprehensive understanding of the theme and perceiving how it relates to other themes. Phase 6 culminated in reporting the data in the most logical and meaningful order and identifying verbatim quotes that could be used as examples.

Trustworthiness

Five specific strategies – credibility, transferability, dependability, confirmability, and

auditability – were considered to ensure the trustworthiness of the data.

Credibility (i.e., internal validity)³² was ensured through member checking. Participants reviewed and corrected their statements during the focus groups. They examined previous research findings during a systematic overview of published literature regarding police disability training programmes³³ and completed a survey questionnaire on disability knowledge and perceptions.³⁴

Transferability (i.e., external validity) involved the use of multiple groups and representative participants.³⁵ Two focus groups (representative of FCS units) were used to provide rich descriptive data and enhance transferability.

Dependability considers how consistent and repeatable the findings are.³⁶ For this purpose, a focus group script was used, and the participants' responses were compared. Using two different groups achieved a strong degree of overlap and accuracy.

Confirmability entailed establishing that interpretations were clearly derived from the data and limiting researcher bias.³⁷ Three researchers independently analysed the transcripts and, after discussion, reached a consensus on the initial codes and later themes. They also considered whether the findings were expected or unexpected and reflected on the pre-considerations against which these judgements were made.

Finally, auditability was achieved through peer debriefing and establishing an audit trail, thus allowing for information to be critiqued by persons outside of the research project.³⁸ Academic peers were consulted in developing the focus group script through online discussion groups. New ideas were generated, and potential pitfalls related to the methodology were identified. All procedures followed during the research process were recorded,

e.g., collection of raw data, data reduction, transcription, thematic analysis, as well as discussion and interpretation of the findings.

Findings

Although the research question concentrated on the challenges police experience when taking statements from persons with communication disability, broader factors (for example, lacking credibility and derogatory attitudes that influenced access to justice for persons with disabilities) were also discussed. This article focuses on the four themes related to the research question.

Transactional nature of communication

Participants deliberated over the reasons that communication broke down between police officers and persons with a communication disability during statement-taking. As communication is a process of cooperation and co-construction of shared meaning between two partners (a sender and a receiver), the reasons for the breakdown could be attributed to either of the partners. For example, persons with a communication disability have difficulty in expressing themselves and are unable to explain in a 'coherent manner' what they mean, creating a challenge when sending the message. In turn, police officers may struggle to understand sign language, misinterpret non-verbal communication or have difficulty dealing with incoherent statements, which essentially amounts to the receiving partner's inability to interpret the sender's communication attempts. A participant noted: *'Not using speech – verbalising, making it vocal – then you are stuck at the dead end you can't go beyond that – you don't get across what you want to ask – and the person [does not] understand you, they don't know the two-way process – like when you question, and he answers – it is not in sync – everything is bouncing back against the wall'*.

Language incompatibilities between the officer and the victim were also mentioned, which were exacerbated in persons with a communication disability who often lack formal schooling and are not proficient in English. An interviewee illustrated: *'There is this deaf and mute woman – somehow parents never sent their child to a special school – only the parents understand her...we struggle to get a statement.'*

Participants also acknowledged that the lack of police training regarding disability contributes significantly to communication breakdowns when statements need to be taken from persons with a communication disability.

Lack of resources to support communication during statement-taking

Participants mentioned a lack of access to interpreters, including sign language interpreters, to facilitate statement-taking. Only one special school accommodated deaf learners in their geographic area, and teachers were unavailable to assist with interpretation in court during school hours. Access to social workers and psychologists was another problem: *'In rural areas, there are few people – no social workers are on standby. Everyone works long hours.'* While these professionals do not primarily assist victims in communicating, their provision of trauma counselling and psychological support can help persons with a communication disability to become emotionally more settled, thus freeing cognitive resources for the communication task.

Police officers lack time to build rapport with individuals with a communication disability and engage in the laborious process of taking their statements. Communication challenges complicate this process even more.

Increased vulnerability of complainants with communication disabilities

Participants mentioned numerous factors that increase the likelihood that persons with a

communication disability (as part of the broader disability community) will become victims of crime. They perceived children with disability as being neglected and left without supervision in rural communities, noting that: *'A worker sees this child alone at home, then the child becomes a soft target for abuse.'* The myth that sexual intercourse with a virgin could cure HIV was also discussed. This misconception puts girls and women with disability at risk of abuse, as they are often wrongly perceived as virgins: *'Virgin rape is a cure for HIV. It is something that happens here with people with disabilities. I had a specific case – a guy said he raped to be cured – and then victims that have been raped end off to be HIV positive.'*

A second vulnerability relates to persons (specifically children) with intellectual and communication disabilities need to rely on others who know them well – typically family members – to interpret their communication attempts. Police clearly had reservations about relying on reports from family members and suspected that they had ulterior motives: *'Mentally challenged people – do not receive any formal education – you have to rely on family members, and the child can be influenced by family members. You have to rely on the same family member to act as interpreter.'*

Participants also agreed that persons with a communication disability – specifically limited receptive language skills (understanding) – may be exploited for reporting false allegations. They noted that: *'Domestic violence is big - parents use disabled kids to get back at each other and make false reports of sexual abuse.'* Furthermore, disabled individuals can easily be set up to repeat words they do not necessarily understand: *'They are easily persuaded – because of their mental capacity – or their (limited) language understanding capacity – the parents will tell them what to say – they are gullible to how they're coached at home. They*

tell you they were raped, but they don't know what rape is.'

Participants also mentioned that there is limited reporting of crimes committed against victims with communication and other disabilities. They pointed to a level of ignorance about the possibility of police providing augmentative and alternative communication support to such victims or a support person to assist during statement taking: *'People don't know different lines of duty – the front line should inform everything to victims. Families think everything is the SAPS. The victims don't get much joy from social workers – then they come back to SAPS.'* Perpetrators exploit this situation by highlighting the poor prospects of successful prosecution to families and using alternative strategies to persuade them not to report the crime: *'Families are paid for damages and told not to open a case because the case won't go anywhere.'*

Police pessimism

Participants were pessimistic (even cynical) about the possibility that a person with a communication disability would attain justice. Previous experience caused them to perceive the justice system as a whole to be rather unsupportive and its various representatives as unskilled or unwilling to assist persons with communication disability. They reported that police officers did not always comply with statement-taking principles regarded as the 'gold standard' in the SAPS. While this criticism may not be limited to statements taken from individuals with communication disabilities, it may be even more pronounced for this group due to the challenges police experience in working with them.

The elements of the crime were often not reported in the victim's own words – perhaps because victims with communication disability may have restricted vocabulary and require a much longer time to explain what they mean. Participants argued that perpetrators

were hardly ever prosecuted in cases where the victim had a form of disability, even if police officers did take a statement. The role of psychologists and defence attorneys was explicitly mentioned, as they were often unwilling to let these cases proceed to the court phase: *'The state psychologist determines if the child has a good cognitive level – and if the case will stand or not. So, it depends on the psychologist's finding. I think that also is wrong – the law says you should not have sex with a person with disability who can't talk and consent. The court fails these people and young children.'* According to participants, some defence attorneys tried to prove their client's innocence by arguing that the perpetrator was not aware of the victim's age or disability: *'If a person is 18 and disabled, the defence attorney looks at any excuse. For example, [the defence attorney will say that] the perpetrator did not know that the client was underage or disabled. Again, justice is not served. The rights of the victim fall away.'*

Participants mentioned that although families often agree to dispute resolution outside of court, this remedy usually brings little or no justice for the victims with a communication disability themselves. Police officers felt that the human rights of persons with disabilities in general, and those with a communication disability in particular, are often ignored. They explained: *'[Agreement] is reached between the perpetrator and the victim's family to pay the family not to report to the police. They do nothing to help the child that was raped.'* The families may benefit from alternative dispute resolution (for example, involving a payment), but the remedy has no clear benefits for the victim. This bleak outlook affects the motivation of police officers to attempt proper statement-taking from persons with a communication disability.

Discussion

Ensuring access to justice for all is the first step in the justice process. Pre-statements typically culminate in sworn statements and constitute evidence presented during courtroom proceedings, prosecution, and sentencing.³⁹ Unless credible statements are taken, victims with communication disorders are revictimised. Our study highlights the challenges faced by South African police officers in the FCS units when taking statements from victims with communication disabilities in work contexts characterised by limited resources and pessimism about their ability to achieve justice for these individuals.

In line with international literature, findings from this study identified language barriers related to receptive (understanding) and expressive language (typically spoken language/speech) arising from different disorders (such as traumatic brain injury, autism spectrum disorder, intellectual disability or physical disability) as significant.⁴⁰ Since some disabilities causing communication disability are not visible (e.g., deafness), police officers struggle to identify such disabilities correctly. Unintelligible speech and limited vocabulary may also cause affected individuals not to be taken seriously, exacerbating the difficulties in statement-taking.⁴¹ Police officers should ask the right questions to obtain a reliable response, such as asking the victim to demonstrate how they communicate 'yes' and 'no', and determine the easiest way of eliciting information from these victims.⁴²

Misinterpreting a person's communication disability as an intellectual disability may lead police officers to use more basic interviewing methods, such as fewer questions and predominantly closed-ended questions. This may contribute to no statement being taken or incomplete information gathered from victims with a communication disability, which could

compromise the apprehension and prosecution of perpetrators.⁴³

Findings showed that communication challenges were exacerbated by language barriers resulting from limited education and lack of English proficiency, the predominant language used in the criminal justice system. This has a direct bearing on victims' human and language rights, as many individuals who enter the South African judicial system do not speak English.⁴⁴ The language and concepts involved in the statement process may deter persons with a communication disability as they may not fully understand what is expected of them. Police officers argued that victims' lack of knowledge of the appropriate terminology complicates statement-taking. In some cases, police officers opted to replace the terms used by the victim (for example, 'my peepee') with the correct anatomical terminology (penis), resulting in the statement losing credibility during cross-examination. Restricted vocabulary is often part of limited expressive language and may suggest a broader communication disability.

Police officers also reported barriers induced by the lack of available resources, such as staffing constraints within the FCS units and limited access to interpreters, intermediaries and other service providers like social workers. Interestingly, speech-language therapists were not explicitly mentioned despite being an obvious choice as support professionals in the case of communication disability. This is probably due to the limited number of speech-language therapists in South Africa.⁴⁵ Police officers were frustrated by a lack of information about the criminal justice process that is available to persons with a communication disability. At the same time, victims and their families experienced frustration about not being fully informed of the progress of their cases.⁴⁶ These factors negatively affected service delivery and led to less favourable outcomes

– not only for police officers but also for the victims and families.

Negative attitudes towards persons with a communication disability stem from general ignorance about disability and a lack of understanding of the needs of these individuals.⁴⁷ These negative attitudes hamper interaction not only between persons with disability and the community in which they reside but also with the police. Myths that prevail around the sexuality of women with disabilities (being 'child-like' or 'children forever') make them prime targets for paedophile perpetrators.⁴⁸

Findings also showed that perpetrators often persuade families not to report cases involving persons with communication and intellectual disabilities. This type of alternative restitution, which typically involves money, gifts or food, is described in the literature as tricking parents into coercion not to report the crime.⁴⁹ Moreover, persons with a communication disability may not fully comprehend their situation and struggle to indicate that they require help.⁵⁰

Police officers often lacked access to a victim-friendly room to take a statement in a private, non-threatening environment without disturbances. Such rooms have helped build rapport with victims, resulting in a more credible statement.⁵¹ Since many crimes perpetrated against persons with a communication disability are sexual offences, police officers understand the importance of building rapport with the victims, being patient, listening effectively and communicating at the victim's level of understanding.

The knowledge and skill barriers identified may result from police officers not being trained on how to approach and interact with persons with a communication disability, as has been reported in both international and South African studies.⁵² These barriers hinder the

evidence collection from the victim, resulting in an incomplete statement and the case not proceeding through the criminal justice system. It is a vicious cycle that creates a negative self-fulfilling prophecy: police officers expect that a statement taken from a person with a communication disability will not lead to a successful conviction, and they, therefore, do not spend extra time on taking a credible statement. Poor quality statements do not yield successful outcomes, as the presiding officer cannot rely on them. This vicious cycle furthermore leads to reluctance by persons with a communication disability to give a statement, as they also perceive it as a futile exercise.

Police officers suggested that training on disability generally, and communication disability specifically, could enable them to better assist affected individuals who report being a victim of crime. This can assist police officers to overcome some of the multifaceted barriers experienced by both the person with a communication disability reporting a crime and the police officer taking their statement.⁵³

Furthermore, police officers complained about a lack of qualified professionals to prosecute cases. Many defence attorneys regard cases involving victims with a communication disability as false complaints or as subjective evaluations and interpretations of the reported crimes.⁵⁴ Persons with a communication disability are often deemed unreliable witnesses, and because of this misperception, many cases do not go to court.⁵⁵ Police officers also reported that victims' rights and dignity were ignored, those reporting a crime were treated without sensitivity, and they were not informed about their rights and how to exercise them (including for example, testifying *in camera*).

Taking statements and writing reports are a vital part of policing.⁵⁶ Police statements are scrutinised more than any other document in police officers' line of duty. Thus, effective

statement-taking and report writing involve organising and expressing the facts pertaining to each case. A total word picture needs to be put on paper so that the incident is clear, accurate, complete, and written in easily understood English.⁵⁷ A credible statement will facilitate the victim's participation in the legal proceedings, while statements that are called into question might result in unsuccessful prosecution.⁵⁸

Building police competence requires career-long learning and development. A part of this process involves equipping police officers with the necessary knowledge and skills to work with persons with disability. This will allow them to make reasonable adjustments when communicating with such victims, resulting in credible statements.

Strengths and limitations

This study adds to the literature by obtaining police officers' perspectives on the challenges of taking statements from persons with communication disability from a middle-income country. These may mirror those of police in low-resource contexts.

The participants were selected from two FCS units in comparable geographical areas. The similarity of their responses indicates that they probably had standard practices for coping with such encounters based on the local operating culture. While the information from the two groups impacted the data dependability positively (due to data convergence), future studies could seek to obtain more divergent opinions.

Participation was non-compulsory and police officers' involvement was based on their interest and availability. Therefore, frequent court appearances, annual leave, sick leave, or other competing activities may have affected participation. The data may also have been positively skewed because only police officers interested in communication disability might have participated. Moreover, using focus groups to

collect data (rather than individual interviews) might have reduced participation due to the hierarchical nature of the police service and the dynamics of having senior officers in the same group as juniors. This was addressed at the start of the focus groups when the researcher explained that all input was equally important, irrespective of the participant's rank or seniority. The discussions showed that there was mutual respect and strong collegial support between all police officers, acknowledging the challenging work they engage in daily. Police officers afterwards expressed their gratitude at being offered the opportunity to share their concerns and express the difficulties they experienced in providing services to persons with communication difficulties. This underlined the importance they attached to the matter.

Suggestions for practice

The current study suggests that police officers would benefit from training on communicating with persons with communication disabilities, as this would assist in more credible statements taken from these victims. Training programmes on disability sensitivity should be incorporated into the initial training of new recruits and become part of the ongoing professional development of in-service police officers. This could raise their awareness of the difficulties encountered by persons with a communication disability when they attempt to access police services.

Shorter-term training programmes could focus on honing specific skills regarding victims with a communication disability (such as taking their statements) or executing policies to support them. A person with a communication disability could be a co-trainer to ensure first-hand experience interacting with such individuals.

Conclusion

Police officers experienced challenges in taking credible statements from victims with

communication disability. They also felt ill-equipped to interact with and support these individuals to proceed through the judicial process to a conviction stage successfully.

Participants' inability to take statements from victims with a communication disability led to mutual frustration – families felt that they were not receiving justice, while police officers felt that they could not perform their duties effectively. The fact that they did not know sign language (or other forms of augmentative and alternative communication) led to frustration, anger and disappointment for both the victim and SAPS. From the first contact with the justice system (in other words, when the crime is reported at the local police station), partnerships between the family and the police need to be built to address the challenges identified by this exploratory study. Such partnerships will strengthen the capacity of police officers and ensure that all persons, including victims with a communication disability, are afforded fundamental access to quality and fair law enforcement services.

Finally, training was identified as critical for all police officers working in FCS units. Participants felt that disability training should be a compulsory course for all police in FCS units to enable them to assist persons with disabilities, especially those who cannot communicate verbally.

Notes

- 1 Erna Viljoen holds a doctorate in Alternative and Augmentative Communication (AAC) from the University of Pretoria. She is a registered psychologist in Counselling and Industrial Psychology in private practice. Kerstin Tönsing is a speech-language therapist and professor at the Centre for AAC, University of Pretoria. Her research focuses on the design and implementation of augmentative and alternative communication systems to foster communication and participation in persons with communication access needs. Juan Bornman is a professor in the Division of Speech-Language and Hearing Therapy, Department of Health and Rehabilitation Sciences at Stellenbosch University and research fellow at the University of Pretoria. She is a registered speech-language therapist, and her research focuses on using AAC within a human rights-based

- approach to ensure access to social justice for persons with significant communication disability.
- 2 Rachel Treisman, "13-year-old Boy with Autism Disorder shot by Salt Lake City Police," 9 September 2020, *National Public Radio*, <https://www.npr.org/2020/09/09/910975499/autistic-13-year-old-boy-shot-by-salt-lake-city-police>; Allyson Waller, "Parents Sue Louisiana Sheriff and Deputies Over Autistic Son's Death, 15 January 2021, *New York Times*, <https://www.nytimes.com/2021/01/15/us/eric-parsa-death-police.html>.
 - 3 Kathy Ellem and Kelly Richards, "Police with Young People with Cognitive Disabilities: Perceptions of Procedural (In) Justice," *Youth Justice* 18, no. 3 (2018): 230–247, <https://doi.org/10.1177/1473225418794357>.
 - 4 Kgomotso Modise, "Police Officers Accused of Killing Nathaniel Julies Will Have to Plead Again," 15 June 2022, *Eye Witness News*, <https://ewn.co.za/2022/06/15/police-officers-accused-of-killing-nathaniel-julies-will-have-to-plead-again>.
 - 5 American Speech-Language-Hearing Association (ASHA) Ad Hoc Committee on Service Delivery in Schools, Definitions of Communication Disorders and Variations, accessed 30 January 2022, www.asha.org/policy/rp1993-00208/#:~:text=A%20communication%20disorder%20is%20an,severity%20from%20mild%20to%20profound.
 - 6 Margaret Camilleri and Cassie Pedersen, *Hear Us: The Experiences of Persons with Complex Communication Needs in Accessing Justice* (Ballarat: Federation University Australia, 2019), <https://www.lawreform.vic.gov.au/publication/improving-the-justice-system-response-to-sexual-offences-report/bibliography/>.
 - 7 Keith Christensen and Jill Bezyak, *Communicating with Individuals with Disabilities: Policies and Training for Law Enforcement Personnel* (Utah: Center for Persons with Disabilities, Utah State University, 2017), https://adata.org/sites/adata.org/files/files/Law%20Enforcement%20Rapid%20Response%20Report_Final.pdf.
 - 8 Juan Bornman, "Accessing Justice via Key Role Players: A View from South Africa", in *Stop Violence against People with Disabilities: An International Resource*, ed. Diane Bryen and Juan Bornman (Pretoria: Pretoria University Law Press, 2014), 41–82; Soraya Maart, Seyi Amosun and Jennifer Jelsma, "Disability Prevalence-Context Matters: A Descriptive Community-Based Survey," *African Journal of Disability* 8, no. 1 (2019), a512, <https://hdl.handle.net/10520/EJC-18cb59165b>; Jonathan Weiss and Michelle Fardella, "Victimization and Perpetration Experiences of Adults with Autism," *Frontiers in Psychiatry* 9 (2018), 1–10, <https://doi.org/10.3389/fpsy.2018.00203>.
 - 9 Han Yu and Natalie Monas, "Recreating the Scene: An investigation of Police Report Writing," *Journal of Technical Writing and Communication* 50, no. 1 (2020), 35–55, <https://doi.org/10.1177/0047281618812441>.
 - 10 Dylan Cooper, Disha Uppal, Kirsten Railey, Amy Wilson, Katie Maras, Emily Zimmerman, Juan Bornman and Lindsay Shea, "Policy Gaps and Opportunities: A Systematic Review of Autism Spectrum Disorder and Criminal Justice Intersections," *Autism* 26, no. 5 (2022), 1014–1031, <https://doi.org/10.1177/13623613211070341>.
 - 11 Jennifer Keilty and Georgina Connelly, "Making a Statement: An Exploratory Study of barriers Facing Women with Intellectual Disability When Making a Statement About Sexual Assault to Police," *Disability and Society* 16, no. 2 (2010), 273–291, <https://doi.org/10.1080/09687590120035843>; Ken Morris and Michael Merson, Report Writing for Law Enforcement and Corrections Professionals: From Dispatch to The Court, (Boston: Pearson, 2017), 112–125.
 - 12 Annelies Vredeveldt, Linda Kesteloo and Peter van Koppen, "Writing Alone or Together: Police Officers' Collaborative Reports of An Incident," *Criminal Justice and Behaviour* 45, no. 7 (2018), 1071–1092, <https://doi.org/10.1177%2F0093854818771721>.
 - 13 South African Police Service (SAPS), *South African Police Service Learner's Guide: A1 Statement Taking, Version 1/2013* (Pretoria: SAPS Human Resource Development, 2013).
 - 14 Hu and Monas, "Recreating the scene," 35–55.
 - 15 Sandra Thompson, "Judicial Gatekeeping of Police-Generated Witness Testimony," *Journal of Criminal Law and Criminology* 102, no. 2 (2013), 329–396, <https://heinonline.org/HOL/P?h=hein.journals/jclc102&i=349>.
 - 16 Billy Fogden, Stuart Thomas, Michael Daffern and James Ogloff, "Crime and Victimization in People with Intellectual Disability: A Case Linkage Study," *BMC Psychiatry* 16 (2016), 170, <https://doi.org/10.1186/s12888-016-0869-7>.
 - 17 Rosemary Hughes, Mary Curry, Mary Oschwald, Beckie Child, Emily Lund, Michael Sullivan, and Laurie Powers, "Responding to Crime Victims with Disabilities: The Perspective of Law Enforcement," *Journal of Policy Practice*, 10, no. 3 (2011), 185–205, <https://doi.org/10.1080/1558874.2.2011.582812>.
 - 18 Emma Pearce, Kathryn Paik and Omar Robles, "Adolescent Girls with Disabilities in Humanitarian Settings: 'I Am Not 'Worthless', I am A Girl with a Lot to Share and Offer,'" *Girlhood Studies* 9, no. 1 (2016), 118–136, <https://doi.org/10.3167/ghs.2016.090109>.
 - 19 Nora Baladerian, Thomas Coleman and Jim Stream, "Abuse of People with Disabilities: Victims and Their Families Speak Out," (California: Spectrum Institute Disability and Abuse Project, 2013), <http://disability-abuse.com/survey/survey-report.pdf>.
 - 20 Ellem and Richards, "Police Contact with Young People with Cognitive Disabilities," 230–247; Erna Viljoen, Juan Bornman and Kerstin Tönsing, "Interacting with Persons with Disability: Police Officers' Knowledge, Experience, and Perceived Competence," *Policing: A Journal of Policy and Practice* 15, no. 2 (2021), 965–979, <https://doi.org/10.1093/police/paaa084>.
 - 21 Richard Krueger and Mary Casey, *Focus Groups: A Practical Guide for Applied Research*, 5th ed. (Thousand Oaks, CA: Sage, 2015) 17–33.
 - 22 South African Police Service (SAPS), *South African Police Service Annual Report 2021/2022*, (Pretoria: SAPS, 2022), https://www.gov.za/sites/default/files/gcis_document/202211/saps-2021-22.pdf.

- 23 STATISTA, *Distribution of Languages Spoken by Individuals Inside and Outside of Households in South Africa, 2018*, accessed 1 October 2023, <https://www.statista.com/statistics/1114302/distribution-of-languages-spoken-inside-and-outside-of-households-in-south-africa/>.
- 24 South African Police Service (SAPS). *South African Police Service Annual Report 2014/2015*, (Pretoria: SAPS, 2015), <https://www.gov.za/documents/south-african-police-service-annual-report-20142015-7-oct-2015-0000>.
- 25 Abdussalam Salem, "The Effectiveness of Training Received by South African Police Officers and Its Impact on Job Performance," (Unpublished Master's Thesis, Cape Peninsula University of Technology, 2015), 1–83.
- 26 Gerben Moerman, "Probing Behaviour in Open Interviews: A Field Experiment on the Effects of Probing Tactics on Quality and Content of the Received Information," (Unpublished PhD Dissertation: Vrije Universiteit Amsterdam, 2010), 1–45.
- 27 Krueger and Casey, *Focus groups*, 17–33.
- 28 Ayesha Rauf, Lubna Baig, Tara Jaffery and Riffat Shafi, "Exploring the Trustworthiness and Reliability of Focus Groups for Obtaining Useful Feedback for Evaluation of Academic Programs," *Education for Health* 27, no. 1 (2014), 28–33, <https://doi.org/10.4103/1357-6283.134303>.
- 29 Krueger and Casey, *Focus groups*, 17–33.
- 30 David Byrne, "A Worked Example of Braun and Clarke's Approach to Reflexive Thematic Analysis," *Quality & Quantity* 56, (2022), 1391–1412, <https://doi.org/10.1007/s11135-021-01182-y>.
- 31 Virginia Braun and Victoria Clarke, "Reflecting on reflexive thematic analysis," *Qualitative Research in Sport Exercise and Health* 11, no. 4 (2019), 589–597, <https://doi.org/10.1080/2159676X.2019.1628806>.
- 32 Rauf, Baig, Jaffery and Shafi, "Exploring the Trustworthiness and Reliability of Focus Groups," 28–33.
- 33 Erna Viljoen, Juan Bornman, Louise Wiles and Kerstin M Tönsing, "Police Officer Disability Sensitivity Training: A Systematic Review. *Police Journal: Theory, Practice and Principles* 90 (2017), 143–159.
- 34 Viljoen, Bornman and Tönsing, "Interacting with Persons with Disability," 965–979.
- 35 Krueger and Casey, *Focus Groups*, 17–33.
- 36 Rauf, Baig, Jaffery and Shafi, "Exploring the Trustworthiness and Reliability of Focus Groups," 28–33.
- 37 Ibid.
- 38 Ibid.
- 39 Monwabisi Ralarala, "Implications and Explications of Police Translation of Complainants' Sworn Statements: Evidence Lost in Translation?" (Unpublished Doctoral Thesis: University of the Free State, 2015), 1–97.
- 40 Joanna Birenbaum and Barbara Collier, *Communication Intermediaries in Justice Services: Access to Justice for Ontarians Who Have Communication Disabilities*. (Toronto: Communication Disabilities Access Canada, 2017), https://www.cdacanada.com/wp-content/uploads/2018/02/Communication_Intermediaries_In_Justice_Services_DIGITAL_14-1.pdf; Nienke Spaan and Hendrien Kaal, "Victims with Mild Intellectual Disabilities in the Criminal Justice System," *Journal of Social Work* 19, no. 1 (2019) 60–82, <https://doi.org/10.1177/1468017318757331>.
- 41 Bornman, "Accessing Justice via Key Role Players," 41–82; Gautam Gulati, Allan Cusack, John Bogue, Anne O'Connor, Valerie Murphy, Darius Whelan, Walter Cullen, Cliona McGovern, Brendan Kelly, Elizabeth Fistein, Shane Kilcommins and Colum Dunne, "Challenges for People with Intellectual Disabilities in Law Enforcement Interactions in Ireland; Thematic Analysis Informed by 1537 Person-Years' Experience," *International Journal of Law and Psychiatry* 75 (2021), 101683, <https://doi.org/10.1016/j.ijlp.2021.101683>.
- 42 South African Police Service (SAPS), *SAPS Learner's Guide*.
- 43 Leanne Dowse, Simone Rowe, Eileen Baldry and Michael Baker, *Police responses to people with disabilities*, (Sydney: University of New South Wales, October 2021), https://www.researchgate.net/publication/355382976_Police_responses_to_people_with_disability; Keilty and Connelly, "Making a statement," 273–291.
- 44 Ralarala, "Implications and Explications of Police Translation of Complainants' Sworn Statements," 1–97.
- 45 Mershen Pillay, Ritika Tiwari, Harsha Kathard and Usuf Chikte, "Sustainable Workforce: South African Audiologists and Speech Therapists," *Human Resources for Health* 18, no. 1 (2020), 1–13, <https://doi.org/10.1186/s12960-020-00488-6>.
- 46 Elaine Wedlock and Jacki Tapley, *What Works in Supporting Victims of Crime: A Rapid Evidence Assessment*, (Portsmouth: University of Portsmouth, 2016), <https://researchportal.port.ac.uk/en/publications/what-works-in-supporting-victims-of-crime-a-rapid-evidence-assess>.
- 47 Hardeep Aiden and Andrea McCarthy, *Research Output: Research Commissioned Report*, (London: Scope, May 2014), [https://research-information.bristol.ac.uk/en/publications/current-attitudes-towards-disabled-people\(f85a8a8d-dc69-4e23-a02b-42707a1acf9f\).html](https://research-information.bristol.ac.uk/en/publications/current-attitudes-towards-disabled-people(f85a8a8d-dc69-4e23-a02b-42707a1acf9f).html).
- 48 Bornman, "Accessing Justice via Key Role Players," 41–82.
- 49 Mercilene Machisa, Nicola Christofides and Rachel Jewkes, "Mental Ill Health in Structural Pathways to Women's Experiences of Intimate Partner Violence," *PLoS One* 12, no. 4 (2017): e0175240, <https://doi.org/10.1371/journal.pone.0175240>.
- 50 Gulati et al, "Challenges for People with Intellectual Disabilities in Law Enforcement Interactions in Ireland," 101683.
- 51 South African Police Service (SAPS), *Victim Empowerment Services in the South African Police Service*, 2009, accessed 2 April 2022, https://www.saps.gov.za/resource_centre/women_children/amended_victim_empo_service.pdf.
- 52 Dowse, Rowe, Baldry and Baker, *Police Responses to People with Disabilities*; Alisha Roberts and Myah Satterelli, "Understanding Us: An Interactive Training Program for Members of Law Enforcement and Individuals with Disabilities," *Occupational Therapy Capstones* (2020), 456; Viljoen, Bornman and Tönsing, "Interacting with Persons with Disability," 965–979.

- 53 Bornman, "Accessing Justice via Key Role Players," 41–82; Spaan and Kaal, "Victims with Mild Intellectual Disabilities in the Criminal Justice System," 60–82; Victorian Equal Opportunity and Human Rights Commission, *Beyond Doubt: The Experience of People with Disabilities Reporting Crime – Research Findings*, (Carlton: Victorian Equal Opportunity and Human Rights Commission, 2014).
- 54 Jan Jordan, "Here We Go Round the Review-Go-Round: Rape Investigation and Prosecution – Are Things Getting Worse Not Better?" *Journal of Sexual Aggression* 17, no. 3 (2011), 234–249, <https://doi.org/10.1080/13552600.2011.613278>.
- 55 Gulati et al., "Challenges for People with Intellectual Disabilities in Law Enforcement Interactions in Ireland," 101683.
- 56 Hu and Monas, "Recreating the Scene," 35–55.
- 57 South African Police Service, *SAPS Learner's Guide*.
- 58 South African Police Service, *SAPS Learner's Guide*; John Cagle, *Write to Protect and Serve: A Practical Guide for Writing Better Police Reports*, (Gainesville, GA: University of North Georgia Press, 2019), 10–95.