



Legal Vulnerability – Police Officers’ Stories in Their Meeting with People with Intellectual Disabilities

KARIANNE MOEN 

TONE HEE ÅKER 

GAUTAM GULATI 

*Author affiliations can be found in the back matter of this article

RESEARCH



STOCKHOLM
UNIVERSITY PRESS

ABSTRACT

This study examines the legal vulnerability of people with intellectual disabilities exposed to domestic violence and sexual abuse, and has the research question: How is the legal vulnerability of people with intellectual disabilities represented in stories of abuse and violence told by the police? The study is based on interviews with 11 police officers who coordinate such cases. The term legal vulnerability and Goffman’s theoretical perspectives of the interaction order is used to provide an understanding of factors which may challenge the competence in safeguarding their legal rights.

The analysis generated five themes. Our findings suggest that their lack of competence or experience in social interaction with others makes them vulnerable to exploitation. Legal vulnerability also occurs in the interaction with the police, due to a mismatch in police officers’ expectations of an investigative interview and their challenges to account for what they have been subjected to.

CORRESPONDING AUTHOR:

Karianne Moen

The Norwegian Police
University College, NO

karianne.moen@phs.no

KEYWORDS:

police; legal vulnerability;
people with intellectual
disabilities; sexual abuse;
domestic violence

TO CITE THIS ARTICLE:

Moen, Karianne, Tone Hee Åker, and Gautam Gulati. 2024. “Legal Vulnerability – Police Officers’ Stories in Their Meeting with People with Intellectual Disabilities.” *Scandinavian Journal of Disability Research* 26(1): 159–172. DOI: <https://doi.org/10.16993/sjdr.1068>

The living conditions and human rights realisations of people with intellectual disabilities have been improved by several reforms, notably the United Nations' Convention on the Rights of Persons with Disabilities (UNCRPD). They have achieved more independence, not least in managing everyday life. However, violence towards, and abuse of, people with intellectual disabilities remains a great societal challenge. Research shows them to be more exposed and vulnerable to victimisation than the general population (Hughes et al. 2012: 3; Nixon et al. 2017; Tomsa et al. 2021), over-represented as victims in all areas of law enforcement (Gulati et al. 2020; Søndena et al. 2008). Research shows an increased vulnerability to sexual assault in particular among people with intellectual disabilities (Fogden et al. 2016; Hughes et al. 2012; Nixon et al. 2017). A meta-analysis conducted by Mailhot Amborski et al. (2021) found, from between 1970 and 2018, 68 articles involving 84 independent samples, totalling 12,427 participants with disabilities. These indicate that the risk of sexual assault for people with intellectual disabilities is almost twice that of the general population. A much higher number was suggested by Fogden et al. (2016) in a case-linkage study from Australia, which reported the risk of being a victim of violence or sexual abuse to be close to two and four times higher, respectively. They also found this group to be less likely to have an official history of victimisation, suggesting that such cases were under-reported in police records (Fogden et al. 2016). Prevalence numbers vary across studies, due mainly to methodological challenges (Byrne 2017; Vanderminden 2017). However, the increased risk of victimisation of people with a disability is well documented (e.g., Fogden et al. 2016; Hughes et al. 2012; Mailhot Amborski et al. 2021; Nixon et al. 2017; Sullivan & Knutson 2000).

Explaining this vulnerability and over-representation in the criminal justice system is complex, with research referring to barriers within the criminal justice system such as a lack of competence in, for example, identifying whether a person has an intellectual disability, lack of routines and guidelines, prejudiced opinions about people with intellectual disabilities, and communication difficulties (McCarthy et al. 2021; Søndena et al. 2019). Other studies discuss their vulnerability and over-representation in relation to cognitive impairments affecting their ability to comprehend complex information and communicate effectively (Gulati et al. 2020; Søndena et al. 2008). Additionally, people with intellectual disabilities are sometimes liable to be suggestible, and their credibility as witnesses is often questioned (Gudjonsson & Henry 2003; Henry & Gudjonsson 2003). This study, however, discusses the concept of legal vulnerability in light of Goffman's interaction order, analysing Norwegian police officers' stories of encountering people with intellectual disabilities in cases involving violence and abuse.

The concept of legal vulnerability is used to denote the phenomenon under study. The term has a wide range of applicability and is used in relation to both healthcare and healthcare legislation (Kim et al. 2022, Biggs & Jones 2014), to young illegal immigrants (Sarabia et al. 2022) and to same-sex parent families, to mention just a few. Without being clearly defined, the term refers to vulnerability to exposure to some form of offence, abuse or injustice. In this article, the term refers to the increased risk of people with intellectual disabilities to be subject to incidents of exploitation and abuse, and the difficulties they may have in understanding and accounting for such incidents. Vulnerability represents a complex issue in a legal context (for a broader discussion of vulnerability in a legal context, see Cooper & Northon 2017) and, in this context, is often ascribed to individuals who, by virtue of their personal characteristics, experience the criminal justice process as demanding or challenging (e.g., through not being able to provide a coherent account) (Cooper & Northon 2017). Intellectual disabilities or impaired or reduced social skills, such as understanding how to act or defend oneself in potentially abusive situations, are associated with an increased risk of abuse (Hughes et al. 2012; Nixon et al. 2017). Dependence on others in the activities of daily life seems to increase legal vulnerability (Chopin et al. 2023). Explaining the assumed vulnerability of people with intellectual disabilities by personal traits, however, dismisses the barriers that arise in the gap between society's demands and the person's abilities (Wehmeyer et al. 2008). Today's understanding of people with intellectual disabilities emphasises interaction between the person and their environment, meaning that a person's abilities are influenced by environmental barriers (Schallock et al. 2007). Changes in our understanding of people with intellectual disabilities, in light of the widely accepted 'social model of disability', which acknowledges the gap between a person's abilities and society's demands, have, over the past decades, led to the strengthening of their human

rights, and the living conditions of people with intellectual disabilities have improved through various reforms (Sandvin 2014; Skarstad 2018). Today, people with intellectual disabilities play a more independent part in society. However, society's expectations regarding understanding and handling an increasing amount of knowledge may represent barriers for some people with intellectual disabilities, leading to social exclusion (Sandvin 2014). Our knowledge- and information-based society requires the cognitive capacity to search for information, to sort and interpret it (Sandvin 2014: 10). Recent research from Norway by Vassend (2020) and Vassend et al. (2023), in which young people with intellectual disabilities were interviewed, found that they struggled to adapt to the high standards of competence in society. According to Vassend (2020), their struggle with adaptation can be understood as vulnerability and is described as lacking the knowledge or skills to protect themselves in situations where they are at risk of being victims of violent or sexual abuse. Understanding what influences their ability to protect themselves is crucial if organisations such as the criminal justice system are to be able to develop interventions and support, helping to reduce their struggle to adapt to society's demands. This is in keeping with the concept of procedural accommodations, as required for individuals to exercise their right to access justice equally, in accordance with Article 13 of the UNCRPD.

Knowledge of and research into the difficulties of people with intellectual disabilities and their encounters with the criminal justice system can be divided in two categories: studies discussing vulnerability to victimisation and the prevalence of criminal cases, and studies related to investigative interviews, and how to conduct such interviews (Bearman et al. 2020; Bowles & Sharman 2014; Bull 2013; Cederborg & Lamb 2008). There is, however, little research discussing the social processes influencing the interaction between police officers and people with intellectual disabilities in criminal cases involving violence and abuse. The aim of this study is to contribute to a deeper understanding of the legal vulnerability of people with intellectual disabilities, in terms of both the risk of exploitation and abuse as such and the reduced ability to understand and account for such incidents, which is important for obtaining the necessary help to stop, or process, the abuse.

Through 11 in-depth interviews, police officers report their experience of meeting people with intellectual disabilities in possible criminal cases involving violence and abuse. The present study focuses on the vulnerabilities of people with intellectual disabilities assumed as accounted for in the police officers' stories. These stories contain narratives about their experiences of interacting with people with intellectual disabilities. To elaborate on these interactions and discuss legal vulnerability and people with intellectual disabilities, we draw on Goffman's theoretical perspective, the interaction order and how general structures are present, influencing such interactions.

The research question pursued in this article is: How is the legal vulnerability of people with intellectual disabilities represented in stories of abuse and violence told by the police?

THEORY

According to Goffman, there is a form of interaction applicable to all face-to-face encounters: the interaction order (2004: 284). This is not something imposed from without but a structure established in the interaction itself. Most interactions have a more or less common structure. Goffman describes this as 'a system of enabling conventions' (2004: 290). Conventions are widely recognised rules or norms we are obliged to follow, leading to the interaction taking place in certain ways and regulating social contact between people. Knowing how rules and norms regulate social contact and acting accordingly can be defined as social competence.

These rules are socially situated, meaning they are influenced by one's place in society, for example social class and gender. However, the face-to-face interaction is a unique and distinct entity, circumscribed in time and space and where cognition and language come into play as psychobiological elements concerning the understanding of body language and actions (Goffmann 2004: 285). In a face-to-face interaction, verbal communication increases the effectiveness of the interaction, enabling the introduction of matters external to the immediate situation (Goffmann 2004: 287).

According to Goffman (2004), all interactions imply vulnerability. Participation in face-to-face encounters only happens in the physical presence of all we are regarding age, sex, signs of status, social class, physical strength and other marks of identity. Each party brings these bodily identity signs into the interaction, thereby becoming vulnerable to the other, vulnerable to physical assault, sexual harassment, hindrances to movement, and so on, either through 'unnegotiated use of power' or, more commonly according to Goffman (2004), 'coercion'. If one of the parties is exposed to 'unnegotiated use of power', a negotiation follows, in which one gives in, within the range of possibilities granted by the interaction and in certain areas, to avoid something worse; this is a way of dealing with inferiority, making the damage or discomfort as little as possible.

Interaction can be divided into three main phases, with face-to-face social interaction being opened, conducted and ended (Aakvaag 2008; Goffman 2004). In the opening phase, categorisation occurs, where one is placed in a social category based on observations made of the other's appearance (Aakvaag 2008; Goffman 2004: 287). The categorisation is either categorical, where one is placed in a social category such as intellectually disabled, or individual, where one is assessed based on one's appearance (Goffman 2004). Goffman writes that this is a quiet sorting, where the impression one makes in the interaction can affect one's chances in life (Goffmann 2004: 298).

The main phase is the conducting of the interaction, which is always on the basis of a joint focus of attention, which each actor has to establish, reproduce and also change (Aakvaag 2008; Goffman 2004). In this joint focus of attention, the participants all try to be accepted by others, and to act as an ideal version of themselves (Goffman 2014). Some choose to exploit the situation to mislead their interlocutor, which Goffman (2014: 59) calls 'misleading performance', an intentional act, consisting of words, deeds, ambiguous statements, misleading truths, concealment or obstruction of disclosure, making it difficult to distinguish between true and false impressions.

The final phase is ending the interaction (Aakvaag 2008; Goffman 2004). This can be done in different ways, and it is easy to cause offence in doing so (Aakvaag 2008). Where one of the actors is being offended, there are, according to Goffman (2004: 291–292), a variety of grounds for tacitly supporting the interaction, rather than being oppositional. This can be explained by mixed motives behind belonging to a community, and Goffman states that there are differing views regarding what is perceived as oppressive.

In this study, characteristics of these phases of the interaction order – opening, conducting and closing – are used to elaborate on and discuss how police coordinators describe their interaction with people with intellectual disabilities. The structure in the interaction order involving the three phases is not necessarily important in this context, but it is presented in this way, theoretically, to show the overall arrangement in an interaction as we interpret Goffman. When analysing the police coordinators' stories, we aim to illuminate how general rules in an interaction may create or lead to legal vulnerability for people with intellectual disabilities.

METHOD

RECRUITMENT

Recruitment took place by direct approach via e-mail to coordinators in the field of domestic violence and sexual abuse in each Norwegian police district, using the police email system. Coordinators received information about the study and were invited to participate voluntarily. The study includes 11 coordinators in eight of the 12 police districts.

PARTICIPANTS

The coordinators are police officers who have 'coordinating responsibility for the police districts' overall efforts to reduce domestic violence and sexual abuse' (Norwegian Police Directorate 2002: 2). They were chosen because they monitor the flow of cases and offer guidance to other police officers in the field (Hoel & Moen 2023). Coordinators have long experience in investigation in the field of violence and abuse.

This study is part of a PhD project with an overall problem position about police officers' experience of people with intellectual disabilities in domestic violence and sexual abuse cases. Therefore, the database will be similar to that of a previous study (Hoel & Moen 2023). A two-part semi-structured interview guide was developed. The first part concerned a narrative from a case in which people with intellectual disabilities were subjected to abuse. The second part was about the coordinator role and experiences from this. The interviews were conducted between August 2020 and March 2021, six over the telephone because of the COVID pandemic and five at the interviewees' place of work. The interviews were recorded and transcribed.

DATA

Data used in this study come from the coordinators' narratives from experiences with cases they recall, where people with intellectual disabilities were involved. The coordinators had knowledge about the persons' disabilities in these cases. Some of the coordinators related more than one experience. They reported on a total of 18 cases.

ETHICS

The study was approved by the Norwegian Centre for Research Data (NSD). Participants received written information about the study and signed a consent form before participating in the study. The audio files and personal data were stored on a secure hard drive at first authors workplace. Personal data were not recorded on the audio files. There are few people working as coordinators in this field, and there is a gender misbalance, with women being overrepresented. To safeguard the informants' anonymity, their direct statements are without gender and identified by a single letter; geographic data have been omitted and identifiers from their stories omitted or paraphrased.

DATA ANALYSIS

Data analysis was inspired by Tjora's (2018) Stepwise-Deductive Induction (SDI) method. This method is particularly well-suited to generalising data by means of feedback loops between theory and data, ensuring analytic, generalised and valid knowledge (Tjora 2018).

The interviews were first read to form an overall impression of the data. The data were then coded with 'text derived codes' (Tjora 2018). This inductive process led to the development of 43 codes not straying far from the empirical data. Examples of 'text derived codes' are: 'Verbally fluent and looking like everyone else, but mixed up times and episodes', 'Unable to say no, leads her to do whatever she is asked'.

The next step was to analyse these codes and group them into thematic categories. The categories were named: People with intellectual disabilities and 'pleasing'; Credibility; Retelling incidents; How the disability is apparent; Dismantling barriers in encounters with the police; and Hidden disabilities/categorisations. Of the six categories, we worked with these three: People with intellectual disabilities and 'pleasing', Credibility and Retelling incidents.

Next, we used theory more actively to understand and interpret the categories, alternating between the theory and the empirical work. In this phase, we were inspired by Goffman's theory of the interaction order (Goffman 1983) and the concept of legal vulnerability (Kim et al. 2022; Biggs & Jones 2014), and these theoretical perspectives aided in the identification of five main themes. These themes became: 1) Self-determination and social norms in conflict, 2) Failure to interpret and understand the interaction, 3) Biddable despite having reservations, 4) Language skills and social categorisation, and 5) Different understandings and expectations in an investigative interview. According to Tjora (2018: 73), the SDI method is a strategy for escaping quote-hunting qualitative ideas; therefore, our results will contain less empirical evidence. We try to print out / describe the empirical data and illustrate the content with few quotes.

STRENGTHS AND WEAKNESSES

The strength of this study is that it draws on real-world stories from police practice. The coordinators shedding light on this theme come, geographically, from the whole country

and represent both urban and rural settings. Reproducible qualitative methodology has been utilised, informed by a clear theoretical framework. The weakness is that these are stories from brief interactions told from the coordinators' memory and so possibly contain errors or are subject to recall bias. A review of the interviews showed many open-ended questions, with the participants giving long answers containing stories with much detail, and this is a strength. Interviews are, in general, an uncertain source of information about circumstances outside the interview situation (Silverman 2017). However, concrete histories bound by a procedural logic are often a better source because they are more difficult to manipulate (Silverman 2017).

RESULTS AND DISCUSSION

Based on the coordinator's stories, our findings show two distinct significant challenges for people with intellectual disabilities. These were their vulnerability to victimisation and difficulties concerning their limited ability to give an account of their experience of exploitation or abuse. The coordinators' interpretation and descriptions of these challenges form five themes: 1) Self-determination and social norms in conflict, 2) Failure to interpret and understand the interaction, 3) Biddable despite having reservations, 4) Language skills and social categorisation, and 5) Different understandings and expectations in an investigative interview. These themes are described and discussed in more detail using Goffman's theoretical perspective, the interaction order. Quotes from the interviews are used as illustrative examples in our discussion and elaboration of these themes.

SELF-DETERMINATION AND SOCIAL NORMS IN CONFLICT

The coordinators' stories showed that some people with intellectual disabilities might, in many situations, be insecure in their encounters with others. Several coordinators imply that they may act in a way they believe to be expected of them. They say that people with intellectual disabilities are often alone in interactions with others, and that this can make them vulnerable to abuse. Following several reforms, people with intellectual disabilities have gained more right to social participation and to make independent choices (Sandvin 2014). However, family, carers or group-home staff may not agree with, accept or understand some of the decisions they make.

The conflict between a person's self-determination and social norms is exemplified by a coordinator talking about a woman with an intellectual disability who believed it to be nice that people came to visit and have sex with her. The group-home staff where she lived believed she was being abused due to her intellectual disability. Such dilemmas are constantly in play, as is the question of where to draw the line between self-determination and group-home staff's obligation or desire to protect from harm. They violate her degree of self-determination, as shown by the following quotation.

Coordinator 'G' stated:

The last time she came, it was: 'I have sex with whoever I like'. She wasn't happy that someone had reported this to the police on her behalf.

The behaviour the coordinators speak about may not – according to the way of thinking of the group-home staff or the coordinators – be socially acceptable. Their stories show the dilemmas surrounding the blurred boundary between the self-determination of people with intellectual disabilities and their risk of being exposed to actions adversely affecting their life and health. What the person with an intellectual disability believes to be acceptable conflicts with the group-home staff's understanding and with the coordinator's understanding of the legal situation.

In Goffman's (2014) role-playing game, one seeks to be accepted by others and wants to appear as an ideal version of oneself, and, according to the interaction order, all social interaction is rooted in the preconditions of social life (Goffman 1983: 3). We understand the term 'preconditions of social life' as social norms, and, in the above example of a woman with an intellectual disability inviting people home for sex, she is violating the social norms regulating the interaction order. An interpretation of Goffman's (2004) interaction order in this context is that people with intellectual disabilities may not recognise or understand how to

behave, or how to expect visitors to behave, when they are invited to someone's home. They struggle in the role-playing game in social situations like this, and their role, the role of others and social norms come into conflict.

Difficulties arising between self-determination and limited understanding of social norms may be exacerbated by a lack of general knowledge and impaired language and communication skills. According to Sandvin (2014), today's society is founded on knowledge and information, and people with intellectual disabilities may face challenges due to their cognitive impairments and the gap between their abilities and society's expectations. Hence, people with intellectual disabilities may not have sufficient skills to secure their own interests in what Goffman (2004) describes as an order of face-to-face interaction.

FAILURE TO INTERPRET AND UNDERSTAND THE INTERACTION

In the coordinators' stories, one of the challenges people with intellectual disabilities met in their interaction with others was that they readily did what others asked without questioning why. These stories concerned others taking advantage of people with intellectual disabilities in one way or another, and it appeared that they rarely resisted. Several coordinators talked about how some had difficulty in asserting themselves. One example is illustrated by a coordinator describing how a person was being exploited by a woman, and how the coordinator tried to guide him to avoid this.

Coordinator 'L' recounted:

So, a lot went into equipping him to set boundaries, not letting himself be used and...
In those circumstances it was simply right to just block a woman who was bothering him a great deal.

A second example was told to us by another coordinator – 'A':

She has problems in opposing anything, and if – for example – she is asked to buy alcohol, she just does. If she's told to take her clothes off, she just does.

To do things for others as described in these quotations may reflect that people with intellectual disabilities do not understand these situations and how to handle such interactions. Our interpretation is that some people with intellectual disability lack the necessary skills to handle requests or to understand the consequences of cooperating in these situations.

In accordance with Goffman's (2004) interaction order, the individual's task is to create a joint focus of the situation. It appears from the first quote that the person did not understand or have the ability to share a joint focus or create a common understanding between himself and the woman. In the absence of a common understanding, the interaction ends in him experiencing himself as being harassed. According to the interaction order, he finds it challenging to handle his responsibility to create a common understanding in the face-to-face interaction. A reason for this might be his intellectual disability. Research has shown that limited assertiveness and reduced cognition influence language and communication skills and may result in situations where people accept or agree without understanding the short- or long-term consequences of doing so (Finlay & Lyons 2002). Wanting to be accepted by peers and included is commonly proposed in the literature as a reason why people with intellectual disabilities are exposed to dangerous situations (Lutzker et al. 2016; Snell et al. 2009). Another perspective is that everyone may be vulnerable in human interaction (Goffman 1983). By participating in human interaction, we reveal our personal-territory contingencies and can thereby become victims of what Goffman calls 'coercive exchange', described as a 'tacit bargain between cooperation with the aggressor in exchange for the promise of not being harmed as much as our circumstances allow' (Goffman 1983: 4). The above quotations exemplify how people with intellectual disabilities become vulnerable to 'coercive exchange' in interaction with others. However, in these examples and in other stories told by the coordinators, it seems that people with intellectual disabilities readily cooperate, and the tacit bargain described by Goffman is not present. For a person who is unable to take part in or understand such a situation, protecting themselves from harm is difficult. Additionally, people with intellectual disabilities are often excluded in different social contexts; many want to be included, therefore offering a lot to be accepted and liked by others (Sandvin 2014; Snell et al. 2009). Snell et al. (2009; 226) discuss

the phenomenon that people with intellectual disabilities can often be fooled, tricked and lied to and therefore taken advantage of and talked into doing things without understanding the consequences.

BIDDABLE DESPITE HAVING RESERVATIONS

Several of the coordinators' stories indicate that people with intellectual disabilities were easily persuadable and did not state a clear 'no' to things they did not want to do. If they resisted, they had difficulty in maintaining their decision, often giving in to pressure. In terms of being easy to persuade, the coordinators indicate that people with intellectual disabilities are vulnerable in two ways: one is that they run a higher risk of being abused or exploited. The other is that if they do not give a clear 'no', or offer resistance in other ways, it becomes difficult for the police, in terms of the law, to establish that they had not wanted this to happen.

Coordinator 'F' described a person with intellectual disability trying hard to say no to some boys who wanted to come to her place and have sex with her, but, in the end, she did not resist:

Like the one who says he wants to have sex with her, wants her to be a dog and things like that, and she says she doesn't really want to do that.

The experience of another coordinator (A) was that, if a clear 'no' was not stated, others were free to take advantage:

But since she hasn't mastered the art of saying no, and setting boundaries, she just has to allow herself to be exploited.

Based on the coordinators' stories, our impression is that, even though some people with intellectual disabilities tried to resist, they were nonetheless easy to persuade or convince. Their attempts to say no were rejected, and, in some of the coordinators' stories, the implication was that people with intellectual disabilities did not resist because they had experienced being ignored, discriminated against and disrespected. The quotations indicate that people with intellectual disabilities were sexually abused because they were unable to escape abusive situations or simply just gave up. Such scenarios, where people with intellectual disabilities are exploited may, according to the coordinators' stories, never be investigated due to lack of resistance or ambiguities related to consent. In accordance with Goffman's interaction order, the stories about being easy to persuade could, among others, depend on two things. The first is that people with intellectual disabilities did not understand when someone was misleading them, which may be explained by the way they encounter and identify a person in a face-to-face interaction (Goffman 2014). Due to impairments or social experience, they may not be able to categorise a potential perpetrator. Perhaps even more crucial may be their lack of ability to identify themselves from a perpetrator's viewpoint: namely as belonging within a social category of possible victims. The second might be that they lack the necessary skills to close an interaction and to understand if or when they are being exploited (Goffman 2004). Goffman (2014: 59) describes the act of those trying to exploit and mislead others as misleading behaviour, making it difficult for a person to distinguish between true and false impressions. According to Goffman (2004), the interaction order can be used in a strategic manner with the intention of misleading others to obtain specific benefits, as described in the coordinators' quotations. Snell et al. (2009: 226) support an understanding of people with intellectual disabilities as vulnerable to being victimised, as many do not see or understand the finer points, nuances or subtlety of complex social situations or behaviour. As described earlier, limited self-assertion may lead a person to do things they do not understand the consequences of. At the same time, limited self-assertion will also make a person easier to persuade. In a recent study, Chopin et al. (2023) described offenders as often being known to the disabled victim and using deception to approach their target, and their victims as being unlikely to resist. The above quotations are examples of people with intellectual disabilities quickly giving up on saying no, and, according to Snell et al. (2009), this might be because they believe or agree to what someone says with little or no question. People with intellectual disabilities may be overly trusting of others and easy to mislead (Snell et al. 2009), particularly by those persons intent on strategically violating Goffman's interaction order.

In the coordinators' stories, they talk about their experiences of understanding what people with intellectual disabilities are reporting in their accounts of abusive incidents. It also emerged that the coordinators had a prior understanding of people with intellectual disabilities, leading to categorisation.

This is evident from the coordinators' narratives, exemplified in this quotation, where the person with an intellectual disability did not, during an investigative interview, get the opportunity to say what had happened. The police decided that this was because of her intellectual disability and that she was unable to fully recount the story.

Coordinator 'D':

An older woman had been hit by a bus. She had a intellectual disability, making it impossible to question her because she was unable to fully recount the story.

Coordinator 'D' had one more experience with another person, where there was a disparity gap between information that was given and other information that came to light during the investigation:

She might say that 'mother bit me here and then put on a band aid' and there is ketchup and mustard underneath. And you understand there is something. But then it becomes so difficult to grasp fully what it actually is and what is just extraneous information that doesn't add up.

This is what coordinator 'H' experienced during an investigative interview:

When I questioned her, she mixed up times and episodes and was unable to distinguish one day from another. And that makes it very complicated.

Our understanding of the coordinators' challenges in these situations is the difficulty of relating to information that did not fit together and based on this, assessing which information should carry most weight. We interpret the quotes to mean that people with intellectual disabilities may be judged based on their appearance, behaviour and language abilities, leaving their stories to be difficult to take into account, limiting their opportunity to speak about their experiences. Seemingly, the police have little knowledge of people with intellectual disabilities, or perhaps the knowledge is derived from prejudiced opinions of their accountability (Moen 2023; Olsen et al. 2018). Lack of knowledge and prejudiced opinions may lead to failure to understand the difficulties people with intellectual disabilities encounter in an investigative interview, which, in turn, creates vulnerability.

One characteristic of people with intellectual disabilities may be limited language and communication skills (Carr et al. 2007). Problems with re-telling are related to difficulties with cognitive processes linked to memory (Henry 2001). This concerns skills such as organising and planning the information being recalled (Baddeley 2003). When people with intellectual disabilities are unable to recount, this makes the investigation in cases of violence and abuse difficult because, often, in such cases, there is little or no other evidence (Åker 2023; Kousomanen & Starke 2013; Pipe et al. 2007). How one expresses oneself then becomes evidentially important.

In a face-to-face interaction, the actors are considering each other, and a sorting takes place, based on their appearance and manner (Goffmann 1983: 3). As we interpret aspects of the interaction order, in this sorting process, how you speak or express yourself may affect how your partner in the interaction perceives your social status and relationship (Goffmann 1983: 3). As Goffman stated, you can facilitate, or change, your social status most effectively through speech, and, during an investigative interview, where verbal language abilities are crucial, people with intellectual disabilities may not have sufficient skills to shape the initial impression. Therefore, what is called a *categoric kind of identification* may be formed from the prejudiced opinions held about people falling into this category (Goffman 1983). Prejudicial opinions about people with intellectual disabilities may be that they are less reliable and trustworthy than people without an intellectual disability (Eadens et al. 2016). The quotations presented earlier in this section may indicate that people with intellectual disabilities are placed in a specific

category, and that the interaction is influenced by how speech and language affect this face-to-face interaction. Consequently, people with intellectual disabilities lose the communicative game in the sorting process due to, for example, difficulties in expressing themselves and prejudiced understandings of what the police know, or think they know, about a person with an intellectual disability.

DIFFERENT UNDERSTANDINGS AND EXPECTATIONS IN AN INVESTIGATIVE INTERVIEW

Some coordinators commonly described their experience of the difficulty that people with intellectual disabilities had in elaborating and explaining the incident they had experienced. This was often related to the coordinator's role as a police officer conducting investigative interviews. In many ways, the coordinators stated that the lack of verbal communication and expressive language skills was a way for them to confirm and understand the diagnosis, intellectual disability, as illustrated in this quotation:

Coordinator 'H' said:

What I've experienced many times is that someone is verbally capable when they're speaking freely, but the problems start when they have to elaborate; you then find that the diagnoses are correct.

Another topic reflected in this theme was the coordinators' emphasis on the lack of details in the accounts of people with intellectual disabilities, and how they struggled to understand these stories when important details were missing or left out. The coordinators said that they worked hard to try to help them to provide a more detailed story, as is exemplified by one coordinator (I):

There was very little... there were very few details at the beginning, and I had to ask a lot to just sort of get a better picture of it.

Several coordinators saw the lack of detail in the accounts of people with intellectual disabilities as a challenge and referred to the legal requirements if the case were to be moved forward to a court hearing. An interpretation of the coordinators' emphasis on the inability of people with intellectual disabilities to convey details might be related to the fact that, in cases of violence and sexual abuse, there is often little or no other evidence besides the investigative interview (Åker 2023; Pipe et al. 2007). Therefore, it is crucial that, if details are revealed in an investigative interview, they must correspond with other information that is available, which will provide a greater degree of reliability, essential in a court hearing (Fahsing & Rachlew 2015). However, providing a statement with a sufficient level of detail is demanding for people with intellectual disabilities (Brown et al. 2018).

This can also be interpreted as a mismatch between the expectations the coordinators have regarding the investigative interview as a communicative situation and the way people with intellectual disabilities understand and elucidate the same situation. Due to differing expectations or knowledge regarding how to interact in an investigative interview, we may assume that the social contract and the social consensus in such a specific face-to-face interaction are broken or perhaps not established. Language abilities and cognition, for example the ability to share a joint focus of attention, are, as Goffman describes it, critical to maintaining the rules of the communication game (Goffman 1983). A person with an intellectual disability may fail to follow these rules, and police officers' normative preconceptions of the investigative interview and people with intellectual disabilities and their cognitive impairments might challenge what we, in this context, understand as the interaction order. Furthermore, people with intellectual disabilities may lack general knowledge about violence and sexuality and so might not have the vocabulary to describe such incidents (Borawska-Charko et al. 2017; Mikton et al. 2014). If people with intellectual disabilities lack knowledge and vocabulary and have little experience of being interviewed by the police, they may not share a joint focus in this specific situation. Both parties will struggle in an interaction which has failed to establish a common understanding. The person being interviewed will probably not understand what is expected of them, and the police may perceive the information as incorrect or unreliable. Language also has another role, which makes communication in an investigative interview challenging. This is

to allow matters outside the specific situation into the collaborative process forming the core topic in an investigative interview (Goffman 1983: 3). Goffman states that to deal with matters beyond the current situation is a forbiddingly complex issue (Goffman 1983: 3). Consequently, as the coordinators state, a common collaborative process during an investigative interview is a major challenge both in the investigative interview and throughout the judicial process.

CONCLUDING DISCUSSION

In this article we have illuminated and discussed legal vulnerability in people with intellectual disabilities, based on the stories of 11 police officers who were coordinators in cases involving domestic violence and sexual abuse. The legal vulnerability described here relates to the difficulty people with intellectual disabilities have in detecting, interpreting and understanding potentially abusive situations, leading to a heightened risk of victimisation. Furthermore, reduced verbal language skills affect communication during the criminal justice process, and the difficulty that people with intellectual disabilities have in recounting past events is especially challenging during an investigative interview. An elaboration of these factors has been discussed using Goffman's theoretical depiction of the interaction order. The analysis refers to how conventions and social norms, categorical identification and the power of verbal language may broaden our understanding of legal vulnerability. In our opinion, an understanding of the concept, as discussed in the present article, may be of great importance in the police work of preventing and investigating crimes involving people with intellectual disabilities.

In this article, we have written about people who are victims of crime, but legal vulnerability can also apply to people with intellectual disabilities who are crime suspects. We may assume that they will encounter the same challenges and legal vulnerability concerning their susceptibility to being persuaded to commit criminal acts and will have similar problems in accounting for past events as do victims with an intellectual disability. From a crime prevention perspective, it will be important for the criminal justice system to be aware of these legal vulnerabilities, as well as various prevention programmes targeting people with intellectual disabilities. The implication for practice in prevention will be as follows. The focus on the fact that people with intellectual disabilities easily agree to perform acts must become an item of knowledge in the police, along with the fact that this particular action makes some become victims of violence and sexual abuse, while others are persuaded to commit criminal acts. As an extension of this, preventive work can be carried out with people with intellectual disabilities, so that they gain the knowledge and tools to resist doing something that they themselves do not want to do. In the police, this knowledge must be included in a 'concern-conversation' (this is the prevention method the Norwegian police are using) with young offenders. In the field of domestic violence and sexual abuse, this knowledge must be incorporated into risk assessments and work instructions detailing which focus the police should have when it comes to uncovering criminal offences and what must be illuminated in cases. At the same time, training must be provided on this.

In summary, the legal vulnerability of people with intellectual disabilities is a challenging issue for the police, and more research is needed. An interesting topic for future research might be the distinction between the desire to please and agreeing without understanding. To agree but not to understand what you are agreeing to is judicially problematic in cases of domestic violence and sexual abuse. The challenge in such cases is that to consent to be exposed to criminal acts is not a criminal offence (Andenæs 2009). The dilemma here is to consider whether a person understands what they are consenting to or not. In investigations, the implication for practice will be to focus more on 'the consent'. The investigation should focus on shedding light on how the consent was entered into, in addition to focusing on the criminal offence. The purpose is to discover the degree of misleading behaviour and the intent of the perpetrator. This applies to all criminal offences and not just to the fields of domestic violence and sexual abuse. This could lead to cases being investigated and not just rejected during the assessment phase because the person consented to the sexual act and, therefore, no investigation is initiated due to it being considered punishment-free for the perpetrator.

To secure the rule of law for all citizens and advance this research field, we call for more research using a theoretical framework that includes societal, as well as contextual, perspectives, to broaden our understanding of crime against people with intellectual disabilities.

We would like to thank Johans Tveit Sandvin and Linda Hoel for reading and providing valuable feedback. We would also like to thank Nick Ingham for carefully proof-reading the manuscript.

COMPETING INTERESTS

The authors have no competing interests to declare.

AUTHOR AFFILIATIONS

Karianne Moen  orcid.org/0000-0002-2429-9989

The Norwegian Police University College, NO

Tone Hee Åker  orcid.org/0000-0001-6217-7694

Western Norway University College, NO

Gautam Gulati  orcid.org/0000-0002-1871-1877

University of Limerick, IE

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TO CITE THIS ARTICLE:

Moen, Karianne, Tone Hee Åker, and Gautam Gulati. 2024. “Legal Vulnerability – Police Officers’ Stories in Their Meeting with People with Intellectual Disabilities.” *Scandinavian Journal of Disability Research* 30(1): 159–172. DOI: <https://doi.org/10.16993/sjdr.1068>

Submitted: 04 August 2023

Accepted: 25 March 2024

Published: 30 April 2024

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Scandinavian Journal of Disability Research is a peer-reviewed open access journal published by Stockholm University Press.

