

A Conversation with the authors of *Under the Hood: Brendan Dassey, Language Impairments, and Judicial Ignorance*



Disability and Criminal Justice: Research in the Brendan Dassey Case

Housekeeping:

- You will be signed up for The Arc Wisconsin updates - (option to unsubscribe)
- Webinar will be recorded
- You will receive recording and materials after the webinar
- You will be muted; type questions in the lower right chat box
- Email Pugh@thearc.org with questions or text 608-422-4250



Lisa Pugh, Executive Director

What you will learn:

- How our presenters got involved in the Dassey case.
- Background on speech language pathologists and the relationship between the law & language disorders.
- The Dassey case: overview of his disability and the interrogation.
- What this case means for other people with disabilities accused of crimes.
- What lawyers and others need to know/do in order to work with people with disabilities.
- Other recommendations.

Our Presenters



Michele LaVigne
Distinguished Clinical Professor of Law
University of Wisconsin Law School



Sally Miles, PhD
Speech Language Pathologist
Private Practice, Consulting

Dassey's Disability

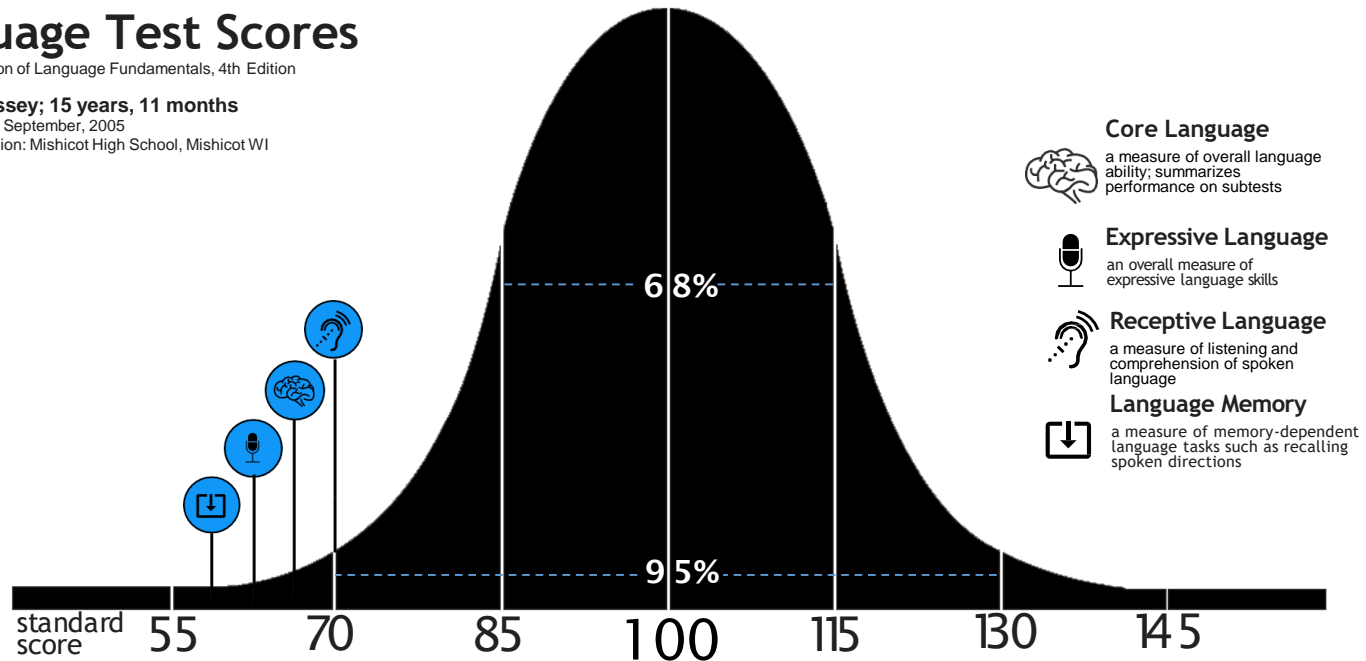
Language Test Scores

Clinical Evaluation of Language Fundamentals, 4th Edition

Brendan Dassey; 15 years, 11 months

Evaluation Date: September, 2005

Evaluation Location: Mishicot High School, Mishicot WI



Dassey's Disability

TABLE X. Impairment levels for standard scores and percentile rank from Brendan Dassey's Language Evaluation; CELF-4, administered 9/05

Standard Score ¹	Severity Level of Impairment ¹	CELF subtests ²	Brendan's standard scores ³	Brendan's percentile rank ³
116+	No impairment/ above average	-	-	-
101-115	No impairment/ average	-	-	-
86-114	No impairment/average	-	-	-
78 - 85	Mild/marginal/borderline	-	-	-
70 - 77	Moderate/low range	Working Memory	-	5
≤ 70	SEVERE/very low range	Receptive Language	70	2
		Language Content	70	2
		Core Language	66	1
		Expressive Language	63	1
		Language Memory	58	0.3

References:

- ¹ Angela Kinsella-Ritter (2016) . "Interpreting Clinical Cases for Speech Pathologists: Understanding the psychometrics of the Pearson language assessments: CELF-4, CELF P-2 and PLS-5 " Adapted from the CELF-4 Examiner's Manual 2006, p. 118. Downloaded from the Internet July 25, 2018. www.pearsonclinical.com.au/filemanager/uploads/Webinar%20Files/InterpretingCC1.pdf
- ² Semel, E. M., Wiig, E. H., & Secord, W. A. (2003). Clinical Evaluation of Language Fundamentals (4th ed.). San Antonio, TX: The Psychological Corporation.

Dassey's Disability

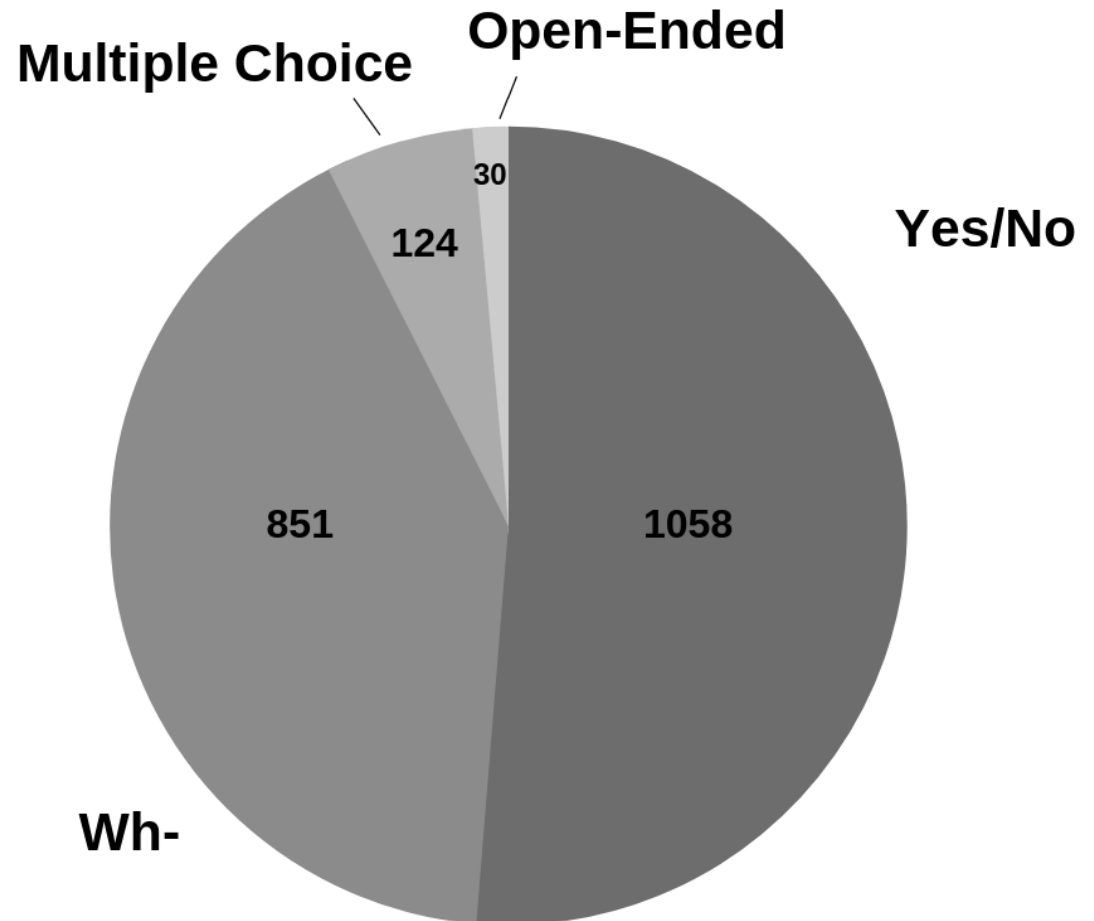
Standard Score ¹	Severity Level of Impairment ¹	CELF subtests ²	Brendan's standard scores ³	Brendan's percentile rank ³
116+	No impairment/ above average	-	-	-
101-115	No impairment/ average	-	-	-
86-114	No impairment/average	-	-	-
78 - 85	Mild/marginal/borderline	-	-	-
70 - 77	Moderate/low range	Working Memory	-	5
≤ 70	SEVERE/very low range	Receptive Language	70	2
		Language Content	70	2
		Core Language	66	1
		Expressive Language	63	1
		Language Memory	58	0.3

References:

- ¹ Angela Kinsella-Ritter (2016) . "Interpreting Clinical Cases for Speech Pathologists: Understanding the psychometrics of the Pearson language assessments: **CELF-4, CELF P-2 and PLS-5** " Adapted from the CELF-4 Examiner's Manual 2006, p. 118. Downloaded from the Internet July 25, 2018. www.pearsonclinical.com.au/filemanager/uploads/Webinar%20Files/InterpretingCC1.pdf
- ² Semel, E. M., Wiig, E. H., & Secord, W. A. (2003). Clinical Evaluation of Language Fundamentals (4th ed.). San Antonio, TX: The Psychological Corporation.

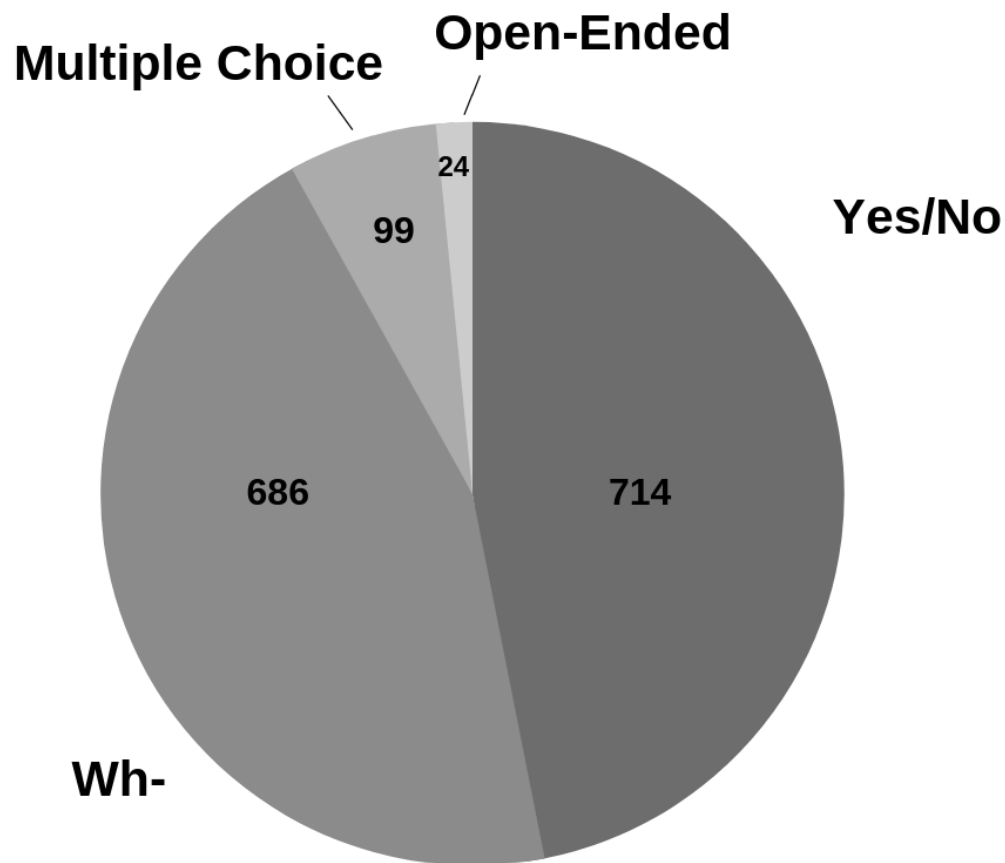
Dassey's Interrogation

**Total Questions by
Type
(both interviews)**



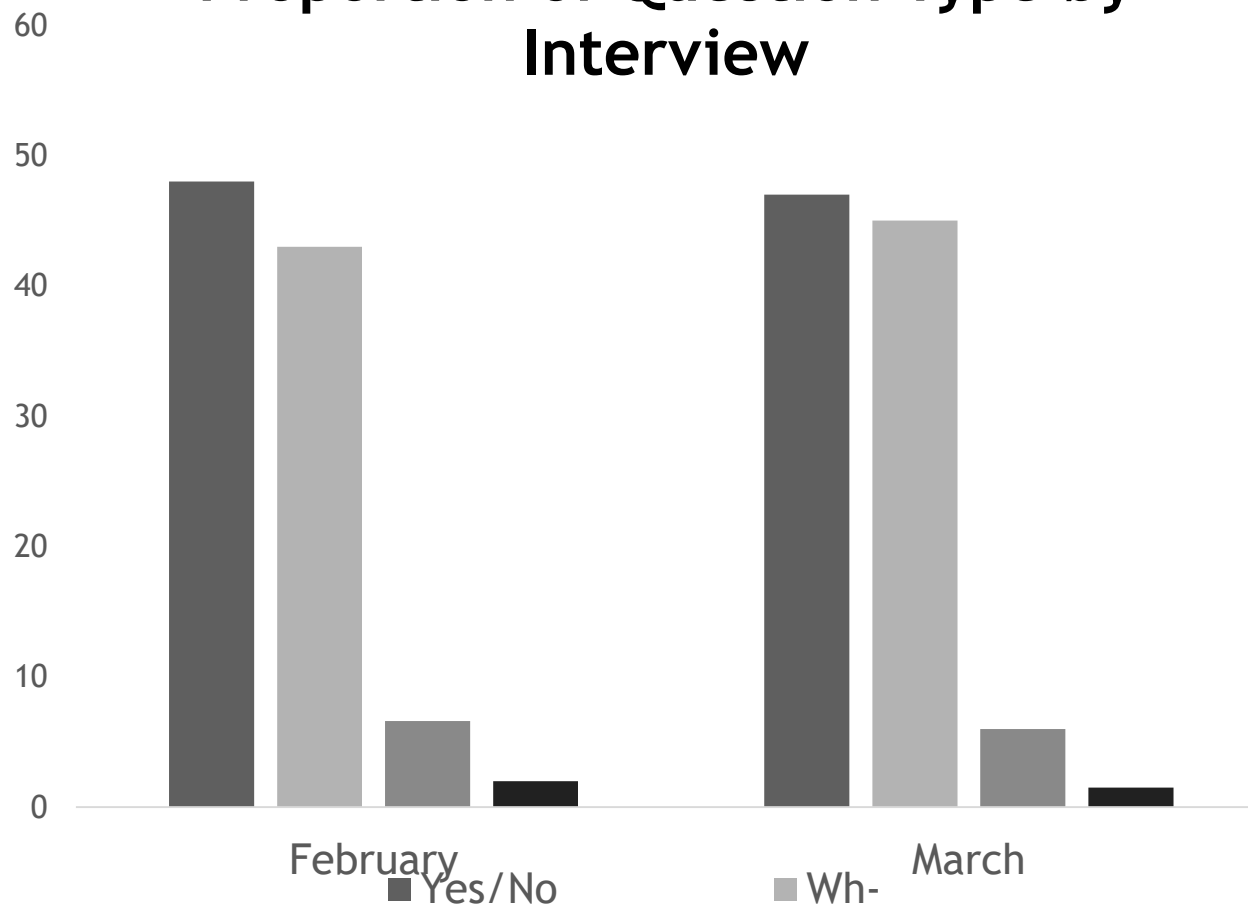
Dassey's Interrogation

**Total Questions by
Type
(Feb. & March
interview)**



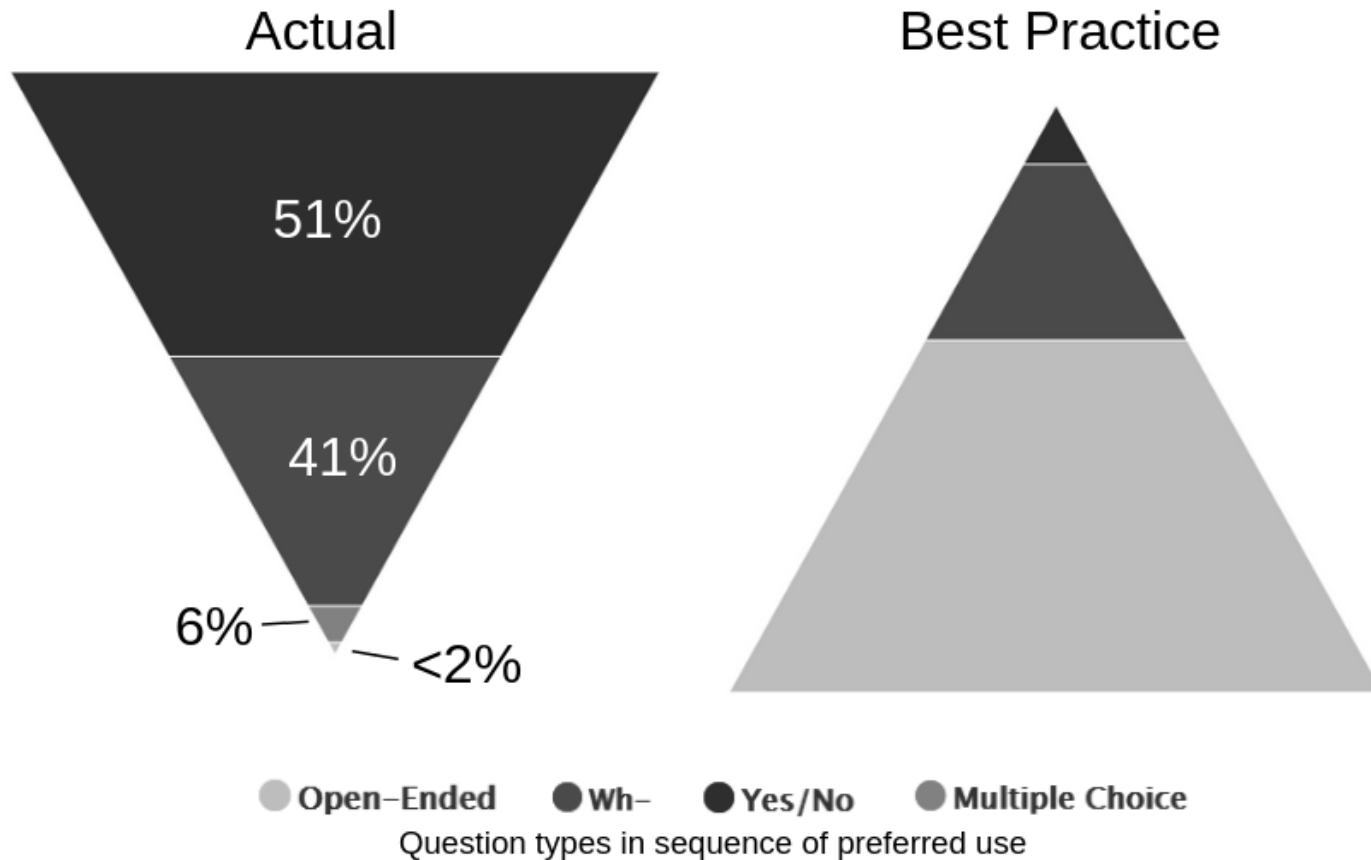
Dassey's Interrogation

Proportion of Question Type by Interview



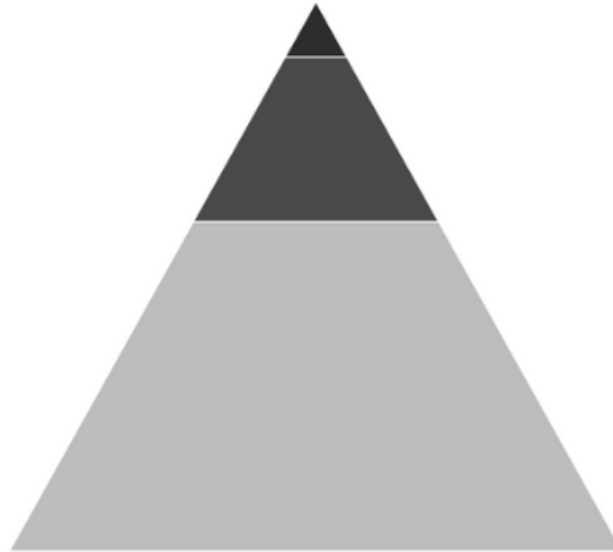
Dassey's Interrogation

Interview Questions



Dassey's Interrogation

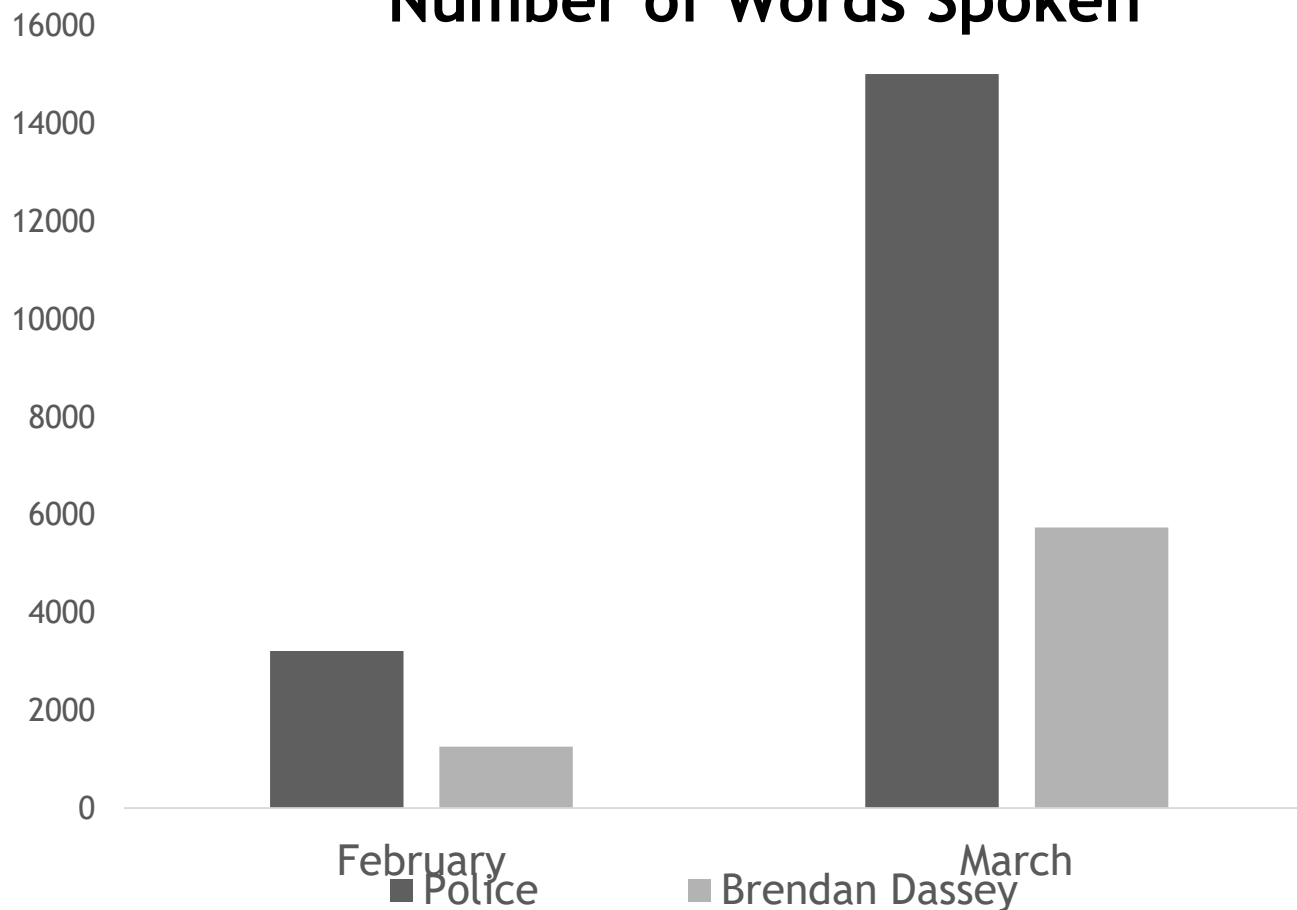
Best Practice



● **Open-Ended** ● **Wh-** ● **Yes/No** ● **Multiple Choice**
Question types in sequence of preferred use

Dassey's Interrogation

Number of Words Spoken



Recommendations

- Align forensic interviewing methods with best practice
- Ensure people with disabilities receive appropriate accommodations
- Better training for police officers and investigators
- Ensure review of individual assessment materials to ensure equal access to justice
- Review and address prison population disparities showing overrepresentation of people with intellectual disabilities

Read the Full Article

LaVigne, Miles article access:

Copyright held by Albany Law Review (you will need permission if article copied and distributed).

**Under the Hood: Brendan Dassey, Language Impairments, and Judicial Ignorance by Michele LaVigne, Sally Miles :: SSRN
papers.ssrn.com**

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3379727

The Clemency Petition

- Filed October 2.
- Asks for either a pardon or a commutation of Dassey's sentence.
- Read the clemency petition here:
https://drive.google.com/viewerng/viewer?url=http://php.wisinfo.com/templates/file_upload/uploads/201910011532Brendan%20Dassey%20Petition%20for%20Executive%20Clemency.pdf
- Focused on the impact of Dassey's disabilities and the "extreme length of his sentence".
- The Governor has not responded, said is under review.
- The Arc has submitted a letter in support of the petition.

Questions & Discussion

- Type your question in the lower right chat box on your screen

For More Information

The Arc Wisconsin

www.arcwi.org

[facebook.com/TheArcWisconsin](https://www.facebook.com/TheArcWisconsin)

Pugh@thearc.org

(608) 422-4250