

# How Language (dis)Ability Affects Youth in Crisis

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## What is language?

- When a linguist talks about language, they mean:
  - a system of arbitrary signs and symbols that is used creatively to communicate
- What language isn't:
  - how you say speech sounds

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## What is language?

- When a linguist talks about language, they mean:
  - a system of arbitrary signs and symbols that is used creatively to communicate
- A native language is typically learned *implicitly*
  - with input, but not instruction
  - process takes years

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## What is language?

- When a linguist talks about language, they mean:
  - a system of arbitrary signs and symbols that is used creatively to communicate
- Language is made up of subsystems:
  - phonology
  - semantics
  - syntax or morphology
  - pragmatics

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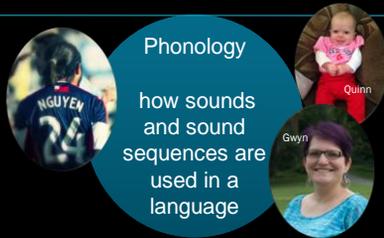
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## Language: a definition



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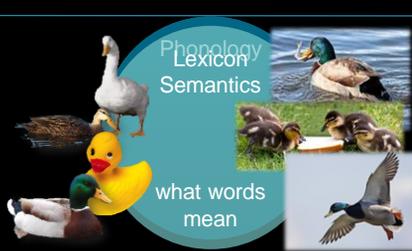
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## Language: a definition



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Language: a definition

Phonology

Morphology  
Lexicon  
Semantics  
using pre-/suff-/in- fixes to change tense, agreement, meaning or part of speech

"They underestimated me."  
- George W. Bush

misunderestimated

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Language: a definition

Phonology

Lexicon

Semantics

Syntax  
the order words go in

The girl was forgotten the answer before the test

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Language: a definition

Phonology

Lexicon

Semantics

Pragmatics  
social rules for talking appropriately

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### Language: a definition

Phonology    Pragmatics  
*To communicate well in any language, you must have the basic foundational skills*  
Lexicon    Semantics    Morphology    Syntax

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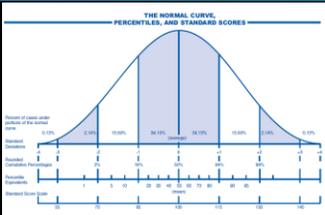
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### Not everyone learns their native language similarly well



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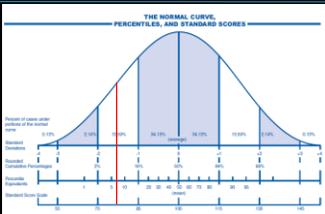
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### Not everyone learns their native language similarly well



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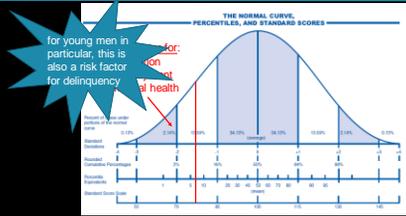
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### Not everyone learns their native language similarly well



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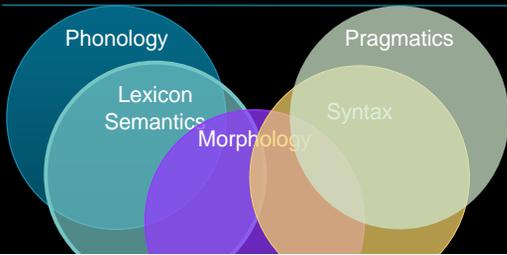
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### Full Language testing is not Verbal IQ



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### The myth of the 30 million word gap

- Hart & Risley, 1995: Children growing up in poverty hear many fewer words than children growing up in middle-class homes
- Having fewer words when you start school may mean that you *need to learn more words in school in order to be successful at school*, but it is *not* "developmental language disorder"
- **Developmental Language Disorder** is a difficulty in learning complicated rules implicitly that manifests in your creative use of language.

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## Language Disorder

- World Health Organization Definitions (August 2012)
  - "Impairment"
    - a problem in body function or structure
  - "Activity limitation"
    - a difficulty encountered by an individual in executing a task or action
  - "Participation Restriction"
    - a problem experienced by an individual in involvement in life situations

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## Language Disorder

- idiopathic
  - Some genetic markers have been identified (see Murray et al, 2003)
- secondary to syndrome
  - likely genetic in origin:
    - Autism Spectrum Disorder
    - Down Syndrome
  - likely environmental in origin
    - fetal exposure
    - childhood lead exposure
    - brain injury

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## Factors that affect resilience

- other disability/disorder
- non-specified Cognitive Impairment
- Attention-Deficit Hyperactivity Disorder (ADHD - protective)
- Autism Spectrum Disorder
- toxicity
  - lead (Campbell et al., 2000)
  - fetal drug/alcohol exposure (Lewis, 2007; 2011)
- family status
  - socio-economic status (Tomblin et al, 1997), maternal education (Dollaghan, 1993)
  - geographic/financial access to health care (Rescorla & Dale, 2013)
  - geographical stability
  - history of maltreatment – LD prevalent in 83% (Stock & Fischer, 2006)
  - removal from family – LD prevalent in 37-73%
  - mediated by placement

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### Developmental Language Disorder is characterized by...

- difficulty in learning the rules/patterns of language that manifests as
  1. deficits in all languages a child is learning
  2. particular deficits with structures that are sparse or unmarked in the language(s) the child is learning
- presentation is necessarily different in different languages
- being bi- or multi-lingual is protective because of cross-over

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### Developmental Language Disorder is characterized by...

- difficulty in comprehending long/complex sentences

From *Making a Murderer*, Episode 4

Mother: But what I can't figure out is why you said all this shit if it's not true? And how you came up with it?  
 Brendan: Guessing.  
 Mother: What do you mean, "guessing"?  
 Brendan: I guessed.  
 Mother: You don't guess with something like that, Brendan.  
 Brendan: Well, that's what I do with my homework, too.

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### Developmental Language Disorder is characterized by...

From *Making a Murderer*, Episode 4

F: What else? What else was done to her head?  
 D: That he punched her.  
 W: What else?  
 W: It's OK. What did he make you do?  
 D: Cut her.  
 W: Cut her where?  
 D: On her throat.  
 W: You cut her throat? What else happens to her? Her head?  
 F: Extremely extremely important you tell us this... for us to believe you.

From *Making a Murderer*, Episode 4

W: Come on, Brendan. What else?  
 F: We know. We just need you to tell us.  
 D: That's all I can remember.  
 W: All right, I'm just gonna come out and ask you. Who shot her in the head?  
 D: He did.  
 W: Why didn't you tell us that?  
 D: Cause I couldn't think of it.  
 W: Now you remember it? Tell us about that then.

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### An aside: Confession expert Lawrence Wright

The two detectives developed this theme of honesty and they repeatedly, dozens of times in that interview, they say to Brendan, "Now be honest, OK? You know how important it is to be honest." But when you watch the videotapes, it's clear to me, I think, that when they say to Brendan, "Be honest," what they sort of mean is... "Don't tell us that, tell us something else." Something that fits their theory of the crime.

I think the detectives in this case were unaware that the degree to which they were shaping Brendan's statements. That's why it's very important to take a look at the record of the interrogation to see who mentions particular facts first. Do they come from Brendan without any help from the police or do they in fact come first from the police? And there are several occasions in these interrogations where apparently crucial bits of information are mentioned first by the police and not by Brendan Dassey.

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### Developmental Language Disorder is characterized by...

- difficulty in using language in creative ways
  1. reliance on the same phrases and types of phrases
- difficulty in following less common/less explicit rules and norms of language
  1. fail to use rules: this feels "wrong" to the listener, although the listener cannot quantify why
  2. produce responses that are interpreted as being:
    - rude
    - apathetic
    - non-compliant (Snow & Sanger, 2011)

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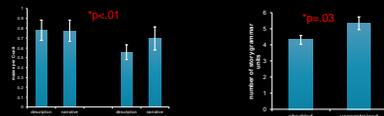
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### By the way, I can make this worse by handcuffing the person telling the story

- What we say is considered to be less believable when:
  - We re-phrase and/or use fillers multiple times
  - We provide sparse or the wrong kind of detail



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## Language Production

- Other red flags
  - If you find your client's verbal behaviors extreme
    - loud, aggressive, fast, hyper
    - using a lot of filler words: *like, you know, so, I'm just saying, know what I mean*
    - quiet, soft-spoken, trails off mid-sentence
    - hyper-compliant and agreeable
    - reliance on non-verbal behaviors for communication purposes
    - seeming unaware of the effect his communicative behaviors have on the listener

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## To sum up what I've said so far

- language and intellectual disability are huge risk factors for
  - criminal behavior
  - mental health concerns
  - lifelong employment outcomes
- they decrease resilience to other life situations
- people with poor comprehension understand sparsely and may make under-informed decisions even if legally "competent"

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## As a *guardian ad litem*, you might

- insist on quality, informed testing for all the children and youth you represent
  - non-verbal IQ is more affected by poverty than language ability, so you need a speech-language pathologist if you suspect language issues (psychologist won't find this)
- seek out psychiatric support that is sensitive to the youth's ability to understand and make themselves understood

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### What's an attorney to do?

- check the reading level of every standard document in your arsenal
  - Microsoft Word: grammar check
  - will give a Flesh-Kincaid Reading level (roughly equivalent to grade)
- will give a reading ease score
  - 90-100: 5<sup>th</sup> grade
  - 80-90: 6<sup>th</sup> grade
  - 70-80: 7<sup>th</sup> grade; easy
  - 60-70: 8<sup>th</sup>/9<sup>th</sup> grade; accessible to most
  - 50-60: 10<sup>th</sup>/12<sup>th</sup> grade
  - 30-50: college level; difficult to read
  - 0-30: extremely difficult, expected only of college grads and specialty readers

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### What's an attorney to do?

- Speak in simple, direct sentences
  - avoid figurative language whenever possible
  - define vocabulary every time
  - ask the client to explain in his own words what you've told him
    - don't over-interpret what he says
- Speak slowly and precisely
  - whenever possible, minimize competing noise

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### What's an attorney to do?

- Ask for help... if it can help
- A complete Speech-Language Evaluation can tell you...
  - how well your client processes language and understands the sentence types he has heard in court/read in paperwork
  - how likely your client is to produce language that will be perceived as disrespectful or callous
  - how likely it is that your client wrote his confession

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## sample neuropsych eval

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- Clinical interview, Henry, age 14:

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## Further questions?

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- Please feel free to contact me:

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