



TARGET CRIME WITH LITERACY

CHAPTER 2 - FACT SHEET 3

What Police Departments and Officers Need to Do

What police need to know

A lack of awareness about low literacy and its impact can have serious outcomes for police.

Some failed criminal prosecutions can be blamed on poor handling of the accused or a key witness who has low literacy.

In recent years, police have even faced civil lawsuits.

In 1999, the Supreme Court of Canada ruled that police officers cannot assume that the people they communicate with – orally or in writing – have understood the information fully. The results of this ruling are:

- A person is not adequately informed, legally, unless they have actually understood the information they received.
- Police cannot rely on a mechanical recitation of the standard police charge.
- Police must take steps to make sure the person understands.

The John Howard Society, the Elizabeth Fry Society, and other social agencies find that most of their clients ask for help with their legal paperwork. They also need help to read and understand court documents and procedures at all levels of court proceedings.

The evidence is clear – police and the courts need to be more aware of how low literacy affects people and their behaviour.

- Keep in mind the demands that police and court proceedings put on the literacy skills of everybody in the case -- including suspects, witnesses, and victims. Often, a person is expected to understand, remember, and act on a large amount of information.
- Understand the difference between literacy and legal literacy. Many people, who can read general materials well enough, become overwhelmed by legal documents and jargon.

What police need to do

Policies, procedures, and operations must take literacy issues into account.

In civil suits, the courts have ruled that police departments have the duty to:

- adjust tactics for people who have low literacy skills
- make sure that people understand the information given to them orally and in writing
- tell suspects all necessary information related to their charges
- make reasonable efforts to end systemic discrimination

But these actions alone are not enough. Individual officers who are in contact with suspects, witnesses, and victims should make the effort to communicate as clearly as possible so the person understands the information. It's a risk prevention measure – just like wearing gloves when helping someone who is bleeding.

Making sure that police and the courts are aware of the issues related to low literacy is only the beginning. The next steps are:

- Find ways to make the information you communicate – orally and in writing – easier for people to understand. A big part of this is explaining without using police or legal jargon.
- Arrange for support services for people with low literacy, to make sure that they understand fully what's going on and what is expected of them.
- Form closer connections with literacy organizations in the community.

Training is needed to make police officers more aware of the effect literacy has on their work and criminal justice. An important part of law enforcement – the need for successful prosecution – is at stake.

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