



TARGET CRIME WITH LITERACY

CHAPTER 3 - FACT SHEET 2

Departmental Policies and Procedures Related to People with Low Literacy Skills

The responsibilities of individual officers

Police officers are legally and morally obligated to make sure that people with low literacy skills understand their situation, their rights, and the effects of their decisions.

- Know how to recognize the signs that a person has low literacy skills.
- Make sure the person understands all the information given to them orally and in writing.
- Understand that failing to take into account a person's low literacy skills may result in lost cases, evidence ruled inadmissible in court, and civil actions against the police service.

The responsibilities of police departments

Police services are obliged to make sure that all officers take appropriate steps to help people with low literacy.

- Train officers in how to recognize literacy problems and how to assist these problems.
- Develop procedures for officers to assess the literacy of victims, witnesses, and accused persons.
- Develop or adopt quick, practical tests for officers to use to identify a person's literacy problem as early in the process as possible.
- Develop ways to explain the rights to remain silent and to have legal counsel so that people with low literacy can understand them
- Check regularly to see that officers are applying the policies and using the procedures consistently, and that these steps are working

The benefits of recognizing the importance of literacy issues

Police agencies that take reasonable and necessary steps to assist people with low literacy skills improve their service delivery. They also avoid:

- having evidence and statements ruled inadmissible in court (if the court finds that a witness or defendant didn't fully understand their rights or the documents they were asked to sign)
- costs of legal disputes and civil lawsuits (from accused who believe their rights were violated because they didn't fully understand what was going on)
- negative publicity and damage to the department's reputation (from individuals going public with their complaints that the police treated them unfairly or disrespectfully)

The risks of ignoring the importance of literacy issues

Departments that *don't* put in place policies and procedures to assist people with low literacy skills may be accused of systemic discrimination.

Systemic discrimination occurs when an organization's policies or practices have a negative effect on a particular group of people because they don't recognize the group's unique characteristics and make adjustments for them. It is important to note that systemic discrimination can occur *even when everyone is treated the same and there is no intent to discriminate*. This is sometimes called **adverse effect discrimination**.

The intent of the organization is not the issue – the issue is whether a certain group of people are negatively affected because the organization failed to accommodate their particular characteristic: an inability to understand due to low literacy skills.

Systemic discrimination is prohibited under the *Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, and provincial human rights laws. Police departments that are found to have practised systemic discrimination may be liable for damages. Police departments that don't have policies, procedures, and training programs for dealing with people with low literacy skills could be violating the Charter and human rights legislation.

Police chiefs, departments, police boards, and city governments (by failing to respect the requirements of human rights law, thus showing a lack of good faith) may face negligence claims. This can happen if *you* don't make reasonable efforts to meet the special needs of those with literacy challenges.