



TARGET CRIME WITH LITERACY

CHAPTER 1 - FACT SHEET 1

Measuring the Literacy Problem in Canada

What is literacy?

More than 23,000 Canadian adults took part in an International Adult Literacy and Skills Survey in 2003. This survey defined *literacy* as “the ability to use and understand information that is fundamental to daily life at work, at home, and in the community.” Statistics Canada and Human Resources Development Canada have adopted this definition.

The 2003 International Survey measured four skills:

- **Prose literacy:** the knowledge and skills needed to understand and use information from texts
- **Document literacy:** the knowledge and skills needed to find and use information in various formats, like schedules, maps, tables, and charts
- **Numeracy:** the knowledge and skills needed to do arithmetic and understand numbers in printed materials
- **Problem solving:** the process of solving problems by using goal-directed thinking and action, when the person does not have a routine to follow

How is literacy measured?

Everyone who took part was rated on each skill on a scale from 0 to 500 points. Their prose literacy, document literacy, and numeracy scores were then grouped into five levels of competency. (Problem solving has only four levels.)

The Government of Canada sets Level 3 as the minimum literacy that people need to cope with the increasing information demands of our society. The Conference Board of Canada believes that, in an information society, people need a score of at least 300 to be employable.

These are the five cognitive levels:

• Level 1	0–225 points	This is the lowest level of literacy.
• Level 2	226–275 points	
• Level 3	276–325 points	This is the minimum level needed.
• Level 4	326–375 points	
• Level 5	376–500 points	This is the highest level of literacy.

How literate are Canadians?

- 58 of 100 adults in Canada aged 16 to 65 have the basic reading skills they need for most everyday tasks.
- The average score for Canadian adults in prose literacy and document literacy is near the bottom of Level 3.
- That means that about two in every five Canadian adults— 9 million people –can't read well enough to do everyday things. If we add in the people who are older than 65, that number goes up to 12 million Canadians.
- The average for numeracy and problem solving is just below Level 3. Only 45 of 100 adults in Canada aged 16 to 65 can do everyday arithmetic and understand the numbers in printed materials.

Some people who have low literacy skills come from vulnerable groups, but that isn't the whole story. This problem affects many people in the general adult population too.

But people who come into contact with police, as suspects, victims, or witnesses, tend to have lower literacy skills. And neighbourhoods with low literacy levels tend to have higher crime rates.

These basic facts show the challenge to improve literacy performance among Canadians is far from over and affects law enforcement.

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TARGET CRIME WITH LITERACY

CHAPTER 1 - FACT SHEET 2

Who Are the People with Low Literacy in Canada?

About 58 out of 100 Canadian adults aged 16 to 65 have the basic reading skills they need for most everyday reading. The other 42 of the 100 working-age adults in Canada has lower literacy than is needed to cope with the increasing information demands of our society.

That means that about two in every five Canadian adults— 9 million people –can't read well enough to do everyday tasks. If we add in the people who are older than 65, that number goes up to 12 million Canadians.

The Statistics

More than 23,000 Canadians took part in an International Adult Literacy and Skills Survey in 2003. Based on the results of that survey, we can make some broad statements about who has low literacy skills in Canada:

- 2.6 million are immigrants
- 5.8 million are employed and over 800,000 are unemployed
- 2.4 million are not actively in the workforce
- 3.1 million have less than high school education
- 3.3 million finished high school
- 2.6 million have post-secondary education

Putting a Human Face on the Numbers

People who have low literacy are found throughout Canadian society – they live in all the provinces and territories, they belong to all the ethnic and religious groups, they are in all the income groups, and they have a whole range of levels of education.

Low literacy is more common in some specific groups than in Canadian society as a whole. These groups include

- seniors
- immigrants

- Aboriginal Canadians
- Francophones
- people entering the corrections system
- people who experienced one or more major roadblocks in their education when they were children or young adults, like being the victim of
 - neglect
 - abuse
 - poverty
 - poor nutrition
 - racial discrimination

More facts about low literacy in Canada

- Men are more likely to have low literacy skills than women.
- Some children had learning disabilities or social problems when they were in school, and never became good readers.
- Many people don't read regularly. They get their news from television and radio. They don't read for enjoyment either – they get their entertainment from the Internet, TV, movies, and concerts. Gradually, they lose their reading skills.
- Many senior citizens have only elementary school education, and their reading skills were never up to today's standard. Others have stopped reading and let their skills decline.
- Some immigrants may be literate in their first language are still learning English or French. Others are not literate in their first language, and find it difficult to learn how to read in a second language. Even those immigrants whose first language is English or French have lower literacy than those people born in Canada.

Low literacy in Canada is a personal, family, community, and societal problem. And low literacy is a law enforcement problem.

[Read Fact Sheet #3 >](#)

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TARGET CRIME WITH LITERACY

CHAPTER 1 - FACT SHEET 3

The Problem of Low Literacy in Canada

The Problem

In Canada, about 58 of 100 adults aged 16 to 65 have the basic reading skills they need for most everyday tasks. The other 42 – 9 million adult Canadians – have low literacy skills

How does low literacy affect people?

People with low literacy can only read short pieces of text and understand a specific piece of information at a time. If text isn't written in clear language and presented in a simple layout, they have trouble understanding it.

But low literacy means more than having trouble reading marks on paper. People who have poor literacy skills may also have trouble organizing information, following a line of reasoning (even when the information is given orally), and keeping track of a set of instructions.

Many people with low literacy find it hard to do everyday things that others take for granted. Here are some examples:

- Parents may not be able to help their children with homework, or to understand letters they receive from the school.
- People may have difficulty understanding the newspaper, so they don't find out about important community notices and other information.
- Drivers who get tickets may not be able to understand the instructions on the ticket. This could cause more legal problems for them.
- People who can't understand contracts and due dates may get into financial and legal difficulties.
- People who don't read well may avoid reading their mail, which could lead to problems like getting their electricity cut off or not attending at court when required.
- People who don't understand instructions from the lawyer, counsellor, or probation officer, can't follow those instructions properly. As a result, their legal problems get worse instead of better.

Having low literacy skills affects many aspects of a person's life. It can also affect the lives of

their spouse, children, neighbours, and co-workers.

What can you do about low literacy?

- Be aware of the extent of the problem and how it affects the everyday lives of the people you meet.
- When someone is acting inappropriately, remember that low literacy may be a factor in how they're feeling and behaving. Make sure you are communicating with them clearly, and remember that the reason for their behaviour may be that they don't fully understand the situation.
- Remember the 42% of adult Canadians who have trouble reading are found throughout Canadian society – they live in all the provinces and territories, they belong to all the ethnic and religious groups, and they are in all income groups.
- Keep in mind that how much education a person has and their literacy don't always go together – some well-educated people have lost their literacy skills.
- Help to improve relationships with the community by making sure that you communicate clearly and in a way that works for the people you are in contact with.
- Use tact and consideration to encourage cooperation.
- When you become aware that someone has low literacy skills, refer them to the appropriate community service agencies.

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TARGET CRIME WITH LITERACY

CHAPTER 2 - FACT SHEET 1

Low Literacy and Criminal Justice

The problem

People with low literacy have difficulty reading text and, sometimes, making sense of what people are saying. These difficulties get worse if the person is under stress—if they feel anxious, intimidated, or overwhelmed.

Another cause that makes it difficult for people to understand written or spoken information is the use of jargon. Jargon is specialized words and phrases used by particular groups and professions. Some examples: duty counsel, arraigned, lock-up, plainclothes officer, rap sheet.

Everyone who faces Canada's justice system, as a suspect, witness, or victim, must cope with police and legal jargon. Since this is extra difficult for people with low literacy, this can be even more stressful for them than for skilled readers.

Not being able to read well makes it difficult for a person to cope with all aspects of the criminal justice system. At any stage, a person involved with the system will have to:

- answer questions
- fill out forms
- provide statements
- read documents

Often, they are asked to do these in an unfamiliar environment (a police station, law office, or courtroom), and to do them quickly. These add to the person's stress, which in turn makes it even more difficult to understand the information that they read and hear.

How low literacy affects suspects and offenders

Dealing with suspects and offenders who have low literacy can cause problems at all stages of a criminal case, from the first police response to a complaint to the investigation, arrest, and prosecution of a crime. The problems then go on to affect the parole system and rehabilitating the offender.

Low literacy—and a lack of understanding about it—can:

- disrupt courtroom procedure
- clog up the courts with appeals—for example, when an accused person launches an appeal because of not understanding what was happening in court
- directly affect the outcome of a case—for example, an innocent person may feel so confused and intimidated that they plead guilty because they can't see any other way to make the problem go away
- lead to re-arrest—for example, a person on probation who does not fully grasp the terms of their release order may be arrested again and again

All of these causes increase the time and money needed to keep Canada's criminal justice system working.

How low literacy affects witnesses and victims

Most people who have low literacy skills are very aware that they have trouble with reading and understanding oral information. Witnesses and victims with low literacy may feel especially intimidated at the thought of making a statement and testifying in court. As a result, they may hesitate to call police at all.

In cases where a person with low literacy does come forward, officers may become frustrated over delays when the person is actually avoiding reading or writing. If the person avoids the situation or does not cooperate, and if the officer is not sensitive to the problem of low literacy, the whole prosecution may fall apart.

In court, a guilty person may walk free because a witness cannot answer questions clearly, or talks in circles (a sign of memory and thinking patterns common among those with low literacy).

Statistics show that 42 of 100 adult Canadians have low literacy skills. Police and other members of the justice system must be aware of the problem of low literacy and its impact to keep the system running smoothly and make sure that justice is respected and delivered.

[Read Fact Sheet #5 >](#)

[Read the full Chapter Two, Resource Manual >](#)



TARGET CRIME WITH LITERACY

CHAPTER 2 - FACT SHEET 2

The Link Between Low Literacy and Crime

The inability to read and write well may not be a direct cause of criminal behaviour, but low literacy and crime are related.

Daily life is harder for people with low literacy, so they are more likely to feel frustrated and dissatisfied. People with low literacy skills usually have equally inadequate problem-solving skills.

People who have low literacy skills tend to be less active citizens than other people. They are less likely to get involved in community activities like sports, school groups, church groups, and so on. As a result, they often feel isolated and vulnerable, and many of them feel like outcasts.

This may partly explain why people who have low literacy are statistically more likely to be involved in crime – either as the offender or the victim. It may also help to explain why crime rates are higher in neighbourhoods where a high percentage of people have low literacy.

Low literacy in Canadian jails and prisons

Some statistics:

- Offenders are three times as likely as the rest of the population to have literacy problems.
- 79 of 100 people entering Canadian correctional facilities don't have their high school diploma
- 65 of 100 people entering correctional facilities have less than a Grade 8 education or level of literacy skills.

Inmates who have low literacy are less likely to use the services available to them, like meeting with a Community Services Officer. They are also less able to benefit from the life skills and rehabilitative programs offered, or that a judge ordered them to take at sentencing.

Anger management training and drug rehabilitation programs usually involve reading, so these programs may not help an offender who has low literacy.

Literacy training and crime prevention

While poverty, unemployment, and feeling isolated or desperate may push some people into a life of crime, literacy training can provide many youth and adults with a chance to build a brighter future.

Literacy training gives young people at risk of delinquency the skills they need to find and keep jobs and escape from poverty. At least 75 of 100 adults in prison were persistent offenders in their youth. So improving the literacy of young people could have a significant impact on rates of adult crime.

Raising literacy rates in society will help to prevent and reduce crime.

Literacy training and rehabilitation

Many studies have found a link between prison-based education and literacy programs and high rates of successful rehabilitation. A Canadian study showed that prison literacy programs can reduce recidivism by up to 30%, depending on the level of literacy the prisoner achieves. In a U.S. study, getting a college degree in prison reduced recidivism by 100%.

Prison literacy and education programs give inmates a second chance at an honest, healthy, and productive life. These programs give inmates the skills they need to get steady jobs when they are released, which reduces their chances of re-offending.

With literacy and other training, people return to their communities with a more positive selfimage. They feel proud of what they have achieved, and their new skills and self-esteem help them avoid one of the main causes of criminal activity – unemployment.

The economic and social returns far outweigh the cost of providing literacy training to prisoners.

[Read Fact Sheet #6 >](#)

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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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TARGET CRIME WITH LITERACY

CHAPTER 3 - FACT SHEET 1

Police Communications with Accused with Low Literacy Skills

The idea of being “legally informed”

Canadian courts can consider the accused person’s literacy skills when they decide whether to admit or exclude evidence. The law does not consider a person informed of their rights unless the person fully understands the information given to them.

If a person with low literacy skills does not understand their rights, they cannot make informed decisions based on those rights, and so they are not *legally informed*. This means

- A person must be told of their rights in a way that they can understand.
- An accused must understand the results to expect from those decisions they make related to that right.

For example: It appears that accused person Jim Doe does not understand his right to a lawyer. It is not enough to repeat the standard legal language telling Doe of his right, because it seems he does not understand the formal language used. Doe can only make an informed decision about whether he wants a lawyer if he fully understands the effects of whatever decision he makes. So the police must make reasonable efforts to make sure Doe truly understands his right to a lawyer.

The duties of the police

The police have both legal and ethical duties to make sure that a person fully understands the oral and written information that police give to them. Ignoring these obligations may result in clearance rates dropping and

- cases getting bogged down in court
- cases being thrown out
- evidence being rejected
- police departments being sued

It is important to assess the accused person's literacy as soon as possible, and especially at the beginning of an interview. If you believe the person has low literacy, take practical steps, and make reasonable efforts so the person understands the information you give and the questions you ask.

At the same time, you are not expected to be clairvoyant or to go beyond reasonable efforts.

Examples from Canadian cases

In several Canadian cases, judges have ruled that the police should have done more to make sure that a person with low literacy skills truly understood their situation and their rights. Here are some examples:

- It was clear to the officer that English was not the accused's first language, and the accused said he did not understand the demand for a breath sample.
- The accused did not answer questions dealing with the right to have a lawyer, and said, "I don't speak the best English."
- An accused said he spoke English only "a little bit."
- The accused said "no" when asked if he understood his right to have a lawyer.
- Police officers ignored an accused's request for an interpreter, officer, or lawyer who spoke her first language.

What police officers need to know

- 42 out of 100 Canadian adults have low literacy skills.
- Most Canadians do not understand legalese.
- It is your responsibility to recognize the signs that a person has low literacy or has not fully understood.
- You need to make sure that an accused person understands the oral and written information that you give them.



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.



TARGET CRIME WITH LITERACY

CHAPTER 4 - FACT SHEET 1

Identifying People Who Have Low Literacy

Police are required by law to “accommodate” people who have low literacy. This means that you must do everything you can reasonably can to make sure people understand the verbal and written information that you give them.

Before you can make changes for people who have low literacy skills, you must first be able to identify who they are. Keep in mind that people who have trouble reading, writing, and understanding verbal information often try to cover up their problem or aren’t even aware of it. They use a variety of strategies to do this, including avoidance and denial.

Here are some of the signs that may indicate a person has a low level of literacy.

In a verbal interview, a person with low literacy may:

- have difficulty telling a clear story; for example, they may get the order of events confused
- seem to talk in circles – this thinking pattern is common among people with low literacy
- have stiff body language; for example, they may not nod or shake their head to indicate agreement or disagreement
- seem nervous or embarrassed
- seem to lack confidence and be easily intimidated

When asked to read or write something, a person with low literacy may:

- make excuses to avoid the task; for example,
 - “I can’t read this because I forgot my glasses,”
 - “I don’t have time to read this now. Can I take it home?”
 - “I hurt my hand, so I can’t fill out this form.”
- read very slowly
- stare at the page they’re supposed to read, but not move their eyes back and forth
- ask questions about things that are clearly stated in the document
- make a lot of spelling or grammar mistakes in their writing, or fill out a form with incorrect information
- bring a friend or relative with them who helps with reading and writing

People who have difficulty understanding verbal and written information have other tell-tale behaviours. Many people with low literacy:

- give what seem to be indirect, confused, or irrelevant answers to questions
- act confused or ask questions that do not seem to relate to the problem or situation
- not ask any questions at all (rather than reveal they don't understand what's going on)
- nod to indicate they agree or understand something, but then not do what you expect

They may also:

- not show up for meetings or hearings (because they did not understand the instructions on a written notice)
- sign statements or legal documents that they do not understand (rather than admit they have a reading problem)
- look dazed or uncomfortable when someone gives them something to read

They may show their confusion when they:

- give the impression that they don't understand the seriousness of their situation
- become frustrated and angry easily; they may storm out, or become physically confrontational

When you question if a person has low literacy, remember that:

- Low literacy is more than a reading problem. People with low literacy also have difficulties understanding oral and written information. Many tend to have different thinking strategies and problem-solving approaches.
- People with low literacy skills are likely to understand verbal and written information more slowly than others.
- What seems to be a bad attitude may be a literacy problem.



TARGET CRIME WITH LITERACY

CHAPTER 4 - FACT SHEET 2

Conduct Your Own Literacy Audit

An *audit* is a study or survey that helps you describe the way things are being done now.

A *literacy audit* is a tool that you can use to find out if you (or your section, or your department)

- are aware of the issues and difficulties that people with low literacy skills face
- know how to make sure that people with low literacy skills understand the verbal and written information you give them
- treat witnesses and suspects who have low literacy skills with fairness and respect

By answering the questions in this literacy audit, you will learn how you are doing with the processes and documents you use now. It will also point out where you need to do more to make sure that everyone can understand your section's (or your department's) written and verbal communications.

Here are three possible ways to do the literacy audit:

- Do the audit by yourself. It will take less than 10 minutes.
- Meet with your colleagues and do the audit together (in about 30 minutes).
- Have a lunch meeting and spend an hour doing the audit and creating a plan of action.

Section 1: Processes and Steps

	Read the question and assess your current situation	Circle your assessment here		
1.	We use drawings, charts, and other graphics in letters, notices, and forms.	Never	Sometimes	Usually
2.	We offer non-print help (such as audio and video tapes).	Never	Sometimes	Usually
3.	We use visual elements like drawings, charts and other graphics in printed material.	Never	Sometimes	Usually
4.	The graphics we use are clear and simple.	Never	Sometimes	Usually
5.	We ask every person if they need help to complete forms or other paperwork.	Never	Sometimes	Usually

Section 2: Written Material

1.	Our written forms and materials are easy to read and easy to use.	Never	Sometimes	Usually
2.	We follow plain language and clarity when we produce written materials.	Never	Sometimes	Usually
3.	We write witness statements in everyday language.	Never	Sometimes	Usually
4.	We define technical and legal terms in any text.	Never	Sometimes	Usually
5.	We use words that are simple and common words, not police jargon or legalese.	Never	Sometimes	Usually
6.	We only ask people for information or to fill out forms when it is truly necessary.	Never	Sometimes	Usually
7.	We go over all written statements orally, using clear language, and checking to make sure the person understands.	Never	Sometimes	Usually

Section 3: Public Relations

1.	We ask people for feedback on how well our written materials meet their needs.	Never	Sometimes	Usually
2.	We avoid jargon and we define legalese when it must be used.	Never	Sometimes	Usually
3.	We explain things using the correct level of detail for each person. We check if they understand before we move on.	Never	Sometimes	Usually
4.	We offer all witnesses the same assistance, so we don't embarrass people who have low literacy skills.	Never	Sometimes	Usually
5.	We encourage people to ask questions.	Never	Sometimes	Usually
6.	We watch and listen for clues about a person's literacy level.	Never	Sometimes	Usually

Section 4: Our Role in Literacy

1.	We inform ourselves about literacy issues and our responsibility to treat people with low literacy fairly and with respect.	Never	Sometimes	Usually
2.	We support literacy groups in the community.	Never	Sometimes	Usually
3.	We train staff in how to respond to the needs of people with low literacy.	Never	Sometimes	Usually
4.	We train staff in clear writing.	Never	Sometimes	Usually
5.	We partner with literacy groups in our community to raise the profile of this "invisible" issue.	Never	Sometimes	Usually



TARGET CRIME WITH LITERACY

CHAPTER 4 - FACT SHEET 3

Working with an Accused Who Has Low Literacy Skills

When you suspect that an accused has low literacy skills, your first step is to overcome the person's desire to hide their reading problem.

- If you suspect that English is not the person's first language, ask them if they need an interpreter.
- Ask defence counsel if they know about a reading problem.
- Ask the accused directly – in private – if they have a reading problem.
- To ask “Do you understand?” can be intimidating. Instead, ask the accused to tell you, in their own words, what the information means to them.
- Speak in a way that is easy for anyone to understand. Avoid using police jargon, legal terms, or other specialized language.
- Ask the person what they need to help them understand better.

Once you have confirmation that the accused has difficulty understanding written and spoken information, you may have to “teach” them the context of the charges against them. It is your job to make sure the accused understands

- what is happening
- how the Charter of Rights and Freedoms applies to them in their current situation
- what the charge is and how serious it is
- what their choices are, and how those choices play out
- that they should not sign a document until they understand it fully

Here are some guidelines to follow when you are communicating with an accused who has low literacy:

- **Keep your message as simple as possible.** Be clear and to the point. Long, complicated sentences will probably confuse the person, making it more difficult to get the information you need.

- **Use plain and clear language.** Don't quote the statute word for word or use police jargon—specialized language can seem like a foreign language to people who have low literacy skills.
- **Be specific.** Don't make broad, general statements or ask for them. Focus on specifics and on the recent past as it applies to the event or charges.
- **Repeat information.** Repeat in the same words the first time. Then try to phrase the information in a different way or present it in a different order. This gives the person more chances to understand.
- **Be patient.** Don't interrupt the person or tell them to "give it to me straight." Even though their story may seem rambling and repetitive, that may be their only way of expressing their ideas or understanding what is going on. Encourage the person to tell you everything about the situation, because you want to be fair.
- **Get feedback.** Ask the person to explain what you have said, using their own words. Ask them how well they understand legal information. Ask, "What does this mean to you, in your situation now?"
- **Encourage questions.** Tell the accused that you want them to understand the process and their situation. Encourage them to ask you questions about what is going on. Be careful not to react negatively if they ask very simple questions, or ask the same question more than once.
- **Record what you did.** Make notes of the facts that convinced you that the person understood everything. Make notes of the steps you took to ensure they understood.



TARGET CRIME WITH LITERACY

FACT SHEET

Community Resources

Referral resources in the community

National Literacy Organizations: Literacy Websites

National Adult Literacy Database

<http://www.nald.ca/litweb/nation/national.htm>

NALD lists will always be the most up-to-date.

Provincial Literacy Organizations

National Adult Literacy Database

<http://www.nald.ca/litweb/province/province.htm>

Literacy and What You Can Do

Literacy BC

<http://www2.literacy.bc.ca/facts/youcando.pdf>

Literacy and You: Toolkit

Successful Communication, Communications Canada

<http://www.nald.ca/library/learning/successe/successe.pdf>

Understanding Literacy and Crime Prevention

Taking Down The Wall Of Words: A Handbook for Community Agencies,

Part 2 (Organizational Audit)

John Howard Society

<http://www.johnhoward.ca/document/Wall/wall2cvr.htm>

Literacy Behind Bars: Results From the 2003 National Assessment of Adult Literacy Prison Survey

Institute of Education Sciences, US Education Department

An Introduction to Risk Factors and Protective Factors

<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2007473>

Literacy: An Essential Ingredient Of Offender Post Release Success Correctional Services Canada

http://www.csc-scc.gc.ca/text/releases/03-09-04_e.shtml

Helping America's Youth

<http://guide.helpingamericasyouth.gov/programtool-factors.cfm?factorID=rfs5>

Literacy and the Justice system

Literacy and Justice

Literacy BC

<http://www2.literacy.bc.ca/facts/justice.pdf>

Literacy in the Courtroom

National Judicial Institute

http://www.nji.ca/nji/Public/documents/LiteracyGuideEv3.pdf_000.pdf

Literacy and Access to the Canadian Justice System Casebook

National Judicial Institute

<http://www.nji.ca/nji/Public/documents/LiteracyandAccesstotheCanadianJusticeSystem.pdf>

Statement of Principles on Self-represented Litigants and Accused Persons

The Canadian Judicial Council

<http://www.cjc-ccm.gc.ca/cmslib/general/Final-Statement-of-Principles-SRL.pdf>

Literacy and the Courts: Protecting the Right to Understand

John Howard Society

http://www.johnhoward.ca/document/litcou/english/page_vii.htm

Understanding Literacy: A Judicial Imperative

John Howard Society

<http://www.johnhoward.ca/document/undrstnd/english/contents.htm>

Justice Literacy: Assessment And Awareness Project (Tool and Workshop)

John Howard Society of Saskatchewan

<http://www.justiceliteracy.org/>

Lawyers for Literacy

Canadian Bar Association

http://www.cba.org/BC/Practice_Resources/lawyers_literacy/default.aspx

Literacy and Access to Administrative Justice in Canada: A Guide for the Promotion of Plain Language

Council of Canadian Administrative Tribunals

<http://www.ccat-ctac.org/en/publications/>

Duty to Accommodate

Duty to Accommodate Fact sheet

Canadian Human Rights Commission

http://www.chrc-ccdp.ca/pdf/duty_factsheet_en.pdf

Frequently Asked Questions

Duty to Accommodate

Canadian Human Rights Commission

http://www.chrc-ccdp.ca/pdf/dta_faq_en.pdf

Policy and Guidelines on Disability and the Duty to Accommodate, Ontario Human Rights Commission, (Toronto: OHRC, 2000)

Human Resources and Social Development Canada, Advancing the Inclusion of People with Disabilities (2006) (Ottawa: Social Development Canada, 2006), citing Delcey, Michel. “Déficiences motrices et situation de handicaps” – ed. AFP-2002

Current Canadian Human Rights Laws

Duty to Accommodate

Learning Disabilities Association of Canada

http://www.ldac-taac.ca/LDandtheLaw/ch04_Law-e.asp

Chapter 3: Human Rights Legislation That Prohibits Discrimination

Learning Disabilities Association of Canada

http://www.ldac-taac.ca/LDandtheLaw/ch03_Law-e.asp

List by Province

http://www.ldac-taac.ca/LDandtheLaw/ch03-1_Law-e.asp

National Judicial Institute

<http://www.nji.ca/nji/index.cfm>

ARCH Disability Law Centre

<http://www.archdisabilitylaw.ca>