

Literacy and Policing in Canada



# TARGET CRIME WITH LITERACY

## Literacy Awareness Resource Manual for Police

This resource manual is a publication by the Literacy and Policing Project of the Canadian Association of Chiefs of Police (CACP), Ottawa, Ontario, Canada, and its Crime Prevention Committee, Co-Chairs Dorothy Ahlgren-Franklin and Chief Gary Crowell, which protects the copyright for all parts of the resource manual.

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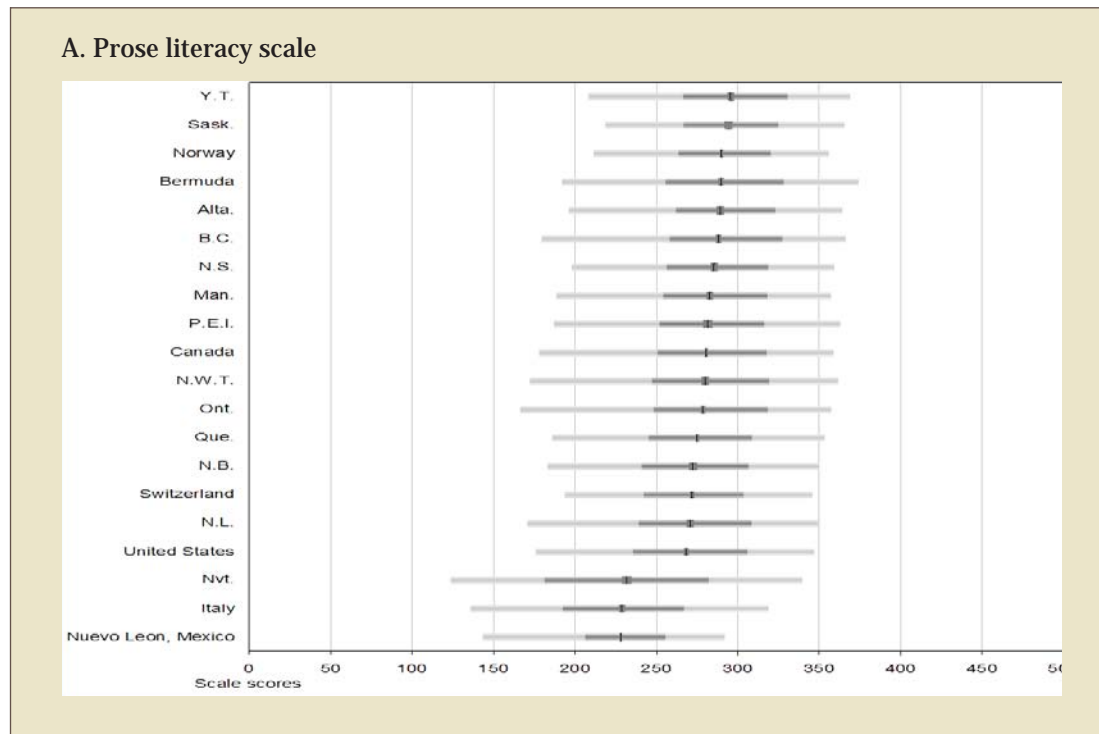
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# Chapter One: Orientation to Literacy

## The Literacy Problem in Canada – A Summary of the Facts

- In Canada, only about 58% of adults aged 16 to 65 have the basic reading skills they need for most everyday reading.
- A 1994 survey found that a significant number of Canadian adults have low literacy skills.
- Another survey nine years later (in 2003) found a notable improvement among the 5% of adults who had the lowest literacy scores. But the average literacy score had not changed much since 1994.
- 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.
- How much education a person has and their level of literacy don't always go together – some educated people have low literacy skills.
- People who don't use their literacy skills enough can lose them.

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



## The Information Source

More than 23,000 Canadian adults took part in the 2003 survey. This Canadian survey was part of a larger International Adult Literacy and Skills Survey. Statistics Canada coordinated the international survey, working with the Organization for Economic Cooperation and Development, and other international organizations.

Seven countries took part in the 2003 International Adult Literacy and Skills Survey. In each country, representative samples of adults were interviewed and tested in their homes.

## How Literacy Is Measured

The definition of “literacy” used for the 2003 International Survey is “the ability to use and understand information that is fundamental to daily life at work, at home, and in the community.” This definition is widely accepted around the world, including in Canada.

Using this definition as a starting point, the 2003 International Survey divided “literacy” into 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 that is presented in various formats, such as schedules, maps, tables, and charts.
- **Numeracy:** The knowledge and skills needed to do arithmetic and understand the 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 procedure to follow.

In this manual, we will focus on the first two skills – prose literacy and document literacy.

Everyone who took part was tested on these skills. Then, they were 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.

This is how the five cognitive levels are defined:

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

## What the Skill Levels Mean

- 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 people need a score of at least 300, the midpoint in Level 3, to be considered employable in an information society.
- A person who reads at Level 1 can only read short pieces of text and understand a specific piece of information.
- A person who reads at Level 2 can read text only if it is written in clear language and has a simple layout.
- Low literacy means more than having trouble reading marks on paper. A person with low literacy may also have trouble organizing information, following a line of reasoning (even when the information is given orally), and keeping track of a list of instructions.

## How Low Literacy Affects People

Many adults with low literacy do not realize that they have a problem. Others know that they don't read well, but they won't admit it to anyone. Either way, not being able to read well affects their participation in society, and in the economy.

People with low literacy (those who read at Level 1 or Level 2) find it hard to do everyday things. Here are some examples:

- Parents may not be able to help their children with homework.
- People may have trouble 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 later.
- People who can't understand contracts and due dates can develop financial problems.
- People who don't read well may avoid reading their mail, which could lead to things like getting their electricity cut off.
- Patients who don't understand instructions from a doctor or from the pharmacy can't follow those instructions properly. That could make their health problems worse instead of better.

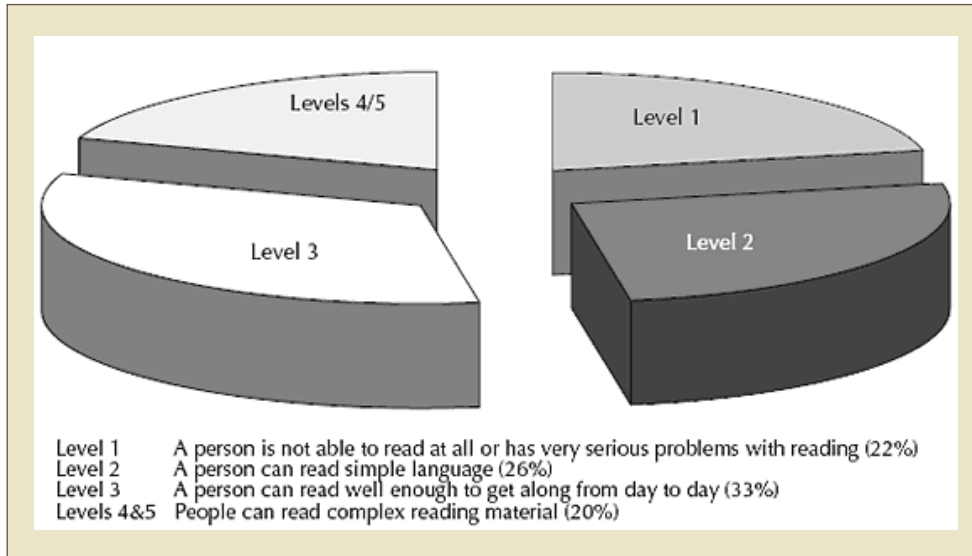
## Who Has Low Literacy in Canada?

The average score for Canadian adults in prose literacy and document literacy is near the bottom of Level 3. The average for numeracy and problem-solving is just below Level 3. (Remember that Level 3 is the minimum needed to function fully in our modern society.)

## CHAPTER ONE: ORIENTATION TO LITERACY

Only 58% of adults aged 16 to 65 score above Level 2 on prose and document literacy. 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 scores Canadians get on numeracy are even lower. Only 45% of adults aged 16 to 65 score above Level 2 on numeracy.



Let's look at some specific groups:

- Many senior citizens have only elementary school education, and their reading skills were never up to today's standard.
- Many middle-aged people have let their reading skills decay.
- Many younger 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 TV, movies, and concerts. They lose their skill.
- Some people who have poor reading skills experienced poverty, abuse, neglect, or discrimination as children and young adults that interfered with their learning.
- Some children had learning disabilities when they were in school, and never became good readers.
- Some immigrants may be literate in their first language but struggle with English or French. Others are not literate in their first language, and find it difficult to learn how to read in a second language.

## CHAPTER ONE: ORIENTATION TO LITERACY

Canadian adults who took part in the 2003 International Survey were asked to give facts about themselves and their backgrounds. Based on that information, Statistics Canada has put together this summary of facts about Canadians who have low literacy:

### Level 1

- 3.1 million adult Canadians read at this level
- 1.4 million of them are immigrants
- 54% are male and 46% are female
- 60% are employed
- 12% are unemployed
- Education:
  - 50% have less than high school
  - 30% finished high school
  - 20% have post-secondary education

### Level 2

- 5.8 million adult Canadians read at this level
- 1.2 million of them are immigrants
- 52% are male and 48% are female
- 70% are employed
- 8% are unemployed
- Education:
  - 28% have less than high school
  - 37% finished high school
  - 35% have post-secondary education

## Literacy Demographics by Province

This chart shows the average scores of Canadian adults in the 2003 International Adult Literacy and Skills Survey. Participants were rated on each skill on a scale from 0 to 500. The Government of Canada says the minimum score needed to participate fully in society is 276 (the entry score for Level 3). Red scores are those below Level 3.

Province or Territory	Document Literacy	Prose Literacy	Numeracy
Newfoundland and Labrador	269	271	257
Prince Edward Island	281	282	269
Nova Scotia	284	286	272
New Brunswick	270	273	262
Quebec	273	275	269
Ontario	279	279	270
Manitoba	283	283	271
Saskatchewan	294	294	284
Alberta	290	289	281
British Columbia	290	288	279
Nunavut Territory	234	232	220
Northwest Territory	280	280	269
Yukon Territory	293	296	283

## Comparing the Results among Provinces and Territories

Average scores for all the provinces and territories are in Level 3, except Quebec, New Brunswick, Newfoundland and Labrador, and Nunavut. The average scores in these four regions are in Level 2 for all three skills – prose literacy, document literacy, and numeracy.

In Quebec, there is no significant difference in prose literacy skill between Francophones and Anglophones with the same education.

There are 9 million Canadians (16-65) who have low literacy. Seven million of them live in Ontario, Quebec, and British Columbia.



## CHAPTER ONE: ORIENTATION TO LITERACY

Jurisdiction	YT	SK	AB	BC	NS	NT	MB	PE	C*	ON	QC	NB	NFL	NU
Yukon Territory	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Saskatchewan	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Alberta	Dark Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
British Columbia	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Nova Scotia	Dark Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Northwest Territories	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Manitoba	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Prince Edward Is.	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Canada	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Ontario	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue
Quebec	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue
New Brunswick	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue
Newfoundland and Labrador	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue
Nunavut	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue

\* The C column is the overall average for Canada

### Francophone Literacy

In Canada as a whole, 42% of adults scored below Level 3 in prose literacy. But we get a different picture when we look at the average results for Anglophones and Francophones in different ways.

Across Canada,

- 39% of Anglophones scored below Level 3
- 56% of Francophones scored below Level 3

In Quebec,

- 43% of Anglophones scored below Level 3
- 55% of Francophones scored below Level 3.
- The youngest, those aged 16 to 24, in both language groups did not have significantly different scores.

Most of the Francophones who live outside Quebec are in New Brunswick, Ontario, and Manitoba. They were allowed to choose whether to take the test in French or in English. In this group,

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- 61% of Francophones tested in French scored below Level 3
- 53% of Francophones tested in English scored below Level 3

In general, lower literacy levels among Francophones are caused by socio-historical and cultural reasons. The biggest cause is differences in levels of education. In addition, the survey found that when Francophones are compared with Anglophones who have the same levels of education and income, the Francophones are less likely to read and write frequently in their daily lives.

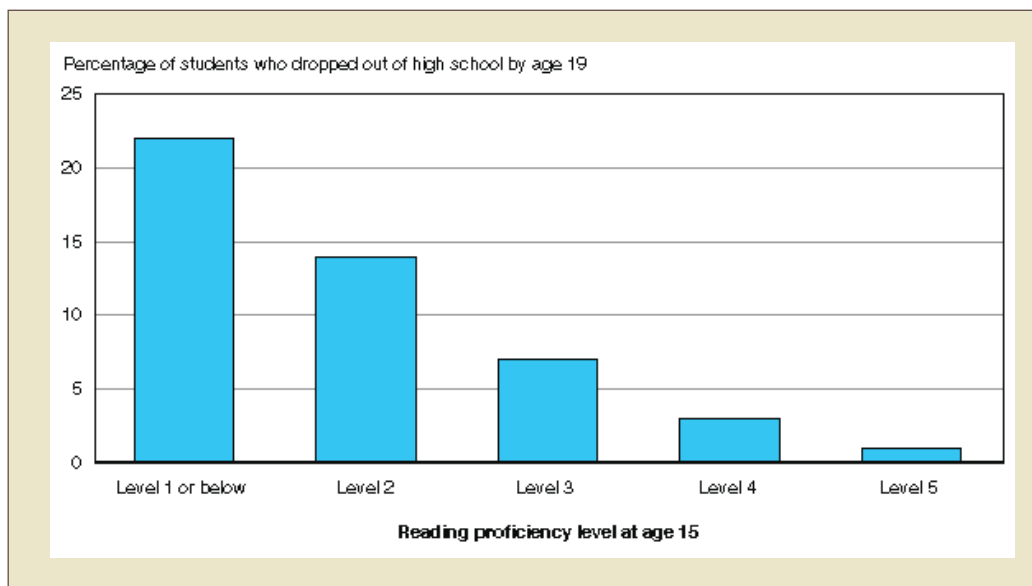
### Literacy of Children and Youth

Children who have difficulty in school may not learn to read well. They may have trouble concentrating for reasons such as:

- hyperactivity
- poverty
- poor nutrition
- abuse (physical, sexual, or emotional)
- neglect
- disabilities
- racial discrimination

Each of these can be a major roadblock to a child's education.

Students with low literacy skills are more likely to drop out of school before finishing high school.



## CHAPTER ONE: ORIENTATION TO LITERACY

Source: Knighton, Tamara and Patrick Bussière. 2006. Educational Outcomes at Age 19 Associated with Reading Ability at Age 15. Statistics Canada Catalogue number 81-595-MIE2006043.

The 2003 survey also found some interesting information about people who had dropped out of school. An above-average percent of school dropouts:

- were born in Atlantic Canada
- were born in Quebec (this is particularly true of female dropouts)
- were Aboriginal
- spoke French in childhood
- have a disability
- have experienced learning difficulties in childhood.

### Literacy of Aboriginal Canadians

In Manitoba and Saskatchewan, the proportion of urban Aboriginals with low literacy was about ten percent higher than the proportion of urban non-Aboriginals. Younger Aboriginals have higher literacy than older, but still lower than the Canadian average.

Also according to the 2003 International Survey,

- over 50% of Aboriginal adults in the Yukon have low prose literacy (below Level 3)
- 69% of Aboriginal adults in the Northwest Territories have low prose literacy
- 88% of Aboriginal adults in Nunavut have low prose literacy

### Literacy of Immigrants

Nationally, adult immigrants scored significantly lower than people born in Canada on all four literacy skills.

Some immigrants are literate in their first language but struggle with English or French. Others are not literate in their first language and have difficulty becoming literate in English or French.

- On average, immigrants are better educated now than they were in past eras, but more of them are from countries where neither English nor French is the main language.
- On average, immigrants whose first language is neither English nor French have lower literacy than immigrants whose first language is one of Canada's official languages.
- Immigrants whose first language is French or English have lower literacy than people who were born in Canada.

Here are some specific facts and figures about immigrants who have low literacy skills:

## CHAPTER ONE: ORIENTATION TO LITERACY

- 60% of immigrants have low prose literacy (below Level 3), compared with 37% of adults who were born in Canada
- 37% of immigrants whose first language was neither English nor French have low (Level 1) scores in prose literacy. Only about 18% of immigrants who have English or French as their first language scored in Level 1.

### Literacy and First Language

This table shows the average scores on all four literacy skills for adults born in Canada and adult immigrants to Canada.

Status	Prose Literacy	Document Literacy	Numeracy	Problem-Solving
Born in Canada	280	278	269	273
Immigrants whose first language is the same as the test language	269	269	259	257
Immigrants whose first language is different from the test language	234	238	235	230

Source: IALLS

### Literacy of Older Canadians

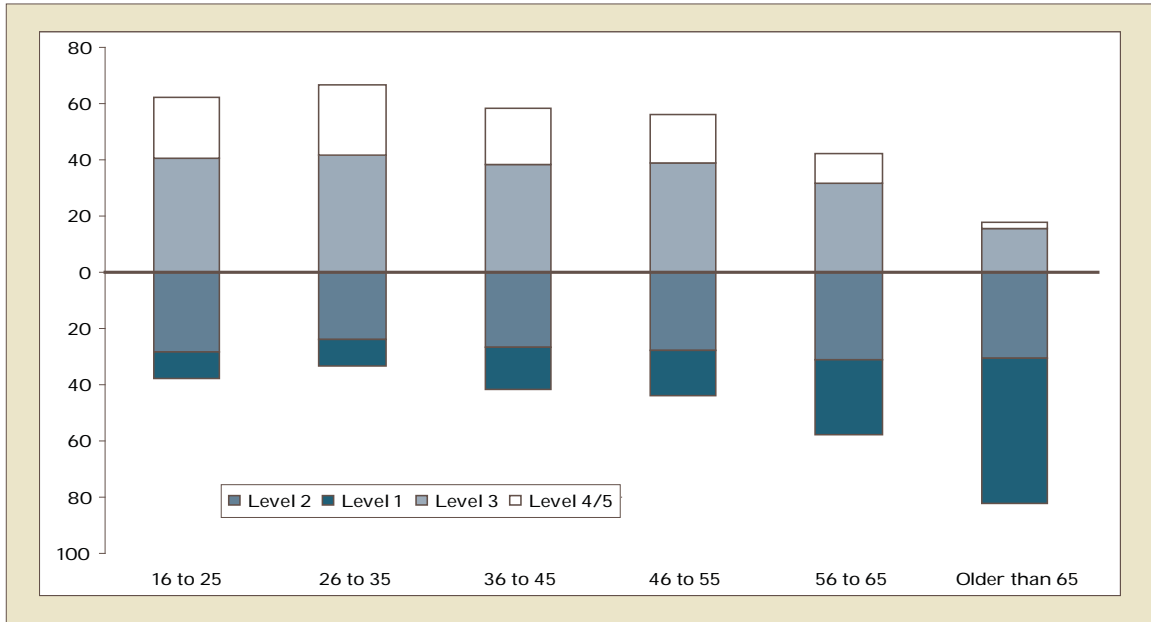
#### Loss of Literacy with Aging

Literacy is not something that you pick up in youth and then own for the rest of your life. Over time, people lose their literacy skills if they don't use them regularly.

In the 2003 survey, more than 80% of seniors (over 65) scored at Level 1 or Level 2 in prose literacy.

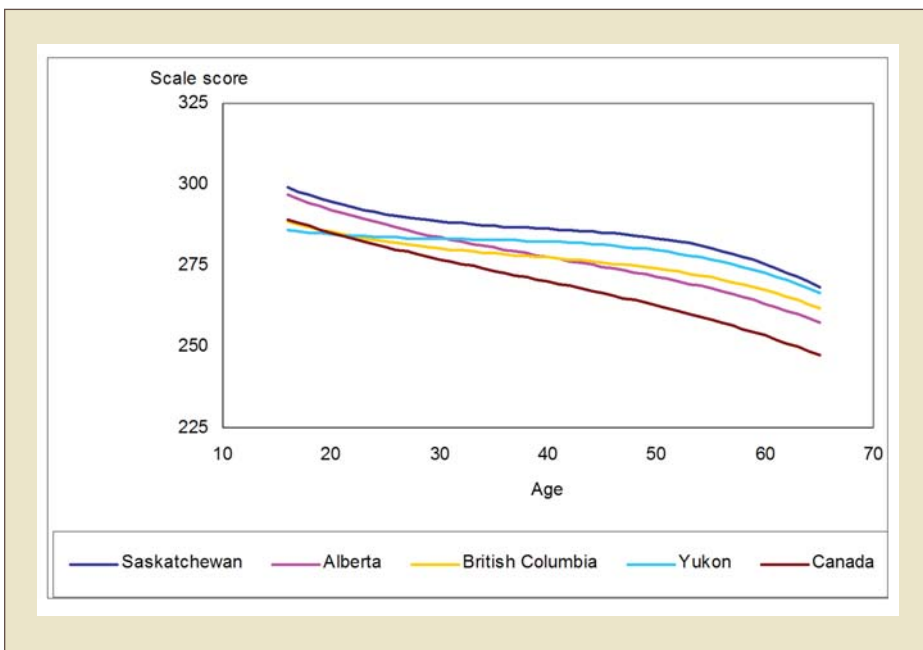
When people over the age of 65 are included in the statistics for Canadian "adults," the proportion scoring below Level 3 in prose literacy increases from 42% (9 million people) to almost 48% (12 million people).

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Source: IALSS

Statistics Canada reports the average Canadian loses one school grade level in literacy skills over a lifetime. For most people, the gradual decline in their reading ability begins around age 25, drops the most around 40, and tapers off until about age 55. Adults from lower socio-economic backgrounds experience this most. Higher education modifies and even delays a decline in skill but the pattern differs across provinces.



## Literacy of Unemployed and Underemployed Canadians

In general, Canadians who have lower levels of literacy are more likely to be unemployed or to have low earnings. More than half of the unemployed adults in Canada scored below Level 3 on the test of document literacy.

Low-income Canadians are more likely to have parents with a lower education level, and to experience many problems, including difficulty with reading.

- 972,000 Canadians who scored at Level 1 are either unemployed or have low-income jobs
- 1,649,000 Canadians who scored at Level 2 are either unemployed or have low-income jobs

This means that roughly 2.6 million Canadians need literacy support to improve their quality of life and raise themselves above poverty and persistent unemployment.

## Causes that Contribute to Short-Term Literacy Problems

Adults may lose some of their literacy skills temporarily. This temporary decrease in reading ability can be caused by personal or social stresses. These include:

- Lack of practice – people who haven't used their literacy skills recently may become rusty
- Experiencing harassment or abuse
- Physical health problems, including head injury or trauma
- Mental health problems
- Being confronted with legalese or police jargon
- Stress because of family, personal, or work-related problems
- Feeling intimidated by a person, or in a particular situation
- Fear, such as fear related to legal difficulties

Any of these causes can interfere with a person's capacity to focus, concentrate, process information, and think clearly.

## What Can You Do About It?

You will be better equipped to assess situations and deal with them effectively if you understand more about the literacy difficulties that many people have. Being aware of how common low literacy is and how it affects people will make it easier for you to understand some of the behaviors you see in other people. For example:

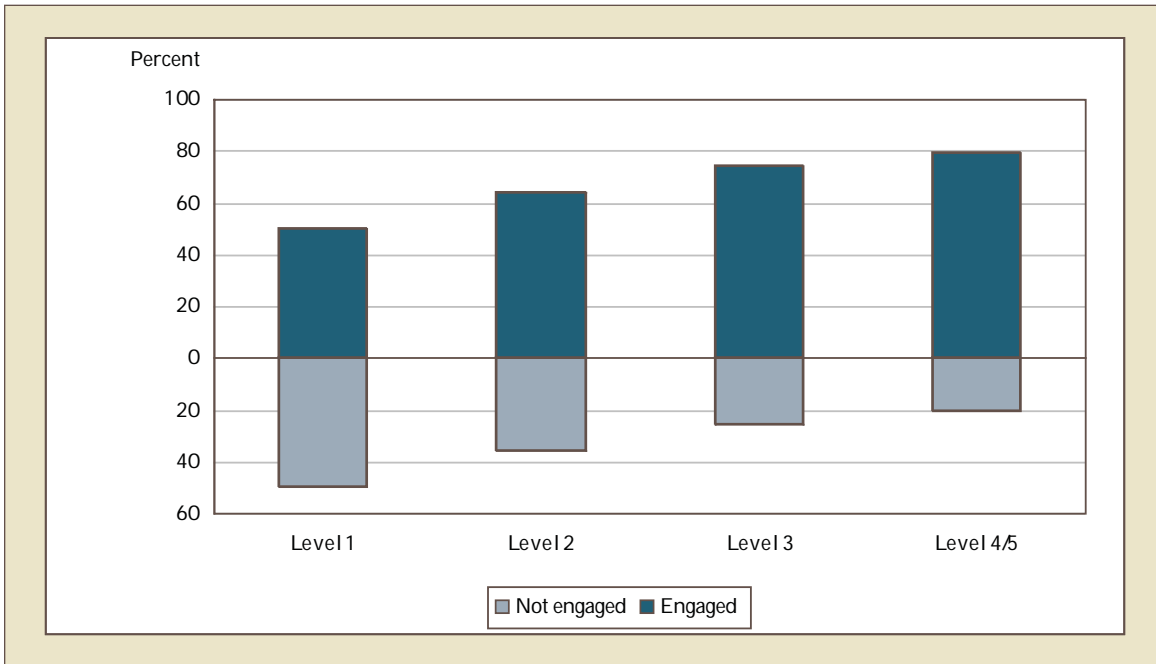
- You can understand why people show what seem to be inappropriate emotions, so you can manage the conversation differently to ensure better communication.
- You can improve relationships with the community by making sure that you communicate clearly and in a way that works for the people you are in contact with.
- You can use tact and consideration in ways that will encourage enthusiastic cooperation.
- You can refer people to appropriate community service agencies.

## Chapter Two: The impacts of low literacy on communities, crime and the justice system

### How low literacy affects communities

In 2003, a Canadian survey of adult literacy asked people to describe how active they were in their communities. Broadly, this is civic engagement. It involves things like being a member of a political party, voting in elections, or being a volunteer for a sports team, school committee, church group, or community organization.

People with low literacy often feel isolated and vulnerable. The report showed that people with low literacy skills (Level 1 and 2) were less likely than those with higher literacy skills to get involved in this way. In fact, half of those at Level 1 of the literacy scale said they were not involved in civic activities in their communities. Only 20% of those with higher literacy skills said they were not.



People who are more literate are more active citizens. They feel involved in their communities. They find and hold jobs, and raise healthy children who complete their education.



## Low literacy and its impact on crime

Neighbourhoods with lower literacy rates have higher crime rates. And people who commit crimes are more likely to have lower levels of literacy. So are victims of crime. Witnesses with low literacy face many challenges when they are asked to provide statements or testify in court.

How is Canada's prison population reflected in this analysis? Most Canadians would agree that crime is high-level anti-social activity. The connection between low literacy and lack of civic engagement may not cause crime but it can be seen as a factor that influences it, along with other economic and social causes.

- Almost 7 out of 10 prisoners in Canadian jails before 1996 had low literacy skills.
- Prison literacy programs raise a person's self-esteem along with their literacy skills.
- The positive outcomes of literacy training include getting the skills needed for steady employment and reducing the chance that someone will re-offend.

In communities across Canada, literacy offers people a better quality of life through better job opportunities, continuing employment, more effective parenting, and active participation in community life.

What higher literacy means in a community...	
For politicians →	It means voters are better informed.
For economists →	It means the province, territory and country can be more productive and competitive on a global scale.
For educators →	It means people have more knowledge and skills.
For people with low literacy skills →	It means they can apply for better jobs with higher pay, improve their self-esteem and health, read a bedtime story to their children, help children with homework, play a role in their community.

What would higher literacy skills across Canada mean for those who work in law enforcement and the justice system? Let's find out.

## How low literacy impacts the courts

Low literacy—and a lack of understanding about it—can affect both procedure and outcome in the courtroom. Costs may increase, too, as when an accused launches an appeal on the grounds of not having understood what was happening in court.

A person who does not fully grasp the terms of a probation or release order may be arrested again and again. This takes up police and court time and damages lives by causing unnecessary stress during the court process.

## CHAPTER TWO: THE IMPACTS OF LOW LITERACY ON COMMUNITIES, CRIME AND THE JUSTICE SYSTEM

Court dockets overflow with cases about process, like failure to appear, breach of a probation, being unlawfully at large, and failure to comply. Many offences against the ***Young Offenders Act*** and the ***Youth Criminal Justice Act*** are essentially offences against the administration of justice.

These kinds of cases have risen from 22% of all cases in the early 1990s to 31% in the early years of this decade. A similar increase exists in juvenile court.

What is it that the courts don't understand about low literacy? A 1996 report by the John Howard Society of Canada described a need to:

- understand the difference between literacy and legal literacy
- arrange for support services for those with low literacy
- increase literacy awareness by court officials
- connect the courts with literacy organizations in the community
- identify the kinds of literacy problems people may have, and
- find ways to reduce barriers to information.

### Understanding barriers in the system

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

A person involved with criminal justice must decide what to do at many points in the process. They are confronted with a mass of information that they must:

1. understand
2. recall
3. act on in a timely way.

One of the main barriers they face is police jargon and legal language. This topic, and the effects of the court system on the accused, victims, and witnesses with low literacy are discussed in detail in Chapter 4.

## How justice may NOT be served

Low literacy can cause problems at all stages of the criminal justice process, from the first police response to a complaint, to the investigation, arrest, and prosecution of a crime. The problems extend to the parole system and rehabilitation of the offender.

At any stage, citizens involved with the system must be able to:

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

Often, they must do so at a rapid pace. The written information they receive is likely to contain unfamiliar legal language. What police convey orally may be obscured by police jargon. A witness or crime victim who is intimidated by all this may hesitate to call police at all. For their part, police may be frustrated by someone with low literacy skills who seems to be causing delays when asked to read or write something. If the person refuses to cooperate at all, and if the officer is not sensitive to the problem of low literacy, the whole process may fall apart.

- In court, a guilty person may walk free because a witness cannot answer questions clearly or appears to talk in circles (a sign of thinking patterns common among those with low literacy).
- The opposite may happen as well. An innocent person may be confused by the legal process, and may even plead guilty because she can't see any other way to make the problem go away.

Everyone has a right to justice, whether or not they can read and write

## Legal implications for police

A lack of awareness about low literacy and its impact can have serious outcomes for police. In recent years, officers have even faced civil lawsuits.

In 1999, the Supreme Court of Canada (in *R. v Evans*) ruled that police cannot assume that people with whom they communicate (by speaking or in written form) have understood fully. The result is:

- a person is not considered to be legally informed unless that individual has actually understood the information given to them,
- police cannot rely on “mechanical recitation” of the standard police charge, and
- police “must take steps to facilitate understanding.”

## CHAPTER TWO: THE IMPACTS OF LOW LITERACY ON COMMUNITIES, CRIME AND THE JUSTICE SYSTEM

The bottom line is that police policy and operations must take account of literacy issues. It's a risk prevention measure just like wearing gloves when helping someone who is bleeding. In civil suits, the courts have ruled that police departments have certain obligations, including a duty to:

- train officers
- supervise their work
- accommodate those with low literacy skills
- ensure that communication results in understanding
- inform suspects of all information related to charges
- eliminate systemic discrimination.

Training is needed to make police officers more aware of the effect literacy has on their work and the criminal justice system. An important part of law enforcement—the need for successful prosecution—is at stake. Police need to be aware that failed criminal prosecutions have been blamed on the handling of an accused or a key witness who has low literacy.

See Chapter 4 for more on duty to accommodate. That chapter also contains a literacy audit to help you discover how well your policies are responding to low literacy.

### How higher literacy reduces crime and the costs of crime

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

At least 75% of adults in prison were persistent offenders in their youth. The evidence shows a clear need to focus crime prevention on children living at risk of delinquency, and on the factors that put them at risk. Literacy training provides young people at risk with the skills they need to find decent jobs and escape from poverty.

Offenders are three times as likely as the rest of the population to have literacy problems. Literacy training offers them a real chance to build a productive life. Prison-based education and literacy programs pay off in fewer returns to prison. Study after study has confirmed this link. And the economic and social returns far outweigh the original investment.

- With literacy and other training, people return to their communities with a more positive self-image. They feel proud of what they have accomplished and the new skills and self-esteem help them avoid one of the main causes of criminal activity – unemployment.
- According to the U.S.-based Rand Corporation, \$1 million invested in prison space for career criminals prevents 60 crimes a year. The same \$1 million invested in programs to help inmates graduate from high school would prevent 258 crimes a year!<sup>1</sup>

## Literacy and criminal rehabilitation

The evidence is clear that raising literacy rates in society will help to prevent and reduce crime. Just as important is a need to offer literacy training to prisoners, to lower their chances of re-offending.

The inability to read and write may not be a specific cause of criminal behaviour, but

- It makes daily life harder
- It causes people to feel like “outcasts” because their ability to take on a full role in society is limited
- It can make prison programs less effective
- It limits job options for those released from prison.

In prison, those with low literacy are less likely to use the resources available to them, like meeting with a Community Services Officer. They are also less able to benefit from the life skills programs that may be offered or that a judge ordered them to take at sentencing. Anger management training and drug rehabilitation programs usually require reading so they may not be helpful to an offender with low literacy.

Add literacy training to a prisoner’s choices, though, and the rewards are clear. A small Canadian study shows that recidivist rates were between 5 and 30% lower, depending on the level of literacy achieved. In one U.S. study, getting a college degree in prison reduced recidivism by 100%.

Education is an important way to help offenders prepare for a safe and successful return to the community. Prison literacy and education programs give inmates a second chance at an honest, healthy, and productive life.

## A profile of low literacy among prison inmates

A 1998 survey of the effects of literacy programs on prisoners in Canada showed the average grade level of education among federal inmates was Grade 7.5.

Inmates who took part in basic literacy programs scored at Grade 5.7 when first tested. The typical literacy program student in prison “is significantly less educated than the average federal offender—this certainly qualifies them as in high need of the programming.”<sup>2</sup>

## Low literacy in Canadian prisons, 2003, Correctional Services Canada

Education or skill	Prisoners entering a correctional facility
Inmates without a high school diploma	79 per cent
Inmates who tested lower than Grade 10	82 per cent
Inmates who tested lower than Grade 8	65 per cent

Canada's prisons see reading and writing as the most basic and necessary skills for prisoners to acquire.

Research in the early 1990s and in 1997-98 showed that inmates who completed Grade 10 had a 21% fall in re-admission. A research report found that the kinds of intellectual skills gained through Adult Basic Education (ABE) may give offenders an edge in dealing with life in their community when they return to it. Increases in literacy also add to a person's problem-solving skills.

### ***Can Educating Adult Offenders Counteract Recidivism? 1992, Correctional Services Canada***

The gains from literacy training can be significant: inmates who completed the ABE program rose nearly three grade levels. Less positive data showed that completion rates over a five-year period were only 22 per cent.

The study noted:

- Basic education programs help to address the serious literacy and educational deficits of offenders, but those with learning disabilities need better support.
- Offenders with the weakest literacy skills are most likely to withdraw from literacy training, so it's important to find ways to raise completion and retention rates.
- Basic education programs promote constructive activity or "normalization" in prisons and may even promote more positive long-term attitude changes in offenders.
- New partnerships with literacy and other community service groups in the campaign to raise literacy.
- Basic literacy skills help but more is needed to solve the larger social issues and provide marketable job skills for this disadvantaged population.<sup>3</sup>

## How reading linked inmates and a community

In 2000, a unique program at Westmorland Institution in Dorchester, New Brunswick involved 65 inmates in a research project called Turning a New Page.<sup>4</sup>

During the project's first year, more than 1600 children in 20 nearby elementary schools received free children's books and audiotapes. Each audio book was recorded by an inmate from the prison.

One inmate said that "recording the stories makes me feel like a productive member of society."

The inmates reported feeling strong motivation to do a good job because the audio tapes would help young students in their own reading programs.

"In one calendar year the mean growth in reading as measured by the SRI (Scholastic Reading Inventory) was 2.6 years, and some inmates experienced as much improvement as 3 to 4 years," the report said.

Follow-up showed that only four of 42 active participants in the project returned to prison after being released. Their offences were parole violations involving alcohol.

## Aboriginal inmates and low literacy

A large segment of Canada's prison population is Aboriginal. While Aboriginal adults represent only three per cent of the nation's population, more than 17 per cent of the men and women in Canadian prisons are Aboriginal. In many provinces and territories, the numbers are even higher.<sup>5</sup>

Aboriginal adults as percentage of total prison population, 2004-2005 <sup>6</sup>					
	Manitoba	Sask.	Alberta	B.C.	Yukon
% of total (men and women)	70%	77%	38%	20%	74%
% of women compared to total female prisoners	83%	87%	54%	29%	87%

## CHAPTER TWO: THE IMPACTS OF LOW LITERACY ON COMMUNITIES, CRIME AND THE JUSTICE SYSTEM

Neither of the Canadian surveys and reports on adult literacy (released in 1994 and 2003) includes First Nations living on reserves as part of their samples. What is known about low literacy among Aboriginal people comes from a 2006 study looking at levels of schooling based on 2001 figures. The study compared high school and post secondary education levels of Aboriginal and non-Aboriginal adults aged 15 and over.

That study revealed that among Aboriginals:

- 48 per cent have less than high school education
- 10 per cent have graduated from high school
- 4 per cent have a university degree.

In the total Canadian population (aged 15 and older) the figures are quite different:

- 31 per cent had less than high school education
- 14 per cent had graduated from high school
- 15 per cent have a university degree. <sup>7</sup>

In prison, Aboriginal inmates seem to be involved in literacy training at rates similar to their representation in the overall inmate population. When Correctional Services Canada studied the effects of adult basic education programs in 1998, it found that

- except for those who got above-average gains from literacy training, non-Aboriginal re-admission rates were higher than for non-Aboriginal participants
- the difference in these rates was based on higher rates of 'technical' re-admission<sup>8</sup>

Technical re-admission refers to breaches of parole, failure to comply with a court order, etc. It does not include new crimes. So these were cases about process, as we discussed at the beginning of this Chapter.

Viewing this through a literacy lens, Aboriginal rates of re-admission may be closely linked to low literacy skills which persist even after basic upgrading programs in prison.



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CRIME AND THE JUSTICE SYSTEM

**(Endnotes)**

- 1 <http://www.literacy.ca/govrel/finance/page5.htm>
- 2 Research Reports, A two-year release follow-up of federal offenders who participated in the adult basic education (Abe) Program R-60, Roger Boe, Research Branch Correctional Service of Canada at <http://www.csc-scc.gc.ca/text/rsrch/reports/r60/r60e-eng.shtml#post>
- 3 Boe, R. (1998). A two-year follow-up of federal offenders who participated in the Adult Basic Education (ABE) program. (No. R-60). Ottawa, ON: Research Branch, Correctional Service of Canada. <http://www.csc-scc.gc.ca/text/rsrch/reports/r61/r61e-eng.shtml>
- 4 <http://www.nb.literacy.ca/public/rsrchbul/vol1iss2/cover.htm>
- 5 [http://www.prisonjustice.ca/politics/facts\\_stats.html](http://www.prisonjustice.ca/politics/facts_stats.html)
- 6 [http://www.prisonjustice.ca/politics/facts\\_stats.html](http://www.prisonjustice.ca/politics/facts_stats.html)
- 7 <http://www.caledoninst.org/Publications/PDF/595ENG.pdf>
- 8 <http://www.csc-scc.gc.ca/text/rsrch/reports/r60/r60e-eng.shtml>

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### **Charter rights must be understood**

According to the *Canadian Charter of Rights and Freedoms*, everyone has the right, on arrest or detention, to

- be informed promptly of the reason,
- retain and instruct counsel without delay,
- be informed of that right.

Police are trained to tell a person these rights at the time of arrest or detention. The courts have said the police must also make sure the person understood what was said. The police may have to show the court that

- The person received the needed information about *Charter* rights.
- The person showed an understanding of those rights at the time.

When the person involved has low literacy skills, there is a risk that evidence collected during an investigation might not be accepted in court:

- When there is a positive signal that the accused does not understand the right to counsel, the police cannot rely on a mechanical recitation of the right to the accused. They must make reasonable efforts to make the right meaningful to the accused. The *Charter of Rights and Freedoms* Section 10(b) requires communication of the right, not a rote repetition of it.<sup>1</sup>
- Unless they are clearly and fully informed of their rights at the outset, detainees cannot be expected to make informed choices and decisions about whether or not to contact counsel and, in turn, whether to exercise other rights, such as their right to silence.<sup>2</sup>
- In order for an accused person to be informed of his rights, it is necessary that the accused be capable of understanding and appreciating the substance of the right to counsel and truly appreciating the consequences of giving up that right.<sup>3</sup>
- The right of an accused to understand carries with it the obligation on police to ensure rights are understood by taking steps to facilitate communication.<sup>4</sup>

### **Special circumstances need added effort**

The courts have also said the police must make themselves aware of any special circumstances that would affect their interaction with a member of the public. At the start of any encounter, police need to be alert to

- comprehension issues – the person's ability to understand what is being said

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- any special circumstances that affect a person's ability to respond to instructions, demands, or information on *Charter* rights.

If the circumstances reveal ... that a particular detainee does not understand the standard caution, the authorities must take additional steps to ensure that the detainee comprehends the rights guaranteed by section 10(b), and the means by which they can be exercised.<sup>5</sup>

The circumstances were unusual. Having regard to the officer's knowledge that the respondent was French, that the respondent certainly was not at ease with the English language in that he did not understand the breathalyzer demand, I am of the opinion, that special circumstances existed which required the officer to reasonably ascertain that the respondent's constitutional rights were understood by him... (emphasis added)<sup>6</sup>

At the earliest opportunity and at least during the interview, an officer must

- assess the person's ability to understand the language the officer is using to communicate with the person, and
- find out whether the person has any impairment or condition that makes understanding difficult.

An officer should call for an interpreter when it is clear that there is some difficulty in the detainee understanding the various police warnings and their rights to counsel. The officer knew that there was a difficulty but felt he was communicating with the detainee. The accused was a deaf mute who was given the rights to counsel to read. No effort was made to call the sign language interpreter as the officer felt that he was communicating with the accused. There was evidence called that, in fact, the accused could not read or write in English with any degree of competency and had comprehension difficulties.<sup>7</sup>

Police must take special care when they know an accused is "unsophisticated and unlearned" or has other features that block understanding of English or French. Since the 1991 Supreme Court of Canada decision in *R. v. Evans*, lower court decisions have held that low literacy skills are special circumstances. The police cannot assume that, because a person can speak a language, the person can read the language.

Providing reading material in a second language is not sufficient effort without any evidence whether the accused is literate in that language.<sup>8</sup>

Police cannot assume that a person can read well enough for legal purposes, when the person

- has only basic English language skills
- although responsive, is not talking.

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Here are some examples of special circumstances needing a different from usual (requiring an alternate) response from police:

- The accused did not respond to questions dealing with the right to counsel and made statements meaning “I don’t speak the best English.”<sup>9</sup>
- The officer needed to speak slowly to an accused who said he spoke English only “a little bit.”<sup>10</sup>
- The accused responded that he did not understand the right to counsel and police did not provide oral or written instruction about that right in his first language.<sup>11</sup>
- The accused requested an interpreter, officer, or lawyer who spoke the accused’s first language, and this request was ignored.<sup>12</sup>

Prudence would suggest that an investigator proposing to solicit a statement from an Inuk accused in English make some enquiry to establish the citizen’s level of comprehension in English, their ability to communicate effectively in English and their overall literacy level as determined by their formal education.

A bare recital of the police caution and Charter rights will not necessarily be sufficient to establish comprehension in English particularly given the convoluted wording of the standard primary and secondary police caution. Where an accused’s level of fluency or comprehension in English is low, every effort should be made to accommodate the citizen’s obvious language needs.

Where requested, interpretation should be provided. Even where not requested, if difficulties are obvious, interpretive services should be offered.<sup>13</sup>

### The police need to find ways to overcome language barriers

Canada is a multicultural society with *Charter* protections for everyone. Police need to prepare for the person who does not speak or understand English or French well. It is reasonable to expect police to make an effort to inform a person of *Charter* rights in his or her native language.<sup>14</sup>

A court will only assume that a person’s understanding of those rights was adequate if

- there is no evidence of special circumstances that suggest a difficulty in understanding, and
- the accused answered positively to the question “Do you understand?”<sup>15</sup>

Since police need to make an effort to check understanding, they should note their reasons for believing that an accused understood the *Charter* caution. At the same time, the police are not expected to conduct an extensive inquiry:

The police are only able to respond to information provided by the detainee and cannot be held to a standard of clairvoyance.<sup>16</sup>

What happens when the circumstances are not so clear and it is not obvious that the accused person does not understand? ... [I]f a person has low literacy skills; he or she has likely spent much of life attempting to hide a lack of understanding. Therefore, it is doubtful that people with low literacy skills will readily admit that they cannot read or write well.

It is important that the police officer, the defence lawyer and other court officials try to determine whether people accused of crimes, witnesses and jurors do in fact understand what is going on around them. It appears that judges are increasingly considering the effect that an individual's ability to understand has on basic legal rights.<sup>17</sup>

## Police need to assess a person's capacity to understand

In general, the law assumes that an adult has the capacity to understand when to retain and instruct counsel. Still, a police officer should consider whether a person with low literacy skills has adequate capacity to understand and waive constitutional rights. Does the person show an adequate understanding of these rights, and understand the situation and grasp the choices that the police have presented? This is a subjective evaluation for a police officer to make.

In order for an accused person to be informed of his or her rights, it is necessary that the accused be capable of:

- understanding and appreciating the substance of the right to counsel, and
- truly appreciating the consequences of giving up that right.<sup>18</sup>

In the health care field, capacity has been defined this way:

To be "mentally capable" means that a person must have the ability to understand information relevant to making a decision and the ability to appreciate the reasonably foreseeable consequences of a decision or lack of decision.<sup>19</sup>

While low literacy does not in any way mean low intelligence, it does mean a person cannot read a document well, if at all. And it may mean that a person has trouble following an oral presentation of unfamiliar information.

If the officer is unsure, he or she ought to inquire further to meet the officer's ethical and legal duties. Questions to consider include:

- Does the person have enough information to make the decisions?
- Is the person capable of recognizing and making the needed decisions?
- Is the person able to make clear, independent decisions?
- Is the person's ability to decide impaired by something besides low literacy that is resulting in a lack of understanding?

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Many causes affect a person's ability to decide: age, intelligence, experience, and mental or physical health, and the presence of advice, guidance, pressure, intimidation, or support from others:

Their capacity to make decisions is always based on the specific situation and the particular demands it places on them.<sup>20</sup>

The courts are interested in the person's capacity at the time decisions were made and not in the decision the person ended up making:

In assessing their capacity, we do not have to look at the quality of their decisions, only at their process in making the decision: Is the person making choices that are based on a sound understanding of the facts and the specific situation?<sup>21</sup>

When considering a person's right to government-funded counsel to ensure a fair trial, courts have measured a person's capacity to understand the language and legal process and to exercise their rights meaningfully. The courts' approach here gives examples of special circumstances for a person with low literacy skills:

- personal abilities of the accused, such as her educational and employment background and whether she is able to read, understand the language, and make herself understood;<sup>22</sup>
- young age of the accused, and his limited education, limited ability to understand and to express himself, and little or no experience with the criminal process;<sup>23</sup>
- effective illiteracy of the accused, who had the equivalent of a grade three or four education and did not have a conceptual ability to understand the proceedings; the accused's "interrupted education, limited literacy and limited English vocabulary".<sup>24</sup>

In deciding on a person's capacity to understand the language and legal process in order to exercise their rights meaningfully, the courts may also look to the personal abilities and capacity of the accused to understand:

- educational background including the level and nature of the accused's education and the ways courses taken were evaluated, for example, by examination, research papers, or essays;
- employment background including the duties of the accused in his or her employment and level of responsibility; and
- ability of the accused to read and understand the language, and to be understood.<sup>25</sup>

Given the approach the courts have taken in these cases, it would be consistent for a court to find that a particular person with low literacy skills did not have the ability to make important legal decisions.

## Human rights laws on discrimination apply to the police, too

Police may face complaints under the *Canadian Charter of Rights and Freedoms*, the Canada Human Rights Act, or provincial or territorial human rights laws in two types of situations:

1. Failing to accommodate people with low literacy skills may be a form of systemic discrimination.
2. Failing to take reasonable steps to end systemic discrimination, in a police force or in police recruiting practices or operations, may expose police organizations to human rights claims.

Systemic discrimination arises from any consistent practice or standard:

- that has a negative result for a group of people because it does not allow for their particular characteristics, and
- when an adjustment could be made without undue hardship to the organization.

Systemic discrimination may occur even when everyone is treated the same and there is no intent to discriminate. A practice becomes discriminatory by its result and the failure to adapt to the particular characteristics of a person. To meet its duty to accommodate, a police organization must adjust a policy or practice to meet the special needs of a person.

A police organization must accept some hardship in order to make reasonable accommodation for a person's rights. That can mean expense, inconvenience, or disruption, as long as it does not become unfair and unreasonable interference with the operations of the police and the safety of the public. That would be undue hardship.

In addition, the correct police entity can be held liable in negligence for failing to direct, train, supervise, or control individual police officers so they respect statutory and common law rights.

We can look to developing law about disability to find some guidance and to understand how systemic discrimination can apply to treatment of the person with low literacy.

Accommodating the needs of the disabled involves engaging in a process that is individualized, or tailored, to the particular person and their unique needs. The standard of individualized accommodation was set in *Nova Scotia (Workers' Compensation Board) v. Martin*.<sup>26</sup>

The Supreme Court of Canada made several points in its 2003 *Martin* decision about the duty to accommodate people with disabilities and the measures of equality.<sup>27</sup>

- Those who must accommodate a person with disabilities must show sensitivity to individual differences to achieve substantive equality for all.
- No single accommodation or adaptation can serve the needs of all.

- People with disabilities face extra limits when systems and social situations assume or require a different set of abilities than the ones the person has. The equal participation of people with disabilities will require changing these situations in many different ways, depending on the abilities of each person.
- The question is whether there has been enough response to the needs and circumstances of each person with a disability.

### Low literacy may be considered a disability in the future

The courts have not identified low literacy skills as a disability at this time. Their thinking about people with disabilities and the duty to accommodate may very likely be applied to low-literacy situations in the future. The way the courts deal with people with disabilities is instructive and offers some guidance to apply when dealing with people with low literacy skills. The Supreme Court of Canada is placing an onus on the police to further explain the accused's right to counsel:

- where the accused advises that he does not understand his rights, and
- where the police are aware of a mental deficiency sufficient to raise a question as to whether or not the accused understands.

In my view, in those situations, the police are required to explain the accused's rights in order to facilitate his understanding of his right to counsel thus making such advice meaningful.<sup>28</sup>

The concept of disability is no longer based solely on the medical definitions of mental or physical infirmity and now recognizes differences that are disabling given external barriers posed by a society and its norms, procedures, and institutions:

The Supreme Court of Canada has looked beyond a strict medical model of disability and accepted a social model, finding that disability may also be a social effect that must be interpreted broadly:

By placing the emphasis on human dignity, respect, and the right to equality rather than a simple biomedical condition, this approach recognizes that the attitudes of society and its members often contribute to the idea or perception of a "handicap".

In fact, a person may have no limitations in everyday activities other than those created by prejudice and stereotypes ....Thus, a 'handicap' may be the result of a physical limitation, an ailment, a social construct, a perceived limitation or a combination of all of these factors.<sup>29</sup>

On another occasion:

[The court recognized that] a proper analysis necessitates unbundling the impairment from the reaction of society to the impairment, and recognition that much discrimination is socially constructed.<sup>30</sup>



The Supreme Court of Canada identified three aspects to disability:

- physical or mental impairments,
- functional limitations, real or perceived,
- society's problematic response to the person's condition.

As another example, Ontario legislation defines disability broadly and includes causes that can also apply to a person with low literacy skills. A disability is defined as:

- a condition of mental impairment or a developmental disability.
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language (emphasis added).<sup>31</sup>

Learning disabilities include differences in a person's perceptual or cognitive systems. People with low English literacy may have different thinking and problem-solving patterns especially if their first language was not English and they are not literate in that first language.

A person with an acquired brain injury may have a resulting disability affecting behaviour, emotion, or reading ability. For an example, Ontario's Disability Support Program allows the use of social and economic causes (such as age, education, and literacy) to decide if someone is 'disabled enough' to qualify. On the other hand, the Canada Pension Plan—Disability Program does not.

### There are consequences for failing to accommodate

If police ignore the law requiring them to make efforts to be sure that a person has an adequate understanding of their Charter rights and their resulting choices, the police may find that

1. The courts will not accept evidence received in a way that brings the administration of justice into disrepute.
2. The police may face a civil action for damages.

The burden of proof is on the person making a civil claim, and the courts want evidence of malicious intent or bad faith by the police. Without that proof, the action fails.<sup>32</sup> Yet:

When police ignore the dictates of settled law, they have not acted in good faith.<sup>33</sup>

### The keys to success are training and good police practice

It is important that police know how to assess the literacy of a witness, a person under investigation, or an accused, as soon as possible, for the:

- proper functioning of the justice system,
- efficiency of court processes,
- fundamental right to a fair trial,

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- success of prosecutions,
- prevention of risk and losses to police organizations.

Police organizations have a duty to develop policies and programs related to literacy and law enforcement. Training can provide police officers with the knowledge and skill to recognize a person with low literacy and to work appropriately with that person. On-going supervision will be needed to see if the training is achieving its objectives.

Police services may also develop tools to help police officers assess a person's literacy and identify any special circumstances requiring extra effort in giving instructions and warnings. A consistent method for explaining and making meaningful the rights of an accused would also be helpful to law enforcement. This is especially important for the standard police charge, in particular, the rights to remain silent and to retain counsel without delay.

For police services, taking the reasonable and necessary steps to accommodate people with literacy-associated communication problems will:

- improve service delivery,
- increase the success of law enforcement agencies,
- meet risk management responsibilities,
- reduce the possibility and costs of legal disputes and damage awards,
- avoid negative publicity,
- enhance the reputation of the police.

\* \* \*

### Duty to Accommodate Fact Sheet

Canadian Human Rights Commission,  
[http://www.chrc-ccdp.ca/pdf/duty\\_factsheet\\_en.pdf](http://www.chrc-ccdp.ca/pdf/duty_factsheet_en.pdf)

### Frequently Asked Questions

Canadian Human Rights Commission,  
[http://www.chrc-ccdp.ca/pdf/dta\\_faq\\_en.pdf](http://www.chrc-ccdp.ca/pdf/dta_faq_en.pdf)

### Current Canadian Human Rights Laws

Learning Disabilities Association of Canada,  
[http://www.ldac-taac.ca/LDandtheLaw/ch04\\_Law-e.asp](http://www.ldac-taac.ca/LDandtheLaw/ch04_Law-e.asp)

Learning Disabilities Association of Canada,  
[http://www.ldac-taac.ca/LDandtheLaw/ch03\\_Law-e.asp](http://www.ldac-taac.ca/LDandtheLaw/ch03_Law-e.asp)

## List by Province

[http://www.ldac-taac.ca/LDandtheLaw/ch03-1\\_Law-e.asp](http://www.ldac-taac.ca/LDandtheLaw/ch03-1_Law-e.asp)

## Credits

We are indebted to these organizations for the information used here:

National Judicial Institute: [www.nji.ca/nji/index.cfm](http://www.nji.ca/nji/index.cfm)

ARCH Disability Law Centre: [www.archdisabilitylaw.ca](http://www.archdisabilitylaw.ca)

### (Endnotes)

- 1 *Supreme Court of Canada R. v. Evans* [1991] 1 S.C.R. 869
- 2 *Supreme Court of Canada R. v. Hebert*, [1990] 2 S.C.R. 151
- 3 *R. v. McAvena* [1987] S.J. No. 166; [1987] 4 W.W.R. 15; 55 Sask.R. 161; 34 C.C.C. (3d) 461; 56 C.R. (3d) 303; 34 C.R.R. 130; 49 M.V.R. 243; 1 W.C.B. (2d) 354 (Sask. C.A.)  
*R. v. Michaud* [1986] O.J. No. 1631; 45 M.V.R. 243 (Ont. Dist. Ct.)
- 4 *Italy v. Seifert* [2003] B.C.J. No. 471 2003 BCSC 351; 13 B.C.L.R. (4th) 356 [2003] B.C.T.C. 351 (BCSC)
- 5 *Supreme Court of Canada Regina v. Bartle* [1994] S.C.J. No. 74; [1994] 3 S.C.R. 173; 118 D.L.R. (4th) 83; 172 N.R. 1; 74 O.A.C. 161; 92 C.C.C. (3d) 289; 33 C.R. (4th) 1; 23 C.R.R. (2d) 193; 6 M.V.R. (3d) 1; 24 W.C.B. (2d) 539
- 6 *R. v. Vanstaceghem* (1987) 36 C.C.C. (3d) 142, (Ont. C.A.)
- 7 *Regina v. Dennie* [1997] O.J. No. 1299 31; O.T.C. 211; 43 C.R.R. (2d) 144; 34 W.C.B. (2d) 160 (Ont. C.J.C. (Gen. Div.))
- 8 *R. v. Ly* [1993] O.J. No. 268; 18 W.C.B. (2d) 581 (Ont. Ct. J.)
- 9 *R. v. Ludavecki* [1992] O.J. No. 2123
- 10 *R. v. Ly* [1993] O.J. No. 268
- 11 *R. v. Lim* [1993] O.J. No. 3241; 20 C.R.R. (2d) 187; 22 W.C.B. (2d) 214 (Ontario Court, Provincial Division)
- 12 *R. v. Ferreira* 23 W.C.B. (2d) 544, (Ontario Court, General Division)  
*R. v. Shmoel* [1998] O.J. No. 2233; 38 W.C.B. (2d) 363 (O.C.J.)
- 13 Quoting with approval the lower court trial judge *R. v. Kooktook* [2006] Nu.J. No. 7; 2006 NUCA 3; 391 A.R. 1; 210 C.C.C. (3d) 106; [2006] 4 C.N.L.R. 191; 69 W.C.B. (2d) 442 (Nunavut C.A.)

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- 14 *R. v. Sundaralingam* [2003] O.J. No. 863 (Ont. Ct. J.)
- 15 *R. v. Roberts* [1991] N.J. No. 349; 95 Nfld. & P.E.I.R. 49; 14 W.C.B. (2d) 74 (Nfld. Prov. Ct.)
- 16 *R. v. Gocek* [2005] O.J. No. 6007; 2005 ONCJ 537; 70 W.C.B. (2d) 20 (Ont. Ct. Justice)
- 17 National Judicial Institute, *Literacy and Access to the Canadian Justice System Casebook: A Guide For Judges by Anida Chiodo*, May 2003
- 18 *R. v. McAvena* (1987), 34 C.C.C. (3d) 461 (Sask. C.A.), *R. v. Michaud* (1986) 45 M.V.R. 243 (Ont. Dist. Ct.)
- 19 *Long-term Care Facilities in Ontario: The Advocate's Manual* (2nd edition). Advocacy Centre for the Elderly, 2001
- 20 *Budgen v. Budgen* (1974), 52 D.L.R. (3d) 241 (N.S. S.C.)
- 21 *Godellie v. Pauli* [1990] O.J. No. 1207 (Dist.Ct.)
- 22 *R. v. Wilson* [1997] N.S.J. No. 473; 163 N.S.R. (2d) 206; 121 C.C.C. (3d) 92; 48 C.R.R. (2d) 249; 37 W.C.B. (2d) 38 (N.S.C.A.)
- 23 *R. v. Baderstsch* [1996] O.J. No. 4528 (Ont. C.J.)
- 24 *Italy v. Seifert* [2003] B.C.J. No. 471; 2003 BCSC 351; 13 B.C.L.R. (4th) 356; [2003] B.C.T.C. 351 (BCSC)]
- 25 *R. v. Lalo* [1998] N.S.J. No. 396; 173 N.S.R. (2d) 149; 40 W.C.B. (2d) 107 (N.S.S.C.)
- 26 *Nova Scotia (Workers' Compensation Board) v. Laseur* [2003] 2 S.C.R. 504, 2003 SCC 54; Ontario Human Rights Commission, *Policy and Guidelines on Disability and the Duty to Accommodate*, (Toronto: OHRC, 2000) at 13
- 27 *Nova Scotia (Workers' Compensation Board) v. Martin* [2003] 2 S.C.R. 504, 2003 SCC 54
- 28 *R v. Messervey (No. 1)* [1991] N.J. No. 379; 96 Nfld. & P.E.I.R. 305; 14 W.C.B. (2d) 566 NL Prov Ct  
*R. v. Dubois* 27 Q.A.C. 241; 54 C.C.C. (3d) 166; 74 C.R. (3d) 216; 22 M.V.R. (2d) 154; 9 W.C.B. (2d) 300 (Que. C.A.)
- 29 *Québec (Commission des droits de la personne et des droits de la jeunesse) v. Montréal (City); Québec (Commission des droits de la personne et des droits de la jeunesse) v. Boisbriand (City)*, [2000] 1 S.C.R. 665, 2000 SCC 27
- 30 *Granovsky v. Canada (Minister of Employment and Immigration)* [2000] 1 S.C.R. 703, 2000 SCC 28 at paras. 29-30
- 31 *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11, s. 2. [AODA], Human Rights Code, 20 R.S.O. 1990, c. H.19, s. 10(1)]
- 32 *Osborne v. Ontario (Attorney General)* [1996] O.J. No. 2678; 10 O.T.C. 256; 64 A.C.W.S. (3d) 951; 31 W.C.B. (2d) 482 (Ont. Ct. Gen Div.)

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- 33 *R. v. Kokesch* [1990] S.C.J. No. 117; [1990] 3 S.C.R. 3; 121 N.R. 161; [1991] 1 W.W.R. 193; 51 B.C.L.R. (2d) 157; 61 C.C.C. (3d) 207; 1 C.R. (4th) 62; 50 C.R.R. 285; 11 W.C.B. (2d) 349 (SCC) *R. v. Colak* [2006] O.J. No. 4953; 2006 ONCJ 481; 72 W.C.B. (2d) 570 (Ont. Ct. Justice).

## Chapter Four: How to recognize the signals and act on the reality of low literacy

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### What is the literacy problem in law enforcement?

#### Everyone has problems with jargon.

A person may be well-educated and able to read complex information in their own area of expertise. Still, they may have trouble reading police and legal information.

For most people, any encounter with police is stressful. Often, they are hearing bad news. It is normal for them to feel uncertain, fearful, or confused.

If police speak or write using words that are not familiar, or if they use police jargon, people may find it hard to understand what you are trying to communicate.

#### **A judge's comments on police jargon**

The agents involved speak an almost impenetrable jargon.

- They do not get into their cars; they enter official government vehicles.
- They do not get out of or leave their cars, they exit them.
- They do not go somewhere; they proceed.
- They do not go to a particular place; they proceed to its vicinity.
- They do not watch or look; they surveille.
- They never see anything; they observe it.
- No one tells them anything; they are advised.
- A person does not tell them his name; he identifies himself.
- A person does not say something; he indicates.
- They do not listen to a telephone conversation; they monitor it.
- People telephoning each other do not say "hello"; they exchange greetings.

*--a judge's remarks from US v Marshall,  
488 F.2d 1169, 1171, n.1 (9th Cir. 1973)*

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Picture this:

<b>A 45-year old woman has two years of college education and works as a physiotherapist.</b>	
<b>Scene #1</b> She talks to a police officer after reporting that her car was rammed while parked in the church parking lot on a Sunday morning.	<b>Scene #2</b> Two police officers come to talk to her in the emergency room of the local hospital at midnight on a weekend after she has been assaulted by a gang of street kids.
In both cases, police ask her to fill out a form or to read written information. In Scene #1, because the woman's stress level is low, she is likely to read and understand all the information given to her. In Scene #2, with a high stress level and physical injuries, she may find it difficult to read or comprehend any written information.	

## Reflect on the effects of jargon

The Canadian Oxford Dictionary defines jargon as:

1. words or expressions used by a particular group or profession
2. language marked by affected or convoluted syntax, vocabulary, or meaning
3. unintelligible or meaningless talk or writing; gibberish.

The first two can cause the third!

➤ Here's a blurb from a computer technology website:

It is strongly recommended that you perform all updates from the AVG interface. The program can distinguish between full and differential updates; while this page offers only full update files for download.

➤ Finally, here's how a Canadian bank tried to define audited financial statements:

The auditors are responsible for testing the amounts and disclosures and assessing accounting principles used and significant estimates made by management. The auditor's report concludes whether, in their opinion, the financial statements present fairly, in all material respects, the balance sheet and the results for the year.

It's easy to see that people's reading skills vary depending on

- how familiar they are with "jargon" in the text
- their stress level when they read new text.

## Let's define "low literacy"

Most Canadians who have problems reading are not illiterate. Instead, adult literacy surveys measure people's ability to read and act on written information by rating their skills from high to low.

Here are some important terms in adult literacy:

- **Literacy** is the ability to read, understand, and use information in day-to-day life (on the job, at home, and in the community).
- **Low literacy** is the ability to read simple text that is not too dense and has clear visuals. If the text is a "wall of words," filled with jargon, or contains complex vocabulary, people with low literacy skills will not be able to fully comprehend it.
- **High literacy** is the ability to understand almost any text. However, even people with high literacy may find themselves challenged by complex writing from a field they know nothing about or in high-stress situations.
- **Illiteracy** means having no ability to read or write. Very few Canadians fit in this category. Because the term is not accurate and carries a stigma, it is not used in Canada today.
- **Legal literacy** means having the special literacy skills needed to understand legal language, concepts, and processes.

What makes someone literate? A high level of education makes it more likely that someone will have high literacy skills. A high income level points in that direction, too.

High literacy is an invisible skill, and lack of literacy may be even more invisible. But there are signs you can watch for and actions you can take to accommodate people who do not read well. We will explore both of them in this chapter.

## How to "read" the signs

**Here are some clues a person may not read well enough to understand written texts:**

- He may give you a dazed look after you have given him something to read or explained it orally.
- When she looks at the page you have just given her, her eyes do not move back and forth across the page.
- He may ask you questions about things that were explained in a letter.
- She may not be able to summarize what she heard or saw or what you've told her, or describe what course of action was taken.
- She may have stiff body language; she does NOT nod her head in agreement.



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Here are more signs that point to a literacy problem. The person may:

- seem nervous or embarrassed during the interview,
- act confused or ask questions that do not relate to the problem or situation,
- not ask questions to ensure that information is completely clear,
- not ask any questions at all,
- not answer questions you ask,
- have a hard time following your instructions,
- be compliant, nod agreement to show understanding but not do what you expect.

Ask yourself, does this person:

- have difficulty telling a coherent story?
- read very slowly?
- have trouble trying to summarize what a text says?
- fill out a form with wrong information or make many spelling or grammar mistakes?
- ask a friend or relative for help when they must read something?

### Common coping strategies

People with low literacy try to cover up through an assortment of coping strategies, including avoidance and denial. Some do not even recognize they have a skill deficit.

The following behaviours suggest a literacy problem:

- Using the excuse, “I can’t read this because I forgot my glasses.”
- Saying, “I don’t have time to read this now. Can I take it home?”
- Saying, “I hurt my hand (or arm) so I can’t fill out this form.”
- Bringing along a friend or relative who helps with reading or filling in forms.
- Telling you “facts” that are not correct, even though they have written information that provides the correct details.

People with low literacy skills may:

- not give you crucial information because they cannot read and understand your intake form or questionnaire.
- fail to show up for a meeting or hearing because they did not understand the instructions on a written notice.
- sign legal documents they do not understand rather than admit they have a reading problem.

## How does this help an investigation or prosecution?

“Sensitizing professionals to the issue, providing them with the tools and mechanisms to identify and assess the needs of the accused with respect to this issue and linking these same professionals to the literacy programming available in their communities, would be a positive step toward a restorative solution.” –from *Presumed to Understand: “Do you understand?”*, An analysis of Literacy, the Accused, and the Justice Sector, Findings Document, Susan McDougall-Gagnon-Gingras, John Howard Society of Canada, March 1993

As someone who works in law enforcement, having a deeper understanding of low literacy puts you in a position of power. Rather than being surprised or annoyed by bizarre behavior, you can understand it as how that person copes with low literacy. You can also manage the situation so that better communication follows.

The report we mentioned above suggests that police:

- learn how to establish relationships of trust in the community by communicating in ways that work for the people they deal with;
- use tact and consideration to foster cooperation.

When police understand low literacy, they can help to overcome an important type of “systemic discrimination” within the justice system. This discrimination is based on the fact that the justice system requires people to read and understand complex information written in unfamiliar legal language.

## Discrimination affects investigations and prosecution

Other examples of systemic discrimination in the justice system include:

- The duty counsel, probation officer, and defence counsel cannot take time to learn that someone has low literacy skills.
- The pre-sentence report seldom identifies low literacy as the underlying problem behind a person’s social problems, poverty, lack of employment, etc.
- The defence arguments presented in court may not identify how low literacy and lack of understanding of the situation led to the charges.
- Defence counsel may not be aware that the accused does not understand the situation.
- Meaningful rehabilitation is difficult since most treatment programs are based on books, written instruction, and reading.
- The person with low literacy is often treated like a child, while the professionals take charge and handle everything. The person does not have a chance to take responsibility or improve their problem-solving skills.

## Working with people who have literacy problems

Police need to understand:

- Some events happen because of misunderstandings. They involve no criminal intent.
- Low literacy is about more than not reading. It's also about not understanding. And it is about having different thinking strategies and problem-solving approaches.
- People with low literacy skills may not process verbal and written information at the same speed as the highly literate.

Some people seem to have no interest in their case. They also seem to lack the will to work with you to find solutions. If they appear fearful, what they may fear most is that they will be required to read.

If you can see beyond what appears to be a lack of cooperation, you may be able to avoid future problems. What seems to be a bad attitude may be a literacy problem. The person with low literacy skills may seem:

- frustrated, and want to leave right away
- angry, and storm out
- confrontational, in a physical way

These clues point to a person who may not read well enough to be able to understand and act on written legal information or understand the legal situation or consequences.

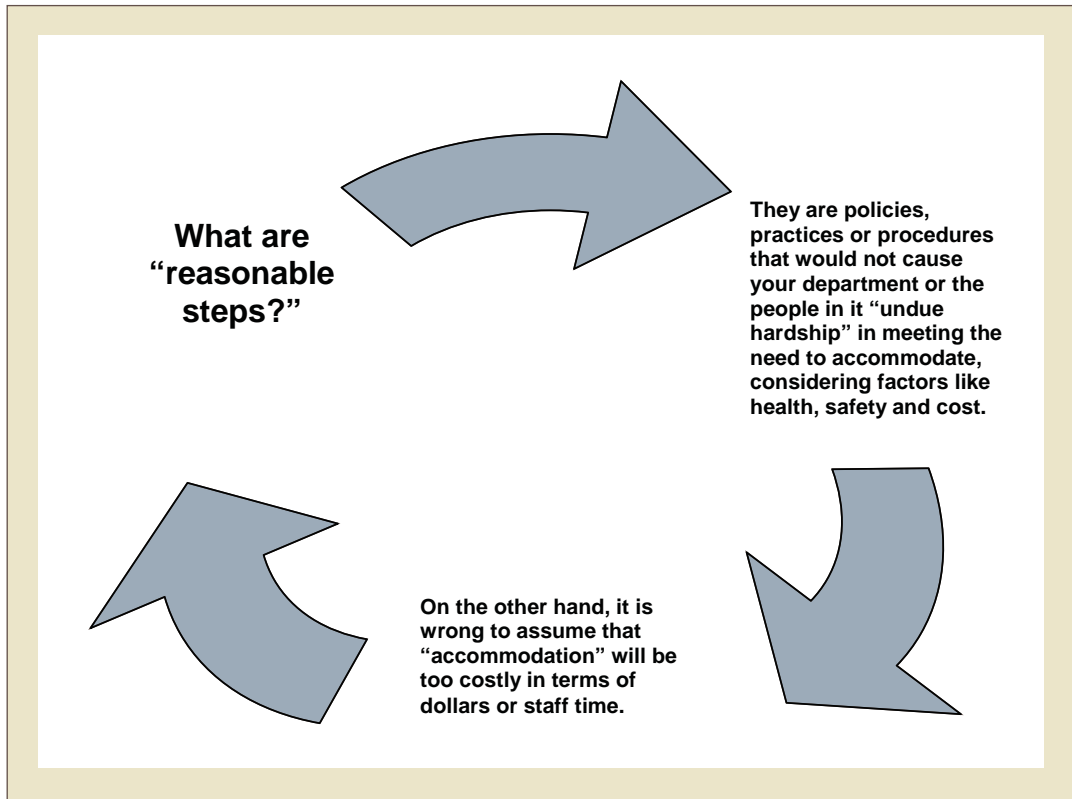
## The Duty to Accommodate

Police have a legal duty to do all they can to overcome the communication problems an individual may face. "Duty to accommodate" means you must try to overcome the barrier of low literacy and a reduced ability to understand. This requires that you take steps to remove the barrier of legal or written language.

This challenge is not one that can be solved by a one-size-fits-all policy. Individual solutions are needed.

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At the same time, you should be aware that you must only take “reasonable steps” to accommodate.



The important thing is the process you follow. Within that process, you need to ensure that each step you take deals with the person fairly, in a way that respects their rights.

It’s easier to do the correct thing if you:

- think about it in advance,
- work out a plan for action (standard process), and
- adopt this as your standard practice.

Of course, your standard practice may need to change if you are to meet the needs of each person and situation. The goal is always the same: to go through a step-wise process to make sure that you provide the person with the opportunity to fully understand the legal consequences they face and their legal rights in the situation.

### Understanding “undue hardship”

The legal responsibility to accommodate someone with a communication problem does not stop when you encounter hardship.

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Although this area of law is not well developed, some pronouncements in the human rights field have defined undue hardship as situations where:

- your safety may be compromised
- operations of the department may be in peril
- money is not available to provide accommodation

Some ideas to consider as you strive to accommodate those with low literacy skills include:

- changing the way you conduct interviews (with witnesses and with accused persons)
- changing the way a witness statement is produced or presented
- having enough trained staff to meet the need in your area
- developing visual and audio aids: graphics, videos, audio tapes.

The law expects the person needing accommodation to take responsibility for themselves, too. This means that a person with low literacy skills should alert you to their needs in a way and at a time that gives you a chance to accommodate them. But do not count on the person doing so, or on the court giving this much weight when the case is being assessed.

### Working with witnesses with low literacy

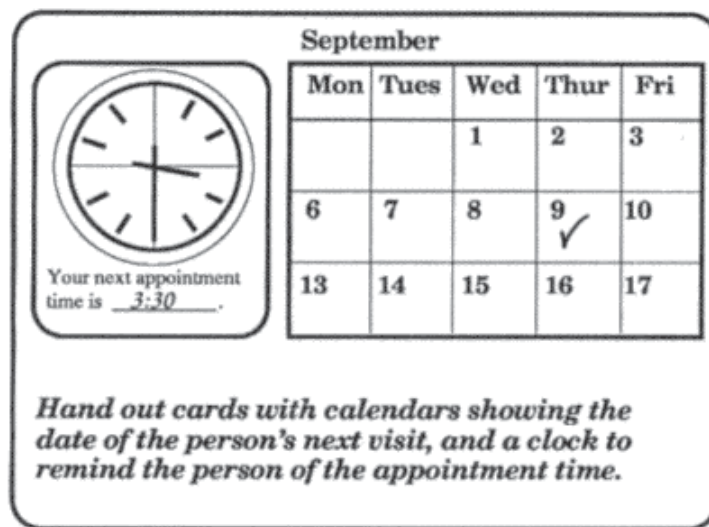
When people with low literacy skills appear in court as witnesses, they may “talk in circles.” This can be a sign of the thinking patterns that characterize low literacy. Their inability to “get their story straight” may mean that a guilty person will be set free.

You may want to help these people using these techniques:

- Use the “teach-back” method popular in health care. After you provide written or verbal information, ask the person to say it back to you in their own words.
- They should do more than repeat. They should process the information into their own thoughts and words. Then you will know they understand it. Keep doing this with important information until the listener “gets it.”
- Ask a person to show you what they mean or what they understand by drawing a picture or acting it out.
- Read a document aloud while the person follows along. Tell them to stop you when you come to a part they do not understand. After you have read important information, stop for a minute and ask them if they have questions.
- Do not rush. Allow them enough time to think and process the information.
- After reading the official text, stop and put information in your own words. Ask the person to let you know if they understand.
- Try asking, “Does that make sense?” or, “Are there any words here that you do not recognize?”

## Before they go to court

- Help people to memorize important information. Repeat important facts and instructions. Sum up the discussion before the person leaves or ask them to do it.
- Give the person a copy of any relevant public information before they leave. Explain how and why it is important.
- Offer video or audio tapes of court hearings or trials to prepare people for court.
- Use visuals to help you communicate. Use a process chart or map to explain the steps that will happen in the legal process.
- Use the 'clock and calendar' card for follow-up appointments and for court dates. (See below)



## Working with an accused with low literacy skills

The “big picture” is always relevant

Low literacy can play a role when people are charged with crimes. Some people may not commit a crime on purpose. Instead, they may not understand what they need to do or how things work. On the other hand, social or economic problems that stem from low literacy can motivate people to commit crimes.

While low literacy is not a direct cause of criminal behaviour, it may be connected to the lack of opportunity in someone's past and present.

- People with low literacy skills often feel alienated from society. They may not have a sense of loyalty to their community.

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- Rather than look outside themselves for help, they turn to self-help. They often do not get help for their literacy problems until something “big and bad” happens.

### A warrant for your arrest...

A client arrives at defence counsel’s office with the papers he was given a month ago folded into a wad in his back pocket. The accused has not read the summons to appear in court because he does not read well and prefers to avoid reading anything. It’s a case where the accused’s inability to read has caused a more serious problem: a judge has now issued an arrest warrant because the accused did not appear for his initial court hearing.

## The effect on taking statements

When taking statements from people with low literacy skills, police find it invaluable to make video recordings because you may often find:

- The person is not able to clearly describe what happened.
- The person does not give details of the event in chronological order, or in any order the officer wants to hear them.
- The person does not challenge their written statement. They may describe it as “close enough” or “good enough.”
- The person is easily intimidated and lacks confidence.
- The person thinks a conversation is not an “official” statement.
- The person answers police questions without offering missing context or explanation. The accused does not tell the story from their own point of view.
- The person is too passive, allowing the officer to filter information or emphasize certain points.
- The person signs papers without reading or understanding them fully.

## What can you do in response?

It’s your job to get details and information without distorting them. To do so, you may have to “teach” someone the context of criminal charges. A video recording will show you have made the necessary efforts. Without a recording, remember to make notes of what you did to accommodate the person’s communication needs.

For example, the accused needs to understand:

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- what is happening
- *Canadian Charter of Rights and Freedoms*
- what the charge is
- how serious the charge is
- all information that police provide
- all questions that police ask
- the likely results of any choices made that day

### The first step to improved communication

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

Because they won't even admit to themselves that they have a problem, you may need to take the initiative.

Try this:

- Ask directly and in private whether the person has a reading problem.
- Ask the person what would help.
- Ask the person what their first language is; do they need an interpreter?
- Ask defence counsel if they know about a reading problem.
- Instead of saying "do you understand?" ask the accused to tell you what the information means to them.
- Speak in a way that is easy for anyone to understand. This means you must avoid using jargon and legal terms.

Your goal is to ensure that an accused with low literacy has understood the facts, their choices, the situation, and the consequences. Try these tactics to improve the way you communicate:

- **Repeat**  
Any person speaking to a police officer may feel stress. Most people feel anxious. The person may not know anything about the legal system.  
Repeat information as needed. Each time you do so; change the words you choose and the order in which you present the information. Different wordings may be more effective.
- **Be clear and to the point**  
Keep everything you say simple. Complex sentences or double-barreled questions may not give you the simple information you need.
- **Be patient**



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Don't cut off a person whose story is not clear or precise. It may be their only way of expressing their ideas or understanding the situation. Encourage the person to tell you everything about the situation, because you want to be fair.

- **Be specific**

Don't make general statements or ask for them. Focus on specifics and the recent past as it applies to the event or charges.

- **Use plain and clear language**

Don't use word-for-word phrases found in statutes. Don't use standard police jargon, as in the standard warning. Ask for training in plain language writing. For words you use often, look for plain language alternatives in the Multilingual Legal Dictionary at <http://legalglossary.ca>.

- **Get feedback**

Ask the person to explain what you have said, using their own words. Ask them how well they understand legal information, "What does this mean to you, in your situation now?"

- **Invite questions**

Encourage the person to ask you questions. Tell them you want them to understand what is going on.

- **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.

### Conduct your own Literacy Audit

This literacy audit will help you and your colleagues begin a discussion on how to cope with the reality of low literacy.

What is an "audit?" It's a verbal or written survey that helps you describe the way things are done now.

Here are three possible ways to do the literacy audit:

- Do the audit by yourself. It will take less than 10 minutes.
- Set up a meeting 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.

The audit has four sections. The goal is to help you define how well you are doing with the processes and documents you use now. Your audit answers will help you design a policy or program for dealing with low literacy issues in your workplace.

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<b>Section 1: Processes and Procedures</b>			
	Read the question and assess your current situation	Circle your assessment here	
1.	We use more than just print (written) letters, notices, forms, etc.	Never	Sometimes Usually
2.	We offer non-print help (like audio and video tapes)	Never	Sometimes Usually
3.	We use visuals and graphics in printed material	Never	Sometimes Usually
4.	The graphics or drawings we use are clear and simple	Never	Sometimes Usually
5.	We ask every person if they need help to complete forms or other kinds of paperwork	Never	Sometimes Usually
<b>Section 2 – Written Material</b>			
1.	Our written forms and materials are easy-to-read and easy-to-use	Never	Sometimes Usually
2.	We follow plain language guidelines when we produce written materials	Never	Sometimes Usually
3.	We write witness statements in plain language	Never	Sometimes Usually
4.	We define technical and legal terms in any text	Never	Sometimes Usually
5.	We use simple and common words, not legal jargon or court jargon	Never	Sometimes Usually
6.	We only ask people to fill out written forms when it is truly necessary	Never	Sometimes Usually
7.	We go over all written statements verbally, using clear language and checking to ensure the person understands	Never	Sometimes Usually
<b>Section 3 – Public Relations</b>			
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, asking for confirmation that they understand as we proceed	Never	Sometimes Usually

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4.	We offer all witnesses the same assistance to avoid making people with low literacy skills feel embarrassed	Never	Sometimes	Usually
5.	We give people opportunities to ask questions	Never	Sometimes	Usually
6.	We are open to clues people provide about their literacy level	Never	Sometimes	Usually

# Chapter Five: Resources

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## 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>

## Other resources in Quebec

### **Services d'alphabétisation dans les commissions scolaires et dans les organismes d'action communautaires autonome en alphabétisation (in French)**

Ministère de l'Éducation, du Loisir et du Sport

<http://www.mels.gouv.qc.ca/rens/banque/Fiches/F120.htm>

## Literacy Statistics

### **Canadian Results of the IALLS**

<http://library.nald.ca/item/5870>

### **Reading the Future: A Portrait of Literacy in Canada**

Literacy BC

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

### **Literacy in the Northwest Territories: Results from IALSS**

Northwest Territories Literacy Council

<http://www.nwt.literacy.ca/resource/ialss2/ialss2.pdf>

### **Literacy and What You Can Do**

Literacy BC

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

### **Assessing the Complexity of Literacy Tasks**

<http://www.plainlanguagenetwork.org/conferences/2002/litasks/assess/litasks.pdf>

### **The Directory of Canadian Adult Literacy Research in English**

<http://www.nald.ca/crd/start.asp>

A comprehensive database containing Canadian research in adult literacy from 1994, as well as research in progress.

**Rapport québécois de l'Enquête internationale sur l'alphabétisation et les compétences des adultes (EIACA), 2003 (in French)**

Institut de la statistique du Québec

<http://www.stat.gouv.qc.ca/publications/sante/alphabetisation2003.htm>

## Tools

**The Internet Directory for English language Improvement 2008-2009**

Centre collégial de développement de matériel didactique

[http://www.ccdmd.qc.ca/media/Internet\\_Directory08-09.pdf](http://www.ccdmd.qc.ca/media/Internet_Directory08-09.pdf)

**Literacy and You: Toolkit**

Successful Communication, Communications Canada

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

**National Adult Literacy Database**

<http://www.nald.ca/index.htm>

**Le Répertoire des meilleurs sites Internet pour l'amélioration de la langue**

Centre collégial de développement de matériel didactique

<http://www.ccdmd.qc.ca/fr/repertoire/>

## 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](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

### **Decisions, Decisions... a Handbook for Judicial Writing**

Louise Mailhot and James D. Carnwath. Éditions Yvons Blais. 1998, 150 p.

### **Introduction to Administrative Justice and to Plain Language**

Council of Canadian Administrative Tribunals

<http://www.ccat-ctac.org/en/pdfs/literacy/CCAT-EN-new%5B2%5D.pdf>

### **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](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](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](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/>

**Plain Language: Clear and simple**

Minister of Public Works and Government Services, Canada.

1996, ISBN 0-660-14185-X

<http://www.fedpubs.com/subject/commun/plainlang.htm>

**You're Welcome! A Guide to Planning Conferences in Clear Language**

Canadian Labour Congress

[http://canadianlabour.ca/sites/clc/files/updir/WLP\\_WELCOME\\_VIEW.pdf](http://canadianlabour.ca/sites/clc/files/updir/WLP_WELCOME_VIEW.pdf)

## Duty to Accommodate

**Duty to Accommodate Fact sheet**

Canadian Human Rights Commission

[http://www.chrc-ccdp.ca/pdf/duty\\_factsheet\\_en.pdf](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](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 handicap" – 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](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](http://www.ldac-taac.ca/LDandtheLaw/ch03_Law-e.asp)

**List by Province**

[http://www.ldac-taac.ca/LDandtheLaw/ch03-1\\_Law-e.asp](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>

## Communication Skills

### Listening Skills

**Mind Tools Listening**

<http://www.mindtools.com/CommSkill/Mind%20Tools%20Listening.pdf>

**ChangingMinds.org**

**Techniques: Listening**

<http://changingminds.org/techniques/listening/listening.htm>

**Techniques: Reflecting**

<http://changingminds.org/techniques/conversation/reflecting/reflecting.htm>

**Techniques: Questioning**

<http://changingminds.org/techniques/questioning/questioning.htm>

**Queendom Tests**

**Communications Test**

[http://www.queendom.com/tests/access\\_page/index.htm?idRegTest=683](http://www.queendom.com/tests/access_page/index.htm?idRegTest=683)

**Listening Tests**

[http://www.queendom.com/tests/access\\_page/index.htm?idRegTest=703](http://www.queendom.com/tests/access_page/index.htm?idRegTest=703)

### Listening, Learning and Leading

<http://www.stressdoc.com/learning.htm>

**Interviewing**, The Benchmark Institute

[http://www.benchmarkinstitute.org/our\\_training/coa/Interviewing.pdf](http://www.benchmarkinstitute.org/our_training/coa/Interviewing.pdf)

**Interviewing: A Communication Approach**, Gary T. Hunt and William F. Eadie  
Paperback, 1987 Amazon.ca

**Interpersonal Conflict and Effective Communication**

DRB Alternatives

<http://www.drbalternatives.com/articles/cc2.html>



## Writing in Plain Language

**Centre d'expertise des grands organismes (in French)**

[http://www.grandsorganismes.gouv.qc.ca/cego/DefaultSite/index\\_f.aspx?DetailId=96](http://www.grandsorganismes.gouv.qc.ca/cego/DefaultSite/index_f.aspx?DetailId=96)

**Centre international de lisibilité**

<http://www.lisibilite.net/>

**A Plain Language Handbook: Write For Your Reader**

Northwest Territories Literacy Council

<http://www.nwt.literacy.ca/plainng/writread/ii.htm>

**PlainTrain, Plain Language Online Training Program**

<http://plainlanguage.com/PlainTrain/Index.html>

**Multilingual Legal Glossary**

*For definitions in plain language*

<http://legalglossary.ca/dictionary/>

**Plain English for Cops (Paperback)**

by Nicholas Meier and R. J. Adams

**Rédiger...simplement : Principes et recommandations pour une langue administrative de qualité (in French)**

[http://www.culture.gouv.fr/culture/dglf/terminologie/rediger\\_simplement.pdf](http://www.culture.gouv.fr/culture/dglf/terminologie/rediger_simplement.pdf)

General writing materials are available from the Canadian Police College Library.

## Police Report Writing

**Communications in Law Enforcement**, Turpin, Silvana. Toronto, ON, Cdn: Prentice Hall. HV 7936 .C79 T86

**A Guide to Police Writing**, Jakob, Karen. Toronto, ON, Cdn: Carswell. HV 7936 .R53 J21 2002s

**How to Really, Really Write Those Boring Police Reports**, Clark, Kimberly. Flushing, NY, USA: Looseleaf Law Publications. HV 7936 .R53 C54 2001

**Just the Facts: Investigative Report Writing**, Biggs, Michael. Upper Saddle River, NJ, USA: Prentice Hall. HV 7936 .R53 B48 2001

**Painless Police Report Writing**, Frazee, Barbara. Upper Saddle River, NJ, USA. HV 7935 .R53 F86 2004

**Police Writing: A Guide to the Essentials**, Rogers Rupp, Kelly. Upper Saddle Rivers, NJ, USA: Pearson Prentice Hall. HV 7936 .R53 R63 2004

**Principles of Law Enforcement Report Writing**, Arcaro, Gino. Toronto, ON, Cdn: Nelson Thomas. HV 7936 .R53 Ar2 2004

## CHAPTER FIVE: RESOURCES

**Report Writing for Law Enforcement & Corrections**, Bowden, John C. Duncan, OK, USA: APTAC Publications. HV 7936 .R53 B67 2000

**Writing Skills for Law Enforcement: Sentences, Essays, and Presentations**, Doughty, H. Carol. Toronto, ON, Cdn: Nelson. HV 7936.R53 D74 2005

**Written and Interpersonal Communications Methods for Law, Enforcement** Wallace, Harvey. Upper Saddle River, NJ, USA: Prentice Hall. HV 7936 .C79 W15 2001