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Literacy and Policing in Canada

Module 2: Literacy and its Social and Legal Impact on Policing

Full-day Workshop: Participants' Workbook

The Canadian Association of Chiefs of Police (CACP) *Literacy and Policing in Canada* project aims to make police officers more aware of the:

- nature of problems caused by low literacy in the community,
- contribution of literacy training to crime prevention and lower recidivism,
- implications of literacy deficits in the criminal justice system, and
- varied challenges to successful communication caused by low literacy.

With the financial assistance of Human Resources and Social Development Canada, the CACP has developed police training materials to increase police effectiveness in communicating with all of those who come into contact with the law: victims of crime, suspects, complainants, witnesses, and the general public. The CACP also encourages police and their organizations to support literacy initiatives in their communities

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Workshop Name	Literacy and Policing in Canada
Module Name	Literacy and its Social and Legal Impact on Policing
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Module Summary

Unit 1 Measuring the Literacy Problem in Canada

Awareness Questionnaire

Unit 2 Literacy and Policing

Exploring relevance to police work

Unit 3 Measuring Literacy

What is literacy? What is the range of literacy?

Unit 4 The Prevalence of Low Literacy

Literacy Statistics

Unit 5 Who Are These People?

Do the demographics match your own experiences?

Unit 6 How Does the Person With Low Literacy Differ From You?

How does the problem-solving approach of a person affect their ability to cope in society?

Unit 7 Low Literacy and the Criminal Justice System

True/false quiz, group presentation

Unit 8 Signals and Solutions

Group presentation and take-away learning sheet

Unit 9 Meeting the Legal Challenges

Group presentation and discussion of “legally informed”, “right to understand” and “duty of accommodation”

Unit 10 What Can You Do?

Planning goals

Wrap-up and Close

Evaluations

Unit 1

Measuring the Literacy Problem in Canada

Activity

Fill in the *Awareness Questionnaire*.

Materials

Awareness Questionnaire

Awareness Test: <http://www.dothetest.co.uk/> or
<http://www.youtube.com/watch?v=Ahg6qcgoy4>

Fact Sheet 1-1, Measuring the Literacy Problem in Canada

Awareness Questionnaire

Note that the questions include multiple choice and true or false questions

Which of these people suffer from low literacy at higher than average rates?

- Smart kids with learning disabilities
- Elderly women and men
- Adult children of alcoholics
- Survivors of sexual abuse

Which of these can cause short-term literacy problems?

- Harassment
- Abuse
- Mental health problems
- Head injury
- Stress or anxiety
- Fear

Which is the better definition of literacy?

- Literacy is the ability to comprehend or understand and interpret text, and make meaning from it.
- A person is literate who can read and write with full understanding and perform elementary mathematical operations.
- Literacy is the ability to understand and employ printed information in daily activities at home, at work and in the community – to achieve one's goals, and to develop one's knowledge and potential.

Nature of the problems caused by low literacy in the community

People who are literate are more likely to be active citizens who participate in activities in their communities, and to find and hold jobs.

True or *False*

True *False*

Neighborhoods with low literacy rates and higher poverty rates are more likely to have higher crime rates.

True *False*

Adults with limited literacy are twice as likely to be unemployed or hold a low-wage, insecure job.

True False

Implications of literacy deficits in the criminal justice system

People with limited literacy levels often become very good at hiding their reading and writing deficiencies.

True False

The credibility of a witness may be doubted because he cannot give a straight answer but seems to talk in circles.

True False

An accused person may plead guilty to a crime they did not commit rather than confess to having low literacy.

True False

An accused person is not likely to speak up and admit to illiteracy when they come into contact with the police.

True False

Signs of a literacy problem may be seen in:

- Body language
- Blank or puzzled look
- Manner of expressing self

True False

Literacy skills can be lost through lack of use, and this can begin as early as 25 years, and peak at 40.

True False

A person who can speak clearly in English may not understand legal uses of words like “duty counsel”.

True False

A complainant with low literacy skills might:

- speak to several members of the community before deciding to call the police;
- have difficulty understanding the legal process and seem to be the cause of delays;
- become frustrated or angry and refuse to cooperate out of fear that she will be asked to read or write something.

* * *

It is often said that Literacy is an invisible problem.

Maybe we are just not paying attention.

Do this **Awareness Test**: <http://www.dothetest.co.uk/> or <http://www.youtube.com/watch?v=Ahg6qcgoay4>

Fact Sheet 1-1

Measuring the Literacy Problem in Canada

What is literacy?

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

The 2003 International Survey measured four skills:

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

How is literacy measured?

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

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

These are the five cognitive levels:

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

How literate are Canadians?

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

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

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

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

Unit 2

Literacy and Policing

Read the **Officers Speak** pages throughout this workbook until you find an anecdote that connects with you. Share this anecdote and your own related experiences in discussions.

Materials

This workbook has some anecdotes reported to us by Canadian police officers.

Fact Sheet 2-1, Low Literacy and Criminal Justice

Fact Sheet 2-2, The Link Between Low Literacy and Crime

Officers speak

There's a built-in assumption that if they can speak to you in English, they can actually read English. But that's not always the case.

You could be speaking to someone who's very well spoken, and with great knowledge, but has really got a problem with putting it down in writing.

Often an accused has a voice but the victim has nobody to speak for them, or to assist them through the court process. "I don't know what just happened there. Why is this happening to me? Now I am being victimized again." Coming out at the other end of the hearing not feeling cheated would help them.

I'll be standing at the counter listening to a clerk read something to a young person that I know cannot read or write, sometimes can't even spell their own name. And their parent is standing there, and they cannot read or write either. They are expected to comply with the conditions set by the judge, and carry that piece of paper with them, but they have no idea what it says.

Officers Speak continues throughout your workbook.

Why should police take on this issue?

- **Serving natural justice**

“The law is, perhaps, the most important example of how words affect peoples’ lives. There is truth in the proposition that if we cannot understand our rights, we have no rights.”

The Honourable Beverley McLachlin, P.C.
Chief Justice, Supreme Court of Canada

- **Effectiveness in obtaining convictions**

Courts have increased the burden on police when literacy is identified as an issue:

Police cannot rely on the mechanical recitation of rights.
Police must assure themselves that the accused actually understood those rights.

- **Efficiency**

Avoid unnecessary appeals
Reduce *failure to appear*
Avoid *failure to comply*
Reduce police and court costs

- **Reducing crime and recidivism**

Illiteracy contributes to poverty, criminality, incarceration, and recidivism. Literacy training contributes to employability, civic engagement, and crime prevention.

Those with low literacy have difficulty accessing social programs.

Rehabilitation and treatment programs almost all require reading ability.

- **Avoiding systemic discrimination**

“Because the justice system is so heavily text based, courts can be accused of systemic discrimination against those with low literacy skills”

National Judicial Institute

Literacy and Crime

Literacy in prison

- 65% of those in prison in 1993 were functionally illiterate.
- Improved literacy has been proven to reduce recidivism.

John Howard Society of Canada

Youth recidivism & literacy levels

Grade 11	36%	recidivism
Grade 2	62%	recidivism

USA Statistics: Dyslexia Research Foundation

In 1995 newly-admitted offenders had an average education level of Grade 7 and 70% of newly admitted offenders tested below a Grade 8 level.

Correctional Service of Canada

Fact Sheet 2-1

Low Literacy and Criminal Justice

The problem

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

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

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

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

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

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

How low literacy affects suspects and offenders

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

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

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

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

How low literacy affects witnesses and victims

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

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

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

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

Fact Sheet 2-2

The Link Between Low Literacy and Crime

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

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

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

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

Low literacy in Canadian jails and prisons

Some statistics:

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

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

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

Literacy training and crime prevention

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

Literacy training gives young people at risk of delinquency the skills they need to find and keep jobs and escape from poverty. At least 75 of 100 adults in prison were

persistent offenders in their youth. So improving the literacy of young people could have a significant impact on rates of adult crime.

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

Literacy training and rehabilitation

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

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

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

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

Unit 3

Measuring Literacy

Understanding is different from reading.

One current definition of literacy says:

Literacy is the ability to understand and use printed information in daily activities at home, at work, and in the community – to achieve one's goals, and to develop one's knowledge and potential.

Activity 1

You will need a standard sheet of paper that is 8 1/2" x 11". Wait for instructions.

When the trainer is ready to start, stand up. Hold the paper behind your back. Do not ask any questions.

You will see that, while everyone heard the same directions, their actions vary.

Activity 2

Start answering the questions in the **reading tests** that follow.

Materials

Reading tests: samples of type of questions in the international literacy surveys.

Fact Sheet 1-1: Measuring the Literacy Problem in Canada (in Unit 1)

The Measure

In the tests done for the International Adult Literacy and Learning Skills Survey, there are a maximum of 500 points divided in five segments:

Level 1	0 - 225 points	very limited literacy
Level 2	226 -275 points	low literacy
Level 3	276-325 points	* Proficiency level for modern economy and knowledge-based society
Level 4	326 -375 points	
Level 5	376 -500 points	highest literacy

What is the level of literacy proficiency in Canada?

Canada maintained its average literacy score between 1994 and 2003. Half of the population increase of 3 million was in level 3 and it did not affect the average score.

The proportion of Canadians in levels 1 and 2 did not change between 1994 and 2003 but the number of people rose to 9 million. Of the 9 million Canadians, only those with the very lowest literacy (1 million) have improved between 1994 and 2003.

Reading Tests

From *Assessing the Complexity of Literacy Tasks: A guide to analysis with examples and exercises* by Julian Evetts


<http://www.plainlanguagenetwork.org/conferences/2002/litasks/assess/2.htm>

These reading materials are fairly difficult reading, but 100% correct answers are not expected. The standard readability tests show these would require high school graduation reading levels to achieve a 100% score.

The reading skill level associated with each example is based on one's ability to answer the questions, that is, to make use of the content.

Prose Literacy - Level 1

What is the maximum number of days you should take this medicine?

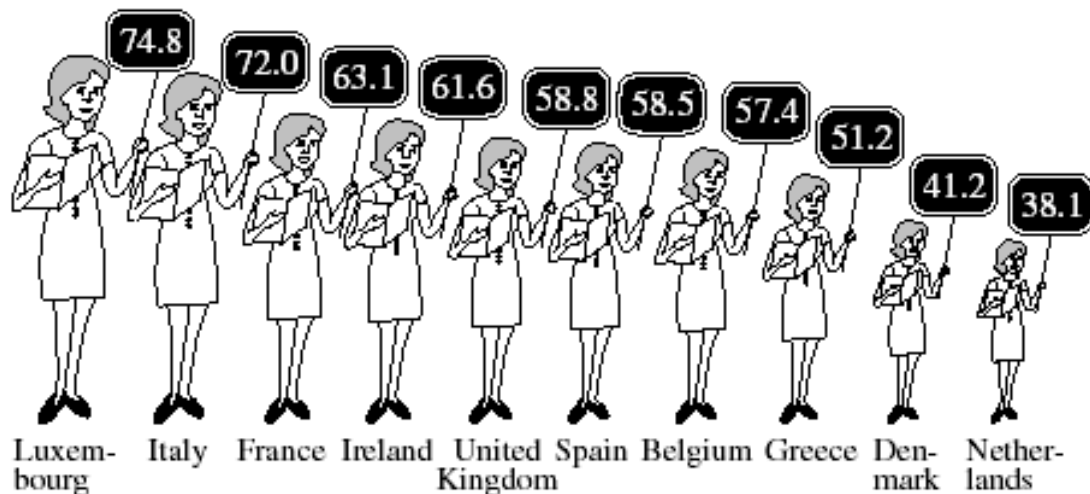
MEDCO ASPIRIN	500
INDICATIONS: Headaches, muscle pains, rheumatic pains, toothaches, earaches. RELIEVES COMMON COLD SYMPTOMS.	
DOSAGE: ORAL. 1 or 2 tablets every 6 hours, preferably accompanied by food, for not longer than 7 days. Store in a cool, dry place.	
CAUTION: Do not use for gastritis or peptic ulcer. Do not use if taking anticoagulant drugs. Do not use for serious liver illness or bronchial asthma. If taken in large doses and for an extended period, may cause harm to kidneys. Before using this medication for chicken pox or influenza in children, consult with a doctor about Reyes Syndrome, a rare but serious illness. During lactation and pregnancy, consult with a doctor before using this product, especially in the last trimester of pregnancy. If symptoms persist, or in case of an accidental overdose, consult a doctor. Keep out of reach of children.	
INGREDIENTS: Each tablet contains 500 mg acetylsalicylic acid. Excipient c.b.p. 1 tablet. Reg. No. 88246	0  67736 11079
Made in Canada by STERLING PRODUCTS, INC. 1600 Industrial Blvd., Montreal, Quebec H9J 3P1	

Document Literacy - Level 1

What is the percentage of women in the teaching profession in Greece?

FEW DUTCH WOMEN AT THE BLACKBOARD

There is a low percentage of women teachers in the Netherlands compared to other countries. In most of the other countries, the majority of teachers are women. However, if we include the figures for inspectors and school principals, the proportion shrinks considerably and women are in a minority everywhere.



Percentage of women teachers (kindergarten, elementary, and secondary).

Prose Literacy - Level 2

At what age did Chanin begin to swim competitively?

Swimmer completes Manhattan marathon

The Associated Press

NEW YORK - University of Maryland senior Stacy Chanin on Wednesday became the first person to swim three 28-mile laps around Manhattan.

Chanin, 23, of Virginia, climbed out of the East River at 96th Street at 9:30pm. She began the swim at noon on Tuesday.

A spokesman for the swimmer, Roy Brunett, said Chanin had kept up her strength with "banana and honey" sandwiches, hot chocolate, lots of water and granola bars".

Chanin had twice circled Manhattan

before and trained for the new feat by swimming about 284 miles a week. The Yonkers native has competed as a swimmer since she was 15 and hoped to persuade Olympic authorities to add a longdistance swimming event.

The Leukemia Society of America solicited pledges for each mile she swam.

In July, 1983, Julie Ridge became the first person to swim around Manhattan twice. With her three laps, Chanin came up just short of Diana Nyad's distance record, set on a Florida-to-Cuba swim.

Document Literacy - Level 2

Using the following information, fill out the availability section of the employment application form for a fast food restaurant shown below. You do NOT need to fill out anything in the shaded areas.

- You would like to work a total of 15 hours a week starting at 4 p.m.
- You don't want to work Saturday or Sunday.
- You live only 2 kilometres from the store along the bus route convenient to the store.
- A friend told you about the job.

EMPLOYMENT APPLICATION										
SOCIAL INSURANCE NO. _____				AREA CODE _____	TEL NO. _____					
NAME _____		FIRST NAME _____	MIDDLE INITIAL _____	LAST NAME _____						
STREET ADDRESS _____					APT. NO. OR BOX _____					
CITY _____	PROVINCE _____	POSTAL CODE _____	ARE YOU 18 OR OLDER? <input type="checkbox"/> YES <input type="checkbox"/> NO, AGE _____							
EVER WORKED FOR OUR RESTAURANTS BEFORE? IF YES, DATES AND LOCATION _____										
AVAILABILITY:										
TOTAL HOURS AVAILABLE PER WEEK _____		HOURS AVAILABLE:		M	T	W	T	F	S	S
FROM _____										
TO _____										
HOW DID YOU HEAR OF JOB? _____			HOW FAR DO YOU LIVE FROM STORE? _____			DO YOU HAVE TRANSPORTATION TO WORK? _____				
SCHOOL MOST RECENTLY ATTENDED:										
NAME _____		LOCATION _____			PHONE _____					
TEACHER OR COUNSELLOR _____		DEPT. _____	LAST GRADE COMPLETED _____		GRADE POINT AVERAGE _____					
GRADUATED? <input type="checkbox"/> YES <input type="checkbox"/> NO		NOW ENROLLED <input type="checkbox"/> YES <input type="checkbox"/> NO		SPORTS OR ACTIVITIES _____						
RECENT JOB: (If not applicable, list work performed on a volunteer basis or personal references.)										
COMPANY _____		LOCATION _____			PHONE _____					
JOB _____	SUPERVISOR _____		DATES WORKED: FROM _____		TO _____					
SALARY _____		REASON FOR LEAVING _____								

Prose Literacy - Level 3

List two things that Chen became involved in or has done to help resolve conflicts due to discrimination:

- 1.
- 2.

Ida Chen is the first Asian-American woman to become a judge of the Commonwealth of Pennsylvania

She understands discrimination because she experienced it herself.

Soft-spoken and eminently dignified, judge Ida Chen prefers hearing about a new acquaintance rather than talking about herself. She wants to know about career plans, hopes, dreams, fears. She gives unsolicited advice as well as encouragement. She instills confidence.

Her father once hoped that she would become a professor. And she would have also made an outstanding social worker or guidance counselor. The truth is that Chen wears the caps of all these professions as a Family Court judge of the Court of Common Pleas of Philadelphia County, as a participant in public advocacy for minorities, and as a particularly sensitive caring person

She understands discrimination because she has experienced it herself. As an elementary school student Chen tried to join the local Brownie troop. “You can’t be a member,” she was told. “Only American girls are in the Brownies.”

Originally intent upon a career as a journalist she selected Temple University because of its outstanding journalism department and affordable tuition. Independence being a personal need, she paid for her tuition by working for Temple’s Department of Criminal Justice. There she had her first encounter with the legal world and it turned her career plans in a new direction—law school.

Through meticulous planning, Chen was able to earn her undergraduate degree in two and a half years, and she continued to work three jobs. But when she began her first semester as a Temple law student in the fall of 1973, she was barely able to stay awake. Her teacher Lynne Abraham now a Common Pleas Court judge herself, couldn’t help but notice Chen yawning in the back of

the class and when she determined that this student was not a party animal but a workhorse, she arranged a teaching assistant's job for Chen on campus.

After graduating from Temple Law School in 1976, Chen worked for the U.S. Equal Employment Opportunity Commission where she was a litigator on behalf of plaintiffs who experienced discrimination in the workplace and then moved on to become the first Asian-American to serve on the Philadelphia Commission on Human Relations.

Appointed by Mayor Wilson Goode, Chen worked with community leaders to resolve racial and ethnic tensions and also made time to contribute free legal counsel to a variety of activist groups.

The Help Wanted section of the newspaper contained an entry that aroused Chen's curiosity — an ad for judge's position Her application resulted in her selection by a state judicial committee to fill a seat in the state court. And in July of 1988 she officially became a judge of the Court of Common Pleas. Running as both Republican and Democratic candidate, her position was secured when she won her seat on the bench at last November's election.

At Family Court Chen presides over criminal and civil cases which include adult sex crimes domestic violence juvenile delinquency custody divorce and support. Not a pretty picture. Chen recalls her first day as judge hearing a juvenile dependency case—"it was a horrifying experience. I broke down because the cases were so depressing," she remembers.

Outside of the courtroom Chen has made a name for herself in resolving interracial conflicts while glorying in her Chinese-American identity. In a 1986 incident involving the desecration of Korean street signs in a Philadelphia neighborhood, Chen called for meeting with the leaders of that community to help resolve the conflict. Chen's interest in community advocacy is not limited to Asian communities. She has been involved in Hispanic, Jewish, and Black issues and because of her participation in the Ethnic Affairs Committee of the Anti-Defamation League of B'nai B'rith. Chen was one of 10 women nationwide selected to take part in a mission to Israel.

With her recently won mandate to judicate in the affairs of Pennsylvania's citizens, Chen has pledged to work tirelessly to defend the rights of its people and contribute to the improvement of human welfare. She would have made a fabulous Brownie.

Document Literacy - Level 3

Suppose the annual budget statement will be 105 pages and you need to distribute 300 copies. Would Quick Copy do this job? Explain your answer.

QUICK COPY Printing Requisition		FILL IN ALL INFORMATION REQUESTED														
<p>GUIDELINES: This requisition may be used to order materials to be printed BLACK INK only, and in the quantities that are listed at the right.</p> <p> <input type="checkbox"/> SINGLE SHEET PRINTED 1 OR 2 SIDES — 2000 copies maximum <input type="checkbox"/> MORE THAN ONE SHEET UP TO 100 PAGES — 400 copies maximum <input type="checkbox"/> OVER 100 PAGES — 200 copies maximum </p>																
<p>1. PROJECT TO BE CHARGED</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div>	<p>2. TODAY'S DATE</p> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/>															
<p>3. TITLE OR DESCRIPTION</p> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/>	<p>4. DATE DELIVERY REQUIRED</p> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/>															
<p>5. DO NOT MARK IN SHADED BOXES </p>																
<p>NUMBER OF ORIGINALS</p> <div style="border: 1px solid black; width: 50px; height: 20px; margin-bottom: 5px;"></div>	<p>X</p>	<p>NUMBER OF COPIES TO BE PRINTED</p> <div style="border: 1px solid black; width: 50px; height: 20px; margin-bottom: 5px;"></div>														
		<p>=</p>														
		<p>TOTAL NUMBER OF IMPRESSIONS</p> <div style="border: 1px solid black; width: 50px; height: 20px; margin-bottom: 5px;"></div>														
<p>6. NUMBER OF SIDES TO BE PRINTED (Check one box.)</p> <p> <input type="checkbox"/> One side <input type="checkbox"/> BOTH sides </p>																
<p>7. COLOR OF PAPER (Fill in only if NOT white.)</p> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/>																
<p>8. SIZE OF PAPER (Fill in only if NOT 8 1/2 x 11)</p> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/>																
<p>9. Check any that apply:</p> <p><input type="checkbox"/> COLLATE</p> <p>BINDING: <input type="checkbox"/> One staple at upper left <input type="checkbox"/> Two staples in left margin <input type="checkbox"/> BIND-FAST: <input type="checkbox"/> Black <input type="checkbox"/> Brown <input type="checkbox"/> 3-hole punch</p> <p><input type="checkbox"/> Other instructions</p> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/> <hr style="border: 0; border-top: 1px solid black; width: 100%;"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; padding: 5px;">AUTHORIZATION AND DELIVERY</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">10. Project Director (print name)</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="padding: 5px;">11. Requisitioner (print your own name and phone no.)</td> <td style="border-bottom: 1px solid black; text-align: right;"> <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> extension </td> </tr> <tr> <td style="padding: 5px;">12. Check one:</td> <td style="padding: 5px;"> <input type="checkbox"/> Requisitioner will PICK UP completed job. </td> </tr> <tr> <td style="padding: 5px;"> <input type="checkbox"/> Mail completed job to: _____ </td> <td style="padding: 5px;"> MAIL STOP <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> ROOM NO. <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> </td> </tr> <tr> <td colspan="2" style="padding: 5px; text-align: center; font-size: small;">Print name, room number, and mail stop</td> </tr> <tr> <td style="padding: 5px;">13. KEEP PINK COPY at least 3 months. When requesting information, you must refer to the requisition number printed here.</td> <td style="padding: 5px; text-align: center;"> <div style="border: 2px solid black; padding: 10px; display: inline-block; font-size: 24px; font-weight: bold;">140468</div> <small>QUICK COPY REGISTRATION NUMBER</small> </td> </tr> </tbody> </table>		AUTHORIZATION AND DELIVERY		10. Project Director (print name)		11. Requisitioner (print your own name and phone no.)	<div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> extension	12. Check one:	<input type="checkbox"/> Requisitioner will PICK UP completed job.	<input type="checkbox"/> Mail completed job to: _____	MAIL STOP <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div> ROOM NO. <div style="border: 1px solid black; width: 40px; height: 15px; display: inline-block;"></div>	Print name, room number, and mail stop		13. KEEP PINK COPY at least 3 months. When requesting information, you must refer to the requisition number printed here.	<div style="border: 2px solid black; padding: 10px; display: inline-block; font-size: 24px; font-weight: bold;">140468</div> <small>QUICK COPY REGISTRATION NUMBER</small>
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Unit 4

The Prevalence of Low Literacy

Materials

Pie Chart Form

Council of Canadian Administrative Tribunals (CCAT) Poster 1

The size of the problem:

47% of Canadians age 16+ have difficulty using information in forms.

48% of Canadians age 16+ cannot do simple math based on printed document.

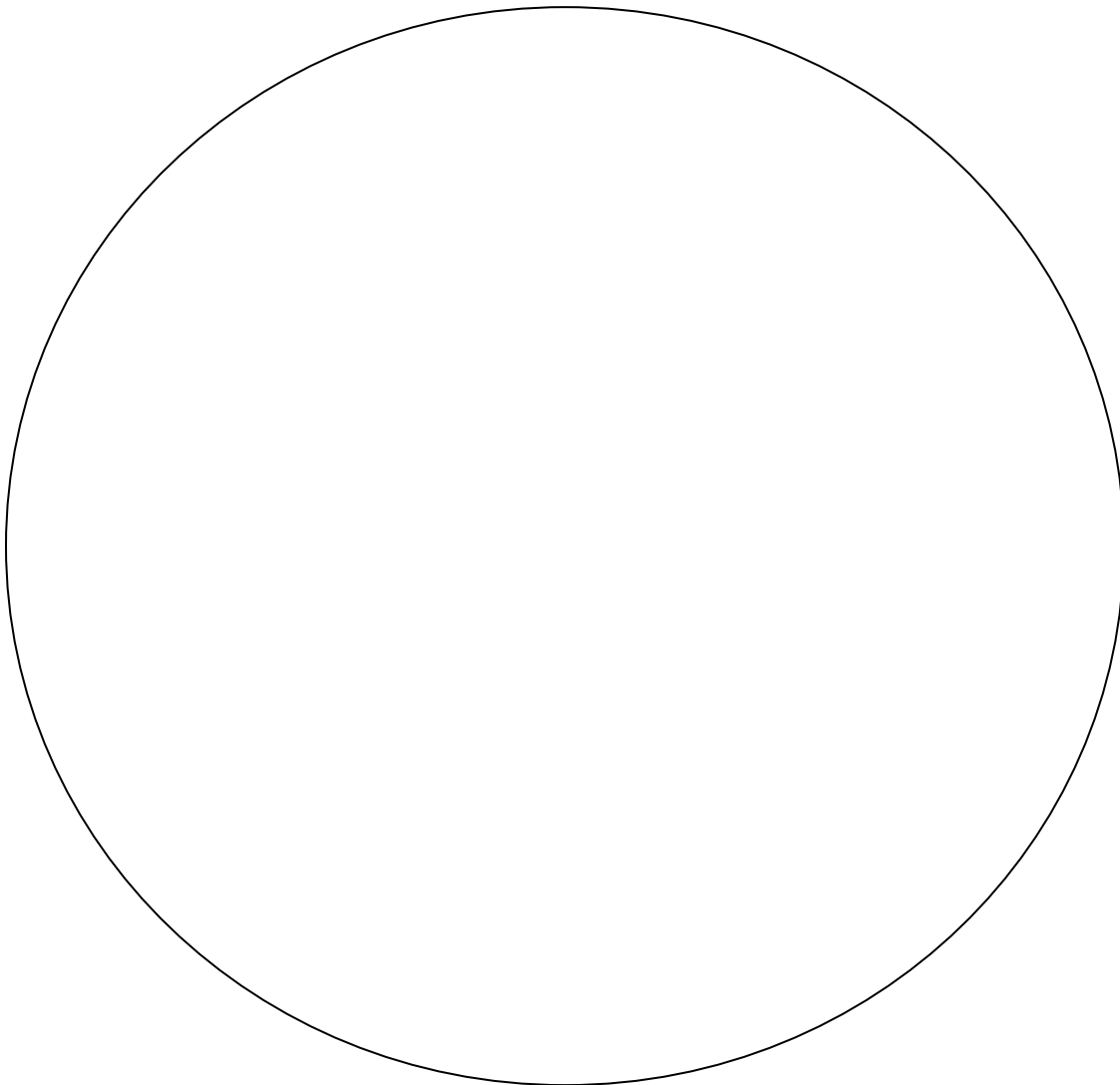
Prose readers, aged 16 and over

Skill level	Percentage	Education level
1 – poor reader	22%	<ul style="list-style-type: none">• Most have not completed primary school• Some have secondary education or university
2 – narrow reader	26%	<ul style="list-style-type: none">• Most have some secondary education• Some secondary school graduates
3 – adequate	33%	<ul style="list-style-type: none">• Largest number are community college grads• Some with secondary school only
4 & 5 good	19%	<ul style="list-style-type: none">• Most are university graduates• Some community college graduates

Create a Statistics Pie Chart


Create a pie chart showing the literacy levels of the Canadian population.

Levels		% Canada
Level 1	Cannot read or have extreme difficulty	22
Level 2	Can read for limited purposes	26
Level 3	Everyday skills	33
Levels 4/5	Comfortable and proficient	19





Literacy is the ability to understand and use printed information in daily activities, at home, at work and in the community.

How Literacy Is Measured	2003 Averages	Prose	Document	Numeracy	Problem Solving
	Can	281	281	272	274
<p><i>276 points out of a possible 500 is considered the minimum score appropriate for a modern, information economy.</i></p>					
<h2>The Problem</h2> <p>Nine million Canadians between the ages of 16 and 65 would score below 276 points.</p> <p>42% of the working age population of Canada can't read adequately.</p> <p>Some 80% of Canadian seniors (over 65) would score below 276, the upper cut-off for Level Two.</p>					
<p>Prose Literacy: The knowledge and skills needed for understanding and using information from texts</p> <p>Document Literacy: The knowledge and skills required for locating and using information in various formats – schedules, maps, tables & charts</p> <p>Numeracy: The knowledge and skills required for applying arithmetic to numbers in printed materials</p> <p>Problem Solving: The process of solving problems for which no routine procedure is known to the person</p>					
<p style="text-align: right;">  Ressources humaines et Développement social Canada / Human Resources and Social Development Canada </p>					
<p>CANADA</p>					

Unit 5

Who Are These People

Activity 1

Do the demographics, especially identified groups, match with your own experiences with people with communication difficulties?

Can you identify any categories not mentioned?

Materials

Fact Sheet 1-2, Who Are the People with Low Literacy in Canada?
CCAT Poster 2

Which categories have lower literacy levels?

senior	youth
rural	urban
western	eastern
southern	northern
Ontario	Canada
women	men

Officers Speak

Literacy is more of a deep-rooted social issue. We've taken to community policing all over the country. I think that's one part of it, to help reduce the crime. As a police force, because we care about our community enough, we can say, "We can help you." The main thing is finding out what's the best way to do that.

Say a victim doesn't want to provide a statement because of a literacy issue. We need to break down those barriers, let them know there's help there. Again, you have to get to their level of understanding. We need training on how to communicate with various folks who have literacy issues.

Police officers know that some people claim not to speak English, just to make our lives more difficult. But it may not be someone playing games – the person may have a legitimate literacy issue. We need sensitivity. Is there a legitimate issue?

At a collision reporting centre, I came into contact with a lot of literacy-challenged people. They had to fill in their own accident-report forms because we send them to the collision reporting centres, and we are removed from that process. They have to describe the collision to the officer, and to write down their version of events.

This is a complicated system even for an English speaker. I can't imagine what it would be like for someone who has literacy challenges. Often, the only people who are in that office who might help them are people for whom English is a second (or a third or fourth) language, so they are not getting any assistance whatsoever. So I have major concerns for those people.

Fact Sheet 1-2

Who Are the People with Low Literacy in Canada?

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

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

The Statistics

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

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

Putting a Human Face on the Numbers

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

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

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

More facts about low literacy in Canada

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

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



Literacy problems block access to justice

Many people don't enforce their rights because low literacy blocks their access to legal information and to the legal system. Legal language intimidates others with adequate reading skills.

Who are these people?

Many seniors attended only elementary school so their reading skills may be low by today's standard.

Baby Boomer high-school graduates have let their reading skills deteriorate.

Many young people have lost reading skills - they get news from television and radio & entertainment from tv, films, and concerts.

Some survivors of childhood poverty, abuse, neglect, or racial discrimination had trouble concentrating at school and never learned to read adequately.

The prose literacy skills of the Aboriginal populations are lower than those of the whole Canadian population.

Immigrants who are literate in their first language may struggle with English while others are not literate in their first language and learn English slowly.

Literacy is relative to time and place

People who usually perform at a higher literacy level can experience situational limited literacy. These factors can temporarily affect literacy:

- stress
- mental health
- stage in life
- lack of practice or neglect
- head or other physical injuries
- pressures of legal matter
- intimidation by situation
- legalese

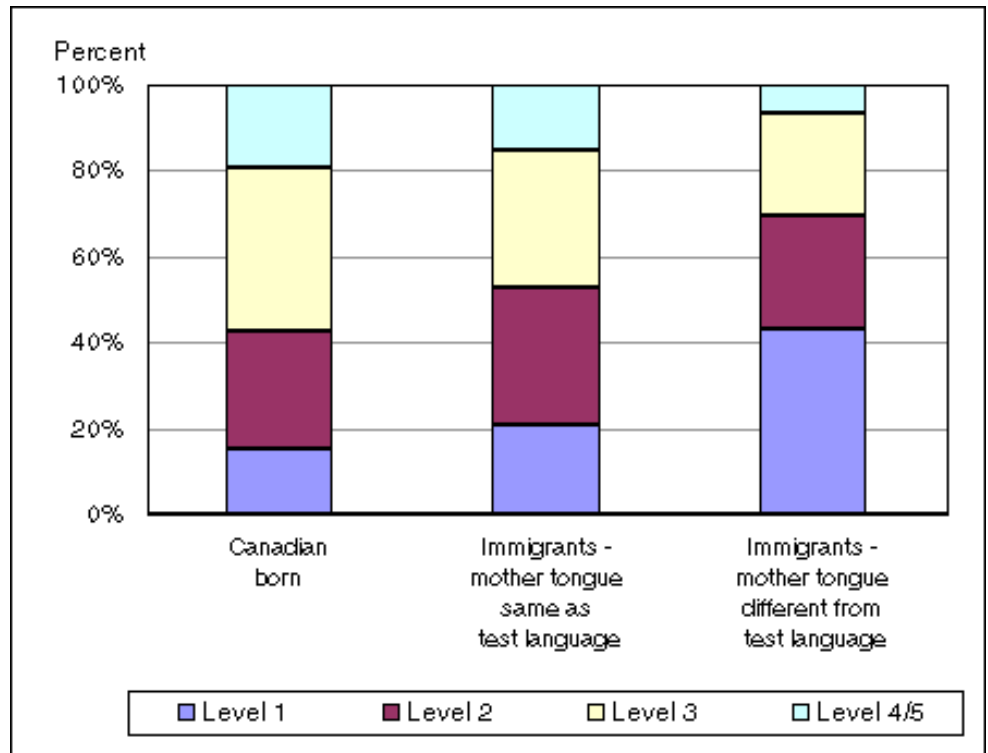



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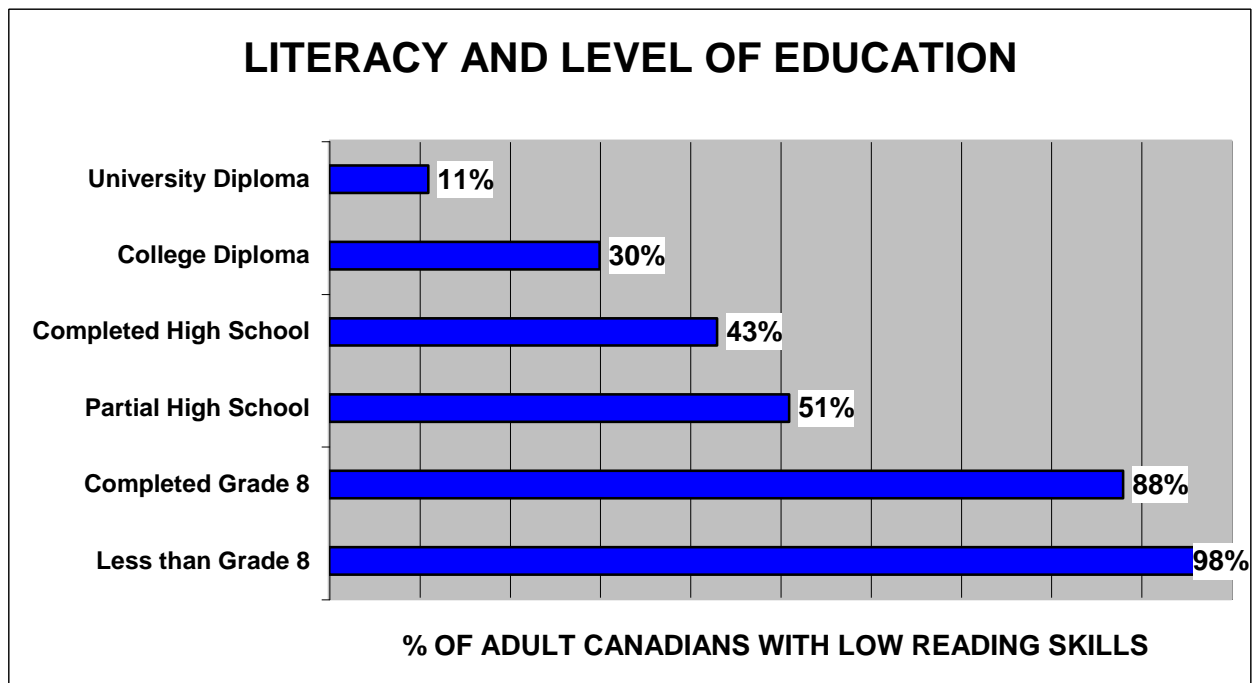
CANADA

Literacy Rates

As immigrants



By education level



Groups known to have literacy problems:

- Immigrants
- Francophones
- Aboriginals
- Elderly women and men
- High school dropouts and graduates

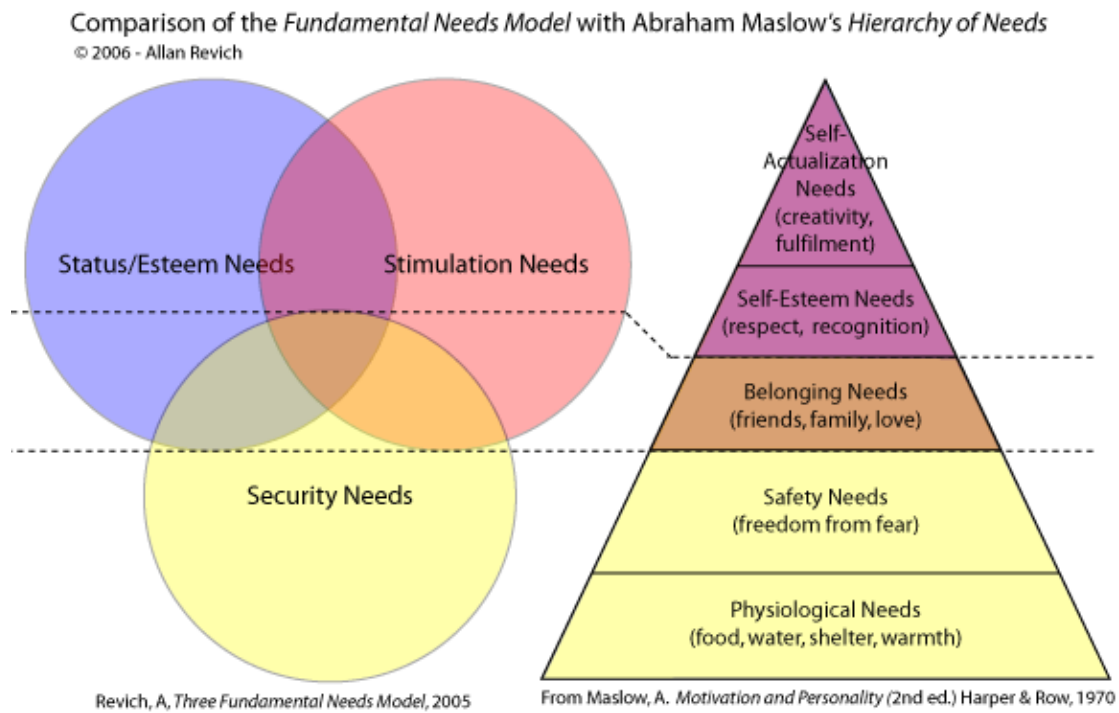
Higher than average percent of school dropouts:

- born in Atlantic Canada
- born in Quebec (particularly female dropouts)
- Aboriginal
- spoke French in childhood
- have a disability
- have experienced learning difficulties in childhood

How Can We Have Such Low Literacy Rates?

Blocks to Reading

Before a person can learn to read, they must be ready to learn. What requirements precede learning?



Social conditions contribute to low literacy:

Learning handicaps

Harassment

Multiple languages

Discrimination

Abuse

Poverty

Health factors:

Dyslexia

Head injury

Mental illness

AIDS

Epilepsy

Vision problems

Physical disabilities

Head or neck injuries

Alzheimer's Disease

Parkinson's Disease

Other degenerative diseases

Other factors:

Smart kids with learning disabilities

Adult children of alcoholics

Survivors of sexual abuse

Stress and anxiety

Situational limited literacy

Stress, confrontation

Personal psychology/sensitivity

Lack of practice reading

Legalese and intimidating situation

Activity 2

Read the following page after you view the video: *Is there a phone number on there?*

Discuss the hidden messages in comments like that and others in the fact sheet.

Materials

Fact Sheet 4-1, Identifying People Who Have Low Literacy

Is there a phone number on there?

Officers Speak

How do we know when somebody who is illiterate does understand? I think you need to look at their facial expressions. Hopefully, you know how to read a person.

What do you look for? Well, for example, "My handwriting is too messy. If I write, nobody will be able to read it." Maybe his handwriting is messy, but it may be an indication that he can't write at all. I'd like a list of cues to look for so we know what we'll have to spend more time on.

Look for signs like staring, or when you say, "I want you to read this," and they look at you with terror in their eyes and say, "No, I don't have to read that." Or when you get to the part where you see they are trying to sign something, but they're just scribbling their name.

Sometimes you can pick it up in their body language, when you're showing them something and they're just staring at the piece of paper blankly. "Where do I sign my name?" It's something that you have to be looking for, because if you're just processing, you can pass it by very quickly.

Fact Sheet 4-1

Identifying People Who Have Low Literacy

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

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

Here are some of the signs that may indicate a person has a low level of literacy. In a verbal interview, a person with low literacy may:

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

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

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

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

- give what seem to be indirect, confused, or irrelevant answers to questions
- act confused or ask questions that do not seem to relate to the problem or situation

- may not ask any questions at all (rather than reveal they don't understand what's going on)
- nod to indicate they agree or understand something, but then not do what you expect

They may also:

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

They may show their confusion when they:

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

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

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

Is there a phone number on there?

Video at <http://clipswtf.com/4351/funny-videos/Is-There-A-Phone-Number-On-There>



A California patrol officer stops an old man after he did not stop his car at a stop sign. The old man is senile. He is cooperative but asks the same question 5 times: "Is there a phone number on there?"

The police officer is patient and speaks to him clearly each time. First she tells him, "You just have to call the phone number on there." Then she writes the courthouse phone number on the back of the ticket. He asks 3 more times.

* * *

What was the difficulty? The old man's senility. What could have been done to improve his understanding?

He seemed to understand each time, and she spoke well. The senile man became confused as he worried over what to do next. He was having trouble processing the information to move from his present situation to the future.

His question, "Is there a phone number on there?" may have meant:

- "What do I have to do next?"
- "Who will help me?"
- "Where do I get more information?"

The police officer could have written more on the ticket: "Call this phone number for information". Or the ticket could have been easier to read.

If you communicate with older adults or non-native English speakers, writing down numbers and information may not be enough. Listen and interpret questions that they do not clearly ask.

Take-away learning

Clueless or just not a reader?

What are six statements or responses that would lead you to believe that a person is not a reader and may have low literacy skills?

1

2

3

4

5

6

Unit 6

How Does the Person with Low Literacy Differ from You?

Materials

Fact Sheet 1-3, The Problem of Low Literacy in Canada

Research has shown that learning to read actually re-programs the mind.

Research into the problem-solving methods of oral societies is rapidly developing, but we know their approach is different.

They use narrative form to help remember things –stories are told to retrieve information from memory.

A reader's way of thinking about and organizing information changes.

The problem-solving method of a reader is different from that of a non-reader.

Problem-solving skills of a person are usually slight lower than their reading skills.

Officers Speak

The tool you need the most is common sense and empathy. Don't make a person who's lacking in aptitude feel stupid, because then they'll clam up.

A lot of times they don't want to sign an *undertaking* because they think they are signing a confession. It all comes back to taking your time, explaining it, putting it in layman's terms. Don't be so quick to get them processed and out the door so you can move on to the next one. You have to take the time to explain to them in layman's terms that it's not an admission of guilt.

Quite often, I take a complaint from somebody talking in circles, and I don't understand exactly what they're saying. The more you ask them, "What exactly are you telling me?" the more I can see them becoming frustrated or flustered, because they can't clearly communicate what they are trying to tell me.

I think people with low rates of literacy just can't say what they want to say. They spend a lot of time talking around the issue, to sort of make themselves confident, or just to come up with something they think you're looking for.

Fact Sheet 1-3

The Problem of Low Literacy in Canada

The Problem

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

How does low literacy affect people?

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

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

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

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

Having low literacy skills affects many aspects of a person's life. It can also affect the lives of their spouse, children, neighbours and co-workers.

What can you do about low literacy?

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

Communication styles



Readers are more likely to follow the direct style than non-readers. Non-readers use stories and interpersonal connections to remember information and to establish its credibility.

People with low literacy or an oral tradition approach problem solving:

- Through a circular search of social networks

- Valuing information by the personal credibility of sources

- Through a recursive process

Unit 7

Low Literacy and the Criminal Justice System

Activity

Fill in the quiz that follows. It is made up of *true/false* questions. When you have finished, read Fact Sheet 2-1, Low Literacy and Criminal Justice (in Unit 2) and CCAT poster 3. Raise your questions or add your thoughts to the discussion.

Low literacy affects:

Witnesses Suspects Jurors
Complainants/Victims Community members

People with low literacy:

- Miss appointments
- Do not give crucial information
- Are embarrassed to inform you of their reading problems
- Sign legal documents without understanding them

Police need to understand:

- Some misunderstandings involve no criminal intent
- Low literacy person processes oral or written information slowly
- Officer's informed decision requires knowing all pertinent facts
- Low literacy is isolating, appears anti-social or uncooperative

The accused needs to understand:

- What is happening
- *Charter of Rights*
- What is being charged
- Seriousness of charges
- Any information given to them
- Any questions asked of them
- Consequences of choices

Quiz: The Justice Process

- A driver who gets a ticket and cannot read its instructions on the ticket can face more legal problems. True False
- A person who does not read well may avoid reading their mail, which could lead to problems like not attending at court when required. True False
- Low literacy is one of the social factors connected with poverty and crime. True False
- Costly delays can result when a person does not understand a warrant, subpoena, or summons. True False
- A person's legal situation can get worse if they do not fully understand instructions from the lawyer, judge, counselor, or probation officer. True False
- People entering the prison-system have lower average literacy levels than the general public or the long-term prison population. True False
- Literacy programs in prisons have helped people who take them to get and keep jobs to raise their incomes. True False
- Literacy programs in prisons are proven to reduce rates of re-offending, re-arrest, and re-conviction. True False
- The credibility of a witness may be doubted because he cannot give a straight answer but seems to talk in circles. True False
- An accused person may plead guilty to a crime they did not commit rather than admit to having low literacy. True False
- A person is not likely to speak up and admit to police that he or she cannot read. True False



Serving a public with low literacy skills

About 42% of Canada's working-age population have lower literacy skills than needed. Even more are stymied by complicated problem solving, legal language and concepts, and unfamiliar procedures.

How odd!

People with low literacy skills may seem to behave in unusual ways when they cannot follow what is taking place. They may:

- **not show up for appointments**
- **seem nervous or embarrassed**
- **show confusion**
- **ask unrelated or irrelevant questions**
- **have difficulty following instructions**
- **seem compliant or agreeable but not do as expected.**

What seems to be a bad attitude may reveal a literacy problem. The person may:

- **act frustrated and want to get out**
- **get angry and storm out**
- **be physically confrontational**



You will hear these comments

- I forgot my glasses.
- I hurt my arm (or hand) so I can't fill this out.
- I don't have time to read this now — can I take it home?
- I'll fill these out at home when I can think about it.
- My friend came to keep me company (meaning: read for me).

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CANADA

Legal Reading Challenges

Level 1 readers

They would have difficulty

- signing a simplified lease in the space designated for the tenant's signature if there were several places for signatures;
- finding the appointment time in a simply written letter from a lawyer;
- finding out when to reply or to appear after receiving a court notice or summons.

Level 2 readers

They would have difficulty

- consulting the Yellow Pages to find a local legal aid office in a list of several offices;
- finding the two mornings a week when their counsellor is available in a schedule of office hours of three family court counsellors;
- looking at a catalogue of brochures about legal subjects and filling in an order form with publication numbers and prices.

Level 3 readers

They would have difficulty

- reading a standard rental agreement or lease and finding the section that deals with a particular issue, such as repairs;
- finding and using information in documents or letters if the information is not stated clearly and explicitly or if it is written in traditional legal language;
- preparing a financial statement for an application for child support.

Table 1. Comparison of NAAL Tasks and Literacy Levels with Analogous Tasks Encountered in Court Processes

NAAL task	Skill evaluated	Percent who answered incorrectly	Analogous court task
Read one-page flier on SSI eligibility and find specific information. (Figure 1)	Prose literacy	58 %	Reading any court form instructions, although most comprise numerous, single-spaced pages. (Figure 3)
Enter 3 pieces of information in a maintenance log on the correct line. (Figure 2)	Document literacy	50 %	Entering information onto any court form, although court forms often require hundreds of pieces of information. (Figure 4)
Using the one page SSI flier, calculate the annual benefit for a couple. (Figure 1)	Quantitative literacy	62 %	Calculating annual income from a pay stub. This and far more complex calculations are required for child support. (Figure 4)

United States-- National Assessment of Adult Literacy

What it means to understand legal writing:

“On the sentence level, there are five essential questions a reader must be able to answer in order to understand not simply “what information was in the sentence,” but rather how to forge that information into the thought that the writer wished to communicate. Here are the five questions:

- 1) What is going on?
- 2) Whose story is this?
- 3) How does this sentence link backward to the one that I’ve just finished reading?
- 4) How does the sentence lean forward to what might come next? And, most importantly
- 5) What in the sentence is most deserving of my readerly emphasis?
- 6) If almost all readers of a particular sentence agreed on the answers to these questions — and those answers are the ones the writer wanted them to perceive — then we would have to agree this particular sentence *was well written.*”

George Gopen, 2008 Legal Writing Institute Conference

Sample Police Forms

PROMISE TO APPEAR PROMESSE DE COMPARAÎTRE

CANADA
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO
Eastern Region
(Region / Région)

Form / Formule 10 C.C.
Section / Article 493 of the Criminal Code / du Code criminel

Case/File No. / N° du cas / dossier

I / Je soussigné(e), _____
of / de _____

occupation / profession _____

understand that it is alleged that I have committed (*set out substance of offence*)
comprends qu'il est allégué que j'ai commis (indiquer l'essentiel de l'infraction)

In order that I may be released from custody;
Afin de pouvoir être mis(e) en liberté;

1. I promise to appear before the presiding Judge or Justice on _____ day, the _____ day of _____, yr. _____
Je promets de comparaître devant le juge ou le juge de paix qui préside le _____ jour de _____ an

at 08:30 o'clock, in the fore noon, in the Ontario Court of Justice Courtroom No. 5 (five)
à heures, à la Cour de justice de l'Ontario, salle d'audience n°

at Provincial Court House - 161 Elgin Street, Ottawa Ontario and to attend thereafter as required by
à et d'être présent(e) par la suite

the court, in order to be dealt with according to law.

selon les exigences du tribunal, afin d'être traité(e) selon la loi.

2. I also promise to appear on _____ day, the _____ day of _____, yr. _____
Je promets également de comparaître le _____ jour de _____ an

at _____ o'clock in the _____ noon, _____
à heures (police station / poste de police)

(address / adresse)

for the purposes of the *Identification of Criminals Act*. (*ignore if not filled in*)
aux fins de la Loi sur l'identification des criminels. (ne pas tenir compte du présent alinéa s'il n'est pas rempli)

I understand that failure without lawful excuse to attend court in accordance with this promise to appear is an offence under subsection 145(5) of the *Criminal Code*.

Je comprends que l'omission, sans excuse légitime, d'être présent(e) au tribunal en conformité avec la présente promesse de comparaître constitue une infraction en vertu du paragraphe 145(5) du Code criminel.

Subsections 145(5) and (6) of the *Criminal Code* state as follows:

"(5) Every person who is named in an appearance notice or promise to appear, or in a recognizance entered into before an officer in charge or another peace officer, that has been confirmed by a justice under section 508, and who fails, without lawful excuse, the proof of which lies on the person, to appear at the time and place stated therein, if any, for the purposes of the *Identification of Criminals Act*, or to attend court in accordance therewith is guilty of:

- a) an indictable offence and liable to imprisonment for a term not exceeding two years; or
- b) an offence punishable on summary conviction.

(6) For the purposes of subsection (5), it is not a lawful excuse that an appearance notice, promise to appear or recognizance states defectively the substance of the alleged offence."

Section 502 of the *Criminal Code* states as follows:

"502 Where an accused who is required by an appearance notice or promise to appear or by a recognizance entered into before an officer in charge or another peace officer to appear at a time and place stated therein for the purposes of the *Identification of Criminals Act* does not appear at that time and place, a justice may, where the appearance notice, promise to appear or recognizance has been confirmed by a justice under section 508, issue a warrant for the arrest of the accused for the offence with which the accused is charged."

Les paragraphes 145(5) et (6) du Code criminel s'énoncent comme suit :

«(5) Est coupable :

- a) soit d'un acte criminel et passible d'un emprisonnement maximal de deux ans;
- b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire,

quelconque est nommé dans une citation à comparaître ou une promesse de comparaître ou dans un engagement contracté devant un fonctionnaire responsable ou un autre agent de la paix, et qui a été confirmé par un juge de paix en vertu de l'article 508 et omet, sans excuse légitime, dont la preuve lui incombe, de comparaître aux lieu et date indiqués, le cas échéant, pour l'application de la Loi sur l'identification des criminels ou d'être présent au tribunal en conformité avec ce document.

(6) Pour l'application du paragraphe (5), le fait qu'une citation à comparaître, une promesse de comparaître ou un engagement inéquivalent d'une manière imparfaite l'essentiel de l'infraction présumée, ne constitue pas une excuse légitime. »

L'article 502 du Code criminel s'énonce comme suit :

«502 Lorsqu'un prévenu à qui une citation à comparaître, une promesse de comparaître ou un engagement contracté devant un fonctionnaire responsable ou un autre agent de la paix enjoint de comparaître aux temps et lieu y indiqués, pour l'application de la Loi sur l'identification des criminels, ne comparait pas aux temps et lieu ainsi fixés, un juge de paix peut, lorsque la citation à comparaître, la promesse de comparaître ou l'engagement a été confirmé par un juge de paix en vertu de l'article 508, décerner un mandat pour l'infraction dont le prévenu est inculpé. »

Dated this _____ day of _____, yr. _____
Fait ce _____ jour de _____ an

Signature of Accused / Signature du prévenu

at _____ o'clock in the _____ noon,
à heures

Officer in Charge / Fonctionnaire responsable

at the City _____ of Ottawa _____
à la _____ de

474 Elgin Street - Ottawa Police Service

Station / Poste

**UNDERTAKING GIVEN TO A PEACE OFFICER OR AN OFFICER IN CHARGE
 PROMESSE REMISE à UN AGENT DE LA PAIX OU à UN FONCTIONNAIRE RESPONSABLE**

CANADA
 PROVINCE OF ONTARIO
 PROVINCE DE L'ONTARIO

Form / Formule 11.1
 Sections / Articles 493, 499 and / et 503

(Region / Région) _____ Case/File No. / N° du cas/dossier _____
 I / Je, moi, _____ (date of birth / date de naissance) _____

of / de _____
 occupation / profession ou occupation _____

understand that it is alleged that I have committed (set out substance of the offence). / Je comprends qu'il est allégué que j'ai commis (indiquer l'essentiel de l'infraction).

In order that I may be released from custody by way of (a promise to appear or a recognizance entered into before a peace officer or an officer in charge).
 Afin de pouvoir être mis en liberté, je m'engage, par (cette promesse de comparaître ou cet engagement contracté devant un agent de la paix ou un
 I undertake to (insert any conditions that are directed): / fonctionnaire responsable) (insérer toutes les conditions qui sont fixées):

- (a) remain within _____ (designated territorial jurisdiction / juridiction territoriale désignée)
 à rester dans les limites de _____
- (b) notify _____ of any change in my address, employment or occupation;
 à notifier à _____ (name of peace officer or other person designated / nom de l'agent de la paix ou d'une autre personne désignée) tout changement d'adresse, d'emploi ou de profession;
- (c) abstain from communicating directly or indirectly with _____ (name of victim, witness or other person / nom de la victime, du témoin ou autre personne)
 or from going to _____ (name or description of place / nom ou désignation du lieu)
 ou de me rendre à _____
 except in accordance with the following conditions: / si ce n'est en conformité avec les conditions suivantes: _____ ; and
 (as the peace officer or other person designated specifies / celles que l'agent de la paix ou autre personne désignée spécifie) _____ et
- (d) deposit my passport with _____ (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée)
 à déposer mon passeport auprès de _____
- (e) to abstain from possessing a firearm and to surrender to / à m'abstenir de posséder une arme à feu et à remettre à _____ (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée)
 any firearm in my possession and any authorization, licence or registration certificate or other document enabling the acquisition or possession of a firearm;
 toute arme à feu et les autorisations, permis et certificats d'enregistrement dont je suis titulaire ou tout autre document me permettant d'acquiescer ou de posséder une arme à feu;
- (f) report at _____ to _____ (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée) ; and
 à me présenter à _____ (state time / indiquer à quel moment) à _____ et
- (g) to abstain from _____ (i) the consumption of alcohol or other intoxicating substances, or
 à m'abstenir de consommer: (i) de l'alcool ou d'autres substances intoxicantes,
 (ii) the consumption of drugs except in accordance with a medical prescription.
 (ii) des drogues, sauf sur ordonnance médicale.
- (h) comply with any other conditions that the peace officer or the officer in charge considers necessary to ensure the safety and security of any victim of or witness to the offence, as follows:
 à me conformer à toutes autres conditions que l'agent de la paix ou le fonctionnaire responsable juge nécessaires pour assurer la sûreté et la sécurité d'une victime ou d'un témoin à l'infraction, comme suit:

I understand that I am not required to give an undertaking to abide by the conditions specified above, but that if I do not, I may be kept in custody and brought before a justice so that the prosecutor may be given a reasonable opportunity to show cause why I should not be released on giving an undertaking without conditions.
 Je comprends que je ne suis pas obligé de remettre une promesse de respecter les conditions ci-dessus, mais qu'à défaut de le faire, je peux être détenu sous garde et amené devant un juge de paix afin de donner au poursuivant l'occasion de démontrer pourquoi je ne devrais pas être mis en liberté sur simple promesse, sans autre condition.

I understand that if I give an undertaking to abide by the conditions specified above, then I may apply, at any time before I appear, or when I appear, before a justice pursuant to (a promise to appear or a recognizance entered into before an officer in charge or another peace officer), to have this undertaking vacated or varied and that my application will be considered as if I were before a justice pursuant to section 515 of the Criminal Code.
 Je comprends que si je promets de me conformer aux conditions énoncées plus haut, je peux, avant de comparaître ou lors de ma comparution devant un juge conformément (à une promesse de comparaître ou à un engagement contracté devant un fonctionnaire responsable ou un autre agent de la paix), demander l'annulation ou la modification de cette promesse, et que ma demande sera examinée comme si j'étais devant un juge conformément à l'article 515 du Code criminel.

I also understand that this undertaking remains in effect until it is vacated or varied.
 Je comprends que cette promesse m'est opposable jusqu'à ce qu'elle soit annulée ou modifiée.

I also understand that failure without lawful excuse to abide by any of the conditions specified above is an offence under subsection 145(5.1) of the Criminal Code.
 Je comprends que l'omission, sans excuse légitime, de me conformer à l'une des conditions énoncées plus haut constitue une infraction prévue au paragraphe 145(5.1) du Code criminel.

Subsection 145(5.1) of the Criminal Code states as follows: "(5.1) Every person who, without lawful excuse, the proof for which lies on the person, fails to comply with any condition of an undertaking entered into pursuant to subsection 499(2) or 503(2.1)
 Le paragraphe 145(5.1) du Code criminel s'énonce comme suit: «(5.1) Quiconque omet, sans excuse légitime, dont la preuve lui incombe, de se conformer à une condition d'une promesse remise aux termes des paragraphes 499(2) ou 503(2.1) est coupable:

- (a) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding two years; or
 a) soit d'un acte criminel et passible d'un emprisonnement maximal de deux ans;
- (b) is guilty of an offence punishable on summary conviction."
 b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire.»

DATED this _____ day of _____, yr _____ }
 FAIT le _____ jour de _____ an _____ }
 Signature of Accused / Signature du prévenu _____
 Signature of Peace Officer or Officer in Charge _____
 Signature du fonctionnaire responsable ou d'un autre agent de la paix _____
 Station, etc. Poste de police, etc. _____

**UNDERTAKING GIVEN TO A PEACE OFFICER OR AN OFFICER IN CHARGE
PROMESSE REMISE À UN AGENT DE LA PAIX OU À UN FONCTIONNAIRE RESPONSABLE**

YOUTH JUSTICE COURT
TRIBUNAL POUR ADOLESCENTS
CANADA
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Form / Formule 11.1 C.C. / C.c.r.
Sections / Articles 493, 499 and / or 503 of the / du Criminal Code / Code criminel and / et
section 140 of the Youth Criminal Justice Act / article 140 de la Loi sur le système de justice pénale pour les adolescents

Case/File No. / N° du cas/dossier

(Region / Région)

I / Je soussigné(e),

(name of young person / nom de l'adolescent)

(date of birth / date de naissance)

of / de

understand that it is alleged that I have committed (set out substances of the offence);
comprends qu'il est allégué que j'ai commis (indiquer l'essentiel de l'infraction) :

In order that I may be released from custody by way of a promise to appear/recognition entered into before a peace officer or an officer in charge,
Afin de pouvoir être mis(e) en liberté, je m'engage, par cette promesse de comparaitre/cet engagement contracté devant un agent de la paix ou un

I undertake to (insert any conditions that are directed):
fonctionnaire responsable (insérer toutes les conditions qui sont fixées) :

- (a) remain within / à rester dans les limites de (designated territorial jurisdiction / juridiction territoriale désignée)
- (b) notify / à notifier à (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée) of any change in my address, employment or occupation;
tout changement d'adresse, d'emploi ou de profession;
- (c) abstain from contacting and/or communicating directly or indirectly with / à m'abstenir de communiquer directement ou indirectement avec (name of victim, witness or other person / nom de la victime, du témoin ou autre personne) or from going to / ou de me rendre à (name or description of place / nom ou description du lieu) except in accordance with the following conditions:
si ce n'est en conformité avec les conditions suivantes :
- (d) deposit my passport with / à déposer mon passeport (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée) ; and / et
- (e) to abstain from possessing a firearm and to surrender to, / à m'abstenir de posséder une arme à feu et à remettre à (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée) any firearm in my possession and any authorization, licence or registration certificate or other document enabling the acquisition or possession of a firearm;
permettant d'acquiescer ou de posséder une arme à feu;
- (f) report at / à me présenter à (state time / indiquer à quel moment) to / à (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée)
- (g) to abstain from: / à m'abstenir de consommer : (i) the consumption of alcohol or other intoxicating substances, or / de l'alcool ou d'autres substances intoxicantes, ou (ii) the consumption of drugs except in accordance with a medical prescription; / des drogues, sauf sur ordonnance médicale.
- (h) comply with any other conditions that the peace officer or the officer in charge considers necessary to ensure the safety and security of any victim of or witness to the offence, as follows:
à me conformer à toutes autres conditions que l'agent de la paix ou le fonctionnaire responsable juge nécessaires pour assurer la sûreté et la sécurité d'une victime ou d'un témoin à l'infraction, comme suit :

I understand that I am not required to give an undertaking to abide by the conditions specified above, but that if I do not, I may be kept in custody and brought before a Youth Justice Court Judge or Justice so that the prosecutor may be given a reasonable opportunity to show cause why I should not be released on giving an undertaking without conditions.

I understand that if I give an undertaking to abide by the conditions specified above, then I may apply, at any time before I appear, or when I appear, before a Youth Justice Court Judge or Justice pursuant to (a promise to appear or a recognition entered into before an officer in charge or another peace officer), to have this undertaking vacated or varied and that my application will be considered as if I were before a Youth Justice Court Judge or Justice pursuant to section 515 of the Criminal Code.

I also understand that this undertaking remains in effect until it is vacated or varied. I also understand that failure without lawful excuse to abide by any of the conditions specified above is an offence under subsection 145(5.1) of the Criminal Code. Subsection 145(5.1) of the Criminal Code states as follows: "(5.1) Every person who, without lawful excuse, the proof for which lies on the person, fails to comply with any condition of an undertaking entered into pursuant to subsection 499(2) or 503(2.1);

is guilty of an indictable offence and is liable to imprisonment for a term not exceeding two years; or is guilty of an offence punishable on summary conviction."

IN PROCEEDINGS UNDER THE YOUTH CRIMINAL JUSTICE ACT, YOUNG PERSONS HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL. Young persons may be eligible for extrajudicial sanctions. A lawyer is available to provide free legal advice about extrajudicial sanctions. Call 1-800-265-0451. In the Toronto area call 416-868-0720.

Je comprends que je ne suis pas obligé(e) de remettre cette promesse, mais qu'à défaut de le faire, je peux être détenu(e) sous garde et amené(e) devant un juge ou un juge de paix du tribunal pour adolescents de façon à donner au poursuivant l'occasion de démontrer pourquoi je ne devrais pas être mis(e) en liberté sur simple promesse, sans autre condition.

Je comprends qu'en promettant de me conformer aux conditions énoncées plus haut, je peux, avant de comparaitre ou lors de ma comparution devant un juge ou un juge de paix du tribunal pour adolescents conformément à une promesse de comparaitre ou à un engagement contracté devant un fonctionnaire responsable ou un autre agent de la paix, demander l'annulation ou la modification de cette promesse, et que ma demande sera examinée comme si j'étais devant un juge ou un juge de paix du tribunal pour adolescents conformément à l'article 515 du Code criminel.

Je comprends que cette promesse m'est opposable jusqu'à ce qu'elle soit annulée ou modifiée.

Je comprends que l'omission, sans excuse légitime, de me conformer à l'une des conditions énoncées plus haut constitue une infraction prévue au paragraphe 145(5.1) du Code criminel. Le paragraphe 145(5.1) du Code criminel s'énonce comme suit : « (5.1) Quiconque omet, sans excuse légitime, dont la preuve lui incombe, de se conformer à une condition d'une promesse remise aux termes des paragraphes 499(2) ou 503(2.1) est coupable :

soit d'un acte criminel et passible d'un emprisonnement maximal de deux ans; soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire. »

DANS UNE INSTANCE AUX TERMES DE LA LOI SUR LE SYSTÈME DE JUSTICE PÉNALE POUR LES ADOLESCENTS, LES ADOLESCENTS ONT LE DROIT D'ÊTRE REPRÉSENTÉS PAR UN AVOCAT. Les adolescents peuvent être admissibles à des mesures de rechange, un programme de déjudiciarisation. Un avocat est disponible pour fournir des conseils juridiques gratuits sur les mesures de rechange. Veuillez composer le 1 800 265-0451. Dans la région de Toronto, composez le 416 868-0720.

DATED this _____ day of _____, yr. _____

FAIT ce

jour de

an

at the / à (au)

of / de

in the Province of Ontario / dans la province de l'Ontario

Signature of Accused / Signature du prévenu

Signature of Peace Officer or Officer in Charge / Signature de l'agent de la paix ou du fonctionnaire responsable

Readability of Legal Forms

After you prepare a document in Microsoft Word and some other software programs, you can have the software check the document for grammar concerns. After doing that for you, the software can also give you readability scores for your writing.

The two police forms in the workbook, combined, have these scores:

SMOG Grade:	18.99 –requires a PhD.
Gunning Fog index:	20.19 – difficult reading
Flesh Kincaid Grade level:	17.87 –requires a master’s degree

Meaning of statistics

The different tests use different ways of measuring the complexity of the language used. But they tend to give similar results. And they only grade the text. The two documents are not easy reading:

- SMOG gives the closest measure of a U.S. school grade level; here it suggests 19 years of schooling is needed to make sense of these documents.
- Gunning Fog sets the easy reading range at 6-10 and anything above 15 is getting difficult. For an example, *Green Eggs and Ham* is -1.3 . These documents are $+20$.
- Flesch Kinkaid converts a numeric measure to a U.S. education level. A score of 8.0 means the average eighth grader can understand the document. These documents need 18 years of reading training.

Document literacy

The average Canadian doesn't stand much chance with the text in these forms, but there are additional problems. The text would be measured as prose in the literacy survey.

The literacy survey also measures a reader's comfort level in using the form or document—do they know where to find the information they need, are they distracted from the text by format or other concerns?

The lay-out and design of these forms, coupled with the display of bilingual content, would increase the difficulties readers experienced with them.

The burden falls on the police officer to explain the meaning so that it can be understood by the average person.

Unit 8**Signals and Solutions****Materials**

Fact sheet 4-1, Identifying People Who Have Low Literacy (in Unit 5)

Fact sheet 4-3, Working with an Accused Who Has Low Literacy Skills

Take Away Learning page

Fact Sheet 4-3

Working with an Accused Who Has Low Literacy Skills

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

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

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

what is happening

how the *Canadian Charter of Rights and Freedoms* applies to them in their current situation

what the charge is and how serious it is

what their choices are, and how those choices play out

that they should not sign a document until they understand it fully

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

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

Use plain and clear language. Don't quote the statute word for word or use police jargon – specialized language can seem like a foreign language to people who have low literacy skills.

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

Repeat information. Repeat in the same words the first time. Then try to phrase the information in a different way or present it in a different order. This gives the person more chances to understand.

Be patient. Don't interrupt the person or tell them to "give it to me straight." Even though their story may seem rambling and repetitive, that may be their only way of expressing their ideas or understanding what is going on. Encourage the person to tell you everything about the situation, because you want to be fair.

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

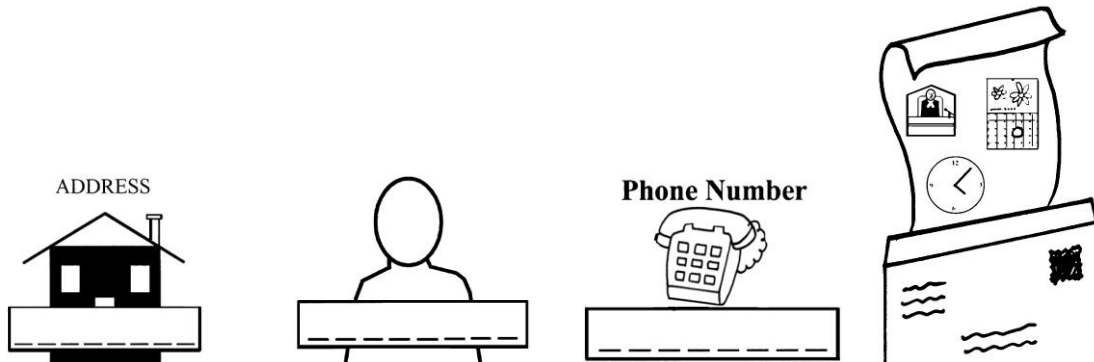
Encourage questions. Tell the accused that you want them to understand the process and their situation. Encourage them to ask you questions about what is going on. Be careful not to react negatively if they ask very simple questions, or ask the same question more than once.

Record what you did. Make notes of the facts that convinced you that the person understood everything. Make notes of the steps you took to ensure they understood.

Examples of Techniques and Solutions



Communication Picture Boards, Used by medical professionals, made by Servivision



LegalPix

Samples of graphics for legal services industry

Law Courts Education Society of BC

www.lawcourtsed.ca

Do you need help to communicate?

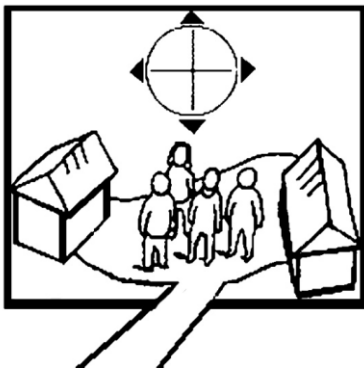


_____ ✓



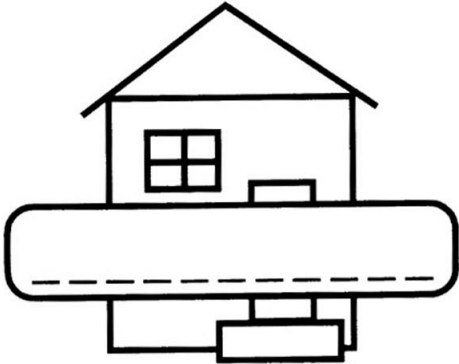
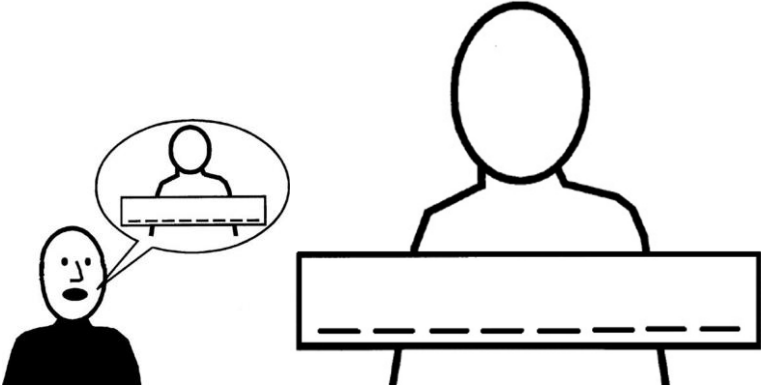
What is your language?

_____ ✓

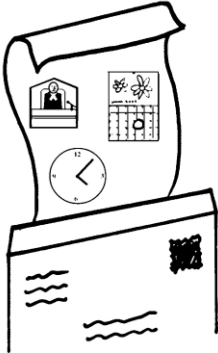
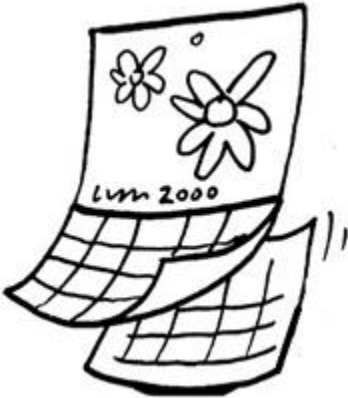
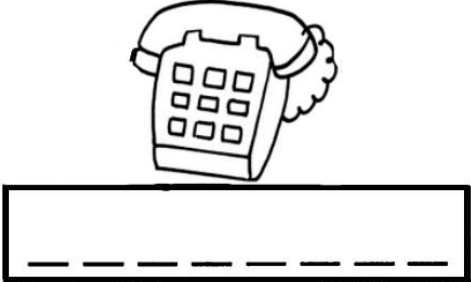


_____ ✓

You need to tell us who you are. We need to know how to reach you.



Phone Number



Take-away learning

What steps can you take?

In your specific work assignment now, what are six steps you would consider taking in different situations when working with a person who may have low literacy skills?

1

2

3

4

5

6

Unit 9

Meeting the Legal Challenges

“We should do what we can to make the law clear and accessible to average Canadians... There is truth in the proposition that if we cannot understand our rights, we have no rights.”

Honourable Beverley McLachlin, P.C.
Chief Justice, Supreme Court of Canada

Activity

Note key words and concepts in the left column as you read the Fact Sheets and as you listen to the presentations. Fill in the definitions in the right column in your own words.

Materials

Fact Sheet 2-3, What Police Departments and Officers Need to Do
Fact Sheet 3-1, Police Communications with an Accused Who Has Low Literacy Skills
Fact Sheet 3-2, Departmental Policies and Procedures Related to People with Low Literacy Skills
Quiz: The Justice Process (in Unit 7)

Officers Speak

If you don't really take the time to explain it, and the person doesn't understand, as an officer you are liable. It's your responsibility.

In the courts, it can be confusing even for some officers to follow what's going on. By the time you throw in a language barrier and literacy issue, no wonder no one is following the law.

The whole British common law – the rights of counsel, the right to remain silent – is in archaic judicial language that does not translate well at the common level of speaking in our communities, especially with members of ethnic groups. So we try to put traditional legal language into more common parlance. It has to be broken down to the lowest common denominator.

We are doing this because we want to get these numbers down, because we can save time and effort in the long run, instead of retracing our steps over and over again. People need to understand about the investment, how much is this going to cost, how much is this going to save. You invest in literacy, and then you might have (fewer) shootings in the city in 20 years.

The huge issue is making certain that officers truly accept the need to make sure the accused understands. As long as I do it respectfully, I've never seen anything wrong with asking if they are comfortable speaking, reading, and writing English.

Most police officers are aware of what they need to do, but some of us communicate better than others. As police, we need to communicate in layman's terms.

Literacy is a very important issue in policing. As a cop in an interview room, I would struggle over what words I could use. How could I articulate clearly to make certain this person understands the right to counsel and to remain silent, and understands that anything they say could and would be used as evidence against them? What steps can I take? It has been left to the police themselves to come up with the answers to those questions, and I don't know if it's being done effectively.

We need to break it down so they understand and are aware of what they are facing or what we are investigating, why we are interacting with them, and what their options are.

Fact Sheet 2-3

What Police Departments and Officers Need to Do

What police need to know

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

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

In recent years, police have even faced civil lawsuits.

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

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

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

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

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

What police need to do

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

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

- adjust tactics for people who have low literacy skills.
- make sure that people understand the information given to them orally and in writing.

- tell suspects all necessary information related to their charges.
- make reasonable efforts to end systemic discrimination.

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

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

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

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

Fact Sheet 3-1

Police Communications with Accused with Low Literacy Skills

The idea of being “legally informed”

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

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

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

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

The duties of the police

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

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

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

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

Examples from Canadian cases

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

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

What police officers need to know

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

Fact Sheet 3-2

Departmental Policies and Procedures Related to People with Low Literacy Skills

The responsibilities of individual officers

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

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

The responsibilities of police departments

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

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

The benefits of recognizing the importance of literacy issues

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

- having evidence and statements ruled inadmissible in court (If the court finds that a witness or defendant didn't fully understand their rights or the documents they were asked to sign.)

- costs of legal disputes and civil lawsuits (from accused who believe their rights were violated because they didn't fully understand what was going on)
- negative publicity and damage to the department's reputation (from individuals going public with their complaints that the police treated them unfairly or disrespectfully).

The risks of ignoring the importance of literacy issues

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

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

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

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

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

Discuss these ideas

Problems with statements of witnesses and accused:

- ✓ Person with low literacy does not articulate well
- ✓ Ability to understand is impaired by lower cognitive development
- ✓ Will not challenge officer's version; says "good enough"
- ✓ Believes a conversation is not a statement
- ✓ Answers are responsive to police questions, not the story from the accused's point of view, missing context or explanation
- ✓ Officer summarizes and paraphrases
- ✓ Officer filters data to emphasize what is important from knowledge of offense
- ✓ Officer translates into his or her own language
- ✓ Accused with low literacy usually is not savvy or confident enough to question or challenge the officer or demand changes to written statement.

Note Key Words and Concepts:

Define in your own words:

special circumstances	
capacity to understand	
legally informed	
right to understand	

duty of accommodation	
systemic discrimination	

The keys to success are training and good police practice

Literacy awareness and accommodation are important for the:

- proper functioning of the justice system,
- efficiency of court processes,
- fundamental right to a fair trial,
- success of prosecutions,
- prevention of risk and losses to police organizations

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.

Training can provide police officers with the knowledge and skills to recognize a person with low literacy and to work appropriately with that person.

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

Unit 10

What Can You Do?

Activity

Fill out the Goal Sheets – Page 1 **Achieving Goals**.

Pick a personal goal or one for your department.

In small groups, tell your goal and ask for advice from the others.

Then fill in Goal Sheets – Page 2 **Alliances and Resistances**

Materials

Goal Sheets, Page 1 and 2

What can you do?

- Practice alternative communication strategies
- Identify professional development resources online & in community
- Identify referral and resource groups in community

Improve your skills and services:

- Improve your listening skills
- Use varied communication tools
- Use plain language

Goal Sheets

I **Achieving Goals: Arrange to be held accountable**

Make an arrangement to be held accountable.

A study by the American Society for Training and Development learned that, of people who

- consciously decide to set a goal, 25% achieve their goal;
- decide when they will do it, 40% achieve their goal;
- plan how they will do it, 50% achieve their goal;
- commit to someone else they will do it, 65% their achieve goal;
- have a specific accountability appointment with the person they committed to

95% achieve their goal.

1. Set yourself one goal for changing your methods in future

2. Set a date by which you will have made this a habit

3. How will you do it?

4. Who will you tell about this goal?

5. Who will be your allies?

6. Make an appointment to report achieving your goal.

II Prepare for the Negative

Uncover the negative obstacles to achieving a positive result.
Consider the alliances you can make to overcome the resistances. Write it down:

Resistances	Alliances

Create "positive power"

How will you do it?

Wrap-up and Evaluation

Identify any of the questions on the flip chart that have not been answered.

Ask questions arising now.

Ask about becoming a Literacy Champion.

Fill in the session evaluation.

Thank you for attending this workshop.

Internet Resources

Fact Sheets available in English and French;

Resource Manual

<http://policeABC.ca>

Provincial Literacy Organizations, National Adult Literacy Database

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

Check our website
<http://www.PoliceABC.ca>

Post-Training Summary Evaluation

1. What are the three most important **things [or topics]** you learned during this training?

1.

2.

3.

2. Was an appropriate amount of material covered during this session?

Yes___

No___

3. To what extent do you expect this meeting will make a **difference** in the way you do your job?

No
Difference

Tremendous
Difference

1

2

3

4

5

Comments:

Extra Learning

Here is an extra activity for the reflective learner.

Take a minute of time to figure out what this material offers you and what more you need to know on this subject. Ask yourself:

- On the scale 1 to 10, how well do I understand this topic?
- What are the most challenging aspects of the material?
- What can I do to learn it better?
- What resources would help me most?
- How do I know that I have done enough?

Want more questions?

1. What confused you most here?
2. What is the best way to resolve your confusion?
3. What key ideas and information did you learn?
4. What was the most important idea you learned?
5. What surprised, dismayed, delighted you most?
6. How does your learning relate to the larger context of your life and work goals?
7. Have you learned any practical skills, ideas, tools, techniques that you can easily apply to real-life situations?
8. Have you learned anything new about yourself, your interests, feelings, values?
9. What helped your learning?
10. What interfered with your learning?
11. What should you do more of? What should you do less of?
12. What is one thing (skill, habit, activity) you want to focus on next?

[adapted from **Lawsagna**, <http://lawsagna.typepad.com/>]