

# Access to justice

## *Experiences of Deaf, Deafblind and Deaf People with Additional Disabilities*

Canadian  
Association of the Deaf



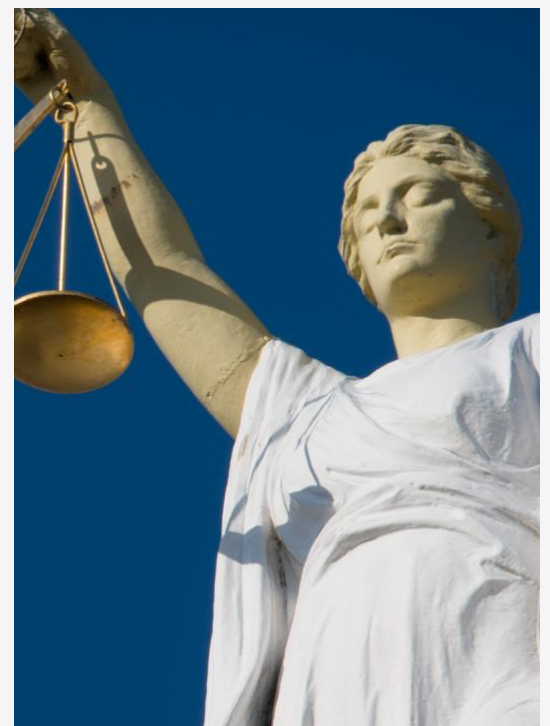
Association  
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Research conducted by CAD-ASC in 2017-18 into the experiences of Deaf, Deafblind and Deaf people with additional disabilities in accessing the justice system.



What did we  
learn, and  
what does it  
mean for me?

What did police officers,  
lawyers, judges, and social  
workers say?



What are my rights?



## What did we learn?

The words “justice system” included contact with police services, lawyers, courts, correctional centres, halfway houses, victim support services, social workers and/or parole and probation officers. We used surveys conducted in ASL and LSQ, spoken English and spoken French. We held group discussions and individual interviews.

**T**hroughout Canada, Deaf, DeafBlind, and Deaf people with additional disabilities reported many experiences with the justice system that indicate they **do not** have equitable access to communication when interacting with the justice system.

While courts are generally good at booking sign language interpreters, there were consistent concerns expressed about the qualifications and specialized training that many interpreters lack. The follow quote is representative of many comments:

*“I would say that the interpreter’s skills and knowledge is a barrier to my access and Deaf interpreters are not readily available and those that are lack specific legal training.”*

***Most participants in this study reported major barriers in communicating with police, social workers, parole and probation officers, victim support workers, lawyers and correctional officers.***

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*Deaf people frequently felt frustrated when placed in justice situations with interpreters who did not show up at scheduled times, were not available for follow-up appointments, or were unaware of the system processes.*

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There is a shortage of qualified voice/sign interpreters. There are even fewer qualified Deaf Interpreters (DI’s) who possess the skills necessary to meet the communication needs of DeafBlind and Deaf people with additional disabilities. Intervening services for Deafblind people was also identified as a major gap. As stated by one participant:

*“I don’t have ready access to intervenor services – government has cut the service, so even travelling to appointments is difficult without an intervenor as is getting around a courthouse without a guide.”*

***There were significant differences between urban and rural access to quality interpretation services for all phases of a legal event.***



## What does it mean for me?

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*Deaf, DeafBlind and Deaf Canadians with additional disabilities are at greater risk of being misunderstood when reporting a crime, accessing legal supports, and/or proceeding through the justice system as a victim.*

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Deaf people who have been investigated and charged with a criminal offense are at substantial risk if the quality of interpretation during the investigation is inadequate or inaccurate, which then leads to difficulties when defending themselves in court.

- Deaf people who are incarcerated have little access to interpreters for counselling and training programs. They have experienced harsher treatment in jails because the system fails to understand the communication rights and needs of deaf inmates.

In the words of one interviewee:

*“...very inconsistent use of interpreters; Federal Penitentiary will use interpreters for some situations, but the inconsistent use means that Deaf prisoners are not able to access programs and that then leads to them being denied parole as they haven’t completed the mandatory programs (alcohol and drug treatment, anger management, counseling for sexual predatory behavior, etc.).”*

- Organizations designed to support victims of crime have no understanding of how to communicate with Deaf people who have been victimized.

- Deafblind people require interpreting and intervening services, which are inconsistently provided; and often the intervenors are untrained for the task. In the words of one interviewee:

*“Often, Deaf Blind requests for interpreters are disregarded by the police who look at their non-verbal behavior and assume they are drunk, confused, gesturing, etc.).”*

- Deaf people with additional disabilities may require the justice system to work with additional professionals in order to communicate effectively, for example, community support workers or advocates familiar with the person.



## **What did police officers, lawyers, Judges, social workers say?**

*We found that those working in the justice system want to understand how to better serve the Deaf community but that they often have limited experience and may have very outdated perceptions of Deaf people.*

It is rare to find someone working in the justice system who knows how to effectively communicate with a Deaf person. They may also lack knowledge of how to book professional interpreters and how to work with them.

Finally, the lack of resources within the system presents barriers to the true inclusion of Deaf people in the justice system. The following quotes reveal experiences common to Deaf people:

*“They said they are accessible but they are not accessible for the Deaf community; no supports; most legal personnel think all deaf people can lip-read or write back and forth; we are expected to accommodate to their way, not them accommodate to us.*

*Doctors, lawyers, judges, police - all decide that an interpreter is not needed; what about my right to decide?”*

*“Lack of resources – websites about legal processes are all in English – no captioning on videos; no ASL translation of videos and/or print information.”*



## ***What are my rights?***

You have a right to a professional interpreter when you deal with the justice system.

It is important that you request an interpreter and not use a “signing police officer” as an interpreter or a family member. You will likely need to provide the phone number of the interpreter service(s) in your province, as often lawyers, police and courts do not know how to find qualified interpreters.

***The Canadian Charter of Rights and Freedoms, section 14 and 15 protect your right to an ASL or LSQ interpreter and you cannot be discriminated against on the basis of being Deaf. Canada has also signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which is another tool for you to use when you think your rights have been violated.***

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*If you do not understand the interpreter that is provided, you need to tell the police or Judge or lawyer. If you prefer to work with a Deaf Interpreter, be sure that you ask for a specialized team of interpreters.*

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If you are in prison, you will require communication access to take the court-ordered programs such as anger management, substance abuse treatment and counselling, education upgrading, etc.

If you are not provided with interpreters, it can be useful to write for support to organizations like the John Howard Society, or Elizabeth Fry Society, or the Prisoners Advocacy Group in the province you are in, or to access a lawyer.

## Recommendations and resources

*Our report recommends that **policy development** at all levels of governments take place in order to ensure there are procedures to ensure Deaf, Deafblind and Deaf people with additional disabilities have equal access to judicial processes.*

Deaf community consumers and legal experts must be included at all stages of policy development if the policies are to reflect what is needed. This would reflect the UNCRPD philosophy of “*nothing about us, without us*”.

There is also a need for **training** of personnel working in the justice system, and **specialized training to enhance the skills of interpreters and intervenors** to work in the legal system.

**Access to information** must be improved: for instance, government websites designed to help navigate the legal system need to be translated into **ASL and LSQ**.

We recommend **clear processes and consistent funding of interpreters** for legal interviews, court appearances and when a person is incarcerated in order to access programs and supports while in jail.



### Resources

If you would like to see the final research report, *Administration of Justice: Experiences of Deaf, Deafblind and Deaf people with additional disabilities in accessing the justice system*, visit [www.cad.ca](http://www.cad.ca). The report is available in English and French, and the executive summary in ASL and LSQ.

#### Additional Resources:

John Howard Society: <http://johnhoward.ca>

Canadian Association of Elizabeth Fry Societies: [www.elizabethfry.ca](http://www.elizabethfry.ca)

Prison Letters: [prisonlettersottawa.wordpress.com/](http://prisonlettersottawa.wordpress.com/)

Prisoner Resources: [www.PrisonJustice.ca](http://www.PrisonJustice.ca)

Canadian Charter of Rights and Freedoms: <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

How to file a complaint with the Canadian Human Rights Commission: <http://www.chrc-ccdp.gc.ca/eng/content/how-file-compliant>

ASL and LSQ versions: <http://www.chrc-ccdp.gc.ca/eng/content/asl> and

<http://www.chrc-ccdp.gc.ca/fra/content/lsq>

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