

# Legal information needs of persons who are incarcerated

## Phase 1: Exploratory research – Working paper

### October 2018

## 1. Introduction

The problems of adult prison populations in federal and provincial institutions in Ontario are vast, and range across a spectrum of social, health, criminal, and civil legal issues. Men and women who enter the criminal justice system often have no idea what is happening to them, where they'll end up, how long they'll be on remand, or what the criminal process entails. On being taken into custody, people can lose their employment or housing, miss loan or support payments, or experience other consequences of being suddenly absent from daily routines and responsibilities, many of which often include families and young children. In many institutions, people who are incarcerated are isolated and have little or no access to information and support that might help them understand and better cope with their legal problems.

In 2018, Community Legal Education Ontario (CLEO) started conducting research on how to better understand the public legal information and education needs of adults in Ontario who are incarcerated and who have been recently released.

Our original goal was to identify information about the civil legal education and information needs of people who are incarcerated or have been recently released. That is, we wanted to learn how we could best present and tailor education and information about civil legal problems that people experienced while incarcerated, as well as information about the criminal process and administrative prison law.

Our intention was to explore different points in custody and release to look for opportunities for — and identify barriers to — connecting people who are incarcerated or have been recently released with legal education and information. We were particularly interested in topics, formats, and delivery channels for legal information that could be best suited to delivery at one or more of the following points:

- Remand
- Time spent serving the sentence
- Pre and post release

We will conduct a second phase of this work, which will involve the design of one or two pilot projects to help provide people who are incarcerated or have been recently released with legal education and information that they may need. We hope also to support the work and bolster the resources of intermediaries and agencies that help these populations.

In acknowledgement of the importance of supporting the calls to action of the Truth and Reconciliation Commission report, we also looked at the legal education and information needs of Indigenous people currently in custody in Ontario or recently released from custody.

We are grateful to the Canadian Bar Association's Law for the Future Fund for their funding support of this research.

### **A note about methodology**

We started our research by looking at select literature relating to the legal information and legal services needs of people who are incarcerated from a range of sources, including academic, corrections, and advocate groups.

At the same time, we wanted to see what legal education and information is available to people who are incarcerated or have been recently released. We conducted an online scan of legal information intended for people appearing in court under criminal charges, people serving sentences, or people who have been released from prison. We also looked at information intended for families of people who are facing criminal charges or serving sentences (Appendix A).

Our online scan focused on information produced by community-based organizations, advocacy groups, government agencies, and legal institutions. However, we also found resources and services offered by private companies. All but one or two of these resources and services were omitted from our scan results.

The scans give us only an indication of what exists in legal information. Some topic areas such as bail turned up a number of results when we used a single search term "bail". Other topics, such as immigration detention, turned up few resources, even when we used a variety of search terms.

We also conducted an online scan to see what kind of literacy training programs and materials, such as curricula and activity kits, are available to people who are incarcerated. We did not locate any materials targeting the population of people who are incarcerated specifically, although Correctional Service Canada has published high-level "[Guidelines for Education Programs](#)" online. We learned anecdotally through interviews with literacy stakeholder that literacy instructors who work with incarcerated or previously incarcerated people use a range of adult education materials and curricula designed for use by adult learners generally.

In preparation for interviews with stakeholders and staff at community and legal organizations who work with people who are incarcerated, we developed a questionnaire that looks at the need for legal information during remand, while people serve a sentence, and pre and post release.

With the help of Lisa Loader, a staff lawyer at Community Legal Clinic – Simcoe, Haliburton, Kawartha Lakes, and Keith Taller, Counsel, Policy and Strategic Research, Legal Aid Ontario, we interviewed 38 key informants who support, advocate for, or have conducted research relating to people who are incarcerated. This included Institutional Duty Counsel, social workers from health and community agencies, Ontario Works staff, health advocates, community legal clinic staff, mental health justice workers, Indigenous Friendship Centre staff, and staff from organizations that address the needs of family and friends of people who are incarcerated.

Most interviews were conducted by phone and took between half an hour and an hour. Some informants were interviewed in person; others filled in the questionnaire and submitted it by email. It was beyond the scope of the study to conduct interviews with individuals who are incarcerated.

Over the past year, we have also been participating in a prison law working group comprised of staff from Legal Aid Ontario, legal clinics, and advocate organizations. We have been meeting regularly to share resources and provide support for initiatives developed by group members. The group has been involved in early discussions about the research and contributed to the development of the questionnaire used in our interviews (Appendix B).

We would like to thank all of the people who gave their time and shared their experience and insights through interviews, meetings, and discussion.

### **A note about correctional institutions**

There are two main types of correctional institutions for adults in Canada – federal and provincial. Where a sentenced adult is sent most often depends upon what stage in the criminal process they are at or, if convicted and sentenced, the length of sentence. In brief:

- People sentenced to two years or more serve time in a federal prison run by the Correctional Services of Canada (CSC). There are eight federal prisons in Ontario – seven for men and one for women.
- People sentenced to less than two years serve time in an institution run by the Ontario Ministry of Community Safety and Correctional Services (MCSCS). These institutions are referred to as jails, detention centres, or correctional centres. They also house people being held after arrest while awaiting bail, trial, or sentencing, as well as people being held for an immigration hearing or deportation.

## **2. What we heard**

As mentioned above, we interviewed a range of staff from legal and community organizations who work with people who are incarcerated or have been recently released. Without exception, informants spoke of the challenges faced by people who are charged with a crime

and end up serving time, and their need for better support, services and care. Common themes expressed in the interviews include:

- On the way into the criminal system – after arrest, during first appearances, while on remand, and during sentencing – people are disoriented and often don't know what's happening to them. Even if they've been in the system before, the process they go through may be different: their lawyer could request adjournments, they might not be able to find a surety, they might opt to go through a diversion program, etc.

Arrest and even the briefest time in custody can have a significant impact on people's lives: single parents can lose custody of their children, people can lose their housing, belongings or employment, and their medical treatment or prescriptions can be suspended or changed, sometimes inappropriately.

Getting help at this point of entry into the criminal justice system can be difficult because people have limited access to a phone and sometimes can't make calls for even the most critical of things, like picking up children from school.

- People on remand and serving sentences often struggle to exercise their basic rights. We were told that many don't know how to make appeals or grievances or prepare for parole hearings. They are often not able to have their medical and dietary needs met. They struggle with isolation due to segregation, lockdowns and other circumstances that isolate them from their families, social workers, legal counsel, and other supports.

It is not clear how well people who are incarcerated know the rules, policies and directives in effect at the institutions where they are being held. We heard from informants that this information isn't always available to them; that it can be hard to understand – processes and procedures can be complex and have many steps and variables; and that policies and directives are interpreted and applied differently at different facilities.

- On release, people are often unprepared to re-enter civil society. Some institutions do little or no form of release planning and people can leave prison without having a place to stay, a job, identification, or a plan for reintegration. Conditions of parole can prevent people from accessing supports in their community. A lack of continuity in care can cut them off from methadone or other critical medical or mental health programs. We heard that on release people need information about getting reconnected to social and community supports and most critically, they need in-person help and support through this transition.
- Across all stages of incarceration and post release, literacy and language issues present significant barriers to accessing information. Average literacy levels are much lower

among federal and provincial prison populations than among outside populations. One informant suggested a Grade 2 or 3 reading level for information intended for this audience. According to other informants, literacy levels in northern Ontario are even lower. Some people who are incarcerated have access to literacy tutors, and some people attend literacy classes post release through agencies like the John Howard Society, but the demand for basic literacy tutoring far exceeds available resources or programming.

Language needs vary by institution. We heard that in some facilities there is a growing population that speaks Tagalog or other Asian languages, and that Spanish is one of the most frequently spoken non-official languages in some prisons.

In general, we heard that people entering the system most pressingly need information about the criminal process and what comes next, as well as civil legal information to deal with everything that has been disrupted in their lives; those serving sentences most need information on their rights and how to best exercise those rights; and, people who are preparing for release or have been released most need information on how to re-enter society. This includes civil legal information on topics such as workers' rights, tenants' rights, and applying for income support, as well as training for job readiness, literacy, and other life skills.

## **Legal information**

In our interviews, we asked informants about the need for civil legal information, information about the criminal process, and information about administrative prison law. We discuss what we heard below.

### **Civil legal information**

Informants identified a number of civil legal issues that people who are incarcerated need help with, many of which are quite specific and reflect people's need to take one or more steps to deal with their problems (which aren't always legal in nature, but have the potential to become legal problems if not dealt with). This includes making some kind of transaction, such as filing a document or paying bills, or putting something in place to safeguard belongings, take care of pets, and so on. On entering the system people may need legal information to help them deal with housing, work or family issues that arise from being arrested.

One informant noted that many people who are incarcerated deal with their civil legal matters while on remand and by the time they are in federal prison, most of these issues have been settled. The same informant stressed that having civil legal information available in federal prisons is important, even if people don't have an immediate need for the information, or aren't in a position to act on it.

As mentioned above, we also heard that legal education and information on civil law topics such as housing, employment and family law would be helpful for people who are incarcerated and preparing for release, or post release.

The chart below provides a high-level summary of the civil legal issues we heard about:

Civil legal issue	# of informants who discussed issue (out of 38)
Employment law, including what happens to job while in custody and getting a job with a record	5
Family law, including child support, custody and access, and child welfare	13
Housing and property, including contacting the Landlord and Tenant Board from jail, eviction, loss of belongings, how to pay rent or mortgage, how to have pets cared for	14
Income support including what happens to benefits when incarcerated, and rapid reinstatement on release	12
Other civil legal issues, including wills, estates and powers of attorney, debt issues, suing police, and participating in legal proceedings while in custody	1 to 3 people per issue

**What civil legal information exists for persons who are incarcerated or who have been recently released**

We found little civil legal information written specifically for people who are incarcerated in Ontario in our online scan. This is hardly surprising, given that prison populations are not connected to the internet and have no access to online information. We understand from our interviews that a good deal of information gets passed to people who are incarcerated through print handouts or in-person contact such as educational and counselling sessions, social work or chaplaincy visits, sessions with a lawyer, or family visits. This distribution network for information is difficult to track from outside the system. Comments from interviews suggest that even those working within the system don't always know what resources exist and who is doing what as there is no centralized coordination across the province for information, programming and supports for persons who are incarcerated.

### *BC publications on family law*

In family law, West Coast Prison Justice Society (WCPJS) has a publication on child support, which explains how people who are incarcerated can apply to change a support order. They also produce a booklet on divorce, which doesn't appear to be written specifically for people who are incarcerated. For example, it doesn't have information on how to participate in legal proceedings while in custody (or alternatives, if that is not possible), or how to arrange to sign or file documents. WCPJS publications are mostly in booklet format and are available in PDF on the organization website. We understand from our interviews that WCPJS does an annual bulk mailing of print booklets to correctional facilities in BC, with permission from Corrections BC.

### *Income assistance*

In the area of income assistance, we found that Together Against Poverty (TAPS), also in BC, has a publication, "Passing Go - Incarceration and Income Assistance", which explains what happens to income assistance after arrest and when a person is incarcerated for longer than two months. The article appears as text on their website and can also be downloaded in PDF format (as an article in a 6-page newsletter).

### *Employment*

We found three sources of information on employment and criminal records: CLEO's Steps to Justice has a section "Can an employer ask me if I have a police record" with related links to information about employment interviews and discrimination in employment; the Community Advocacy & Legal Centre (CALC) has a fact sheet "Criminal records and your employment", which is available in PDF on their website; and the Canadian Civil Liberties Association has a fact sheet on police records and employment, which is written at a fairly high reading level and is most likely intended for advocates.

Note: The focus of these resources is on criminal records as they apply to employment law. There are a number of websites and resources that deal with various aspects of criminal records – travelling, applying for a pardon – which we assigned to the criminal law category.

### *Suing the police*

Two interview informants mentioned that persons who are incarcerated often want to sue the police because of how they are treated during arrest. The Office of the Independent Police Review Director (Ontario) has a 6-page booklet "Making a complaint about the police – Guide and Complaint Form". The guide and forms are available in PDF on the organization website. The MCSCS Inmates Handbook also has a section that discusses making a complaint against the police.

### *Information pre and post release*

In terms of information that might help people re-enter society, we found information about ID clinics and some support groups. Again, we surmise that more local, customized referral information may exist and may be handed out by social workers and others who have direct

contact with people who are incarcerated or have been recently released. We are also aware that there are pre-release fairs where information in print is available, some of which may fall into the civil legal information category, for example, basic rights in employment or housing.

*Thoughts to move forward*

As mentioned in this general discussion of civil legal information, there appears to be a lack of civil legal information that is tailored to the specific concerns of people who are incarcerated, particularly those who are first entering the system. At this point, disruptions to work, family responsibilities, health care and other daily routines can lead to a number of civil legal problems. Information that addresses these needs could be useful. More research is needed to ascertain whether some form of such information is already being distributed in print, or is conveyed through other channels such as social workers or IDCs; how customized such information would have to be (for example, by institution); and how actionable and practical such information might be.

**Information about the criminal process**

When we mapped comments in this area, we created the general category “Criminal process” (when comments covered multiple aspects of the criminal process) but also included specific criminal process subtopics, such as bail, sureties, sentencing, etc. when informants focused on these areas. The chart below provides a high-level summary of topics relating to the criminal process that we heard about:

<b>Criminal process</b>	<b># of informants who discussed issue (out of 38)</b>
Bail and bail recognizance	6
Criminal process, including applying for LAO certificates, fast-track forms, general need to know what’s happening and what comes next	7
Sentencing, including what happens in court, disclosure, diversion (particularly mental health and Gladue)	8
Sureties	3
What to do when released from court, including next steps, referral numbers, access to local rather than general information, need for advice rather than information	2
How to work with your lawyer – talking to your lawyer about a	1



bail plan, what's a reasonable delay for your case to be heard in court? Why might your lawyer request an adjournment? etc.

### What legal information exists about the criminal process

As mentioned above, our scan of legal information was conducted primarily online and for the most part, did not capture information distributed through other channels. Nonetheless, we did find a good deal of information about what happens between arrest and sentencing on the websites of several organizations – thirteen in total. We also learned about and reviewed information on the criminal process that is produced by the Salvation Army and handed out in person in holding cells, jails and prisons.

#### *Information on various aspects of the criminal process*

Online resources on the criminal process include the criminal law section of Legal Aid Ontario's Law Facts website, which has clear information on a range of topics including adult sentencing, first appearances, bail, peace bonds, diversion, and other related topics. The Law Facts website does not have a "Print" button or information in PDF, which leads us to believe that the information was designed to be accessed primarily online.

Steps to Justice has a series of questions and answers, written in clear language, relating to arrest, bail, criminal court and peace bonds. The information is primarily designed for online access, but is formatted to print out as well. The criminal law section of Steps to Justice also includes links to other resources and referral information.

Legal Line also has online information about the criminal process including arrest, bail, going to court, disclosure, sentencing, and more. The information on the site is very brief and general. At the bottom of each page there are links to the Department of Justice and Ministry of the Attorney General home pages, to private lawyer websites, and to other services that charge, like Pro Pardons.

We also found information about "What happens in criminal court" on the Ministry of the Attorney General website, which includes high-level information about appearing in court as an accused person and as a victim, using interpreters, having a hearing in French, sureties, and other topics relating to what happens in criminal court.

The Ontario Court of Justice has a "Guide for Accused Persons in Criminal Trials" available in online text and PDF, with information about preparing for trial, charges and pleas; what to expect on the day; and an overview of the trial process. The resource is succinct though not written in plain language.

#### *Print information on the criminal process*

As mentioned above, the Salvation Army produces 2-page fact sheets about bail, sureties, what happens in court, mental health and drug diversion, peace bonds, and more, which are handed out in person. Some of the fact sheets are written using language that reflects the experiences of people in the criminal system – “Why does Court take so long?” – but could benefit from a plain language edit and cleaner design.

### *Checklists*

The Port Hope Police Service produces a guide/checklist for appearing in court, “You have been charged with a criminal offense in Ontario – Checklist: Prepare for your first appearance”. This is the only checklist that we found. It is available in PDF on the organization website.

### *Bundled information on preparing for prison*

Also of interest was an “Incarceration Preparation” service offered by a private company, Prison Consulting Services Canada, which draws on lived experience in developing services for its clients. Their prison “prep package” includes a number of things that informants told us would be useful (and is described in language similar to that used by some informants):

- “What to expect from the moment you are handcuffed and placed into custody: providing a clear visual of each step and detailed daily routines of applicable jail(s)/Prison’s [sic]
- Introduction & familiarization with all applicable institutional forms, including review of parole applications and a clear understanding of the parole process”

### *Immigration*

We heard from informants that there is a need for information for people being held in immigration detention. We did not find much information on this topic.

### *Thoughts to move forward*

Information about what happens between arrest and sentencing exists – in some cases, in duplicate and triplicate – yet we heard in our interviews that people who have been arrested and await trial need information about what’s happening to them and what comes next.

This perceived gap in information could relate to any number of things. The criminal process is complicated and people have a lot to learn and understand when they are first in custody. Stress, mental illness, withdrawal, and literacy and language barriers may prevent many from accessing information. Others may need the help of an intermediary to engage with and understand information about what happens at this early point in the criminal process.

It is also possible that information is not reaching people who are incarcerated because of the way it is formatted, written, or designed, or because the delivery channel is limited and there is little promotion or awareness. This is something to look into further.

## Information about administrative prison law

There is an intersection in the need for information about the criminal process and information about administrative prison law: people can spend months on remand and have a need to know about what's happening as they await trial, as well as information about their rights as while in prison. The chart below provides a high-level summary of topics relating to administrative prison law that we heard about:

<b>Administrative Prison Law</b>	<b># of informants who discussed issue (out of 38)</b>
Appeals (criminal)	3
Commissioner's Directives (federal) and provincial equivalent	5
Discharge planning	2
Getting legal help in prison (LAO certificate) or self-representing	4
Health, including medication issues, dietary issues, disability, gender-specific health issues, making complaints, etc.	7
Immigration, including deportation orders, losing immigration status, what happens to family members	6
Money, including how to access a bank account and how to get money sent to you by family or friends	2
Parole, including applying for and what happens at hearing	9
Rights of persons who are incarcerated, including complaints, grievances, human rights violations, security ratings, differential treatment for racialized groups	14
Telephone calls, including cost, access, monitoring	2
Visits	7

## What legal information exists about administrative prison law

*Information from CSC and MCSCS*

Correctional Service Canada (CSC) has its policies, procedures and rules posted online in one long set of links (Commissioner’s Directives) that make it hard to find information quickly. Directives about parole, grievances, visits and cell searches are mixed in with Directives about employee assistance programs, facility maintenance, and communication. We note that this is probably not an issue for people who are incarcerated, who don’t have online access to this information. The language used in the Directives is institutional in tone and not easy to understand. At this point, we do not know whether individual institutions print out and distribute select Directives.

The Ministry of Community Safety and Correctional Services (MCSCS) produces the “Inmate Information Guide for Adult Institutions” for people serving less than two years in a provincial jail, or who are on remand. The Inmate Guide is posted on the Ministry website on a single page which features a table of contents in alphabetical order. There’s also a printable version of the web page (39 pages).

Both the Commissioner’s Directives and the MCSCS Inmate Guide set out policies that persons who are incarcerated must follow on making complaints, applying for parole, food and dietary allowances, clothing, canteen, visits, and many other aspects of prison life. We heard conflicting views on how helpful they are. One informant felt that the policies articulated by CSC and MCSCS are not written in language that speaks to people who are incarcerated, and do not necessarily include all the information that they need to know. Another informant found the MCSCS Inmate Guide helpful and hands out photocopies of select pages when making rounds in prison.

#### *Rights of persons who are incarcerated*

We found a variety of information on the rights of persons who are incarcerated and human rights. The Canadian Association of Elizabeth Fry Societies produces “Human Rights in Action: Handbook for Women Serving Federal Sentences”, which explains how the law applies to women in prison in different provinces and helps in the training of peer advocates. We found manuals for New Brunswick and BC. The 121-page handbook (available in PDF) goes into the history of Human Rights in Action and federal and provincial law and then gets into the nuts and bolts of arriving in prison, the rights of persons who are incarcerated and suggested remedies and actions for advocates and women who are incarcerated.

The West Coast Prison Justice Society has information on the legal rights of persons who are incarcerated, human rights, health care rights, the legal rights of Aboriginal persons who are incarcerated, and other rights of people in custody in BC, including visiting rights. Queens Prison Law has recently adapted some of this information for Ontario, including booklets on conditional release, correcting a CSC file and the right to property in federal prison.

#### *Parole*

A number of informants spoke about the need for information about understanding how parole works and how to apply. We did find three Ontario resources on this topic, all produced in 2018.

Canadian Families and Corrections Network produced “Parole, the next steps of the journey: Information for family, friends, support workers and those in prison” (with assistance from the Law Foundation of Ontario), a detailed, 32-page document with a glossary of terms, explanations of different types and conditions of parole, and how to apply.

Queens Prison Law, in partnership with PASAN and Pro Bono Students Canada (PBSC), has produced “Parole Resource” a booklet that talks about the parole hearing, how to behave, what happens, and who is at the hearing. Queens Prison Law has also produced a 20-page booklet on parole in partnership with PBSC and the John Howard Society, “Parole Timelines”.

### *Visiting*

Visiting was another area that was identified by a number of informants as being important. Lockdowns, isolation, involuntary transfers, and ineligibility of visitors are challenges for many people who are incarcerated and their families. We found more information online written for families and friends visiting prisons than for people inside.

The John Howard Society has a 42-page booklet, “Visiting a loved one inside? A handbook for people visiting a prisoner at an adult correctional facility in Ontario”, available in PDF. The handbook has information on the logistics and rules of visiting and includes a directory of prisons with addresses and phone numbers, how to get there (including by transit, if possible), visiting hours, security, and more.

Canadian Families and Corrections Network produced “Time together: A survival guide for families and friends visiting in Canadian federal prison”, a 65-page guide available in PDF, which includes photographs of visitor security and visiting rooms as well as logistical information and information about self-care.

West Coast Prison Justice Society produces an 8-page booklet “Visits: Your legal rights” for persons who are incarcerated in federal prisons in BC. The booklet has been adapted for Ontario by Queens Prison Law.

### *Information for family and friends*

There is a variety of information on the logistics or practicalities of being in prison, much of it written for families or friends of people who are incarcerated. We found examples of this kind of information – tips and how-tos and things to know – on websites from local support groups, private lawyer websites and advocate sites. For example, Mothers Offering Mutual Support (Ottawa Carleton Detention Centre) has information on their website that covers phone calls, canteen accounts, newspapers, what can be mailed to a person who is incarcerated, and more. InHalton.com, an online news and lifestyle magazine, has a 2018 article, “Things to know if you’re visiting someone at the Milton Jail”, which appears to be written by someone who has experience visiting in prison and who offers 14 tips including:

**“5. You can’t bring food for inmates.**

It sounds silly but really ... no homemade casseroles, lasagna, or chappati and chana masala for your boyfriend, son, dad, or husband. It’s OK if you like to pamper him ... Just don’t try to be domestic or act like wifey material at a jail.”

*Thoughts to move forward*

We heard that people who are incarcerated struggle to understand their rights and the steps they can take to exercise those rights. We found legal information on some topics for which interviewees identified a need. A next step might be to look at the reading level, formatting and delivery channels of existing information to see how accessible it is to people who are incarcerated, and how it is reaching them – or not.

We heard that people in prison who are racialized, Trans, and who experience mental health issues all have unique needs and challenges that are often not addressed by information provided by Corrections or others. The scope of this project didn’t allow us to explore the specific legal information needs of each group.

**3. Opportunities for connecting with legal information**

**Persons who are incarcerated and who have been recently released as audience**

The criminal process and administrative prison law are complex and often involve institutional and legal language; lengthy, multi-step procedures; and numerous variables and conditions that affect how rights can be exercised. Distilling such information into something that’s easy to understand requires knowing how to step information; where to break it up; what information can be handed out in discrete pieces; and what needs to be bundled.

The importance of producing information that is easy to understand and absorb can’t be understated. People who are incarcerated experience stress, depression and other mental health issues; they face uncertain and volatile conditions during incarceration (and often upon release); and they often struggle with literacy and language barriers. It’s a given that information for this population should be produced in plain language and clean design. In our scan, we found a lot of information that was well written – that was complete and accurate – but not a lot of information that was written in plain language and even less that effectively used clean design.

Trust was also identified as an issue, particularly amongst Indigenous populations – we heard that writing in a language and visual style that speaks to them is essential. An interesting aspect of trust is the voice or language used in a resource. In our scan of legal information, we found a handful of materials intended for people who are incarcerated that use the language of lived experience. Writing effectively for this audience may require understanding what is perceived

by people who are incarcerated as reliable (legally accurate) and what is perceived as trustworthy (written in their best interest) and then using language and tone to reflect that understanding.

Regardless of how well designed and clearly written legal information is, the question remains whether people who are incarcerated and have been recently released have the skills and personal resources to be able to act on legal information, or if they need in-person support to explain what it means, and help them navigate legal and social service systems and take steps to solve their problems.

Perhaps one of the most challenging aspects of providing legal information to people on remand or who are serving sentences is that access to information and other services is highly regulated and restricted. We discuss this in greater detail in the section on delivery channels below.

## **Formats**

Most informants identified print as one of the best, if not the best, format for reaching people with legal information. This applies to people who are in detention as well as those who have been recently released. There is no access to the internet in federal and provincial prisons in Ontario, and people who've been released often don't own computers and may only have occasional access to the internet through public libraries or community centres. There can be many challenges to accessing information from a public computer, including privacy issues, time limitations, and the expense of printing out information.

Drilling down into exactly which print format – booklets, fact sheets, cards, infographics – might be most accessible, and what style or approach to content might be most appropriate (keeping in mind that format depends on context), we heard the following tips and ideas from informants:

- Create very simple one-page fact sheets or infographics; short format, very focused information
- Write clear, step-by-step information, especially about the criminal process and timelines – i.e., “I’m here; what happens next”
- Use images and graphics and brightly coloured paper
- Use large print – some people might not have access to their prescription eyeglasses; also, large print can be easier to read for people with lower literacy levels
- Booklets with more detailed information can be useful at times; create booklets without staples or paper clips
- Write short columns for prison newsletters
- Create small, folded referral cards that can be carried around easily in a pocket

The list reinforces what we already know: keep it short and simple; use step-by-step information; use visuals. These tips are helpful, but designing for an audience that experiences multiple barriers to accessing and understanding information goes beyond these basics and extends into specific aspects of design and language.

One such aspect, for example, is the treatment of visuals, which can be customized to make information easier to understand and more accessible. This can be accomplished in a variety of ways and for different purposes: the most basic being to help guide a reader through written content. It can also help a reader understand stages or steps in a process and how things are related to each other, particularly when there is a conditional relationship. In other words, it's not enough to throw in some clip art for interest or to break up text. Visuals can really make a difference to people with low literacy levels – they can give the reader more than one way to understand content, and reinforce information.

### **Delivery channels**

We heard about a number of delivery channels for legal education and information, which can be both independent and interconnected, and which offer people who are incarcerated varying degrees of access to information. They include:

- family and friends
- social and health workers
- chaplains
- institutional duty counsel and other legal supports
- health and poverty advocates
- volunteers
- Corrections staff

We also heard that information is distributed – with varying degrees of success – through in-prison programs, prison libraries, mass mailings (BC), training, workshops and other education sessions, and programs run by volunteers, such as book clubs.

Both the CSC and MCSCS provide information to people who are incarcerated – though we have been told that this varies by institution. Information that is posted in prisons – rules or instructions – or that is handed to people on entry into an institution by prison staff may not be trusted in the same way as information received from family, friends, or a trusted intermediary. There are a number of organizations in Ontario that have staff who work inside prisons and might be able to help distribute information, or facilitate the delivery of legal information or training programs. This includes the John Howard Society, the Salvation Army, literacy instructors, institutional and criminal duty counsel, health organizations, and others.

Other possible ideas for reaching people who are incarcerated with legal information include:



- Seeking permission to do a bulk mailing of legal information to institutions in Ontario
- Connecting with and providing select prison libraries with digital and print legal information – along with a plan to monitor and update regularly
- A series of short columns in Cell Count newsletter (distributed by PASAN to approximately 3000 people who are incarcerated) or other periodicals that people in jail or prison can and do access
- Attending pre-release fairs held regularly in Kingston (and possibly other locations) to provide information to people who are preparing for release.

Informants stressed that there are limitations to all delivery channels, and that circumstances can change and close off a delivery channel temporarily or permanently. We heard about a number of things that can make access challenging, including:

- The flow of information to people who are incarcerated from the outside is strictly controlled; permissions must be obtained before most written information can be distributed.
- Print material cannot have staples or paper clips; with lengthy documents, this presents a challenge - unstapled piles of paper are difficult to keep track of, store, and read.
- While some facilities have libraries or print collections, others do not.
- While some facilities have bulletin boards where information could potentially be posted, others do not.
- People who are incarcerated have no access to the internet.

As mentioned above, despite the existence of the Commissioner’s Directives and the MCSCS Inmate Guide, we heard that institutions spend their budgets differently and this is reflected in how they implement their policies and programs. Some institutions fund programming, library services, pre-release planning and other services; others do not. This makes it likely that each institution will have to be independently assessed for potential delivery channels and opportunities, as well as barriers.

We heard that it is best to approach individual institutions first and, if they give the green light, approach the Ministry for permission. Permission is a crucial aspect of feasibility; it will determine where we conduct a pilot; the scope or form of the project; and what the timeline might be. The prison advocacy community is a great resource and will be key in helping to guide us.

In terms of reaching people who have been recently released with legal education and information, there is more work to be done to map organizations, support groups, training programs and other places where they go for support in transitioning back into society. Getting legal information into these places, and seeing what kind of opportunities exist for legal education, such as life skill training, will be a next step.

#### 4. What exists in training programs and materials for people who are incarcerated and have been recently released

Our scan of existing training programs for people who are incarcerated and who have been recently released did not reveal an abundance of programs. Again, we note that our scan was conducted primarily online and did not capture training programs that didn't appear on organization websites. Both CSC and MCSCS indicate on their websites that a wide and holistic variety of programs and services are available to persons who are incarcerated. According to some of the people we interviewed in the course of this research, the breadth of programming offered varies greatly from institution to institution.

We also heard that in many prisons where literacy programs are available, there is no dedicated classroom or meeting space. This leads to what has been called "squat teaching" - instructors and trainees must pass paper back and forth through a slot in the cell's solid door and cannot even properly see one another.

Informants noted that the shorter length of sentences in jails combined with the "revolving door" status of many people on remand and awaiting sentencing means that even where available, literacy programs might not be offered for enough time and with enough continuity to be of help to people seeking to improve literacy.

In federal custody, people who are incarcerated are more likely to be able to access ongoing literacy training and other programming. However, we heard from informants that lockdowns can create significant interruptions and hinder learning and progress.

We found several literacy and job readiness skills training programs run by various Ontario organizations for people who are incarcerated and who have been recently released in both provincial and federal custody. Some organizations that run such programs both inside institutions and post-release are:

- The John Howard Society (JHS) (in particular, Ottawa, Waterloo, and Hamilton) have fairly robust literacy programs both inside and out, and Kingston has an extensive post-release training facility in addition to conducting trainings in the six Kingston-area federal institutions. The JHS South Etobicoke Reintegration Centre runs programs for people post-release, as does the JHS Ste Anne's post-release residence in Ottawa.
- The Salvation Army provides community-based literacy training to people who were formerly incarcerated.
- St Leonard's apparently runs programming for people who were formerly incarcerated.
- Alpha Plus runs literacy training programs in some provincial institutions on behalf of the Ministry of Correctional Services and Community Safety (MCSCS).

We were able to locate a few curricula online, mostly from non-Canadian jurisdictions. We are aware that the John Howard Society and others have developed training materials for their courses.

We heard from informants that there is a need for life skills training, whether it is connected to existing literacy or job readiness training, or held on its own. CLEO has experience developing legal life skills curricula for existing job readiness training programs. This is an area to explore further for opportunities to add legal education and information to existing training programs for persons who are incarcerated and who have been recently released.

## **5. Dilemmas facing Indigenous people who are incarcerated and have been recently released**

We interviewed staff from a number of legal and community organizations that advocate for or work with Indigenous people across the province who are incarcerated or who have been recently released. The needs of this community are complex and critical: the basic necessities of life – shelter, income and work – are threatened by even the briefest contact with the criminal justice system; treatment for addictions and mental health problems is scant, or inappropriate, and lives can be ruined by cycles of recidivism.

Indigenous overrepresentation in the prison system, prevalent across Ontario, is especially stark in Northern Ontario. For example, approximately 90 percent of people in the Kenora jail identify as First Nations people. We heard from informants that northern Ontario, in particular, experiences a lack of resources and shortage of funding that is desperately needed to help Indigenous persons who have been recently released find housing and work, and get counselling for trauma, addictions and mental health issues.

From the many comments and concerns expressed in interviews, we pulled together a few recurring themes:

- Indigenous people who are incarcerated often don't know what's going on. When they first enter the system and are on remand, people have no idea of what's coming up, why things are happening, why things take so long, etc. According to interviewees, people don't know what's going on because:
  - the process wasn't explained to them in a way that they can understand
  - some of the legal concepts and terms that they encounter are foreign to them and there is no translation into Indigenous languages
  - people get different information from different sources
  - people don't trust lawyers and others who they're speaking with
  - people are often under stress, unwell, in withdrawal, etc.

- People don't identify as Indigenous. They don't know why it's important, and why it could make a difference to the kind of sentence they serve and the outcome they get. Some people tell their lawyers they're indigenous when it's too late; sometimes status comes up in passing; and some people don't identify as having status because they don't understand the definition of status.
- People aren't prepared for the transition when they get out of jail. They don't know where to go and often don't have housing, work, or a source of income. They can't get social assistance without an address and often don't have identification. Many can't go back to the reserve and have no family or supports. We heard that Corrections sends some people to addictions programs when they actually need counselling; their trauma continues to go acknowledged and as they try to rebuild their lives, they are often subjected to undignified treatment (for example, when trying to get their kids back).
- People are at higher risk of illiteracy or low literacy in English and French, especially in the North. Many people who end up in Northern Ontario jails grew up on reserve, and may not be able to communicate in or read either of the official languages. This makes it far more difficult for them to get information about their legal problems.

There also appears to be a lack of reliance on and application of Gladue reports and sentencing principles, despite the fact that courts are obligated to apply Gladue principles when determining bail or sentencing of Indigenous peoples. Although the Gladue system has existed for over 20 years, many advocates and legal workers feel that the system is far from a success.

Among the challenges we heard about, three stand out:

1. People might not know that, if they identify as Indigenous, they might be able to ask for a non-jail sentence or a shorter jail sentence. Even if people are aware of Gladue, they may not know that they can make Gladue submissions even if they are non-status Indians. Some people don't understand that, in order to go through diversion, they must plead guilty.
2. People are sometimes talked out of asking for Gladue diversion by lawyers who may tell them that their sentences will be shorter and they'll get out faster if they don't choose the diversion.
3. The quality of Gladue reports is inconsistent. Although certification programs are available, there is no requirement that someone must be certified – or even receive any training – in order to write Gladue reports.

### **Existing Indigenous-specific legal information and opportunities**

We found eight organizations that produce legal information for Indigenous persons who are incarcerated. Of those, two organizations are in BC, and two produce information only for lawyers or intermediaries. The remaining four all produced information on Gladue. CLEO's "Are you Aboriginal?" is the clearest language and most comprehensive resource on this topic.

When asked what legal information Indigenous people who are incarcerated need, a few interviewees stressed the need for clear, simple, step-by-step information about what happens from arrest to detention to bail hearings to sentencing.

Information on parole hearings and conditional release written for the Indigenous person who is incarcerated could also be helpful. We note that the West Coast Prison Justice Society has produced a booklet on this – however, given low literacy rates in the target population, a clearer language adaptation of this resource would be recommended.

Format is also very important here. Interviewees stressed that short pieces, written at a very readable literacy level, and with colour and graphics or illustrations, would have a better chance of being understood. They mentioned infographics, 1-page fact sheets, posters, and stepped information (almost like a map or guided pathway showing where the person in custody is and what happens next) could be helpful. Any work we do in this area will need to be led or guided by Indigenous informants and stakeholders.

### **Indigenous life skills training and follow up**

Our scan did not reveal any life skills training specific to the Indigenous context. We did learn that there is no literacy training available at the Kenora jail. At the time of writing this report, we are trying to connect with the Ontario Native Literacy Coalition and literacy instructors who work primarily or solely with Indigenous people.

## **6. Next steps**

Early discussions among the CLEO research team produced a list of ideas to explore for Phase II of our project, which will be conducted in late 2018 and early 2019, and will lead to the development of one or more pilot projects.

The broad goal or intended outcome of conducting these pilot projects is to improve access to legal education and information by adult persons who are incarcerated and who have been recently released in Ontario.

Pilot projects that get the green light will be conducted in a fairly focused way – possibly within a single institution – with a view to upscaling and expanding across institutions or regions (pending collection of feedback and evaluation). CLEO may also propose to play a stewardship

or supportive role for further work on ideas or pilots where a partner organization is better positioned to carry out the project.

Below are possible areas for further exploration or development:

1. We heard that people need clear information on the criminal process – what happens after I get arrested, what comes next, what’s taking so long (a roadmap or visual steps – i.e., “you are here”). Information about the criminal process exists, but not in the format described above.

*Next step:* Look into what exists and what might be adapted; explore options for designing, producing and distributing such information.

2. Same as above but for Indigenous persons who are incarcerated and produced by either working with an Indigenous organization, or facilitating/ supporting an Indigenous organization to create the information. We heard this was needed and would be helpful to Indigenous persons on remand.

*Next step:* Same as above, in consultation with Indigenous partner(s).

3. We heard that people need information that addresses questions and concerns that can arise when people are considering Gladue diversion. More critically, we heard that there is a need for better education, outreach, and application of Gladue principles.

*Next step:* We have not identified follow-up activity for this step. The work involved in evaluating the current system and looking into the need for training of Gladue writers, lawyers and others, and for community outreach and education is beyond the scope of this project.

4. We heard that between arrest and sentencing, people need civil legal information to help them put things in place to deal with disruptions to work, family life, housing, income support, etc.

*Next step:* Look into what exists and what specific civil legal information might be most critically needed by people at this time. How customized does information have to be - (by institution, by municipality, etc.)?

5. We heard that people who are incarcerated need and want access to legal education and information, regardless of whether they can act on it or not.

*Next step:* Look into 1) getting a suite of civil and criminal legal information into select prison libraries (and, if successful, build on this with other prison libraries); 2) contacting CSC and MCSCS with a view to doing a bulk sample mailing of legal information to

prisons; 3) adapting existing legal information to include in prison newsletters; 4) attending pre-release fairs and 5) exploring other possible channels for distributing legal information to people who are incarcerated or have been recently released

6. We heard that people who are incarcerated need information about how to exercise their legal rights in a number of areas including, making grievances and complaints, visiting rights, and having dietary and medical needs met. A number of informants mentioned that people want information on parole – how to apply, what to expect at a hearing, how to conduct themselves.

*Next step:* Start by looking at existing materials on parole to see how they are written, designed and organized, with an eye to working collaboratively on making these more accessible to persons who are incarcerated and the intermediaries who might assist them.

Depending on what we learn, adapt legal rights information on other topics.

7. We heard that there is a lack of information on immigration detention and that people detained are often isolated by language barriers and don't understand the process or how to get help.

*Next step:* We have no move-forward activities for this item. We found little legal information on this topic in our scan. The work involved in developing and producing original legal information (versus adapting existing information) takes more time and resources than the time frame for the pilot phase allows.

8. We heard that life skills training would be helpful for people who are incarcerated as they prepare for release, as well as for people who have been recently released.

Look into existing life skills training to see where legal education (in the form of life skills activity kits or discrete modules) might be incorporated; if needed, work with trainers to develop curricula or modules.

9. We heard that people leaving prison need a range of education, information and support to help them re-enter society.

*Next step:* Look at possibilities for producing a tri-fold, pocket-size referral card with local legal and social services information,

and

*Next step:* Look into and map distribution channels for legal information for people who have recently been released (places where they go for support in transitioning) and where legal information can be made available



## Appendix A

<b>Scan of public legal education and information for people who are incarcerated or have been recently released July 2018</b> (excluding information for victims and youth)				
Organization	Title or topic	Year	Format	Other comments
Aboriginal Legal Services of Toronto	Gladue Court	2010	Web pages - variety of formats	Not written in clear language – seems to be for intermediaries
Advocates Society, Indigenous Bar Association, Law Society of Ontario	A Guide for Lawyers Working with Indigenous Peoples	2018	PDF (116 pages)	Truth and Reconciliation, cultural competence, resources and referrals
Canadian Association of Elizabeth Fry Societies	Human Rights in Action: Handbook for Women Serving Federal Sentences	2014	PDF (121 pages)	An in-depth and well written handbook – mostly in Q and A style; not sure about reading level
Canadian Civil Liberties Association	<ul style="list-style-type: none"> <li>- Police record checks in employment &amp; volunteering</li> <li>- Non-conviction records</li> <li>- What is a criminal record?</li> </ul>	2014	PDF (11 pages)  PDF (5 pages) PDF (3 pages)	Written at a higher reading level – no real clear design; mostly Q and A style
Canadian Families and Corrections Network	Parole – The next steps of the journey: Information for family, friends, support workers and those in prison	2018	PDF (32 pages)	A 32-page, in-depth booklet on parole looks to be 8.5 x 11)
Canadian HIV/ AIDS Legal Network	<ul style="list-style-type: none"> <li>- Know your rights: A guide for Child and Family Service Providers Serving People with HIV</li> <li>- HIV disclosure to sexual partners: Questions and Answers for newcomers</li> <li>- Criminal law &amp; HIV non-disclosure</li> <li>- Women and HIV</li> </ul>	2017  2015  2014  2012	PDF (14 pages)  PDF (4 pages)  PDF (18 pages)  PDF (6 pages)	Available in 5 languages  Higher reading level – seem to be aimed at advocates or workers
Canadian Superior Courts Judges Association	Justice System	2006	Web	Not great – not sure it would be helpful either
Chinese & Southeast Asian Legal Clinic	Police Powers – Know your rights	2016	PDF (13 pages)	English, Chinese Vietnamese

Organization	Title or topic	Year	Format	Other comments
Community Advocacy and Legal Clinic (CALC)	Criminal records and your employment	2016	PDF (2 pages)	Fact sheet – not written in clear language
Community and Legal Aid Services Program (CLASP)	A guide to the criminal court process in Toronto for adults charged with summary offences	2005	PDF (2 pages)	Three-fold brochure – not written in clear language and doesn't use clean design
Community Legal Education Ontario (CLEO)	<ul style="list-style-type: none"> <li>– Gladue</li> <li>– Domestic Violence</li> <li>– Police Powers</li> <li>– Youth Justice</li> </ul>	2009 2017 2017 2015	Web/PDF Web/PDF Web/PDF Web	
CLEO - S2J	<ul style="list-style-type: none"> <li>– Police powers – pre-arrest/charges</li> <li>– Rights of an arrested person</li> <li>– Bail/ release conditions</li> <li>– Going to criminal court (pre-trial procedure)</li> <li>– Guilty pleas and sentencing</li> <li>– Representing yourself at trial</li> <li>– Offenders</li> <li>– Specific offences</li> <li>– Peace bonds/ s. 810</li> <li>– Immigration – intersections with criminal</li> <li>– Domestic violence – intersections with criminal</li> <li>– Mental health</li> <li>– Getting legal help</li> </ul> <p>Note: Each area above has many subtopics or questions</p>	2017	Web Q and A format	Written in clear language and clean design.  Court information seems practical.  Links to more help; online chat.
Community Legal Information Association of P.E.I.	The age of consent: Sex, young people, and the law	2009	PDF (2 pages)	Three-fold brochure. Clean design. Referral info is for P.E.I. – otherwise could be adaptable, if still current
Correctional Service Canada (CSC)	Death of a Person in the Care and Custody of Correctional Service of Canada: A guide for Family and Friends	2017	PDF (16 pages) and web page	Detailed and fairly clear information

Organization	Title or topic	Year	Format	Other comments
CSC (cont.)	Keeping Drugs Out: A Visitor's Guide	2014	Web page and poster	
	Path Home: Release Planning Kit; Section 84 of the Corrections and Conditional Release Act	2014	PDF (20 pages) and webpage	Detailed information and sample letters; unclear who this is written for; definitely not for people with lower literacy levels
	Quick Facts – section of site	2017	PDF (1 page) and webpages	Fact sheets on a range of topics from dog detection programs to programs for indigenous prisoners – very general and not particularly helpful (debated including it here)
	Hire an offender – Enhance your workforce	No date	PDF (2 pages)	Three fold colour brochure for employers/ businesses
DOJ	How to apply for criminal conviction review	2016	Web	Basic instructions and link to simple form
	Impaired driving laws	2018	Web	Fairly high reading level; not clear language/design
DLS	Faster Removal of Foreign Criminals Act	2013	Webinar (42 mins)	Legislation still in effect
Elgin-Oxford L.C.	Pardons kit: Record Suspensions in Canada	2014	PDF (19 pages)	Comprehensive Q and A with contact info and forms ; appropriate for intermediary or person with higher literacy level
Government of Ontario (Service Ontario)	New changes to policing: Fact sheet on when and how a police check (also known as carding) can be done	2017	PDF (1 page)	Not print friendly – 8.5 x 11 black background with white and orange type
HALCO	HIV disclosure: A legal guide for gay men in Canada	2013	PDF (44 pages)	Comprehensive, well-written, some pages are text dense

Organization	Title or topic	Year	Format	Other comments
Human Services and Justice Coordinating Committee	Strategies for Community Service Providers for Engaging in Communication with Correctional Facilities in Ontario	2013	Webinar (54 mins)	
Immigration Legal Committee	Migrants, Know Your Rights: A guide to immigration arrest, detention and deportation	2012 (no date on doc)	PDF (8 pages)	8.5 x 11 – different fonts, complicated layout; not sure about readability; Toronto-based references; check list
Innocence Canada	Causes of Wrongful Conviction	No date	Web	List of causes; higher reading level
	The legal path to exoneration	No date	Web	Higher reading level
John Howard Society	On the Record: An information Guide for People Impacted by Non-Conviction Police Records in Ontario	2014	PDF (40 pages)	Comprehensive guide; fairly clean design; higher reading level
	Visiting a love one inside: A handbook for people visiting a prisoner at an adult correctional facility in Ontario	2014	PDF (43 pages)	Practical guide; not clear design (crowded, font, icon design, etc)
	Police Record Hub	N/A	Website	Collection of resources and links relating to records (and not relating to records) – not well curated
	Fact sheets – numerous – topics such as restorative justice, solitary confinement, FASD and the criminal justice system	2017 and earlier	PDF (length varies)	These template-based fact sheets are written for advocates and intermediaries. Archived fact sheets go as far back as 1993; template is filled with too much content
Law Union of Ontario	Post G-20 Action	2011	PDF (114 pp)	Clean design – checklists, lots of headings and sub headings, white space – higher reading level

Organization	Title or topic	Year	Format	Other comments
LAO	Law Facts: <ul style="list-style-type: none"> <li>- Adult Sentencing,</li> <li>- Are you Aboriginal?</li> <li>- Bail</li> <li>- Being a Surety</li> <li>- Court Orders and Sentencing</li> <li>- Diversion</li> <li>- Duty Counsel</li> <li>- Guilty Pleas</li> <li>- Peace Bonds</li> <li>- Types of Sentences</li> </ul>	No date	Web pages	Clean design; clear language but reading level varies across sections
	What to do before your criminal court first appearance	No date	PDF (1 page) and web	Webpage is easy to read – PDF not as good (also, doesn't have LAO logo)
	Why is it important to tell your lawyer you are Aboriginal?	No date	PDF (3-fold pamphlet)	Not very informative; not written in clear language
	Helping Clients Deal with Criminal Arrest	2014	Webinar (60 mins)	
Legal Line	<ul style="list-style-type: none"> <li>- General info (from arrest to trial, etc.)</li> <li>- Police stops and searches</li> <li>- Being charged and arrested</li> <li>- Bail</li> <li>- Defending a charge</li> <li>- Early release and parole</li> <li>- Assault, domestic assault, sexual assault</li> <li>- Drug offences</li> <li>- Driving offences</li> <li>- Theft and fraud</li> <li>- Police complaints</li> </ul>			
Legal Services Society BC	Categories: <ul style="list-style-type: none"> <li>- Aboriginal peoples (Gladue, child protection, First Nations Court, etc.)</li> <li>- Child protection</li> <li>- Crimes and offenses</li> <li>- Legal help and lawyers</li> <li>- Legal system and courts</li> </ul>	Various dates	PDFs	Good quality PLEI in booklet, fact sheet and poster form – many subtopics in each category

Organization	Title or topic	Year	Format	Other comments
Luke's Place	Information on domestic violence charges; topics like "What are the differences between criminal and family court for abused women?"	2014	Webpages	Q and A format with one question per page; written for service providers
METRAC	Law and Consent	No date	Infographic (PDF)	
	Considering Young Aboriginal Women, Family and Legal Issues	2013	Webinar (1 hr 15 mins)	
	The Crisis of Aboriginal Women Entangled in Criminal Law	2012	Webinar (1 hr 12 mins)	
MOMs (Mothers Offering Mutual Support)	Ottawa Carelton Detention Centre: Visits, canteen accounts, what you can mail, newspapers, phone calls	No date	Web	Practical, day-to-day language
Nishnawbe-Aski Legal Services Corp	What is Gladue Court?	2006	PDF (2 pages)	Not written in clear language
	Bail	2007	PDF (3 pages)	Not written in clear language
Office of the Independent Police Review Director	Making a complaint about the police - Guide and Complaint Form	No date	PDF (6 pages)	Clear design; higher reading level
	Police Complaints Process Chart	No date	PDF (1 page)	Hard to read
Ontario Court of Justice	Guide for Accused Persons in Criminal Trials	2012	Web and PDF (6 pages)	8.5 x 11" format; basic information
	Guide for Defendants in Provincial Offences Cases	2014	Web	

Organization	Title or topic	Year	Format	Other comments
Ontario Ministry of Community Safety and Correctional Services	Inmate Information Guide for Adult Institutions	2018	Web	Dense, not written in clear language; request form link doesn't open request form
	Information on sentences, inmate classification, visiting , inmate use of telephones, and other Ministry policies	2016 to 2018	Various web pages	Not written in clear language
Ontario Ministry of the Attorney General	Justice in both languages	2015	Web	Not written in clear language
	What sureties need to know	2016	Web	Information is chunked with sub-headings; clean design
	Criminal law section with information about appearing in court, if you are the accused, if you are the victim, if you are a witness, subpoenas, appeals, sureties (see above), etc	2017	Web	Links to various sections at top of page and then lots of scrolling.
	Cannabis legalization	2018	Web	Clear language; practical
Ontario Ministry of Transportation	Impaired driving	2018	Web	
	Reinstate a suspended driver's licence	2018	Web	
Ontario Women's Justice Network	What is mandatory charging in Ontario?	2016	Web	Mix of information and discussion; written at a higher reading level
	Sex work and the law in Canada: After Bedford	2016	Web	Written at a higher reading level
Parkdale Community Legal Services	Two Strikes, You're Out! (information about permanent residents and foreign nationals who become inadmissible because of criminality)	2007	PowerPoint	

Organization	Title or topic	Year	Format	Other comments
Parole Board of Canada	Record Suspensions – landing page with links to subtopic areas including guide and forms	2017	Website	Clean design; concise; contact info; tips
Partners for Access and Identification	ID clinics	2018	PDF with dates, addresses and other info about clinics	ID clinics change and monthly schedule is posted in Toronto; other cities also have id clinics – might be good to do a little referral card
Port Hope Police Service	Prepare for your first court appearance (checklist)	No date	PDF (2 pages)	Checklist format is good, but info seems somewhat dated
Queens Prison Law	Federal Court Toolkit Superior Court Toolkit Property Conditional release File Corrections Visits Grievances Parole timelines Parole resource	Unknown	Print	Haven't seen these documents
RCMP	Alcohol and Drug Impaired Driving – Tests, Criminal Charges, Penalties, Suspensions, and Prohibition	2014	Web	



Organization	Title or topic	Year	Format	Other comments
Salvation Army	<ul style="list-style-type: none"> <li>- What is Bail? What is a "Surety"?</li> <li>- What to expect in the Courtroom</li> <li>- Why does it take so long?</li> <li>- Court support agencies</li> <li>- Drug and alcohol treatment</li> <li>- Drug and alcohol types of services</li> <li>- After Court #1: Detention Centre Information – visiting and travel information; picking up property</li> <li>- After Court #2: Photo and fingerprint</li> <li>- After Court #3: Pardon (now known as "Record suspension")</li> <li>- After Court #4: Probation</li> <li>- Find legal help</li> <li>- Guilty Plea</li> <li>- Peace Bond – Section 810</li> <li>- Discharge</li> <li>- Mental health information: Counselling in your own language</li> <li>- Mental health information: Psychiatric services</li> </ul>	Various dates from 2012 to 2016; most are dated 2013	PDF (2 pages)	Printed on brightly coloured paper – different titles get their own colour; practical information but not always easy to understand (assumptions made or not enough detail provided) – not written in clear language, no clean design
Settlement.org	Will a criminal record affect my immigration status?	2018	Web	Clear language and design
	How does the government of Canada enforce Canadian immigration laws?	2016	Web	Very high level information about enforcement – a sentence or two on detention
	What do I do if the police arrest me	2015	Web	Clear language and design
Superior Court of Justice	Self-Represented Accused Persons Before the Pre-Trial Conference: Recommended Instructions	2014	Web	Site has links to fillable forms and to LAO; not written in clear language

Organization	Title or topic	Year	Format	Other comments
West Coast Prison Justice Society	<p>Titles for indigenous prisoners:</p> <ul style="list-style-type: none"> <li>- Aboriginal prisoners' legal rights</li> <li>- Aboriginal prisoners' legal rights in BC provincial prisons</li> <li>- Aboriginal prisoners' Spiritual accommodation</li> <li>- Conditional release for Aboriginal prisoners</li> </ul>	2014	PDF (various lengths)	Written at higher reading level, not always clear language
	<p>Civil law titles:</p> <ul style="list-style-type: none"> <li>- Child support</li> <li>- Divorce</li> </ul>	2015 2015	PDF (11 pages) PDF (20 pages)	Child Support is written for prisoners who need to change a BC support order; Divorce appears to have been written for a general audience
	Visits – Your Legal Rights	2015	PDF (8 pages)	General info for federal prisoners – not as detailed as the John Howard pub on visiting
	Conditional Release	2015	PDF (36 pages)	General info for federal prisoners – clear language and design, though reading level is a little higher than basic

West Coast Prison Justice Society (cont.)	<ul style="list-style-type: none"> <li>- Bill C479: Prisoners convicted of violent offences</li> <li>- Correcting your CSC file</li> <li>- Federal disciplinary process</li> <li>- Health care rights in BC provincial prisons</li> <li>- Hep C: Treatment for prisoners</li> <li>- Human rights in BC provincial prisons</li> <li>- Human rights in federal prison</li> <li>- Methadone treatment in federal prisons</li> <li>- Prisoners' legal rights in BC provincial prisons</li> <li>- Section 810</li> <li>- Transgender rights in federal prison</li> <li>- Your right to property in a federal prison</li> <li>- Writing an effective grievance</li> </ul>	2015	PDF (various lengths)	Generally clear language and design – length and reading level make these less accessible for people with low literacy levels
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## Public legal education and information (PLEI) and incarcerated persons

### Draft interview questions

#### General questions for workers/ stakeholders

1. What is your role in working with people who are incarcerated, or in this institution?
2. What do you do when you're asked by inmates for help with their legal problems? (Where do you refer people for institutional matters? family law matters? debt and consumer matters? mental health matters? human rights matters?)
3. Are people who are incarcerated generally aware of legal problems that affect them outside of prison? How do they get information about these problems? What might prevent this information getting through to them?
4. Are people who have been recently released generally aware of legal problems that affect them? How do they get information about these problems? What might prevent this information getting through to them?
5. (For interviewees from institutions) What area does your institution cover? When does this change? How are these changes communicated? *or* How can we stay abreast of these changes?

#### Remand

1. What are the common legal problems that people on remand need information about? (i.e., child support obligations, or payment of wages owed by an employer)
2. What are the legal information needs of indigenous people on remand?
3. What are the legal information needs of racialized people and people with mental health issues on remand?
4. What are the legal information needs of LGBTQ people who are incarcerated? Are there additional needs for Trans\* people who are incarcerated?
5. Are some people on remand harder to reach than others? (i.e., based on what stage their case is at, or where they're held)
6. How can we get information to people? (i.e., through duty counsel, in the courthouse, through trusted intermediaries (who?), through family visits)
7. What formats and delivery channels would be most useful or accessible to people on remand?
8. Are there language barriers? If yes, what are they?
9. What are common legal problems that families of people on remand need information about? (Would they be the same as for people who are incarcerated? When might they be in conflict with the information needs of people who are incarcerated?)

## Serving a sentence in provincial or federal prison

1. What are the common legal problems that people serving a sentence in provincial or federal prison need information about? (i.e., supervised access, or a human rights complaint, or deportation, or parole)
2. Do indigenous people who are incarcerated need legal information on additional topics?
3. Do racialized people and people with mental health issues need legal information on additional topics?
4. What are the legal information needs of LGBTQ people? Are there additional needs for Trans\* people who are incarcerated?
5. How can we get information about legal rights to people who are incarcerated? (i.e., prison libraries, book clubs, chaplains and other trusted intermediaries). Are there existing opportunities for skills training?
6. What formats and delivery channels would be most useful or accessible? (i.e., print booklets or fact sheets, electronic information in text, video or audio on a stand-alone computer, related life skills training)
7. Are there language barriers? If yes, what are they?
8. If we wanted to run a pilot project providing information about legal rights and/or related skills training, where would we start? What barriers might we face?

## Pre and post release

1. What are the needs for information about legal rights and related skills training pre or post release? (i.e., workers' rights, job readiness training, eligibility for ODSP, available beds, addiction and mental health support, housing, consumer/debt)
2. Do indigenous people who are incarcerated or recently released need additional legal information and related skills training pre or post release?
3. Do racialized people and people with mental health issues need additional legal information and related skills training pre or post release?
4. Do LGBTQ and Trans\* people need additional legal information and related skills training?
5. How can we get information and/or related skills training to people who are incarcerated or have been recently released? (i.e., incorporate information and training into existing programs such as literacy or ESL, incorporate information and/or training to post-release transition centre programs, support groups, or other channels). Where are people who have been recently released most likely to go for information or support?
6. What formats and delivery channels would be most useful or accessible pre and post release?
7. Are there language barriers? If yes, what are they?
8. If we wanted to run a pilot project providing information about legal rights and related skills or other training pre or post release, where would we start? (For interviewees who are not affiliated with a particular institution) Which institutions or existing programs would be most receptive?

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