



Communication Intermediaries are neutral officers of the court, trained to facilitate two way communication between and individual with a communication disability and police and/or justice professionals.

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Communication Access to Justice

Communication disabilities cause people to have difficulty expressing themselves and can make it difficult for them to understand others. Communication Disabilities are not always obvious but can result from a variety of causes that police officers see daily. For example, traumatic brain injury (TBI), intellectual disability (ID), Fetal Alcohol Spectrum Disorder (FASD), and stroke.

Findings across disciplines show that individuals with disabilities are at higher risk of being victimized than the general population. However, individuals with communication disabilities are at an even higher risk still. This is because they can be seen as the “perfect victim”, since their disability can make it difficult if not impossible for them to report to police without assistance.

As an officer attempting to protect the public, it can feel challenging to conduct a reliable interview of an individual with a communication disability. An officer may think “How can I speak directly with this victim if they do not seem to understand me?” Or “Even if they do understand me, how can I interview them if they cannot respond in a way that I can understand?”

That is where Communication Intermediaries (CIs) come in! CIs are neutral officers of the court, trained to facilitate two-way communication between an individual with a communication disability and police and/or justice officials. Using CIs, police across Canada can reliably interview witnesses with these disabilities, even in cases where their statements would have been assumed to be unreliable.

A recent sexual assault case in Canada illustrates both the effectiveness of CIs and the risks of not using them when dealing with individuals with communication disabilities. In his landmark ruling (R. v. Doncel), Justice Peter Fraser noted (while referencing the complainant R.W.) that the use of a CI in the courtroom was “necessary to facilitate a full and candid account of the acts complained of, and to allow R.W. a fair opportunity to...receive equal protection under the law”.

Yet at the same time, Justice Fraser noted that a CI was not used during R.W.’s interviews with police. This resulted in discrepancies between her recorded statement to police and her testimony at trial. When these discrepancies were viewed with the benefit of observing R.W. interviewed with the use of a CI, it was clear that there were many miscommunications during R.W.’s police interview. This was not due to a lack of effort or skill on the part of the interviewing officer, but reflected the need for the specialized communication supports provided by a CI.

CIs are already in use across Manitoba. RCMP, the Winnipeg Police Service, as well as Crown and Defence Counsel have all used the services of a CI to facilitate interviews with individuals with communication disabilities. This has resulted in charges and convictions that, according to law enforcement and justice officials, would not have been possible without the use of a CI. However, awareness of CIs and their role is still limited in the province.

To hear about CIs and the way their work, as well as the policing and victims’ perspective on CIs, please watch these three short videos.

Part 1 - <https://youtu.be/zK54BjVZdc0>

Part 2 - <https://youtu.be/9WxLb0AMmek>

Part 3 - <https://youtu.be/1TJ0z5GdQRY>

Though communication disability may not be obvious, here are some signs that might suggest engaging a CI could be beneficial.

- Witness has a history of TBI, ID, FASD, stroke, or other disorder that affects their brain
- Witness does not answer questions
- Witness responds with only yes/no
- Witness provides off topic responses (e.g. “when did you go?” “he had a hammer”)
- Witness uses vague or empty language (e.g. “that stuff” “that place” “the thing was there”)
- Witness has difficulty with the temporal organization of events

A list of active CIs working in both Manitoba and the rest of Canada can be found on the Communication Access to Justice (CAJust) website at: <https://www.cajust.ca/>

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