

Welcome to... Bienvenue à...

ISAAC Canada's Talking AAC, Eh  
Webinar Series



# ISAAC Canada



## **Our mission**

*...to promote the best possible communication for people with complex communication needs.*

## **Our vision**

*...that Augmentative and Alternative Communication will be recognized, valued, and used throughout the world.*

To learn more about ISAAC Canada

<https://isaac-canada.org/>

Or “like us” on Facebook

<https://www.facebook.com/ISAAC.Canadianchapter>

## Membership has benefits including...

- Discounted registration rates ISAAC conferences
- Discounted rates for subscription to the AAC Journal and publications from other countries
- Access to the Canadian AAC newsletter *Figuratively Speaking* (2 issues per year, available in French & English)
- Ongoing communication exchange with people in the ISAAC Canada AAC community and beyond, via Facebook, occasional emails, and our website.
- And more...

## AND STAY TUNED

- Many new initiatives are underway to ensure we are the VOICE of AAC / VOIX de l' CAA in Canada
- Please contact us at [admin@canada.isaac-online.org](mailto:admin@canada.isaac-online.org) for more information

# Tonight's Webinar



## Communication Access to Justice

with

Caitlin Buchel, RSLP



# Communication Access to Justice

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CAITLIN BUCHEL, RSLP

EXECUTIVE DIRECTOR

COMMUNICATION ACCESS TO JUSTICE

# Outline

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- Communication Access to Justice
- What is a Communication Intermediary?
- How does a Communication Intermediary work in the Canadian Justice system?
- When is a Communication Intermediary needed?
- What to expect when working with a Communication Intermediary
- How to access a Communication Intermediary

# Communication Access to Justice

## Who are we?

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- Communication Access to Justice (CAJust) is a national non-profit organization
- Promote access to the justice system for individuals with communication disabilities
- Train and support Communication Intermediaries (CIs)
- Educate on the urgent need for CIs in our justice system to ensure equitable access to justice for individuals with communication disabilities

# Communication Access to Justice

## Our History

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- Established with support from Communication Disabilities Access Canada (CDAC)
- Building on decades of work by Barbara Collier and CDAC in Access to Justice and CIs
- Operational funding and consultation support from CDAC
- Access to CDAC's wealth of resources and trainings developed by Barbara Collier
- CAJust would not exist without Barbara Collier and CDAC



# Communication Access to Justice

## Why it Matters

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- Individuals with communication disabilities are:
  - More likely to be victimized
  - Less likely to successfully report
  - Less likely have offenders brought to court and convicted
- Individuals with communication disabilities also over-represented in the accused and incarcerated populations

# Communication Access to Justice

## Why it Matters

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- Police, legal and other justice professionals may:
  - Assume impaired capacity without providing communication support
  - Defer to others to “speak for” the individual
  - Be unaware of the need for communication supports
  - Be unaware of how to provide communication supports

# Communication Access to Justice

## Why it Matters

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- Every Canadian is entitled to have the opportunity to give their **best evidence**
- Capacity cannot be determined without providing all necessary communication supports
- Credibility and reliability of an individual should be determined only after they have been provided with the necessary accommodations.

# Communication Intermediaries (CIs)

## What is a CI?

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- Registered speech language pathologists (SLPs)
- Trained to facilitate two-way communication between individuals with communication disabilities and legal/justice professionals.
- Like language translators, CIs act as **neutral officers of the court.**
- Provide the accommodations needed for individuals with communication disabilities to have equitable access to the legal and justice system

# Communication Intermediaries (CIs)

## A CI is NOT...

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- Support person
- Advocate
- Expert witness
- Second interviewer
- Counsel

# Communication Intermediaries (CIs)

## When is a CI needed?

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- Consider a CI for all interactions with the police, legal, and justice system
- Can be useful for all types of communication disabilities
- Used in both criminal and civil justice systems
- Ideally, a CI is engaged from the beginning of the process
- Request a CI **before** providing a statement to police
- **Never too late** to request a CI

# Communication Intermediaries (CIs) Legal Framework

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- Police, lawyers, judges **may be unaware** of the role of CIs
- Importance of the word “disability”
  - Under Canadian law, disabilities **require** accommodations
  - Parallel of a ramp
- A CI benefits all parties
  - Allows individual with communication disabilities to give best evidence
  - Allows police/justice official to collect best evidence

# Communication Intermediaries (CIs)

## Legal Framework

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- Ideally, you will not need this information
- However, it can be useful to know relevant information exists
- You do not need to be a legal expert
- Refer police, legal, and justice professionals to CAJust for more information
- For those who are interested...



# Communication Intermediaries (CIs)

## Legal Framework

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- Constitutional and Statutory Provisions (eek – legal talk)
  - [Joanna Birenbaum Webinar](#)
- Accessible Canada Act
- Relevant Provincial Legislation
  - E.g., Accessibility for Manitobans Act, Accessible BC Act, Accessibility for Ontarians with Disabilities Act
- United Nations Convention on the Rights for Persons with Disabilities (UNCRPD)

# Communication Intermediaries (CIs)

## Legal Framework

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- Our legal/justice system likes familiar things
- Established Case Law
  - R v Pelton (Ontario, 2018)
  - [R v Doncel](#) (Ontario, 2022)
- Please note, case law above is **not perfect**, but it is a start

# Communication Intermediaries (CIs)

## How do CIs work?

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- Hired by the “end user” – e.g. police, RCMP, Crown, Defense Counsel
- Like a language interpreter, CIs are paid by the end user
- In this way, CIs are accommodations provided by the Court
- Supports neutrality

# Communication Intermediaries (CIs)

## How do CIs work?

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- Assessment
  - CI must complete an assessment before providing intermediary services
  - End user may or may not be present
  - Goal is to establish the individual's communication abilities and the accommodations needed to ensure that they can provide their best evidence
  - Can include review of previous reports/collateral information

# Communication Intermediaries (CIs)

## How do CIs work?

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- Assessment
  - Includes use of any existing AAC the individual has in place
  - May include trial of new and/or additional communication supports

# Communication Intermediaries (CIs)

## How do CIs work?

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- Report
  - CI provides a report to end user
  - Communication abilities
  - Communication challenges
  - Accommodations needed to allow individual to provide their best evidence

# Communication Intermediaries (CIs)

## How do CIs work?

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- Recommendations may include:
  - Support for comprehension and/or expression
  - Use of a pre-existing AAC system
  - Use of new/additional communication supports
  - Sensory needs (e.g., lower light, no background noise)
  - Attention needs (e.g., breaks when providing statement)

# Communication Intermediaries (CIs)

## How do CIs work?

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- Recommendations may include:
  - Ways for the communication partner to modify their output
  - Need for a CI to be present during interactions with police, legal, and/or justice professionals
  - Need for visual aids/vocabulary relevant to the conversation at hand



# Communication Intermediaries (CIs)

## How do CIs work?

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- Intermediary Services
  - During a police statement, line up, conversations with Crown/defense counsel, testimony at trial and other settings
  - CI is present to provide supports to ensure accurate two-way communication
  - Neutral officer of the court
  - Bound by confidentiality
  - Does not comment on capacity, credibility, or reliability

# Communication Intermediaries (CIs)

## How do CIs work?

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- Example: in a police interview, a detective asks a question. A CI might:
  - Do nothing
  - Rephrase a grammatically complex question
  - Provide visual low tech supports (e.g., pictures, written key words) to support comprehension
  - Provide any support needed for an individual to use a low or high tech AAC system to respond to the question

# Communication Intermediaries (CIs)

## How to find CIs

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- [CDAC Database of CIs](#)
- Must select “**Communication Intermediary**” in the type of assistance
- Database will be transferred to CAJust website by September 2022
- Contact CAJust at [caitlinbuchel@cajust.ca](mailto:caitlinbuchel@cajust.ca)
- Refer police, legal, and justice professionals to CAJust

