



Communicating about Bail Conditions and Related Justice Topics

Things to think about when creating visual communication supports for justice conversations on topics like bail.

A sample visual communication support for bail conditions, titled 'Bail Conditions' and dated 'Tues - March 24'. It includes a warning: 'If you break the rules you are in trouble the Police will tell Court' and a note: 'keep the rules and finish your order'. The conditions are presented in six boxes: 1. 'You have to live at 7 Pascal Road Nani's house' with a house icon. 2. 'Your curfew: Be at home 7pm to 7am. You can only go out with Nan + Ben, Social Worker'. 3. 'You can NOT hang out with BJ, Beth, Adam or Joe. You can NOT see them. You can NOT phone them. You can NOT email them. You can NOT speak to them.' with an icon of a group of people. 4. 'You can NOT go within 100 steps of Mangere Town Centre' with an icon of a person and a map showing a 100m radius. 5. 'NO ALCOHOL' with images of beer bottles and a refrigerator, each with a red 'X' over it. 6. 'NO DRUGS' with a list: 'NO smoking drugs', 'NO eating drugs', 'NO injecting drugs' and an icon of a person at a desk. It also states 'You can take medicine from the doctor or the pharmacy' with a checkmark.

Our work as speech-language therapists at Talking Trouble often involves us being appointed in Communication Assistant roles in justice settings¹. This document explains some of the topics we consider when we are assisting someone to understand bail conditions and related topics. We encourage justice stakeholders to think about what they could try doing differently when they are communicating about bail and related topics, or

Communicating about Bail Conditions and Related Justice Topics

9 March 2024 Alayne McKee and Sally Kedge, Speech-language therapists from Talking Trouble Aotearoa NZ

alaynemckee@talkingtroublenz.org sallykedge@talkingtroublenz.org www.talkingtroublenz.org

are creating resources to use in their work. These are high stakes documents and conversations and it is important that people understand what is expected of them.

We create bail conditions documents in a range of styles depending on what will be a good fit for the person we are working with. There is not a 'right' way to display information or word the bail conditions. We might include the person's own words if they can explain how they might best remember the conditions. We consider how easy they find reading, and their familiarity with the concepts, vocabulary and processes involved. We might create a one page A4 version or we might create a very small credit card sized version. We might make it available electronically as an image they can have on their phone or printed out on the back of the front door or on the fridge. We will check with the person what they think will work best for them.

Some examples that have been anonymised are available here:

<https://www.talkingtroublenz.org/resources>

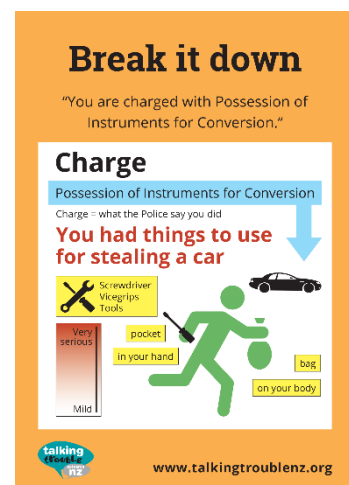
We suggest you consider the following points:

1. **Work out what is the important stuff the person needs to know.** Lengthy spoken or written information requires the listener/reader to synthesise the information – sift through it, work out what's important and what's not, keep track of what they've heard/read etc. This can be effortful and challenging for many people. Instead of making them do all this work, you can do the synthesising for them. Pick out the important information and get rid of unnecessary detail. If you have developed a template, you can fill it in with them which can help when checking the information has been understood accurately. They can write the key information onto the template or you can write it with them.
2. **Signpost information.** Organise the key pieces of information under headings that make sense. Each signpost or heading can have an icon or drawing which orients the reader to the topic and/or meaning of that particular section. Be careful to make sure the visual image relates clearly to the information you are trying to convey. The

imagery is not there to make the document look attractive but should support meaning. It needs to be imagery that resonates and won't be viewed as childish or patronising.

- 3. Explain jargon.** Technical or highly specialized vocabulary might be unfamiliar or confusing to someone. The use of jargon may mean they miss the important messages they need to understand. Sometimes it's possible to avoid using jargon completely and still convey the information clearly. However, at other times, it's important for the person to learn jargon that is important for their matters or will be used a lot by others in their presence. For example, if the person is going through a process where the charge of 'Possession of instruments of conversion' will be discussed frequently, it is important for them to become familiar with the term and what it means. Don't be afraid to use jargon as long as you also provide a simple explanation of it and explain how it relates to the matters being discussed:

- e.g. 'Possession of instruments of conversion' = 'the vice grip used to break into a car was in your bag.'



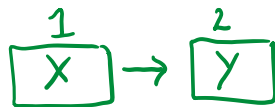
- 4. Use short sentences.** Aim for one idea (clause) per sentence. Longer sentences are more challenging to process. They can be confusing because they tend to have more clauses and more complicated grammar. The person needs to remember the various clauses and piece together how the clauses relate to each other. When you are tempted to use words like 'and', 'because', 'so', 'if', 'then' to connect ideas, STOP and THINK. Could you make your long sentence into two or three shorter sentences instead?
- 5. Use active sentences** i.e. *Alan pushed Ben*. Avoid passive sentences e.g. *Ben was pushed by Alen*. Active sentences make it easier to work out who is doing what.

- 6. State hidden or implied messages clearly.** Often important information is implied rather than stated. Make sure the person is explicitly told what they must do and must not do. They need to know what is involved in doing the ‘right thing’ and they need to know what the ‘wrong thing’ is, and what might happen if they do the ‘wrong thing’. Your job is to state any important information clearly. Be aware that unpacking these hidden messages can mean you end up with more information than you started with. That’s ok, as long as you use these tips to make sure the information doesn’t become overwhelming.

E.g. An instruction such as ‘Go directly to all appointments’ may need to be unpacked. Can the person stop on the way to get food or buy fuel? What if their relative needs to go via the pharmacy?’

- 7. Use 12 pt font or larger.** Not everyone who needs glasses can afford them.
- 8. Have lots of blank/white space on the page.** People who have struggled with reading will find it easier to engage with a document that doesn’t look full and busy. Avoid using watermarks or pictures or designs to decorate or fill the page. Ideally, just use pictures to support meaning.
- 9. Show information in the order it needs to happen**

- ‘Do X, then Y’ – the order of events in this structure is easy to understand. ✓



- AVOID - ‘Before you do Y, do X’ - this structure is more complicated. It would be easier for the person to misinterpret the instructions and do things in the wrong order.

10. Represent time and number visually. In justice settings, the precise timing, duration or frequency of both past and future events can be important information for people to understand and give their views about.

It is not helpful to assume everyone can tell the time on a round analogue clock. Some people find a digital clock easier to read. Some people have an accurate sense of when 15 minutes or 30 minutes have passed. Others can't 'feel' time passing that way. Some people have a good understanding of time-related words such as the days of the week, the months of the year, fortnight, the day after tomorrow, yesterday. Others don't.

Number-related words can be tricky too e.g. most, half, twice, at least, and so on. Look for ways to show people the numbers and/or amount of time you need them to understand. Calendars, lists and timelines can all be useful. Simple timelines can help clarify what passage of time is being discussed.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				12 th TODAY's FGC	13 th	14 th
15 th	16 th	17 th	18 th	19 th	20 th	21 st
22 nd COURT at Dungannon Youth Court to check up on the plan. (NOT the Marae this time)	23 rd	24 th	25 th	26 th		

Only at the Dungannon Youth Court for this plan check because there were no free times at the Rangitahi Court that week.



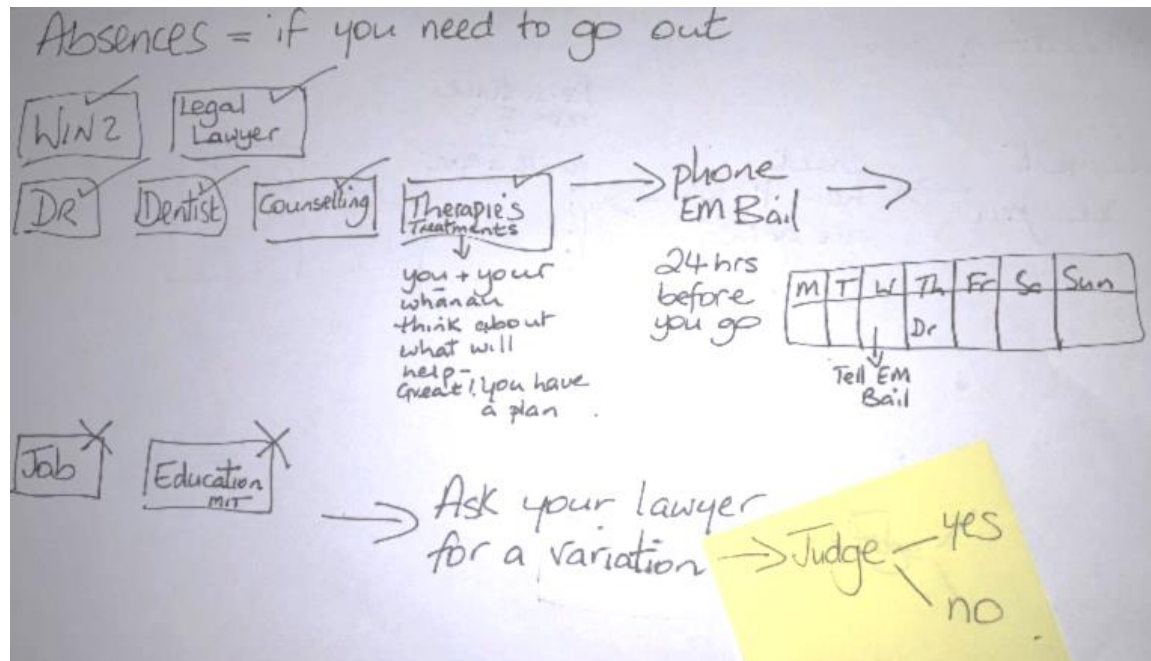
11. Represent choices and consequences visually. Draw simple drawings and processes to explain information, show choices and consequences of decisions. You don't have to be good at drawing or have expensive graphic design tools. Pens, paper and post-its are all you need. Think about how you might construct the visual information you need in advance and draft it out. Then when you are discussing the process or options with the person, draw the visual information as you are talking

Communicating about Bail Conditions and Related Justice Topics

9 March 2024 Alayne McKee and Sally Kedge, Speech-language therapists from Talking Trouble Aotearoa NZ

alaynemckee@talkingtroublenz.org sallykedge@talkingtroublenz.org www.talkingtroublenz.org

about it. Having it there in front of you on the table as a 'shared' resource you both can see means you can revisit parts of the image to clarify information or to talk in more detail about certain aspects. You can take a photo of it or get it out next time you need to talk about the same topic.



And remember, any time you can involve the person themselves in creating the document (and the wording that goes into it) the more meaningful it will be.

Related articles which may be of interest:

There is a lot of research in the use of visuals to enhance learning and to support communication, but not so much specifically on using visuals within legal contexts. However, you may find these interesting:

- Howard, K., McCann, C., & Dudley, M. (2020). "It was like more easier": Rangatahi (young people) and their whānau (family) talk about communication assistance in the New Zealand youth justice system. Youth Justice. Advance online publication. <https://doi.org/10.1177%2F1473225420923763>.

Communicating about Bail Conditions and Related Justice Topics

9 March 2024 Alayne McKee and Sally Kedge, Speech-language therapists from Talking Trouble Aotearoa NZ

alaynemckee@talkingtroublenz.org sallykedge@talkingtroublenz.org www.talkingtroublenz.org

Please also see accompanying Wixsite:

<https://kellyhoward2.wixsite.com/youthjustice>

- T. M. Pereira. (2021). Critical evaluation of the impact of low technology communication aids on the quality of evidence elicited from witnesses with a Learning Disability in Registered Intermediary-mediated Achieving Best Evidence police investigative interviews.
<https://orca.cardiff.ac.uk/id/eprint/142156/1/Tina%20Pereira%20thesis%20POST%20VIVA%20Communication%20aids%20and%20quality%20of%20evidence.pdf>
- Professor Ian Lambie, Dr Jerome Reil, Judge Andrew Becroft and Dr Ruth Allen (2022). 'How we fail children who offend and what to do about: 'A breakdown across the whole system'. https://www.lawfoundation.org.nz/wp-content/uploads/2022/04/2018-45-28.Children-Who-Offend.Final-research-report-March2022.pdf?fbclid=IwAR20fO-R578qH6XasxvlkhISX11QPNZUUaI5cqig9PnVAFpT5_4oPhFn4eM

This article explores how judges and lawyers are encouraged to visually represent their thought processes and complex legal concepts in their decisions.

- John H. Larsen, (2021). Using Visuals to Better Communicate Logic in Legal Reasoning, 25 Legal Writing 285. <https://www.legalwritingjournal.org/article/24787-using-visuals-to-better-communicate-logic-in-legal-reasoning>

Other resources which might support effective communication in justice and related settings can be found on our website:

<https://www.talkingtroublenz.org/resources>

The 'Blurred Borders' website from Legal Aid WA in Australia have many useful visual resources for supporting communication in justice contexts:

<https://blurredborders.legalaid.wa.gov.au/>