

# Case Characteristics of Prisoners with Communication Problems

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## Abstract

Offenders with reading and writing difficulties have a vulnerable status in prison because they depend on some forms of assistance for communication. A large number of studies have confirmed this, but prisoners' experiences of such communication problems have been sparsely studied. Three male juvenile delinquents were interviewed about their communication problems and how they deal with these challenges in the criminal justice system. The common feature of these three cases was reading problems, but their personal characteristics were quite different, suggesting that support should be adapted individually. It remains however that the language used in the criminal justice system is too complicated and several adjustments to written communication need to be made in order to empower prisoners.

## Keywords

Reading and Writing Disabilities, Correctional Settings, Juvenile Delinquents, Communication Problems, Qualitative Research

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## 1. Introduction

Language is an essential part of social relations and serves several functions in social interactions. Not only do

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decreased linguistic skills have the potential to affect friendships [1] [2], but also it has been suggested that the failure to acquire and use developmentally appropriate language may contribute to non-verbal, aggressive behaviours [3] [4], and that youths may learn that antisocial behaviours are the most effective means of communicating their needs and achieving a desired outcome. Within peer groups, delinquent behaviour may represent an adaptation strategy for language-impaired people, providing an alternative way to obtain acceptance and maintain social position.

During the last 50 years, researchers have studied the expressive and receptive language skills of young offenders, identifying young offenders as a high-risk population for clinically significant language impairment in the United States [4]-[9], Scandinavia [10], the United Kingdom [11], and Australia [12] [13]. Estimates of prevalence vary widely, for example, [4] reported that 19.65% of those in a correctional facility had communication problems, while Snow and Powell [12] [13] have reported rates around 50% and data from the United Kingdom suggest rates around 60% - 70% [11]. In Norway, Rasmussen *et al.* [14] found significant reading and writing deficits in 30% of a randomised prisoner sample and [15] found that 25% of a prisoner sample had problems of reading written correspondence from correctional services. While variations in these prevalence estimates no doubt reflect methodological differences between studies, it is clear that language deficits are far more common among young offenders than their peers in the general population, where estimates range between 5% [16], 3% - 7% [17] and 14% [18].

A report on the living conditions of inmates in Norwegian prisons in 2014 [19] described inmates who had experienced a difficult childhood. The study showed that 40% were abused during their childhood, 38% had lived with someone who had alcohol or drug problems, and 41% had family members in prison. Education and employment levels were also markedly lower; 66% had secondary school or lower as their highest education, and only 36% were employed when they were incarcerated. The respondents were also asked about reading and writing difficulties, and 30% said that they had such problems. A similar study on the living conditions of prisoners in 2003 [20] found that 22% had reading and writing difficulties.

The high speech, language and communication needs of young offenders, together with a high prevalence of learning disabilities [21], co-morbid mental health problems [22], low educational attainment [12] [13], and histories of maltreatment present complex challenges for the staffs who plan programs for these populations.

The literature confirms the vulnerability of illiteracy among people exhibiting delinquent behaviour, and this is an incentive to improve the educational services offered to the public. The problems experienced by people who have problems with reading and writing after they enter the correctional system have not been thoroughly explored. In the present study we interviewed three young prisoners to capture their perspectives concerning the impact of learning difficulties on their experience with the criminal justice system.

## 2. Methods

This was a qualitative study which used semi-structured face to face interviews. Data collection was conducted in March 2015.

### 2.1. Ethical Considerations

This study was conducted in accordance with the Declaration of Helsinki and approved by the north region Correctional Service (reference 2009/00463-120/602). The participants were informed about the study by their contact prison officer, both orally and in written form, and signed written consent. They were also told that they could withdraw from the study at any time.

### 2.2. Participants

Prisoners were included based on the following criteria: 1) younger than 25 years, 2) have explicit known literacy problems (dyslexia, learning disability, or reading problems), 3) be willing to take part in an interview based on dealing with language problems in the criminal justice system.

### 2.3. Setting

The study took place in a prison in Central Norway. A semi-structured interview was prepared by the first and second authors. The interview comprised three sections: 1) childhood, adolescence, and learning difficulties, 2)

adjustment and the onset of offending, 3) present challenges resulting from reading and writing problems. Examples of questions are: “How do communication problems affect your behaviour and decisions?”, and “How can correctional services make changes to improve communication?” The interviews took place in a room at the prison and the first and second authors were present. Each interview lasted for one hour. Notes were taken during the interviews and carefully read and organised afterwards.

## 2.4. Analysis

The data were analysed and the information was classified and sorted into themes. During each phase of analysis the authors discussed meaning-bearing units, core meanings and themes according to the purpose of the study. The findings were categorised into five themes: naivety, powerlessness, personal characteristics, expectations, and suggestions for correctional services. The units of meaning were sorted into these themes, maintaining as much as possible the original terminology used by the participants.

The analysis was performed by the first and second authors and discussed and negotiated with the third author. The analysis was validated with a thorough review of the original interview transcripts to make sure they were reflected in the results.

## 3. Results

Three participants were recruited in accordance with the criteria. All were male and 19 - 22 years old.

These participants were selected from a pool of prisoners convicted of serious crimes who verified that they had reading problems. Findings from a previous study of Norwegian prisoners [15] confirmed that prisoners with reading problems are overrepresented in more restrictive institutions. Findings from the cases presented here add useful information about prisoners with literacy problems based on some important characteristics. Some areas seem to necessitate further analysis.

### 3.1. Case Histories

#### 3.1.1. Case 1

Mr A is a young man charged with sexual offences. He grew up in a split family with his father living far away. He remembers mostly negative experiences from his school years and he dropped out at around 14 years of age. He had been assessed by the school psychologist and supported by special educational services, but he wanted to take gain physical employment as soon as possible.

Mr A describes himself as a resilient and efficient man. If he is injured, he handles the problem himself, never complains and idealises the masculinity of physical strength. He has been involved in many fights to protect his mates, and has often found himself a victim of suspicious police officers. His loyalty to his friends is exemplified through his admitting to a criminal act that he was innocent of as a proof of friendship. He says “some months added to the sentence doesn’t matter; I’m having a good time as incarcerated”.

Understanding the content of written information is hard, but Mr A usually gets the help he needs from his mother. In prison he asks the prison officers, but he finds it difficult to trust their explanations, as he says “When I ask two officers they usually give divergent answers about the content of a letter”. The information given is often too complex, and Mr A would prefer a negative response rather than ambiguous documents which say nothing. He says that he can’t trust professionals such as lawyers, medical doctors, psychologists or the police because of his previous experiences. It is recommended that he have psychotherapy, but he does not think it will be helpful. He also has hearing loss due to not accessing medical care.

In the future Mr A wants to get a job and move away from the place where he has a bad reputation—probably far away. He talks about the supportive services within the criminal care service, but he does not know how to apply for any support.

#### 3.1.2. Case 2

Mr B was convicted of a severe offence. His learning difficulties started before he entered school. His parents are divorced and his mother had responsibility for him when he was a minor. Because of asthma as a child and having a mother who was non-Norwegian, he had delayed language development. He describes problems adjusting to the other pupils, teachers and the curriculum when he was at school. He had a role as the “classroom clown”. Because of the behavioural problems he experienced at school, he did not receive any language support.

The behaviour problems overshadowed his communication problems.

Being an outsider also led to Mr B becoming involved with other boys who absconded school, taking part in some criminal activities when he was 10 - 12 years old. He describes support from family as very extensive during this period, with his parents working hard to keep him at school and meeting with school authorities numerous times. He experienced bullying by his schoolmates and says the teachers humiliated him by expelling him from school several times. He was offered small group education but he didn't want to be placed with pupils with learning deficits.

In his early adolescent years Mr B was involved in football and skateboarding. He was introduced to drugs which were associated with the skateboarding culture, and skipped school from the age of 14 - 15. He tried to get back on track three times after primary school, but failed because of increased drug abuse problems. At the age of 18, he moved out of his mother's house and lived in his own apartment. He has been using and dealing drugs since that time. In the last two years he has been admitted to mental health hospitals twice because of suicide attempts.

He finds the written information from criminal care authorities difficult to understand, but he manages with assistance from his father. He describes some occasions where written information has resulted in problems. One had to do with receiving his remand notice. During the police interrogation he was told that he was rude when he interrupted with questions about language that he did not understand.

He says that he feels relaxed as a prisoner. The contact with his family has become more positive. He wants to be able to read books, but he has vision and hearing loss which makes this difficult. He does not know how to seek help for these problems.

### 3.1.3. Case 3

Mr C came to Norway with his mother and sister as a refugee when he was three years old. He was diagnosed with ADHD when he was about 7 years old and was medicated for the condition. As a child he had speech problems, including stuttering, then experienced reading and writing problems later in school. He managed the practical topics, with a special talent for sports. In early adolescence he was moved into foster care because of family conflicts and increased substance use. Over the last few years he has been studying, but he has not completed it. He finds being in prison very difficult, saying that he feels hopeless and gets depressed. He divulges information about suicide attempts and being admitted to mental health care facilities.

Mr C is very upset about the language used in criminal justice services. He says that the law makes him confused and that the information he receives is almost impossible to understand, naming the letters "decisions from hell". He used to tear the letters apart and think of all correspondence as an added punishment. He says that he would make complaints about several aspects of the treatment he receives, but he does not know how to. He also believes that complaining would only be a waste of time. The only information that he can understand is the insignificant notes of advertising distributed in the prisoners' bulletin.

Mr C hopes that during his incarceration he will get the help he needs to stay away from criminal behaviour, trouble and substance use and hopefully complete his education.

## 3.2. Naivety

"My friends' problems are my responsibility." (Case 1)

Two of the cases (1 and 2) displayed a naive reliance on support from people connected to them. They did not describe any concern about being convicted for severe offences. Case 2 described the publicity concerning his offences to be foremost rewarding. He is surrounded by people who support him and has no concerns about managing his life when he is discharged from prison. When asked about how he would raise money to pay off the debt based on the offence, he proposed that this could be solved with a period of intensive drug dealing. Case A told about his trust in fellow prisoners and staff to help him understand written information. He asks everyone uncritically. He also described himself as very loyal to his friends. Like Case B, he has no worries about future challenges, claiming that several employers will offer him a position when he is discharged from prison.

## 3.3. Powerlessness

"I am no lawyer... do they want to humiliate me?"

“They write as if I have no option to complain, everything about me is already decided.”  
(Case C)

Case C described in detail how he felt the powerlessness of being incarcerated. He does not understand what is happening, and said that he becomes mentally overwhelmed. He has consequently self-harmed and tried to abscond. He feels that the criminal justice system is working against him, and while he wants to complain he does not know how to make a complaint or who to address it to. Contrary to Cases A and B, Case C has surrendered to a system that he explicitly does not understand.

### 3.4. Personal Characteristics

“You have to stick with your friends. One year more in prison is not the worst. I am doing well in prison.”  
(Case A)

The reading difficulties described in these three cases have been managed and compensated for differently. Case A has a determined and resolute way of appealing for help to understand written information. He described himself as purposeful, with a high capacity and patience. He wants to be associated with problem solving, not problem making, and is very concerned about his friends’ problems. Case B has confidence in a few close people (his parents) for support when the written information is too complex. He occasionally feels helpless, and uses drugs to cope with this feeling. His playing the role of a clown may result from these feelings of insufficiency, although discrete behaviours have been more evident as he has become older. Case C does not trust any authorities and suspects people of having ill will towards him. He has no faith in people who have been engaged to help him and he does not know how to solve his problems.

### 3.5. Expectations and Suggestions

“When discharged I will have a vacation, and to pay for the compensation claims I will have to sell more.”  
(Case B)

Cases A and B express positive beliefs for the future. Case A sees himself as an asset to the labour market, emphasising his reputation as a hard-working and reliable employee. Case B declared that he will be able to maintain the lifestyle he had before being imprisoned and that money, work and social networks represent no problems to him. His thoughts almost seem a parody when compared to studies of living conditions amongst prisoners [19] [20]. Case C described the opposite when he said that all aspects of correctional services make his life even more miserable than it used to be.

“There are too many words in the letters; it feels like they are circling around the message.” (Case A)  
“If I knew how to make a complaint, I would complain about ten issues.” (Case C)

## 4. Discussion

In the present study we have explored some characteristics and side effects arising from having reading problems in prison. The consequences of having reading problems as an inmate in correctional facilities have been studied sparsely, although some articles have argued for language improvements because of the ambiguous phrases and abstruse terms often used in judicial language [23] [24]. During recent decades, criticism of the language of law has been seized on by flourishing consumer movements and led to the plain language movement (PLM) [25]. The fundamental idea promoted by the PLM is that since the law is addressed primarily to ordinary citizens, rather than lawyers and judges, it should be drafted so as to be fully intelligible to those affected by it. This may be achieved by drafting the law in plain language, and stripping it of its dense, technical and convoluted style [26]. Most English speaking countries, as well as several others, have adopted plain language policies and prepared manuals for drafting legislation and government forms in plain language. The conviction that plain language makes the law significantly more intelligible to the public has recently come under criticism that asserts that many complex aspects of law are not eliminated by mere simplification of the language. Assy (2011) described a weak empirical basis including methodological and statistical fallacies, and argued that details of law require a minimum of verbal complexity [26]. The criticism has been met with statistical evidence and arguments that “terms of art are rarer and more replaceable than lawyers like to think” [27].

In Norway's civil services, plain language was initiated in 2008. From this time, more than 60 governmental agencies received funding to implement measures to make communication with the public simpler and more user-friendly. In 2012 it was concluded that plain language needed to be integrated into the agencies' overall management systems in order to obtain the goals that were set [28]. A study on the professional language used in the judicial sector found that the case handlers themselves were confident with their mode of written expression and that they cared for the public reader. However they criticised the idea that the language of law is too difficult [29]. Recently, an initiative to rewrite numerous correctional services standard letters has been implemented [30].

The ability to understand written language is important and usually necessary for independent living. Punishment is defined as a restriction of liberty [31] and these restrictions may sometimes conflict with independence. One of the consequences of this restriction of liberty is that prisoners are unable to choose the people around them. Prison officers and other prisoners may be available to give advice, but as Case A demonstrates, this support may be confusing.

Our three cases all said that they seek help and support from other prisoners. As living conditions of prisoners are poor [19], the need for support naturally increases before, during, and after imprisonment. When prisoners are not able to understand letters from the authorities, individual assumptions and personal characteristics determine how these challenges are managed, as described in the three cases.

Some obvious suggestions for improving communication in the criminal justice system should be conveyed. First, important information should be separated from advertisements and less important information. Second, important information should be conveyed by appointed staff members to avoid conflicting interpretations.

The design of this study makes it inappropriate to make inferences about the larger population of young delinquents with communication problems. The sample is small and seemingly different to the general young adult delinquent population. However, the findings raise questions about whether there are conceptual differences between young delinquents with and without communication problems. This study adds to existing research, and the findings might contribute to a better understanding of communication within correctional services. The common feature of these three cases was reading problems, but their personal characteristics were quite different, suggesting that support should be adapted individually. It remains however that the language used in the criminal justice system is too complicated and several adjustments to written communication need to be made in order to empower prisoners. Future studies are needed to explore the communication problems that exist in correctional services systems and how they can be resolved.

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