

PROVINCIAL HUMAN SERVICES AND JUSTICE COORDINATING COMMITTEE

PRE-BUDGET SUBMISSION 2021

COVID-19 has demonstrated the need for dedicated investments in the human services and justice sectors. Individuals with mental health issues, addictions and other unique needs who interact with the justice system are among the most vulnerable during this pandemic. Our 2021-2022 pre-budget submission demonstrates the importance of dedicated funding for supportive housing, release from custody planning, crisis response and the Human Services and Justice Coordinating Committee (HSJCC) Network.

OUR FUNDING PRIORITIES

1 SUPPORTIVE HOUSING

Issues surrounding access to supportive housing for individuals who become involved in the justice system were first identified by the HSJCC Network as a priority in 2015. Since then, we have advocated for improved access to housing for justice-involved individuals and contributed to reports that highlighted the barriers to housing for people involved with the criminal justice system.¹ The Provincial HSJCC (PHSJCC) hosted a provincial housing and justice forum in February 2020, convening human services, housing and justice leaders and individuals with lived experience. The resulting [report](#) outlines the key themes from the day and provides recommendations for immediate action to improve access, service delivery and provincial ministry-level policy related to supportive housing.

COVID-19 has exacerbated supportive housing needs for individuals with unique needs who interact with the justice system.² Business closures have left many unemployed and struggling to pay bills. Social supports have been disrupted, leading to a deterioration of mental health. Shelters are overcrowded and pose an increased risk of virus transmission in a population that already lacks access to health care. **Long-term, dedicated funding for housing with supports to address the unique needs of individuals leaving correctional facilities is urgently needed.** As our Housing and Justice Report demonstrated, these individuals are at increased risk of becoming homeless, visiting hospital emergency departments, or returning to the correctional system. Economically, the average cost of providing social housing to one household is much less expensive than providing one shelter bed, one correctional facility bed or one hospital bed.



1 Housing Health and Justice Community of Interest. (2019). *Closed Quarters: Challenges and opportunities in stabilizing housing and mental health across the justice sector*. Retrieved from https://www.eenet.ca/sites/default/files/2018/Housing%20Health%20and%20Justice%20COI%20Report-%20Final%20-%20Feb%2014%202019_0.pdf; PHSJCC. (2015). *Pre-Budget Submission 2015*. Retrieved from <https://hsjcc.on.ca/wp-content/uploads/PHSJCC-2015-Pre-Budget-Submission-2015-01-30.pdf>.

2 PHSJCC. (April 17, 2020). *Submission to Government Re: Continued Impact of COVID-19 on service delivery across the Human Services and Justice Coordinating Committee Network*. Retrieved from <https://hsjcc.on.ca/wp-content/uploads/Impact-of-COVID19-on-HSJCC-Network-April-17-2020.pdf>.

2 CORRECTIONS

The HSJCC Network has long identified release from custody issues as a priority area for our clients, which have only been further exacerbated by COVID-19. From March 16 to July 24, 2020, the population at all facilities across Ontario was reduced from 8,344 to 5,945.³ From April 2 to July 24, 2020, 40 low-risk inmates close to the end of their sentences were released early from institutions across the province.⁴ While we are pleased that many individuals are serving shorter custodial sentences during the pandemic, release from custody planning is not occurring as required, resulting in individuals being released without access to housing and necessary services. **The HSJCC Network recommends consistent and standardized discharge planning for individuals leaving provincial correctional institutions across Ontario.** In addition, those being released should be provided with naloxone, cell phones and pre-paid phone cards, sanitizer, masks, and weather-appropriate clothing. Our Network would be pleased to facilitate connections to community-based organizations who offer services that are designed to meet the needs of this population.

Our Network is concerned by the number of outbreaks in correctional facilities. On February 3, 2021, the most recent day for which data is available, there were 133 active and 682 resolved positive cases in correctional facilities across the province.⁵ **We recommend that all inmates have access to personal protective equipment, hand sanitizer, social distancing and prioritized access to vaccination.**

3 CRISIS RESPONSE

The PHSJCC has long been involved in examining the role police play in crisis response. For example, in 2012 the PHSJCC began a province-wide project to improve police-hospital transitions. The resulting [framework and toolkit](#), endorsed by government in 2019, provides information on how police services and hospitals can work together to develop protocols for apprehensions under the Mental Health Act.

2020 revealed that, more than ever, individuals experiencing a mental health or addictions crisis require a compassionate response. This includes evidence-based approaches such as mobile crisis response teams, which partner a specially-trained police officer with a crisis worker such as a social worker or nurse. Community mobile crisis response models composed of a pair of crisis workers are shown to be an effective alternative to police-led approaches. **Investments in police-led and community-led mobile crisis response are needed to ensure individuals experiencing a crisis receive a trauma-informed, anti-oppressive response, available 24-7 across all regions of the province.** This investment could be supported by the PHSJCC's upcoming guidebook, *Mobile Crisis Response Teams: A Framework for Ontario*.



Crisis line



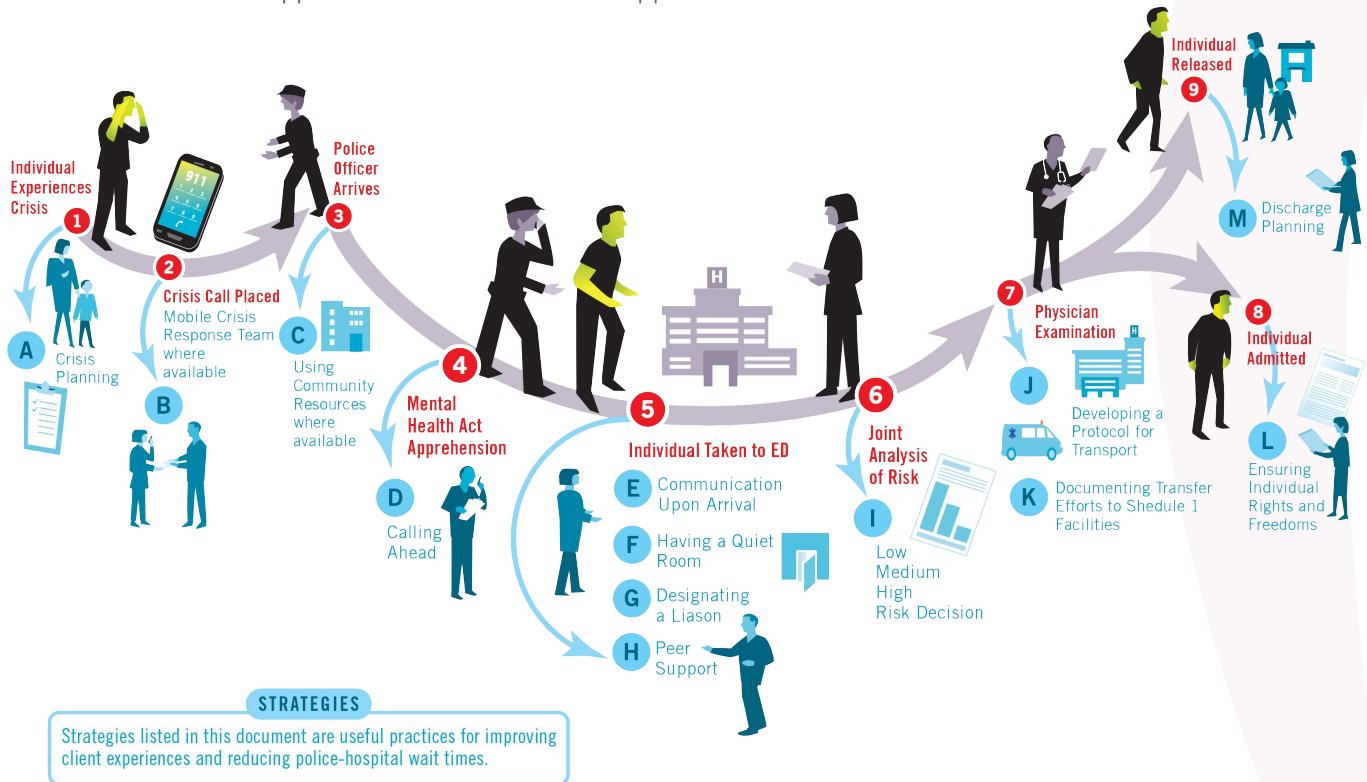
3 Solicitor General Sylvia Jones. (July 27, 2020). Reply EX-2020-851 to Sandra Ka Hon Chu, Director of Research & Advocacy, Canadian HIV/AIDS Legal Network. *Attached as Appendix A*.

4 *Ibid*.

5 Solicitor General. (n.d.) *Status of COVID-19 cases in Ontario's Provincial Correctional Institutions*. Ontario Government Data Catalogue. Accessed February 5, 2021 at <https://data.ontario.ca/dataset/status-of-covid-19-cases-in-ontario-s-correctional-institutions/resource/1f95eda9-53b5-448e-abe0-afc0b71581ed>.

Stages of a Police-Hospital Transition

What happens when an individual is apprehended under the *Mental Health Act*



4 HSJCC NETWORK FUNDING

Beginning in 2004/2005, the Ministry of Health has invested \$500,000 in annualized funding for the operations of the entire HSJCC Network. Local and Regional HSJCCs have not received any new dedicated funding. Many of our partners provide in-kind staffing support, make financial donations, and even use funding from their operating budgets to support the important work of the HSJCC Network.

Our HSJCC Network is requesting a \$500,000 increase to our annualized funding to continue our work to support Ontarians with mental health disabilities, substance use issues, and other human service needs that are involved with the justice system. A funding increase is crucial to sustain our existing capacity and meet growing demands.

We also recommend that \$50 million of the provincial government's \$3.8 billion investment in mental health over 10 years be dedicated specifically to enhancing direct services to this population. Our Network would be happy to work with government to develop a multi-year investment plan for these funds.

What is the HSJCC Network?

A network of committees established to coordinate resources and services for people with unique needs who have come into contact with the law



Who are the members of the HSJCC Network?

HSJCCs are voluntary collaborations made up of over 1,600 professionals from the human services and justice sectors



What do HSJCCs do?

Operating at a Local, Regional and Provincial level, HSJCCs provide education and training for their members, as well as coordinate care for individuals and work to address systemic issues

OUR NETWORK

Ontario's [Human Services and Justice Coordinating Committee \(HSJCC\) Network](#) is a cooperative effort of the Ministries of the Attorney General, Children, Community and Social Services, Health, and the Solicitor General. Our priority consideration is for people with a serious mental illness, developmental disability, acquired brain injury, substance use issue, and/or fetal alcohol spectrum disorder.

Our network affirms the importance of a coordinated, cross-sectoral approach to address issues affecting Ontarians in conflict with the law and its effective means of reducing criminalization across the province. We remain committed to providing essential supports to communities that face multiple barriers to accessing health care. **Now more than ever, this requires dedicated investments in the mental health and justice sectors.**



OUR ACHIEVEMENTS

The [Provincial HSJCC \(PHSJCC\)](#) functions as a planning body, providing support and leadership to the individual and collective efforts of the Local and Regional HSJCCs. With the support of the PHSJCC and Secretariat Staff, our Network has been able to markedly increase the scope of our achievements. The PHSJCC has also been able to respond quickly to emerging province-wide issues, key concerns and needs identified by our Network, particularly during the pandemic. We have shared these concerns and proposed solutions in regular [submissions to government](#).

We regularly engage our members through surveys, telephone and webinar consultations, and virtual and in-person meetings to determine priorities, which are outlined in our annual reports. Our priorities of focus for 2019-2022 include supportive housing for justice-involved clients, release from custody and discharge issues, cross-sector collaboration and cooperation issues, clients with complex needs, emerging substance use issues, specialized populations including seniors, youth and racialized populations, and expansion of resources.



The PHSJCC leads several provincial working groups and policy projects that have produced important public policy resources and knowledge exchange products such as [navigational guides and reports](#), [webinars](#) and [newsletters](#).

For further discussion on this submission, please contact:



SARA DIAS

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Provincial HSJCC Co-Chair
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APPENDIX A

Solicitor General

Office of the Solicitor General

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EX-2020-851
By email

July 27, 2020

Sandra Ka Hon Chu
Director of Research & Advocacy
Canadian HIV/AIDS Legal Network
schu@aidslaw.ca

Dear Sandra Ka Hon Chu:

Thank you for your email enclosing a letter on behalf of frontline workers and 63 organizations regarding protecting inmates from COVID-19. I apologize for the delay in responding.

I would like to begin by assuring you that the Ministry of the Solicitor General has policies and procedures in place for the delivery of health care services. These policies and procedures ensure that inmates receive necessary health assessments when they are admitted to institutions, and as needed during their period of incarceration. Inmates have access to health care practitioners, such as nurses, nurse practitioners, physicians and psychiatrists. The ministry ensures those in its custody are treated fairly, respectfully and with the same access to health care services as those in the community.

I can tell you that the ministry has implemented a number of measures at all of our provincial institutions to keep our staff, and those in our custody, safe. This includes proactive work to address overcrowding in our facilities, with the objective to decrease the risk to public health while ensuring public safety.

Intermittent inmates who serve time on the weekends are required to attend their reporting facility for their first reporting date, where they will be given a Temporary Absence Permit (TAP) from custody and allowed to return home. The TAP has been extended until August 26, 2020, or the sentence end-date, whichever comes first. This means those serving intermittent sentences will not have to report to a correctional facility every weekend, reducing the number of individuals entering the institution.

The ministry is proactively performing a temporary absence review for all sentenced offenders to determine whether they are eligible for early release. Offenders chosen must be near the end of their sentences (less than 30 days remaining) and be considered a low risk to reoffend. Those who have been convicted of serious crimes, such as violent crimes or crimes involving guns, will not be considered for early release. Unlike the standard process, sentenced offenders are not required to apply for release and will be notified if they qualify. They must agree to the terms and conditions of their release prior to leaving the institution.

Since March 16, 2020, these measures have helped reduce the population at all facilities across Ontario from 8,344 to 5,945 (as of July 24, 2020). Since April 2, 2020, 40 low-risk inmates close to the end of their sentences have been released early from institutions across the province (as of July 24, 2020). A centralized team continues to review cases to assist with the release of additional low-risk inmates.

To reduce the movement of inmates in and out of the institutions, the Ministry of the Solicitor General, in partnership with the Ministry of the Attorney General, has moved all court appearances to video or telephone (unless required by the court). As the province continues its path to recovery, both the Superior Court and Ontario Court of Justice are planning to reopen their courts on a limited basis. The ministry will be working with the courts to facilitate the attendance of inmates at court as required.

The Ontario Parole Board is conducting all hearings remotely by video or teleconference. We are continuing to work with the courts and police to reduce the number of individuals coming into our custody and the ministry is working closely with Correctional Service Canada to continue the movement of federal inmates from our custody.

As you may know, the Ministry of the Solicitor General has a legal responsibility to uphold the orders of the courts and to ensure the safety and security of all those in its custody. The ministry, however, does not determine which individuals will be admitted into our custody nor which individuals are eligible for release unless the court deems eligible. Sentencing and judicial decisions are imposed through the judiciary and court system, which fall under the responsibility of the Ministry of the Attorney General.

All adult correctional institutions across Ontario have an individualized pandemic plan, which is used in consultation with local public health partners. The ministry has implemented a number of measures at all provincial correctional facilities to stop the spread of COVID-19, including a requirement for staff and visitors to wear masks at all times; masks are also being provided to inmates as required.

Everyone entering a correctional facility is subject to a screening process that aligns with the latest direction from the Ministry of Health (MOH). This includes staff, new admits and professional visitors. A process has also been implemented to ensure that staff are self-monitoring and affirming they are not experiencing symptoms that are consistent with COVID-19. Inmates are screened for COVID-19 at admission and are housed in a special intake unit for 14 days, where they can be monitored for symptoms and tested for COVID-19, prior to joining the general population.

Inmates are carefully monitored on an ongoing basis, and should they exhibit symptoms consistent with COVID-19, they are temporarily placed in medical isolation for further assessment and testing, when appropriate. In addition, all non-essential transfers are cancelled until further notice. As the situation evolves, these measures will undergo regular review to ensure they are aligned with MOH and Public Health Ontario direction.

All inmates continue to receive appropriate medical attention as required. Inmates who have been placed in temporary medical isolation are managed in accordance with ministry policy and still receive access to court and counsel, fresh air (yard), showers, use of telephone, and access to personal belongings, as well as canteen.

In addition to routine testing described above, since May 24, 2020, the ministry has offered voluntary COVID-19 testing to all inmates and all staff members.

There are also processes in place to address environment cleaning at all of our facilities. All institutions are inspected and thoroughly cleaned daily and as required. In addition, third-party cleaning services are secured to perform additional deep cleaning in our institutions as required. Inmates are also educated on methods to reduce the spread of illness, including COVID-19, and are provided with cleaning products to keep their living areas clean, as well as toiletries such as soap, shampoo and toothpaste.

It is our policy to treat inmates in a responsible, just and humane manner that recognizes their inherent dignity as human beings and affords them the rights, privileges and protections prescribed by law. Out of an abundance of caution to prevent the spread of COVID-19, the ministry temporarily cancelled personal visits at all correctional facilities. As of July 7, 2020, personal visits have resumed at all institutions. The ministry has established guidelines, which include scheduling all visits, an active screening process for visitors and a mandatory face covering requirement. Visitation will be prioritized for vulnerable inmates.

The ministry is temporarily providing all inmates with calling cards for \$20 per month, in addition to their regular access to personal phone calls. This began in April 2020 and will continue at the discretion of the ministry.

The ministry will continue to protect victims of crime, witnesses and other members of the public from harassment and intimidation by inmates while in correctional institutions using the same safeguards that have always been in place.

The ministry is also working collaboratively with other justice sector partners to ensure that inmates have access to their lawyers through the use of remote technologies, such as video and audio conferencing.

The ministry issued a *Correctional Services COVID-19 Information Sheet* and a *Correctional Services COVID-19 Question and Answers for Inmates* document for posting within our institutions. These accessible reference materials provide valuable information to our inmate population that will enable them to assist in stopping the spread of this virus and assist them in protecting themselves and others.

Regarding your concerns about release planning, the ministry works with community service providers, municipalities, Indigenous communities, and Indigenous organizations to help inmates who need local assistance. To support the safety of offenders who are being released into the community, the ministry will, where possible:

- Support travel home and help them find housing, take medication, and continue with programming and/or treatment in their communities;
- Help them make connections with friends or family members who can assist with housing and/or transportation;
- Identify and connect them with local community service providers (such as shelters and transportation services), and Indigenous organizations that are continuing operations during the pandemic;
- Connect with community health care providers for follow-up care, including public health, and provide them with local health services and Telehealth contact information at discharge; and
- Provide health education and resources on COVID-19 symptoms, self-isolation, physical distancing, hand hygiene and when to wear a mask.

It may interest you to know that the ministry has signed a Memorandum of Understanding with the Nishnawbe-Aski Legal Services Corporation and the Nishnawbe Aski Nation (NAN) to support discharge planning and the safe return home of individuals to NAN territories during the COVID-19 pandemic.

As an added effort to proactively promote personal safety during the COVID-19 pandemic, cloth masks are being provided to inmates upon release. Non-symptomatic and non-medically isolated inmates being released into the community are provided with one cloth mask at the time of their release and are educated on its proper use. Inmates who are released into the community from medical isolation are released wearing a surgical/procedure mask; they are provided with an additional mask for later use.

We liaise closely with the local Public Health Unit when patients are being discharged. Again, as part of our discharge process, inmates are provided with information about COVID-19, as well as how to self-monitor or self-isolate, as appropriate.

The ministry has been releasing statistical information related to COVID-19 cases upon request. I have taken the liberty of enclosing statistical data related to inmate and staff COVID-19 cases in Ontario's Correctional Institutions.

I assure you that the health and safety of our staff and those in our custody is our top priority. We recognize and thank our dedicated staff who are working hard to keep our correctional facilities and our communities safe.

We continue to monitor this situation, work closely with our public health partners as this situation evolves, and evaluate additional measures that may further reduce risk. We are committed to ensuring our frontline corrections staff and those in our custody remain informed while we respond to COVID-19 and the unique challenges it presents. We all need to stay vigilant and do our part to ensure the health and well-being of all Ontarians.

Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sylvia Jones', with a stylized, cursive script.

Sylvia Jones
Solicitor General

Enclosure

c: The Honourable Christine Elliott
Deputy Premier and Minister of Health

The Honourable Doug Downey
Attorney General