



HSJCC Transition from Custody Network

Terms of Reference
Approved: June 7, 2021

Background

Overview of HSJCC Network

The Human Services and Justice Coordinating Committees (HSJCCs) were established in response to a recognized need to coordinate resources and services, and plan more effectively for people who are in conflict with the law. The HSJCC Network's advocacy and support for people who experience conflict with the law is congruent with the mandate of Ontario's *Patients First Act* (2016), which ensures which is aimed at promoting reliable, efficient, and equitable access to health care services for all Ontarians. Priority consideration will be made for, but not limited to, people with a serious mental illness, developmental disability, acquired brain injury, drug and alcohol addiction, and/or fetal alcohol spectrum disorder. The HSJCCs are a cooperative effort of the Ministries of the Attorney General, Children, Community and Social Services, the Solicitor General, and Health.

The two primary areas of emphasis for the HSJCCs are:

1. To provide a planning table to bring together service providers to find solutions to the problem of the criminalization of people with unique needs, and;
2. To develop a model of shared responsibility and accountability in dealing with this group of individuals at points of intersection with the justice system.

Regional HSJCCs were established to coordinate communication and service integration planning between health, criminal justice and developmental service organizations within specific regions. Local HSJCCs are formed as required in each Region. Regional and Local HSJCCs are formed and operate flexibly in accordance with the unique needs of the regions and communities they serve.

The goal of the Provincial HSJCC is to provide a provincial leadership mechanism to support the implementation of the Ontario government's policy framework *A Provincial Strategy to Coordinate Human Services and Criminal Justice System in Ontario* (1997) for people who come into contact with the justice system and who have needs that are appropriate to be met by one or more of the provincial human services systems.

Background of the HSJCC Transition from Custody Network

COVID-19 has exacerbated release from custody issues across the province. In the Provincial HSJCC's submission to Government on [April 17, 2020](#), the following concerns were identified from HSJCC Network members across the province:

- **A housing crisis is emerging for the influx of Ontarians being released from custody.** The volume of individuals being released from correctional custody increased during the pandemic, but their housing needs cannot be met by the current level of housing supply. This crisis requires an immediate solution.
- **Ontarians are often being released from custody without plans or the necessary tools to support their reintegration.** A lack of release from custody or discharge plans, especially for those on remand, is putting these clients at additional risk for a number of negative outcomes.

The Provincial HSJCC decided to form a Transition from Custody Network to focus on these issues, identify solutions and provide a platform for members to share information and resources. The HSJCC Transition from Custody Network was approved in October 2020 and a call out for members was sent to the HSJCC Network mailing list in January 2021. The Network first convened in February 2021.

Goals, Objectives and Values

The HSJCC Transition from Custody Network aims to support all HSJCC members seeking to improve outcomes for individuals leaving correctional facilities across Ontario.

Objectives of the HSJCC Transition from Custody Network

- Identify common challenges to supporting individuals with mental health issues, substance use issues, neurodevelopmental disabilities, brain injuries and other unique needs who are discharged from correctional facilities across Ontario.
- Promote and share best practices and key considerations for improving outcomes for individuals living with mental health issues, substance use issues, neurodevelopmental disabilities, brain injuries and other unique needs who are leaving correctional facilities. This includes promoting consistent discharge planning, access to supportive housing and connections to necessary health and human services.
- Ensure access to housing and other necessary services is equitable across the province by acknowledging and addressing systemic racism and implementing anti-Indigenous racism and anti-Black racism policies and practices.
- Identify and promote services and promising practices to support individuals who identify as 2SLGBTQ+, with a focus on individuals who identify as Two Spirit and/or Trans.
- Provide advice on ongoing Provincial HSJCC projects and initiatives as it relates to release from custody issues.

Values and Commitments

The HSJCC Transition from Custody Network is committed to the following values and principles:

- Evidence-based practice;
- Culturally relevant and responsive approaches;
- Honouring voices and perspectives of those with lived experience;
- Cross-sectoral, multi-disciplinary collaboration; and
- Action-oriented knowledge exchange.



Reporting Relationships

The HSJCC Transition from Custody Network shall report to the Provincial HSJCC. The Network shall function in accordance with the Provincial HSJCC's [Terms of Reference](#). As outlined in this document, the duties of all working groups include keeping a record of their proceedings and reporting to the Provincial HSJCC at each meeting.

HSJCC Transition from Custody Network Membership

Membership

Members from across the HSJCC Network and external stakeholders are welcome to join the HSJCC Transition from Custody Network. Organizations and individuals that are interested in becoming members of the HSJCC Transition from Custody Network are encouraged to contact the HSJCC Secretariat.

To ground the work of the HSJCC Transition from Custody Network, members will prioritize, promote and draw from the experiential knowledge, history, writing and research driven by individuals who are service users and/or current and former prisoners of carceral institutions; individuals who identify as Indigenous, Black and/or racialized; individuals living with mental health issues, substance use issues, neurodevelopmental disabilities, brain injuries and/or other unique needs; and individuals who identify as 2SLGBTQ+.

This work is further grounded via key tenets of intersectionality theory which acknowledges the complexity of discrimination for individuals who are diversely situated and impacted by structural barriers, oppression and violence.

Members should be informed of, and supportive of, the goals and objectives of the HSJCC Network and agree they may be identified as Members of the HSJCC Transition from Custody Network by the Provincial HSJCC in furtherance of its mandate.

Co-Chairs

The HSJCC Transition from Custody Network will have, at minimum, two Co-Chairs who shall preside at all meetings of members. The Co-Chairs will be appointed by the HSJCC Transition from Custody Network members. The roles and responsibilities of the Co-Chairs will include:

- To review the agenda and any materials assembled by the HSJCC Secretariat staff in advance of each meeting;
- To chair HSJCC Transition from Custody Network meetings;
- To manage meetings in a way that encourages open, honest and respectful dialogue among the members;
- To ensure that the purpose and objectives of the HSJCC Transition from Custody Network are fulfilled through meetings;



- To work with the HSJCC Secretariat on managing requests and issues that may arise; and
- To represent the HSJCC Transition from Custody Network at Provincial HSJCC meetings as needed.

Co-Chairs are eligible for appointment for two (2) consecutive full two (2) year terms, and thereafter are not eligible for re-appointment until a period of eleven (11) months has elapsed from the date of retirement of such Officer.

Any Co-Chair may resign or take a leave of absence at any time by notice in writing to the HSJCC Secretariat.

Provincial HSJCC Secretariat

The work of the HSJCC Transition from Custody Network shall be supported by the Provincial HSJCC Secretariat. The Secretariat's roles and responsibilities will include:

- To schedule, coordinate and provide support for HSJCC Transition from Custody Network meetings
- To maintain the HSJCC Transition from Custody Membership Database;
- To complete action items as determined by the HSJCC Transition from Custody Network members during meetings; and
- To serve as a point of contact for members of the HSJCC Transition from Custody Network on general matters.

HSJCC Transition from Custody Network Meetings

Meetings

Meetings may be held virtually under the direction of the HSJCC Transition from Custody Network.

Code of Conduct

Members of the HSJCC Transition from Custody Network will agree to abide by the following code of conduct:

- Recognize and value the diversity in backgrounds and opinions of the different Network members. Disagreement and opposing views are expected and will be treated as an opportunity for constructive debate.
- Members have been brought together for their respective experiences, expertise and opinions. The Network is expected to strive for consensus in decision-making.
- Members agree to act in good faith, especially concerning issues of information, disclosure and confidentiality.
- Members agree to work together where support for a specific pathway will benefit from a collaborative approach.

Confidentiality Agreement

Members of the HSJCC Transition from Custody Network will agree to sign a Confidentiality Agreement (attached as **Appendix B**). Each member must sign the Confidentiality Agreement in order to access the HSJCC Transition from Custody Network online forum.

Honoraria

As outlined in the [Provincial HSJCC's Terms of Reference](#), persons with lived experience and family members who are not being supported by an organization for their participation in the HSJCC Transition from Custody Network are eligible for an honorarium.

The honorarium rate for persons with lived experience and family members will follow the guidelines of the Provincial HSJCC's honorarium policy.

Appendix A - Definitions

2SLGBTQ+

An umbrella term that stands for “Two Spirit, Lesbian, Gay, Bisexual, Trans, Queer, Plus...” This acronym also includes individuals who identify as Intersex, Asexual, Genderqueer, Pansexual, Questioning, Non-Binary, etc.

Anti-racism

A targeted approach designed to identify and eliminate all forms of racism. Anti-racism acknowledges that *systemic racism* exists, takes proactive steps to fight racial inequity, and actively confronts unequal power dynamics between groups and systems. It identifies and challenges the roots of traditions that have resulted in systemic racism by questioning where they come from, whom they exclude and who benefits from their perpetuation.

Brain injury

According to the Ontario Brain Injury Association, “Acquired Brain Injury (ABI) is damage to the brain that occurs after birth from a traumatic or non-traumatic event... Traumatic Brain Injury (TBI) is damage to the brain caused by a traumatic event such as, a blow to the head, a fall, a motor vehicle collision or a sports related injury. Non-Traumatic Brain Injury is damage to the brain caused by illness such as meningitis or encephalitis, oxygen deprivation (anoxia) or stroke.”¹

Concurrent disorder

Also known as co-occurring disorder, this term is used to describe individuals living with *mental health* and *substance use* issues.

Dual diagnosis

A term used to describe individuals living with *neurodevelopmental disabilities* who are also experiencing mental health or substance use issues.

Mental health issue

An alternative phrase to mental illness or mental disorder, often used as a preferred, less stigmatizing term. A person may experience a mental health issue without having a formal diagnosis of a mental illness.

Neurodevelopmental disabilities

Also known as developmental disabilities or neurodevelopmental disorders. According to the Province of Ontario Neurodevelopmental Network, neurodevelopmental disabilities “arise from

¹ Ontario Brain Injury Association. (n.d.) *Home Page*. Retrieved from <http://obia.ca/>.

disturbances in the growth and development of the brain and the nervous systems. Children with Attention Deficit/Hyperactivity Disorder (ADHD), Autism Spectrum Disorder (ASD), Intellectual Disability (ID), Obsessive Compulsive Disorder (OCD), Tourette syndrome, Rett syndrome, Down syndrome, Fragile X syndrome or any genetic differences are among those who are said to have a neurodevelopmental disorder.”² Fetal Alcohol Spectrum Disorder (FASD) is another form of neurodevelopmental disability.

People with lived experience

For the purposes of this Terms of Reference, a person with lived experience is defined as an individual who has direct experience with mental health issues, substance use, neurodevelopmental disorders, brain injuries and/or other unique needs and has come into contact with the criminal justice system.

Substance use

Consuming drugs, alcohol, aerosols or other materials that cause a physiological effect. Problematic substance use ranges from mild (feeling hungover, being late for work) to severe (substance use disorder). A person who keeps using substances despite the harmful consequences may develop a substance use problem, which is a form of addiction.

Systemic racism

According to Ontario’s Anti-Black Racism Strategy, “Systemic racism occurs when institutions or systems create or maintain racial inequity, often as a result of hidden institutional biases in policies, practices and procedures that privilege some groups and disadvantage others.”³

² Province of Ontario Neurodevelopmental Network. (2021). *About POND*. Retrieved from <https://pond-network.ca/about-pond/>.

³ Government of Ontario. (2017). *Anti-Black Racism Strategy*. Page 2. Retrieved from <https://files.ontario.ca/ar-2002-anti-black-racism-strategy-en.pdf>.

Appendix B

HSJCC Transition from Custody Network Confidentiality Agreement

I. Introduction

The Human Services and Justice Coordinating Committee (HSJCC) Network aims to meaningfully and respectfully engage with persons who have lived experience in the human services and justice sectors. The HSJCC considers the contributions of persons with lived experience to be fundamentally important to the mandate of the HSJCC Network which concerns coordinating resources and services, and effectively planning for people with clinical needs who are in conflict with the law. The knowledge, experiences and vantage points of persons with lived experience, however, are grounded in information that is personal, sensitive, and confidential and may, if disclosed to third parties, cause harm to these individuals.

The HSJCC deliberately convenes representatives from human services and justice organizations who may have diverse views on how best to support persons with unique needs who interact with the justice system. This may include front-line providers serving Black, Indigenous and racialized individuals, those serving clients with neurodevelopmental disabilities, acquired brain injuries, mental health issues and/or addictions, as well as police officers, correctional officers, probation and parole officers, Crowns, defence and duty counsel, public policy analysts and ministry representatives.

II. Purpose

This Confidentiality Agreement is intended to protect the privacy of those who interact with or who receive services from members of the HSJCC Transition from Custody Network. It also protects members of the HSJCC Transition from Custody Network, HSJCC Secretariat Staff and the Webmaster.

Individuals with lived experience may disclose information of a personal and sensitive nature, which, if disclosed to third parties, may cause harm to the individual. Therefore, it is of the utmost importance to take action to prevent the disclosure of any information to third parties about persons with lived experience, to avoid causing them harm.

In addition, this Agreement intends to protect the privacy of third parties who are not members of the HSJCC Transition from Custody Network. Service providers may disclose confidential information about their clients, which, if shared beyond the HSJCC Transition from Custody Network membership, may cause harm to those clients.

The Provincial HSJCC plans to launch an online forum which would provide an opportunity for HSJCC Transition from Custody Network members to share urgent information virtually, outside of regular meetings. It is of utmost importance that any information relating to persons with lived experience or third parties shared on the online forum be confidential, to avoid causing harm to those individuals.

III. Confidential Information

For this Confidentiality Agreement, “**confidential information**” includes, but is not limited to:

1. **Personal information** that identifies the person, including name, address, or phone number.
2. Information that relates to the family of the person.
3. **Personal health information** including information relating to mental health or substance use.
4. Information regarding criminal or other justice-related involvement, abuse or trauma experienced by the person or information that may relate to their health, immigration, employment, or housing status.
5. Any information that may identify the person or potentially place the person or a member of their family at risk.
6. Information contained in any file or document, whether in digital or written format, including handwritten notes and audio files.
7. **Exception - Duty to report:** HSJCC Transition from Custody Network members must be aware that information relating to the abuse or neglect of a minor(s) may be reported by any member as required by law.

IV. Terms

By signing this Confidentiality Agreement, you are agreeing to the following:

1. HSJCC Transition from Custody Network members who are governed by privacy legislation such as the *Freedom of Information and Protection of Privacy Act* (FIPPA), *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), *Personal*

Health Information Protection Act (PHIPA), Youth Criminal Justice Act (YCJA), etc., must familiarize themselves with and comply with the applicable legislation. HSJCC Transition from Custody Network members must also comply with any professional codes of conduct or policies that apply to their respective agencies or organizations.

2. All communications between persons with lived experience, the HSJCC Transition from Custody Network, Secretariat Staff or the Webmaster, whether in writing or verbally expressed, are **confidential information** and protected by this Confidentiality Agreement.
3. **Personal information** such as a name, address, phone number, age, SIN, etc. must **never** be shared on the HSJCC Transition from Custody Network website forum.
4. **Confidential information** about third-party clients, such as justice-system involvement, mental health or housing status, must not be shared with HSJCC Transition from Custody Network members unless the third-party client consents.
5. HSJCC Transition from Custody Network members, Secretariat Staff or Webmasters shall not disclose confidential information to an external third party without the express written consent of the person about whom the information relates.
6. In some serious, time-sensitive situations, there may not be an opportunity to obtain consent to share a third-party client's confidential information. In situations of **acutely elevated risk**, some professionals may be permitted in legislation to share limited confidential information in order to eliminate or reduce imminent harm to an individual or others. In these instances, professionals should refer to their governing privacy legislation and professional codes of conduct, which may allow for the sharing of confidential information absent consent. For further guidance, HSJCC Transition from Custody Network members should follow the Ministry of the Solicitor General's [Guidance on Information Sharing in Multi-Sectoral Risk Intervention Models](#) and the **Four Filter Approach to Information Sharing**. This Approach is summarized below:

- a. **Initial Organization Screening:** Professionals must only bring forward situations where they believe that the subject individual is at an acutely elevated risk of harm as defined above. The professional must be unable to eliminate or reduce the risk without bringing the situation forward to the group.
 - i. The decision to share information must only be made if the professional is first satisfied that the recipient of the information will also protect and act upon that information in accordance with established professional and legal requirements.
 - ii. Decisions to share information in support of an intervention must always be made by weighing out the benefits that can be achieved for the well-being of the individual(s) in question against any reasonably foreseeable negative impact associated with the disclosure of personal information.

- iii. Professionals across the spectrum of human services assume within their roles a duty of care to protect individuals, families and communities from harm and are encouraged to be mindful of this responsibility when considering whether or not to share information.
 - b. **De-identified Discussion with Partner Organizations:** Only limited and de-identified information that is reasonably necessary is shared, so that the group can decide whether acutely elevated risk factors are present.
 - c. **Limited Identifiable Information Shared:** If the group decides that acutely elevated risk exists, further information should only be shared with those organizations that are reasonably necessary to plan and implement a response. The individual to whom the information relates must be notified of the disclosure.
 - d. **Full Discussion among Intervening Organizations Only:** Only those organizations that have a direct role to play in an intervention/response will meet separately to discuss any limited personal information required to assess the situation and determine appropriate action.
7. As a means of ensuring confidentiality to the greatest extent possible, no recording, audio file, transcript, or interview notes will contain the name or other identifying features of a person with lived experience and/or third-party client, subject to Paragraph 9. Any private notes including confidential information must be deleted after any follow-up response is executed in accordance with privacy legislation.
8. HSJCC Transition from Custody Network members, Secretariat Staff and the Webmaster accessing the website forum must only do so from password protected devices. Firewalls should also be utilized to prevent unauthorized external access to computers and laptops.
9. The Provincial HSJCC and Secretariat Staff may disclose the HSJCC Transition from Custody Network membership list in furtherance of HSJCC business.
10. All HSJCC Transition from Custody Network members, Secretariat Staff and the Webmaster have a duty to keep the confidential information of a person with lived experience confidential for the duration of their terms as a Network member, Secretariat Staff member or Webmaster, including after employment or volunteer status ends.
11. All HSJCC Transition from Custody Network members, Secretariat Staff and the Webmaster understand that failure to comply with the terms of this Confidentiality Agreement will result in termination of access to the HSJCC Transition from Custody Network website forum.



V. Declaration

I, _____ (print name), have read the HSJCC Confidentiality Agreement above and understand and agree with its Terms, including my responsibilities as a HSJCC Transition from Custody Network member, Secretariat Staff member or Webmaster (circle the appropriate choice).

Signature of HSJCC Transition from Custody
Network Member/HSJCC Secretariat
Staff/Webmaster

Date