

Hon. Doug Downey
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Hon. Christine Elliott
Minister of Health
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Hon. Sylvia Jones
Solicitor General of Ontario
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Hon. Todd Smith
Minister of Children, Community and
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Macdonald Block Rm M2B-88,
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Hon. Michael Tibollo
Associate Minister,
Mental Health and Addictions
Whitney Block, 1st Floor, Rm 1618,
99 Wellesley Street West
Toronto, ON M7A 1W3

May 7, 2020

Dear Attorney General Downey, Minister Elliott, Solicitor General Jones, Minister Smith, and Associate Minister Tibollo:

Re: Continued Impact of COVID-19 on service delivery across the Human Services and Justice Coordinating Committee Network

On behalf of the Provincial Human Services and Justice Coordinating Committee, I am writing to you today regarding COVID-19 and to provide an ongoing update on its impact on service delivery across our network.

Thank you for commemorating Mental Health Week 2020 with your announcement on May 5th and your commitment and \$12 million investment to supporting individuals living with mental health and addictions issues. We also appreciate your ongoing commitment to consulting with representatives from community-based human services and justice sectors during this challenging time.

Our network affirms the importance of a coordinated, cross-sectoral approach to addressing 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.

You will recall from our previous letters dated March 30 and April 17, 2020, that we identified key priorities that are urgently required to continue to provide the often life-saving treatment and services for Ontarians. These included the provision of additional personal protective equipment (PPE) for human services and justice system providers, additional funding for the expansion of technology and digital solutions for service provision, increased housing supply for those recently released from custody, expanded access to cell phones for those in custody and those being released, and improved planning for those being released from custody.

Our network continues to identify and respond to the ever-changing needs of vulnerable Ontarians during the COVID-19 pandemic. We are concerned about the emerging issues involving the Courts.

On May 4, 2020 the Ontario Court of Justice provided an update that normal court operations will not resume until at least July 6, 2020. The Provincial HSJCC is pleased to hear that urgent criminal and family matters will continue to be heard virtually, including all criminal cases involving in-custody accused, and all urgent guilty pleas, consent bail variations, applications to vary police undertakings or applications to vary probation or conditional sentence order conditions. We are also pleased to hear the Court is working closely with the Ministry of the Attorney General to increase court accessibility, such as electronic filing of court material, remote scheduling and remote hearings.

The Superior Court of Justice announced on May 6, 2020, that all in-person matters continue to be suspended until July 6, 2020, at the earliest, and criminal jury trials will not resume until at least September 2020. The Provincial HSJCC is pleased that bail, bail review, detention review, guilty pleas and sentencing will continue to be heard virtually for in-custody persons in urgent circumstances. We are also pleased to hear that the Court has been working closely with the Ministry of the Attorney General, the profession and other justice partners to expand the scope of matters that will be heard virtually.

The Provincial HSJCC is concerned that some individuals are waiting in custody for criminal trials that cannot be scheduled during this time. The wait will result in a backlog that will continue once court returns to normal operations. This extended detention risks violating section 11(b) of the *Charter* which guarantees the right to be tried within a reasonable time. In addition, it exposes all inmates to increased risks of contracting COVID-19 while remaining in correctional custody.

The Provincial HSJCC urges the Courts to consider all alternative forms of release, including judicial interim release (bail), temporary absence permit requests and emergency early release requests. The Courts should consider community supervision measures in partnership with community organizations that house these clients. Furthermore, our network would like to be included in discussions and the planning process for the eventual reopening of the Courts. We welcome the opportunity to collaborate with you to devise a plan for addressing the backlog and the expected surge in mental health and justice-related needs once this crisis ends.

Earlier this year, the Provincial HSJCC also provided a [submission](#) to the Government of Ontario and the Standing Committee on Finance and Economic Affairs to inform the 2020 provincial budget.

Our network requested \$50 million in annualized funding in support for human services and justice services across Ontario, and \$500,000 increase for our network to continue our work to support this population. This request mirrors the provincial investment that was made at the inception of our network over 15 years ago. We strongly encourage you to consider this request, as a funding increase is crucial to sustain our existing capacity and meet growing demands. Our network would be happy to work with government to develop a multi-year investment plan for these funds.

We thank you in advance for your ongoing willingness to work with us on these issues. We are committed to continuing to work collaboratively with government and partners across the health, social services and justice sectors to deliver a robust response to COVID-19 that ensures our most vulnerable Ontarians and their mental health and well-being continue to be supported.

Please feel free to contact us through Uppala Chandrasekera, Director of Public Policy, Canadian Mental Health Association Ontario, by email at uchandrasekera@ontario.cmha.ca should you have any questions, comments or wish to discuss this further.

Yours sincerely,



Sara Dias

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cc David Garland, Chief of Staff, Solicitor General's Office (SOLGEN)
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Irwin Glasberg, Deputy Attorney General (MAG)
Janet Menard, Deputy Minister (MCCSS)
Helen Angus, Deputy Minister (MOH)
Ragaven Sabaratnam, Assistant Deputy Minister (A), Mental Health and Addictions (MOH)
The Honourable Geoffrey B. Morawetz, Chief Justice of the Superior Court of Justice
The Honourable Lise Maisonneuve, Chief Justice of the Ontario Court of Justice

About the HSJCC Network

Ontario's [Human Services and Justice Coordinating Committee Network](#) was established in 1997 in response to a recognized need across the province to coordinate resources and services, and plan more effectively for people who are in conflict with the law. Our priority consideration is for, but not limited to, people with a serious mental illness, developmental disability, acquired brain injury, substance use issues, and/or fetal alcohol spectrum disorder. The network is a cooperative effort of the Ministries of the Attorney General, Children, Community and Social Services, Health, and the Solicitor General.

Our network includes 1,600+ members across Ontario. Each HSJCC is a voluntary collaboration between social service organizations, mental health and addictions organizations and partners from the justice sector, including police services, legal aid services, Crown attorneys, correctional and probation officers. There are 14 Regional HSJCCs who work to improve the issues that impact individuals regionally who require human services as they navigate through the criminal justice system. Over 39 Local HSJCCs provide education and training for their members, coordinate care for justice-involved individuals in their communities and provide input to regional committees.

The Provincial Human Services and Justice Coordinating Committee functions as a planning body, supporting the individual and collective efforts of the Local and Regional HSJCCs. The table also identifies and addresses provincial service and policy issues, makes recommendations, and identifies system level solutions.