

BRAIN INJURY BAIL COURT NAVIGATOR PROGRAM

OVERVIEW AND EARLY LEARNINGS

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THE CONTEXT

88%



of people in the criminal-legal system are on bail or pre-trial custody in Ontario

(Diamond, 2007)

Up to 95%

of women in prison have history of head injury based on hospital records and self-report data, compared to 8% in the general population

(McGinley, 2019)



Criminal-legal Involvement



Brain Injury

Intimate Partner Violence



Sex Work



Human Trafficking

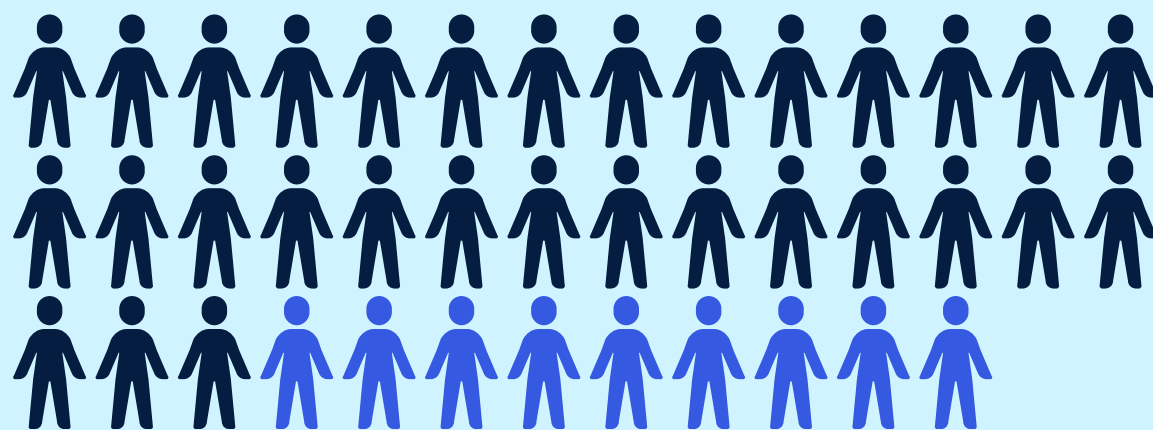


Substance Use



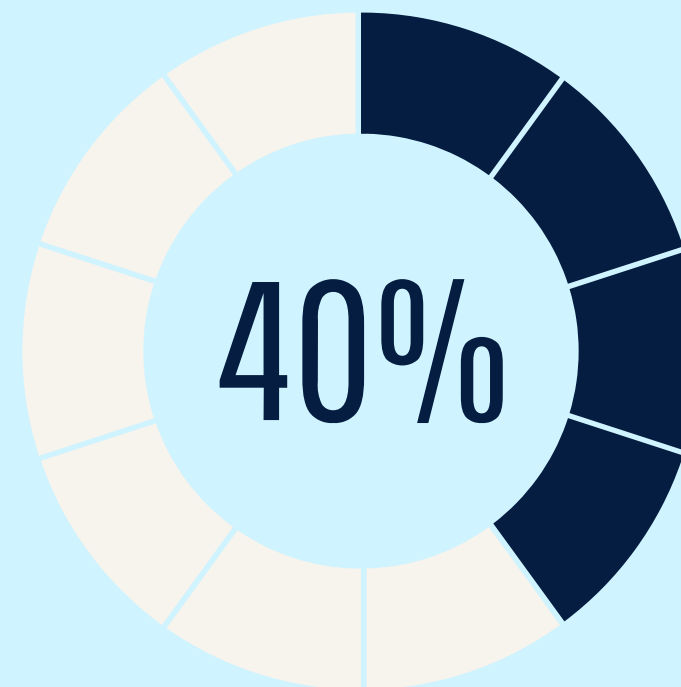
THE CONTEXT

78% of women in 4 Scottish prisons have history of significant head injury



40%

of the women had a disability associated with their head injury



BRAIN INJURY

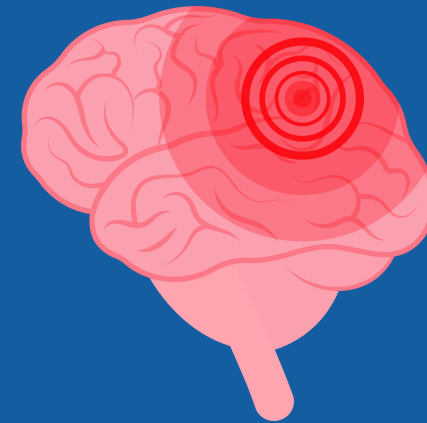


TRAUMATIC BRAIN INJURY

An “external injury that disrupts normal brain function”

- Motor Vehicle Accidents
- Falls
- Assaults (think Intimate Partner Violence)
- Sports injuries

(Center for Disease Control, 2015)



NON TRAUMATIC BRAIN INJURY

Something that happens inside the body, or a substance introduced into the body that damages brain tissues. It happens after birth and is not related to a congenital or a degenerative disease.

- Anoxia/hypoxia
- Brain tumours
- Stroke
- Opioid overdose

(Brain Injury Canada.ca)



BRAIN INJURY AND THE CLIENT



**COMPLEX
SOCIAL
INTERACTIONS**



**COGNITIVE
IMPAIRMENT**

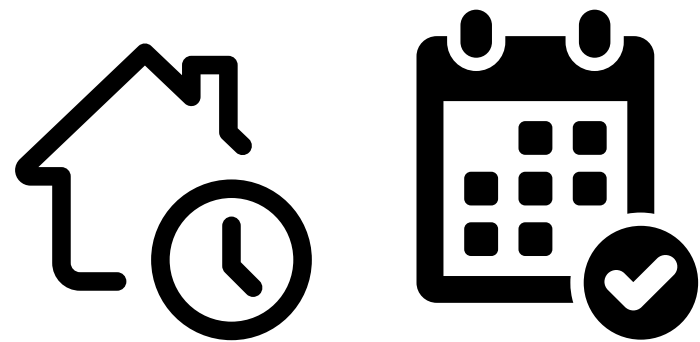


**EMOTIONAL
DYSREGULATION**

BRAIN INJURY AND BAIL

Brain injury can make it difficult for a person to:

Remember important details, such as curfews, court dates or check-ins with a supervision officer



Read and process legal documents, including their bail conditions



Understand and respond during bail hearings, requiring quick thinking and problem-solving

Know what you are agreeing to in court orders



THE CHALLENGE OF BRAIN INJURY IN THE BAIL SYSTEM



IMPLEMENTATION

Brain Injury Bail Court Navigator Program



HIRED/TRAINED 2 NAVIGATORS



Start date: August 25 2025

**Training
Completed**

01

**Ontario Brain Injury
Association Brain
Basics**

02

Research Ethics

03

**Concussion
Awareness**

04

**Naloxone/Harm
Reduction**

05

**TRBC Court
Observations**

CREATING AWARENESS OF NAVIGATOR PROGRAM AT TRBC

15

Meetings completed with key interest holders

- Aboriginal Legal Services
- CMHA
- Cota
- Criminal Lawyers Association
- Fred Victor
- Federal Crown Attorney Office
- John Howard Society Toronto
- Judiciary

- Legal Aid Ontario
- Ministry of Health – Forensics and Justice Unit
- Ministry of the Attorney General – Court Services Division
- Provincial Crown Attorney Office
- Salvation Army
- Toronto Bail Program
- Toronto Police Service

ESTABLISHING REFERRAL PATHWAYS

COTA at
TRBC



Toronto Acquired
Brain Injury Network



Canadian Mental Health
Association at TRBC



Downtown East
Justice Centre

Toronto Bail
Program



Inner City
Health
Associates



Legal Aid/
Duty Counsel



PROGRAM ACTIVITIES



Virtual court
access



Surety
information



Emotional
support for
families



Ongoing legal
matters



Bail release
planning



Brain injury
screening with
HELPS



Late release
assistance



Compliance
supports (e.g.
reminder calls and
messages)



Connections to
community-based
brain injury
services



Connections to
community-based
resources

HELPS Brain Injury Screening Tool

H Have you ever Hit your Head or been Hit on the Head? ☐ Yes ☐ No

Note: Prompt client to think about all incidents that may have occurred at any age, even those that did not seem serious: vehicle accidents, falls, assault, abuse, sports, etc. Screen for domestic violence and child abuse, and also for service related injuries. A TBI can also occur from violent shaking of the head, such as being shaken as a baby or child.

E Were you ever seen in the Emergency room, hospital, or by a doctor because of an injury to your head? ☐ Yes ☐ No

Note: Many people are seen for treatment. However, there are those who cannot afford treatment, or who do not think they require medical attention.

L Did you ever Lose consciousness or experience a period of being dazed and confused because of an injury to your head? ☐ Yes ☐ No

Note: People with TBI may not lose consciousness but experience an "alteration of consciousness." This may include feeling dazed, confused, or disoriented at the time of the injury, or being unable to remember the events surrounding the injury.

P Do you experience any of these Problems in your daily life since you hit your head? ☐ Yes ☐ No

Note: Ask your client if s/he experiences any of the following problems, and ask when the problem presented. You are looking for a combination of two or more problems that were not present prior to the injury.

- | | |
|---|--|
| <input type="checkbox"/> headaches | <input type="checkbox"/> difficulty reading, writing, calculating |
| <input type="checkbox"/> dizziness | <input type="checkbox"/> poor problem solving |
| <input type="checkbox"/> anxiety | <input type="checkbox"/> difficulty performing your job/school work |
| <input type="checkbox"/> depression | <input type="checkbox"/> change in relationships with others |
| <input type="checkbox"/> difficulty concentrating | <input type="checkbox"/> poor judgment (being fired from job, arrests, fights) |
| <input type="checkbox"/> difficulty remembering | |

S Any significant Sicknesses? ☐ Yes ☐ No

Note: Traumatic brain injury implies a physical blow to the head, but acquired brain injury may also be caused by medical conditions, such as: brain tumor, meningitis, West Nile virus, stroke, seizures. Also screen for instances of oxygen deprivation such as following a heart attack, carbon monoxide poisoning, near drowning, or near suffocation.

DOMESTIC VIOLENCE SPECIFIC SCREENING

Using the HELPS Tool With Women Seeking Domestic Violence Services:

In the case of domestic violence, women should be asked about various forms of physical abuse that could lead to a brain injury. Advocates and program staff are encouraged to utilize the following checklist, which parallels the categories of the HELPS, to aid in determining if women entering into programs should be seen by a doctor for further evaluation.

- _____ Did your partner ever **H**it you in the face or head? With what?
- _____ Did your partner ever slam your head into a wall or another object, or push you so that you fell and hit your head?
- _____ Did your partner ever shake you?
- _____ Did your partner ever try to strangle or choke you, or do anything else that made it hard for you to breathe?

- _____ Did you ever go to the **E**mergency room after an incident? Why?
- _____ Did they ask you whether you had been hit on the head or indicate that they suspected a head injury or concussion?
- _____ Was there ever a time when you thought you needed to go to the ER, but didn't go because you couldn't afford it or your partner prevented you?
- _____ If you did go to the ER, did you think you got all the treatment you needed?

- _____ Did you ever **L**ose consciousness or black out as a result of what your partner did to you?

- _____ Have you been having **P**roblems concentrating or remembering things?
- _____ Are you having trouble finishing things you start to do?
- _____ Are people telling you that you don't seem like yourself, or that your behavior has changed?
- _____ Does your *partner* say you have changed, and use that as an excuse to abuse you?
- _____ Have you been having difficulty performing your usual activities?
- _____ Are you experiencing mood swings that you don't understand?
- _____ Has it gotten harder for you to function when you are under stress?

- _____ Have you been **S**ick or had any physical problems? What kind?
- _____ Do you experience any reoccurring headaches or fatigue?
- _____ Have you experienced any changes in your vision, hearing, or sense of smell or taste?
- _____ Do you find yourself dizzy or experiencing a lack of balance?

CHALLENGES AFTER RELEASE



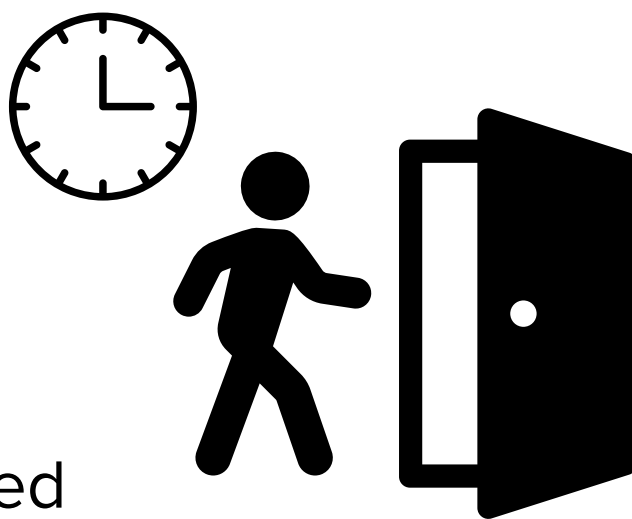
No Access to
Funds or
Transportation



Belongings
Retained at
Vanier



No Fixed
Address



Lack of
appropriate
clothing



No Phone or
Reliable
Contact
Method



Immediate
Needs: Mental
Health, Food,
and Harm
Reduction



Late
releases

CLIENT SUPPORTS

PRIOR TO RELEASE



Screen for BI using HELPS Screening Tool



Support communication between client, counsel, and family



Contact shelters, foodbanks, etc. based on client needs

CLIENT SUPPORTS

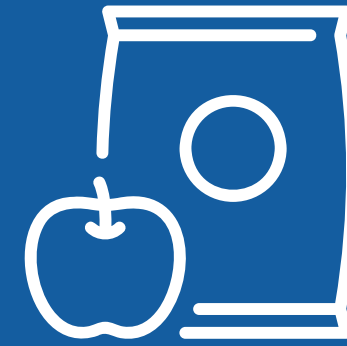
IMMEDIATELY AFTER RELEASE



Court debrief



Educate client on
possible TBI



Provide snack and
water



Offer clothing if
needed



Review bail
conditions

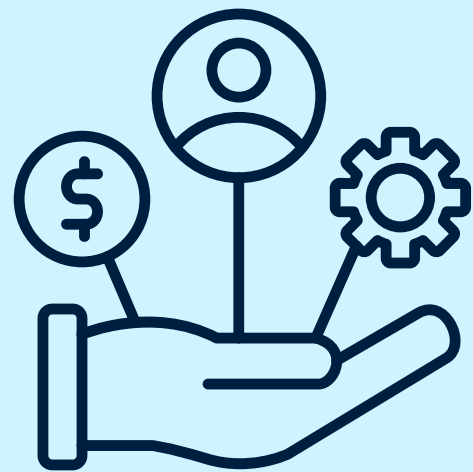


Help individuals get
home

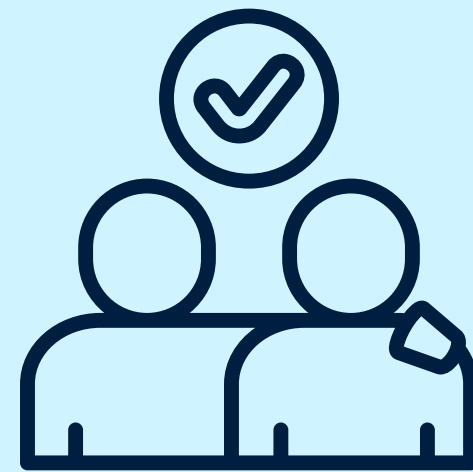


CLIENT SUPPORTS

ONGOING SUPPORTS



Connect
clients with
community
resources



Accompany
clients to court
check-ins and
appointments



Remind clients
about court
dates



Answer
questions
relating to court
processes

CLIENT ENGAGEMENT

September 26th – October 30th 2025



198

Total # of conversations had
in TRBC interview room



34

Total # of women being
provided ongoing support

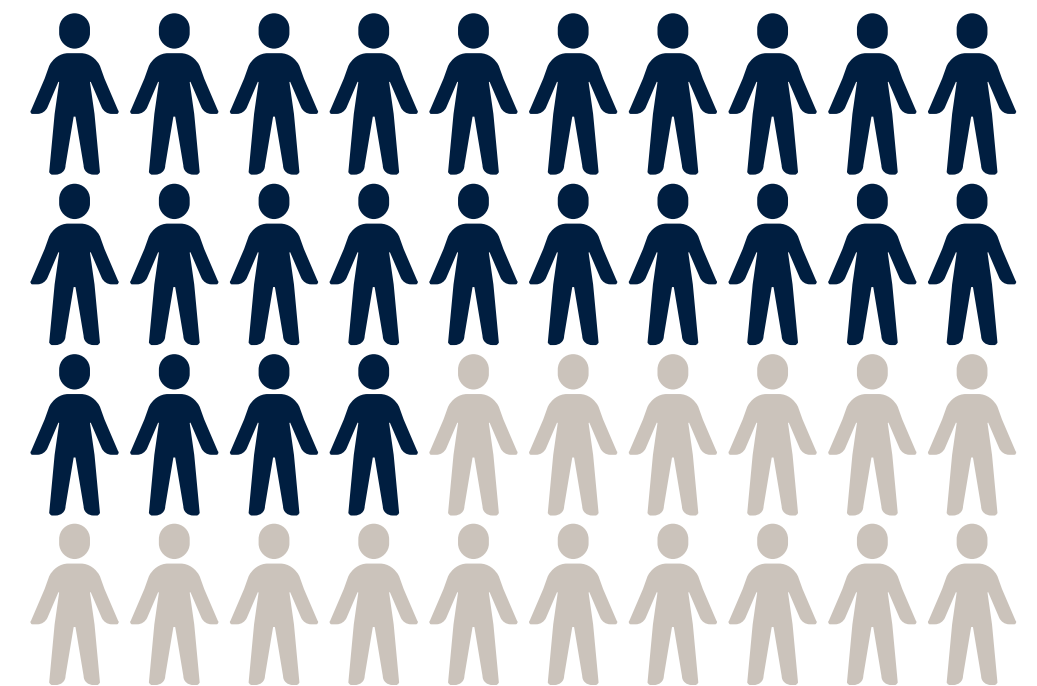


23

Total # of support letters
provided for women

60%

**of women screened
positive for brain
injury**



GEOGRAPHIC BARRIERS TO BAIL NAVIGATION

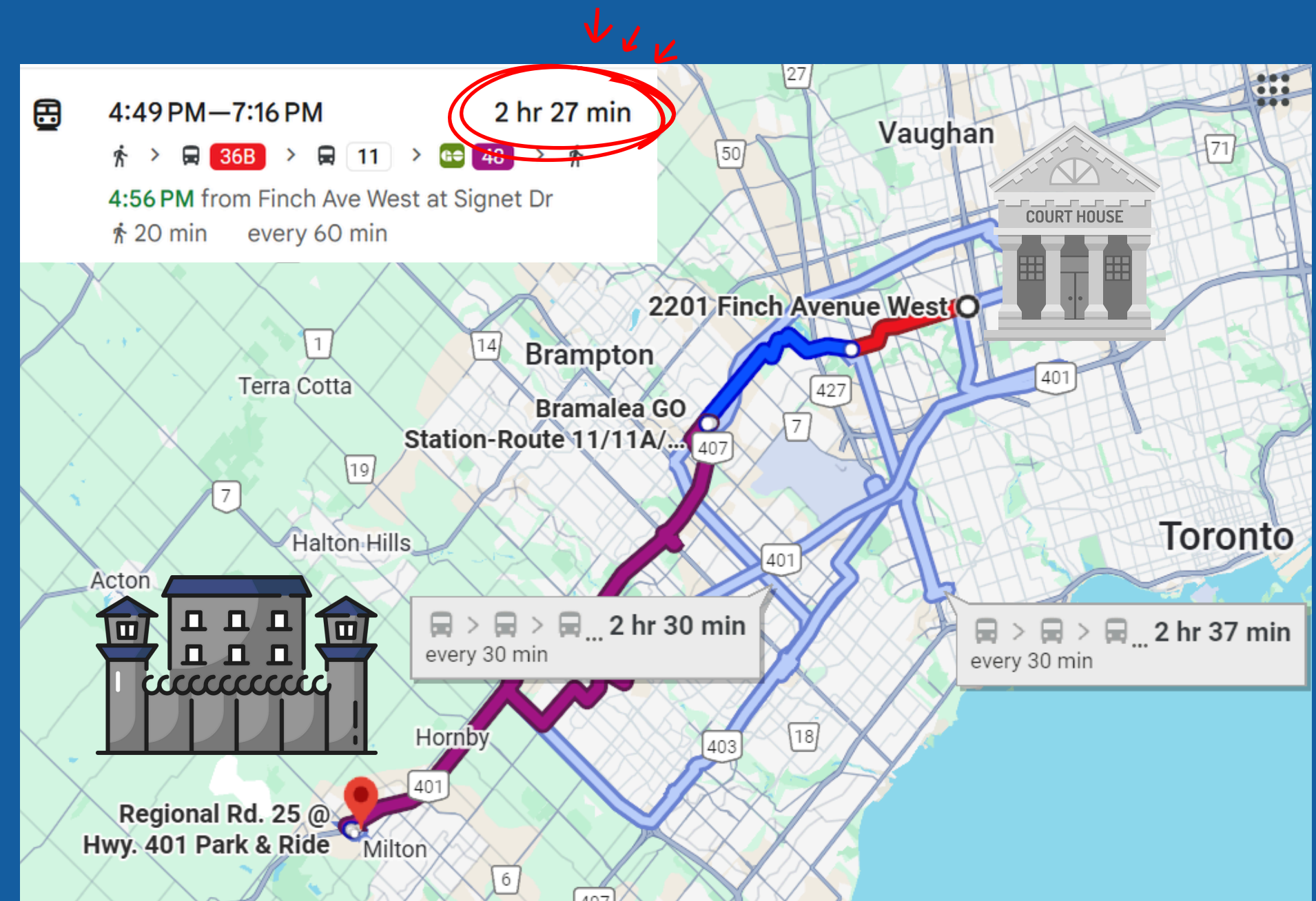
Toronto Bail Court

- Bail hearings are held at a specialized court in the north west quadrant of the city 20 kms north of downtown

Vanier Centre for Women

- Located in Milton 60 km west of bail court
- Travel time 2 hours each way depending on traffic

Distance limits access to family support, legal counsel, and community services, retrieving property on release



A HUMAN RIGHTS APPROACH TO BAIL FOR ACCUSED PERSONS WITH BRAIN INJURY



EARLY IDENTIFICATION

- Screen for brain injury at first contact (police, bail vetting, health intake)



DISABILITY-INFORMED BAIL DECISIONS

- Recognize BI as a factor affecting behaviour and comprehension — not just “risk.”
- Tailor bail conditions to cognitive capacity.



SUPPORTED SUPERVISION & RELEASE PLANNING

- Partner bail programs with community brain injury services.
- Provide structured support, housing, and treatment access.



COMMUNICATION ACCOMMODATIONS

- Use plain language, repetition, written summaries, and visual cues.
- Confirm understanding of conditions.



SYSTEM OVERSIGHT & TRAINING

- Implement neuro-disability and human rights training for bail staff and judiciary.
- Collect data and monitor outcomes for accountability.

Contact Information

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NEXT STEPS

Evaluation

Key Metrics



Clients successfully obtaining a brain injury diagnosis



Clients who are successfully referred to community-based health services interventions (e.g., mental health, brain injury)



Clients released



Clients with increased understanding of the court process



Clients successfully obtaining ODSP or other long-term financial supports

Qualitative Interviews



- Client Interviews (n = 15)
- Navigator Interviews (n = 2)



Enhancing Equity, Accessibility, and Inclusion in the Bail Process Among Justice-Involved Individuals with Brain Injury

- Conduct needs assessment
- Design and deliver brain injury and communication training
- Evaluate pilot program and disseminate results



Funded by: Law Foundation of Ontario

TRBC KEY INTEREST HOLDERS

- Aboriginal Legal Services
- CMHA
- Cota
- Criminal Lawyers Association
- Fred Victor
- Federal Crown Attorney Office
- John Howard Society Toronto
- Judiciary
- Legal Aid Ontario
- Ministry of Health – Forensics and Justice Unit
- Ministry of the Attorney General – Court Services Division
- Provincial Crown Attorney Office
- Salvation Army
- Toronto Bail Program
- Toronto Police Service



BRAIN INJURY SPECIALISTS

- Constance Coburn, Champlain ABI System Navigator
- Cathy Halovanic, Central ABI System Navigator
- Caitlin Buchel, RSLP, Executive Director, Communication Access to Justice
- Julie Osbelt, Referral Coordinator & ABI Navigator for Toronto Central



DISCUSSION

Question 1

What are your thoughts on ways to grow this program across the province and to sustain it?

Question 2

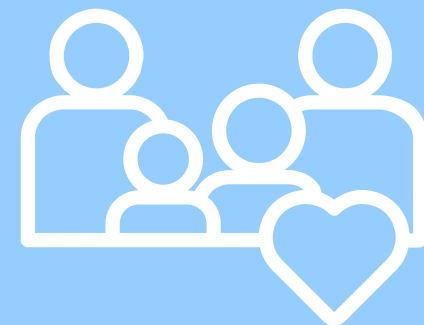
Other than within bail, where else would this kind of program be of value if there was an opportunity to introduce it?

Question 3

What is happening in your area with respect to brain injury and court support and discharge planning?

BREAKING THE CYCLE NETWORK MEMBERS

COMMUNITY SUPPORT GROUPS



Mothers Offering Mutual Support

JUSTICE AND EQUITY RESEARCH LAB



PEOPLE WITH LIVED EXPERIENCE



JUSTICE SYSTEM PARTNERS



COMMUNITY JUSTICE & RE-ENTRY SERVICE AGENCIES



TRAUMATIC BRAIN INJURY SUPPORT ORGANIZATIONS



**THANKS TO OUR
GENEROUS FUNDERS**



Meighen Family Foundation

**St. Michael's Hospital
Foundation**



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