

BRAIN INJURY AND THE CRIMINAL LEGAL SYSTEM

TFCN Meeting

Wednesday, February 11th 2026

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Policy and Practice

Education
&
Screening



Research

Qualitative
Interviews
&
Knowledge
Translation



Community Engagement

Community Partner
Workshops
&
Continuous Collaboration



Breaking the Cycle Network

A group of community and government partners who are committed to developing solutions that reduce criminal-legal involvement, with a specific focus on re-entry to halt the cycle of (re)incarceration for people with brain injury.

BREAKING THE CYCLE NETWORK MEMBERS

COMMUNITY SUPPORT GROUPS



Mothers Offering Mutual Support

JUSTICE AND EQUITY RESEARCH LAB



PEOPLE WITH LIVED EXPERTISE



JUSTICE SYSTEM PARTNERS



Toronto Bail Program



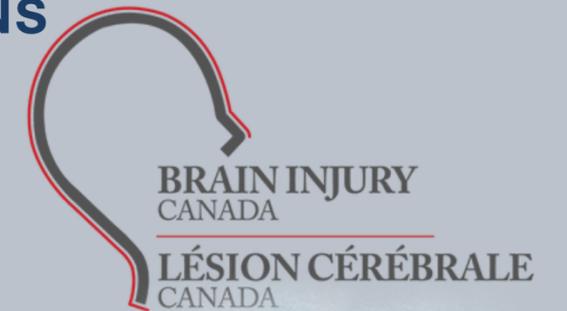
Drug Treatment Court



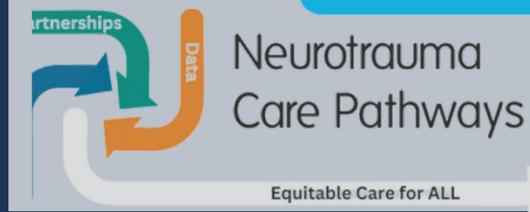
COMMUNITY JUSTICE & RE-ENTRY SERVICE AGENCIES



TRAUMATIC BRAIN INJURY SUPPORT ORGANIZATIONS



CENTRAL EAST



Equitable Care for ALL

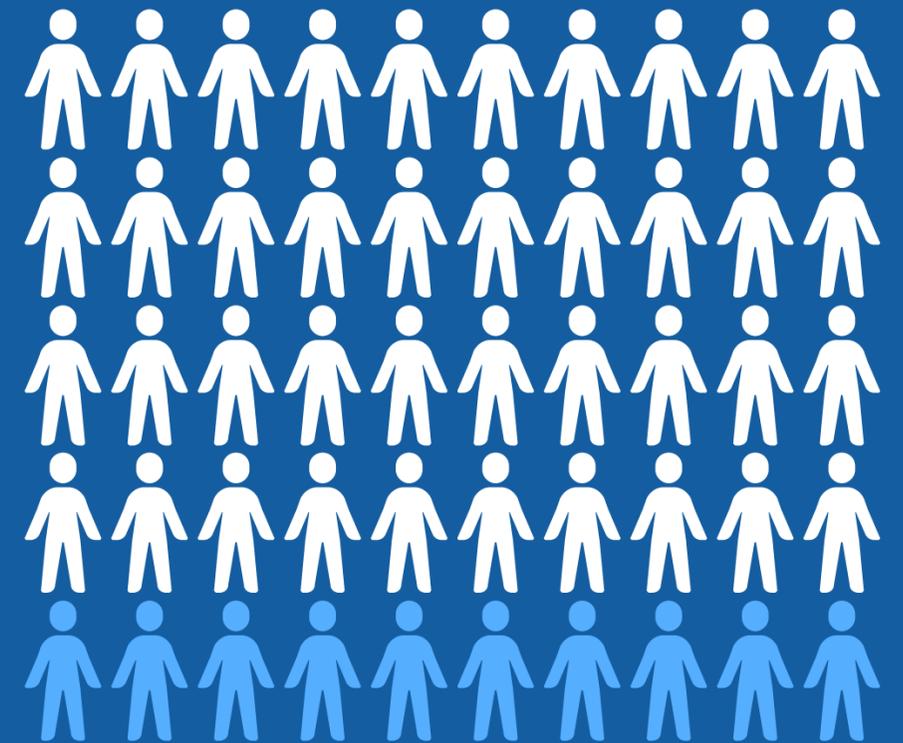
UNDERESTIMATED INJURY COUNTS

“People in prison “... were often not aware that a single event— or a series of them—could be making it harder for them to earn a ticket out of jail, or avoid being sent back in the future”.

“Many participants were “unaware of injuries they might have sustained as babies or young children, and even adulthood injuries were not entirely clear to prisoners”.

(Harmon, 2012)

88%
of people who
experience incarceration
have history of TBI



(Diamond, 2007)

2.5 TIMES

MORE LIKELY TO BE INCARCERATED
THAN THOSE WITHOUT TBI.

(McIsaac, 2016)



Those with TBI are **14x** more likely to incur
an in-prison serious disciplinary charge

39.2% prevalence of
serious charges in
men with TBI

29.9% prevalence
of serious charges
in women with TBI

(Matheson, 2020)

Brain Injury and Community Supervision

After experiencing TBI, people may have trouble in four domains:



COMMUNICATION

- Reading
- Thinking



EMOTIONAL DYSREGULATION

- Heightened/blunted response



BEHAVIOURAL DYSREGULATION

- Impulse control



COGNITIVE FUNCTIONING

- Attention
- Memory
- Reasoning

Poor Outcomes



Behavioural infractions



Treatment non-adherence



Failing to appear for mandatory appointments



Probation and parole violations and revocations

Brain Injury and Community Supervision

Due to limited awareness among supervision officers, challenges associated with TBI can be misinterpreted as:



Non-compliance



Rudeness



Defiance



Poor motivation



Disengagement



Aggression

CATCH-22 STUDY



OBJECTIVE 1

How individuals with a history of brain injury experience and supervision conditions



OBJECTIVE 2

How criminal legal professionals set and enforce conditions



OBJECTIVE 3

How interactions between criminal-legal professionals and persons under conditions shape compliance

CHALLENGES OF CONDITIONS



Understanding
complex language of
courts and conditions



Losing
court
orders



Conforming to
behavioural
expectations



Shifting expectations
across supervision
settings



Remembering
appointments, curfews,
and other conditions



Feeling
set up to
fail



SET UP TO FAIL

That special condition that they have on everything that says [do] anything your parole officer says [was particularly challenging]. That one really, really got to me because I'm supposed to [have everything] written down. [...] It's a list of things that is easier for me to understand. If it's not written down, how the heck am I supposed to remember all the stuff [if it's] not even written down? Like it just didn't make sense, especially for someone who has a disability ... It feels like, [...] the world is made for people who are neurotypical, not neurodivergent. And it's like that's what parole is made for--people who have the ability to handle change [...] It's very ableist. So, it made me feel like sometimes things were impossible. And that it was setup for failure. (P04)



(Catch-22 Study)



STRATEGIES AND ACCOMMODATIONS



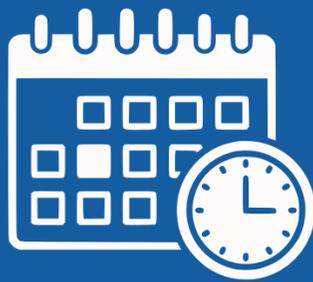
Pursuing brain injury training and education



Using accessible communication strategies (e.g., plain language, visual aids)



Setting clear and realistic expectations



Avoiding appointment overload



Providing compliance supports (e.g., reminders, flexible meeting options)



Attending to skill vs will in (non)compliance





ENFORCING CONDITIONS

—”

Let's say that [a client is] MIA, missing in action. They didn't meet their appointment. [...] Instead of issuing a warrant, why don't they do a courtesy call ... or a welfare check to make sure that person is okay, especially if they have a brain injury, you know, are they okay? .. **That [does] not necessarily mean that they're purposely missing their appointments.** [...] **it's not purposely because they're lazy and don't want to go and want to be jerks and get breaches. It's just it's overall it's a brain injury, it's a condition** .. Instead of giving the person the breach, [...] **look at other factors you know as to why that happened and if they all meet that criteria that it falls under a brain injury ... as opposed to being careless and lazy.** (P21)

Brain Injury Bail Court Navigator Program



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

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

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



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



CHALLENGES AFTER RELEASE



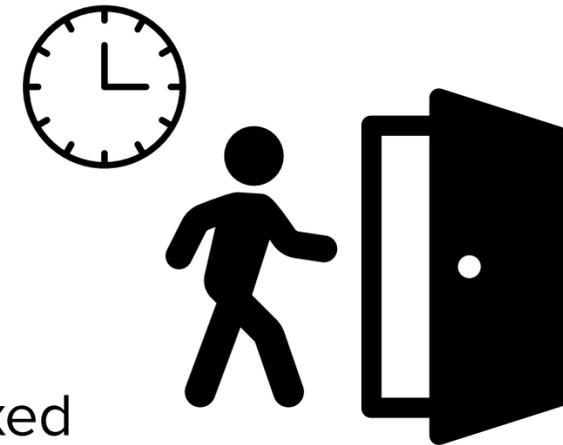
No Access to
Funds or
Transportation



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

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 2025 – January 31st 2026



641

Total # of conversations had
in TRBC interview room



70

Total # of women being
provided ongoing support

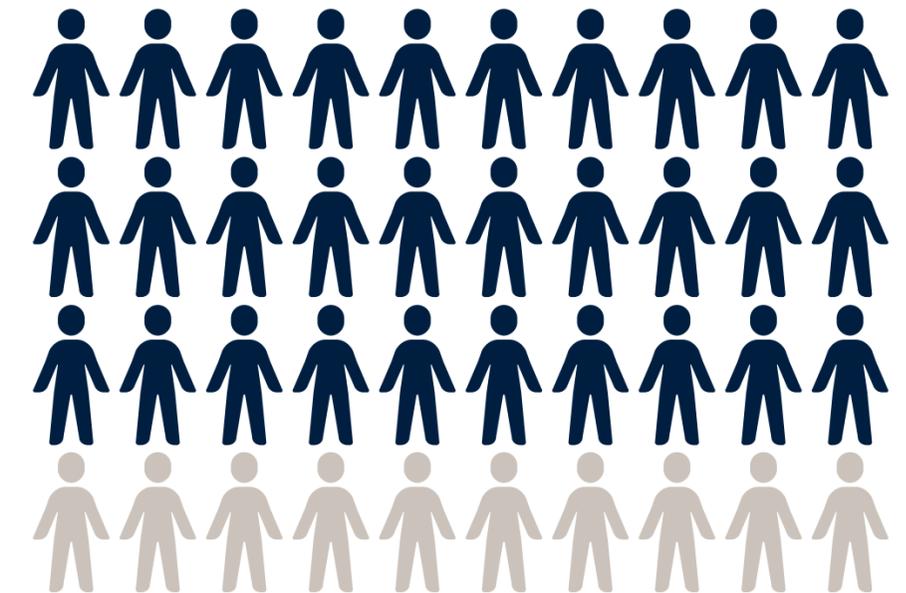


37

Total # of support letters
provided for women

75%

**of women screened
positive for brain
injury**





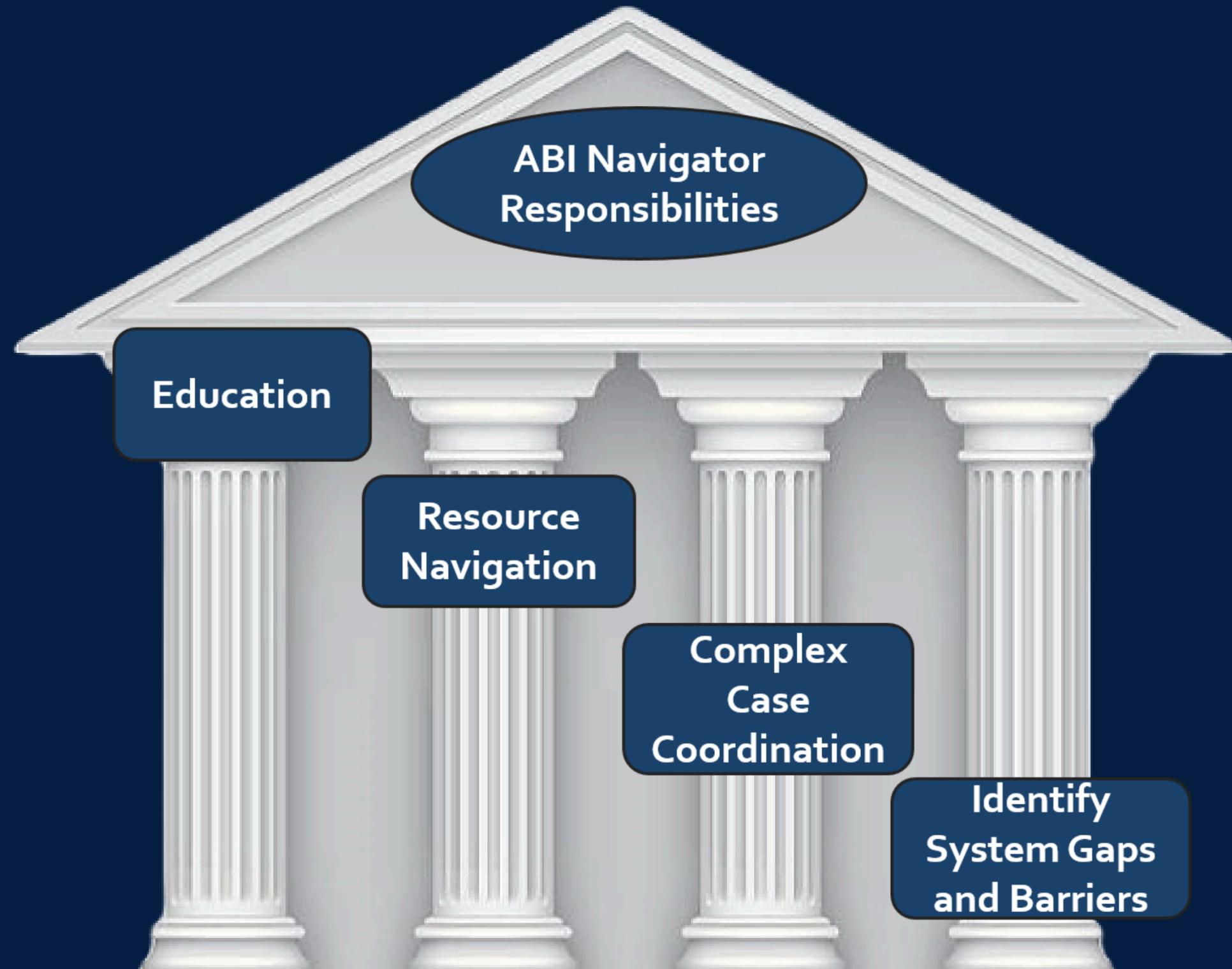
PROVINCIAL ABI SYSTEM NAVIGATORS

The ABI System Navigators promote and improve system access and capacity, while also improving the supports and outcomes of those living with ABI, their caregivers, family members and professionals.

There are 14 ABI System Navigators across the province. Roles vary across Navigators but there are 4 core responsibilities.



Contact List for all Provincial ABI System Navigators – abinetwork.ca/abi-navigators/



Helping professionals, caregivers and those with lived experience make connections

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.

ABI Toolkit: Navigating the Justice System

This comprehensive toolkit is designed to empower survivors of acquired brain injury (ABI) as they navigate the complexities of the Canadian criminal justice system. Whether you are a survivor, family member, or support worker, this document provides essential information, practical resources, and step-by-step guidance to help you understand your rights and successfully manage legal proceedings. Our goal is to demystify the legal process, connect you with vital support services, and build a community of informed advocates working together toward justice and healing.



BAIL CONDITIONS TOOL

Name _____ Date _____

Next Court Date: _____ Location: _____

Bail conditions = the **rules** the Court has given you

 keep the rules and finish your plan
  if you break the rules, you are in trouble with the court and may have to pay

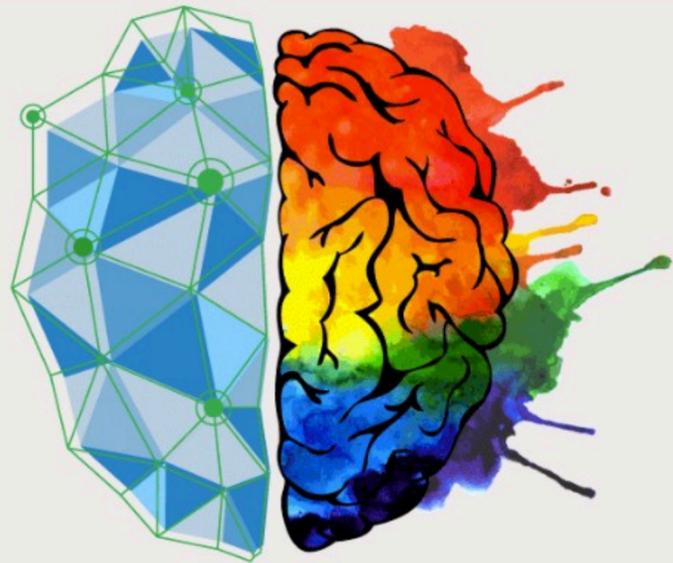
_____ \$

  You MUST live at	 You are NOT to
If you move, you have to let know within 24 hours	

You MUST be home:	You CANNOT be with or call or contact:
You CANNOT go to: You WILL attend <u>programs</u> directed by your probation officer.	
 You are NOT allowed to possess or take any drugs that have not been prescribed by a doctor	 You can't have weapons 
 Come to the door if the Police knock on the door	
Your Lawyer/Bail Supervisor _____ Phone: _____	

*Adapted from Talking Trouble Bail Conditions <https://www.talkingtroublenz.org>

ABI JUSTICE TOOLKIT



BRAIN INJURY COMMUNITY



LEGAL COMMUNITY

WATCH THE VIDEO BELOW TO LEARN HOW TO USE THIS WEBSITE



QUESTIONS?

Contact Information

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justiceandequitylab.ca



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