

LEGALLY BOUND

Addressing the Civil Legal
Needs of Justice-Involved
Ontarians

REPORT SUMMARY



Imagine you are swimming in the ocean and you suddenly find yourself in a riptide. You fight against the current, your mind focused solely on survival, but despite your best efforts, you are swept out to sea. This captures the experience for many people who come into conflict with the law: legal troubles beget legal troubles, which spiral and build, all while people struggle to meet their basic needs and keep their heads above water.

Criminal justice involvement and incarceration both exacerbate *and* give rise to **civil legal issues** – issues often related to basic needs, for which there is a potential judicial remedy, such as matters that arise in the context of housing, tenancy, employment, income assistance and family law. Civil legal issues are common experiences for people who are low-income and marginalized, and are experienced even more acutely by those involved in the criminal justice system. For example, even a short stay in jail can result in someone being evicted from their housing, being terminated from employment or losing income support or maintenance benefits. Left unresolved, civil legal issues threaten access to critical supports that can stabilize the reintegration process, leading to a downward spiral of further marginalization, and ultimately, recidivism. It is therefore imperative to community safety that the civil legal needs of justice-involved individuals be identified early and appropriately addressed.

To assist in these efforts, the John Howard Society of Ontario (JHSO)¹ has undertaken an in-depth research study of the civil legal issues facing justice-involved individuals in our province, and the barriers preventing them from addressing their civil legal needs. This research, detailed in our 2020 report “**Legally Bound: Addressing the Civil Legal Needs of Justice-Involved Ontarians**” was conducted to help us understand how best to design a program that will start breaking down these barriers to accessing justice, and in so doing, prevent the circumstances that often give rise to further criminal justice involvement. In short, a program that will help stop the vicious cycle of collateral justice consequences.

¹ This research was made possible by a grant received through the Law Foundation of Ontario's Catalyst Fund. The John Howard Society of Ontario is solely responsible for all content.

The research study's interviews painted a clear picture of the many ways that justice-involved individuals experience common civil legal issues: housing issues (75%) were by far the most frequently reported issue, followed by income maintenance (55%), employment (50%), and family law issues (34%). Despite the prevalence of these civil legal issues, a notable percentage of participants did not view or recognize these problems as civil legal issues. Our research clearly found that one of the biggest obstacles to accessing civil justice for justice-involved Ontarians is *recognizing* these issues as legal issues to begin with. Indeed, when the study's justice-involved participants were presented with real-world scenarios of various challenges they may face, they had difficulty correctly distinguishing a civil legal issue from a non-legal issue. Unsurprisingly then, these same individuals did not see themselves as being in need of legal help. But even among those who have a more nuanced understanding of the legal nature of their challenges, there is a clear reluctance to pursue legal recourse. Our findings revealed that, in no small measure, people with experience in the criminal justice system felt that being taken advantage of or neglected by the system was their lot in life. Indeed, comments from interviewees with lived experience clearly demonstrate this sentiment:



That's just the way it goes.



If you're being neglected, you end up getting the crappy end of the stick sometimes.



I talked to my [Ontario Works] worker and they told me that's wrong. I'm like yeah, but that doesn't stop [landlords] from skirting around the fact that they don't want to rent to you because you're on OW, by using words like 'preferred'... Just another way of excluding... Some of the places I looked at were slums. Then I had someone tell me beggars can't be choosers. I do got a problem with that.



I've been literally living in the cold. I beg for a tent here, I can't even get that. I've had pneumonia five times. I literally almost died I don't know how many times. I can't deal with it. I've lost two of my toes due to frostbite last year. My life is hell. This won't stop happening to me, all these things.

There are resources, such as existing public legal education materials and Community Legal Aid Clinics, that could help prevent the escalation and snowballing of civil legal issues, but the justice-involved population is not availing themselves of these recourses as often as they could be. Perhaps unsurprisingly, people who have come into conflict with the law harbour sentiments of distrust for legal actors and legal recourses. Instead, when they encounter challenges, individuals who are justice-involved tend to reach out to their social networks or trusted frontline social service staff at community agencies – agencies like the John Howard Society. These frontline staff have rapport with their clients, and become, in effect, “trusted intermediaries”: people and organizations that can act as a bridge to accessing legal information, services and resources.



Respondent: *For anything. If I had any kind of questions, I would come here. John Howard Society.*

Interviewer: *Why's that?*

Respondent: *Well, I know they've been around for awhile, what's the term for that, the proper word for it, they're well-established, a good record, I've never heard anything wrong about them, every time I've gone into their buildings, to their door or phone, I've got the answers I needed and the help I needed. Like I was saying earlier, when I first met you, I will be using the John Howard Society soon again, whether it be here or in Scarborough or Toronto, wherever I am, Whitby, Ajax, wherever you're located, they'll be the first place I walk in if I need to find where Legal Aid is, if I need to find where I can get a computer, school, learning, education program, or introductory computer programs, anything I need to know, I would come here first.*

The research revealed a clear path to improving the identification and triaging of the civil legal needs of justice-involved clients: developing training and legal education for trusted intermediaries, who already meet clients where they are, and hold this population's trust. The findings showed that trusted intermediaries can bridge the divide between justice-involved populations and available legal services and resources. By delivering civil legal issue spotting and educational training to trusted intermediaries, civil legal issues could be assessed and dealt with early, before they deteriorate.

As part of our research, we spoke to frontline social service workers at John Howard Society offices, as well as stakeholders in the Community Legal Aid Clinics and poverty law community from all regions of the province. There was strong interest and support expressed by frontline John Howard Society staff for training to better identify the civil legal needs of their clients, and an acknowledgment that their confidence levels regarding meeting clients' civil legal needs would be improved if they were provided with formal, accessible training. The legal clinic and stakeholder community also expressed strong support for programming and coordination efforts that strengthen referral pathways between social services agencies and available legal services across the province, and that would allow for cross-pollination in service delivery for shared clients. In closing, the findings clearly show that increased collaboration and coordination of services between actors in the criminal, poverty and civil legal systems is critical to ensuring the breakdown of silos that result in cyclical involvement between each system.



DOWNLOAD FULL REPORT



DOWNLOAD OVERVIEW OF DATA FINDINGS



JOIN THE CONVERSATION USING #LEGALLYBOUND

Effective.
Just.
Humane.

www.johnhoward.on.ca



info@johnhoward.on.ca



twitter.com/jhsontario

