

**FOR IMMEDIATE RELEASE**

**DATE: SEPTEMBER 5, 2013**

JOHN HOWARD SOCIETY OF ONTARIO RELEASES REPORT OUTLINING ALARMING TRENDS AROUND BAIL IN ONTARIO

**TORONTO** - Bail in Ontario has drifted far from its legislated purpose, resulting in significant costs to taxpayers and more people involved in the criminal justice system, suggests a new report entitled, "**Reasonable Bail?**" from the John Howard Society of Ontario's *Centre of Research, Policy & Program Development*.

Despite Ontario's dramatically declining crime rates, the Report finds bail is far more difficult to obtain today than a decade ago. The Report also highlights how current bail practices challenge both the legally enshrined presumptions of innocence and reasonable bail. Additionally, in instances where bail is granted, conditions of release placed on low-risk persons are often exceedingly onerous, while having little to no objective connection to the alleged crimes committed or actual risk to community safety.

"Two-thirds of prisoners in our provincial jails are on remand (awaiting a bail hearing or trial), and 70 per cent of these people are facing non-violent charges" states Michelle Keast, Director of the *Centre of Research, Policy & Program Development*. "Our jails are seriously overcrowded and tensions are escalating. But we can do something to alleviate this dangerous situation right now. As our Report demonstrates, we can reduce costs to taxpayers and reduce tensions in our correctional facilities without any increased risk to our communities."

Currently, bail conditions in Ontario often make criminal offences of otherwise legal behaviour, (e.g. consuming alcohol or being out of one's home past 9:00pm), until a person's case comes to trial. JHS Ontario Researchers analyzed bail conditions assigned to a sample of Ontarians released on bail, and found that most cases had 8 conditions of release to abide by. Failure to comply with any condition – and individuals can be on bail for months – can result in administration of justice charges, which can carry very severe consequences. In fact, last year over one fifth of cases completed in adult criminal courts in Canada were administration of justice cases.

"The prevalent practice in our provincial courts of layering on conditions sets people up to fail often by re-criminalizing persons with addictions and/or mental health issues," states Ms. Keast. "Legislation prohibiting the possession and trafficking of illicit and controlled substances already exists; adding conditions of bail to completely abstain from the use of alcohol or drugs when one has a known (or suspected) addiction is doubly punishing individuals for what are recognized health concerns."

"*Reasonable Bail?*" provides a number of recommendations on how to improve bail processes in Ontario, both in terms of efficiency and respect for due process rights. For example, the Report calls for:

- The immediate cessation of the prevalent practice of affixing bail conditions related to abstaining from drugs and alcohol.
- A revision of the Ministry of the Attorney General's Crown Policy Manual section on "Bail Hearings" to make the language and recommended approach to bail more consistent with the *Criminal Code*, placing greater emphasis on the presumption of release and presumption of innocence and to move away from reliance on sureties as a condition for consent release.
- The expansion of the "Bail Vettor" Crown Counsel best practice currently in place at select courthouses in Ontario.

To read the report "*Reasonable Bail?*" and its recommendations, please go to: [www.johnhoward.on.ca](http://www.johnhoward.on.ca)

The Centre of Research, Policy & Program Development at the John Howard Society of Ontario advances the organization's mission of *effective, just and humane responses to crime and its causes* by engaging in research, policy analysis, public education and program evaluation on behalf of our 19 local offices.

For more information, please contact:

Jacqueline Tasca  
Policy Analyst  
Centre of Research, Policy & Program Development  
John Howard Society of Ontario  
(416) 408-4282 ext. 229  
[jtasca@johnhoward.on.ca](mailto:jtasca@johnhoward.on.ca)