

A stylized illustration on the left side of the cover. It features a white silhouette of a person with a round head and a pointed body, standing behind dark blue vertical bars. The background of the illustration is white with orange and white curved stripes. The bars are dark blue and have a rough, hand-drawn texture.

UnEqual JUSTICE

Experiences and outcomes of young people
in Ontario's youth bail system

john
howard
society

Ontario

INTRODUCTION

Prior to 2003, Canada held the shameful distinction of being the leader in the Western industrialized world for jailing its youth. The federal government at that time introduced the *Youth Criminal Justice Act* (YCJA) with the clear goal of decreasing the use of custodial sentences for young people. The Act explicitly sought restraint in the use of incarceration, and enshrined the recognition that youth are still learning, and are therefore less responsible than adults in the eyes of the law.

Since coming into effect in 2003, the YCJA has markedly decreased the overall incarceration rate of youth. Today, the rate of incarceration is 3.79 per 10 000 youths, compared to 17.64 per 10 000 youths in 2000.¹ While the YCJA has succeeded at reducing the overall use of jail, there are important caveats to note. The decrease in rates of youth incarceration has been especially pronounced among *sentenced* youth as compared to youth detained on *remand* – that is, pre-trial detention. While it is encouraging that less youth are being sent to jail as punishment following a guilty finding, the ongoing use of pre-trial detention for youth calls for closer scrutiny of the post-charge and bail phase in Ontario.

An examination of the youth bail system shows that the successes of the YCJA are not equally shared by all youth. Fairness and equality under the law are fundamental principles afforded to us all. A young person's experience with the justice system – or likelihood of being jailed – should not depend on where they live or what their background is. However, new research from the John Howard Society of Ontario (JHSO) indicates that for youth going through the bail system in Ontario, these factors can make a difference. This document provides select highlights from the research, for full analysis of the findings see the full **Unequal Justice** report.

¹ Statistica Research Department. (2021). *Canada: rate of youths in correctional services in provinces territories 2001-2019*. Retrieved from: <https://www.statista.com/statistics/560952/rate-of-youths-in-provincial-and-territorial-correctional-services-canada/>

THE YOUTH JUSTICE SYSTEM – A BRIEF OVERVIEW

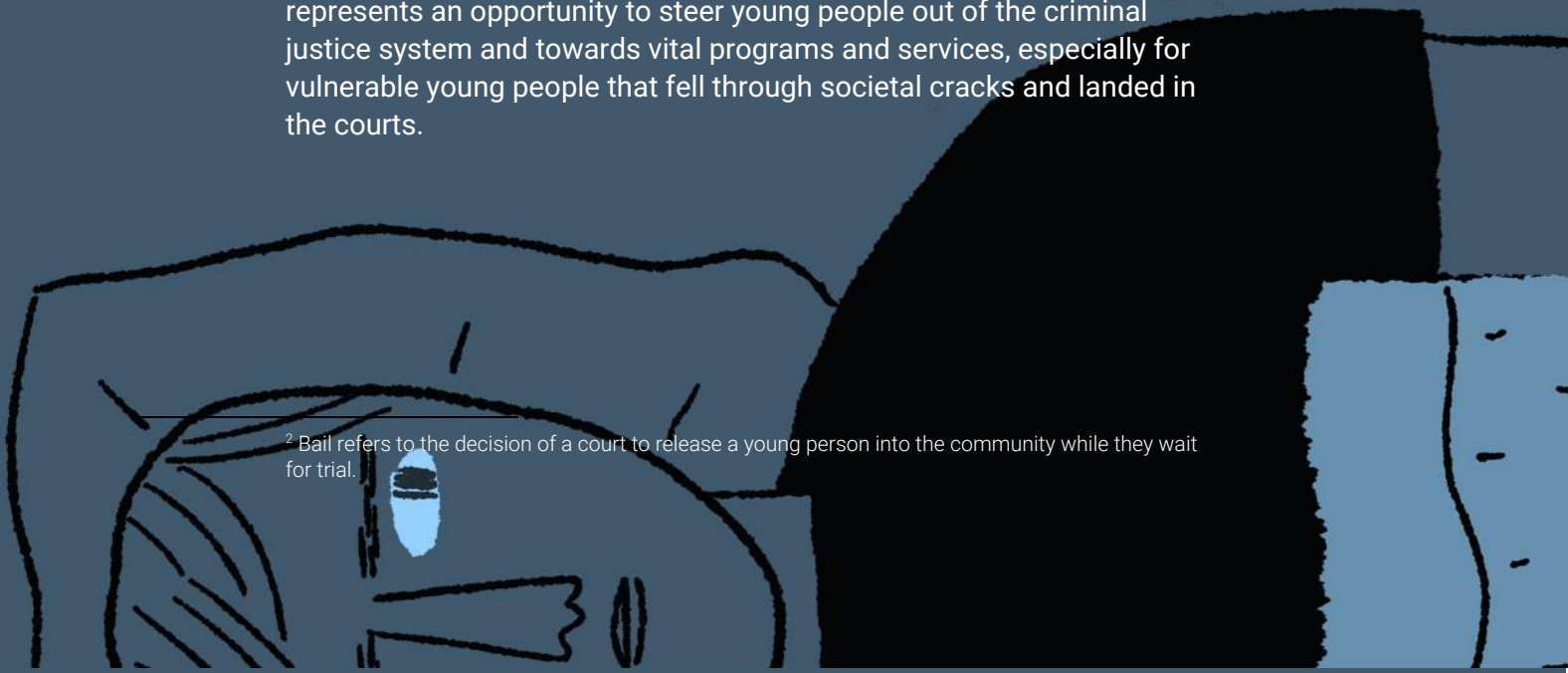
In Canada, the youth criminal justice system is governed by the *Youth Criminal Justice Act* (YCJA). It applies to young people between the ages of 12 - 17 that are alleged to have committed criminal acts. The framework for the youth bail² system is largely also found in the YCJA although, parts of the *Criminal Code* on bail also apply.

Decisions around charging and bail set the stage for young people's futures. The YCJA provides off ramps at all junctures to divert young people out of the formal court-process and away from jail. Police are given discretionary powers and can decide whether to charge a young person or employ alternatives to charges, termed *extrajudicial measures*. Once laying a charge, officers are also able to decide either to release the young person with a court date or arrest and detain them for a bail hearing, where a court will decide if they are suitable for release while they wait for trial.

Despite these opportunities for diversion, many young people are still experiencing incarceration while they wait for a bail hearing, and for those that do get released, restrictive bail conditions often set them up for failure and additional charges. In addition, the research indicates that outcomes vary based on geographical location in the province and Black and Indigenous youth continue to be disproportionately represented in admissions to detention.

The bail system represents a critical juncture. What happens at this stage determines the trajectory for young people's lives. It also represents an opportunity to steer young people out of the criminal justice system and towards vital programs and services, especially for vulnerable young people that fell through societal cracks and landed in the courts.

² Bail refers to the decision of a court to release a young person into the community while they wait for trial.



THE STUDY: SUMMARY OF FINDINGS FROM UNEQUAL JUSTICE

JHSO undertook an extensive study of the youth bail system to shed light on how the front end of the justice system is experienced by Ontario's young people. The study analyzed youth corrections admissions data from the Ministry of Children, Community, and Social Services between the 2006 and 2015 fiscal years, taking into account reported socio-demographic factors including race/ethnicity. Over a decade's worth of data between 2006 and 2017 from the Ministry of Attorney General's Integrated Case Outcome Network (ICON) was also analyzed. ICON is an online system that allows court staff to manage information on cases and activities at local courts across the province. The ICON dataset provided includes gender, age, most serious offence, bail outcome, case outcome and types of convictions for youth at all courthouses across Ontario for the specified time period. The dataset provided was exclusively made up of youth cases that started in bail court, meaning all the cases involved a young person that was detained by a police officer for a bail hearing. Overall, **159 301** youth cases from ICON and **64 111** admissions to detention were analyzed for this study. In addition to the data analysis, the research team conducted comprehensive consultations with stakeholders and youth with lived experience from across Ontario to contextualize the data findings and gather first-hand accounts of experiences in the bail system.

Existing research on Ontario's youth bail system points out some areas of concern, despite the broader successes of the YCJA. There is evidence to suggest that youth remand populations are consistently high³, courts are taking longer to determine bail⁴, and that young people that are released on bail must contend with a number of highly restrictive conditions and onerous release plans.⁵ Surety releases, that require an individual to pledge a sum of money to the court that will be forfeited if the young person breaches conditions and they fail to report them, are common both for youth and adults. The research also

³ Correctional Services Program. (2017). *Trends in the use of remand in Canada, 2004/2005 to 2014/2015*. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2017001/article/14691-eng.htm>

⁴ Webster, C. M., Doob, A. N., & Myers, N. M. (2009). The parable of Ms. Baker: Understanding pre-trial detention in Canada. *Current Issues in Criminal Justice*, 21(1), 79-102.

⁵ Myers, N. M., & Dhillon, S. (2013). The criminal offence of entering any shoppers drug mart in Ontario: Criminalizing ordinary behaviour with youth bail conditions. *Canadian Journal of Criminology and Criminal Justice*, 55(2), 187-214.

suggests that both for adults and youth, Black and Indigenous people are overrepresented in the criminal justice system⁶, though the research in this area on the youth bail system is limited.

These issues are significant. Time spent waiting for a bail decision is effectively time detained. Young people wait in a jail cell and experience the negative impacts of incarceration just like those who are formally denied bail. In addition, the experience of incarceration is especially damaging for young people, creating lasting negative effects on health and well-being, education, and employment. Even the shortest stay in jail is a traumatic and life-altering event for a young person.⁷

If released, the restrictive bail orders that young people are subjected to can set them up for breaches and additional charges, deeply entrenching them in the justice system.

The findings from JHSO's new research, detailed in Unequal Justice, point to opportunities to strengthen the system and set the course for further research to bolster the body of knowledge on this important topic.

Four key findings emerged from the research:

1. Although many are eventually released, a significant number of youth spend days, weeks or longer incarcerated while they wait for a decision on their bail.
2. The period of time between their first bail appearance in court and when their case is finally resolved is getting longer. For many youth this means a longer period of time in the community with restrictive conditions, often resulting in breaches and further charges.
3. Regional differences in bail and case outcomes suggest the YCJA may not be consistently applied across the province.
4. Black and Indigenous youth are overrepresented in admissions to detention.

Each of these key findings is expanded upon below. The research also explores opportunities to change the course for many young people at this crucial stage.

⁶ Owusu-Bempah, A. and Wortley, S. (2014). Race, crime, and criminal justice in Canada. In S. Bucerius and M. Tonry (eds.), *The Oxford Handbook of Ethnicity, Crime and Immigration*: 281-320.

⁷ Burrell, S. (2013). Trauma and the Environment of Care in Juvenile Institutions. *The National Child Traumatic Stress Network*. Retrieved from: https://www.nctsn.org/sites/default/files/resources/trauma_and_environment_of_care_in_juvenile_institutions.pdf

KEY TAKEAWAY 1: Although many are eventually granted bail, a significant number of youth spend days, weeks or months incarcerated while they await a bail decision.

Since 2006, the number of youth bail cases overall has been declining. Fewer cases are ending up in court and fewer youth are being detained prior to their trial. However, a significant number of youth are still experiencing jail time, whether or not they are formally denied bail.

When a young person is arrested and held for a bail hearing they are incarcerated in a police holding cell or a youth correctional facility. The law requires that the detained young person appear before a court within 24 hours or as soon as possible. All Canadians have the right not to be denied reasonable bail without just cause and there is a presumption of innocence at the bail stage. The law sets out certain grounds that must be met in order to detain individuals prior to their trial but the presumption generally is to release youth on bail.

Our research examined whether these legislative principles are translating into practice in Ontario. One way to examine the efficiency and effectiveness of the youth bail system is by looking at the **number of appearances** it takes to get a final bail decision. Our analysis of the ICON court data found some good news to this end: just over half of cases (from 51% in 2006 to 59% in 2017) in the research sample received their bail decision in just one appearance at bail court, and the proportion of cases reaching a bail decision in only one appearance has increased over the years. The remaining cases, however, took multiple appearances - sometimes upwards of five - to reach a decision on bail. There is increasingly a polarization around the extremes. While the number of cases reaching a bail decision in one appearance is on the rise, so is the number of cases taking five or more appearances to reach a bail decision. In 2009, 5% of cases took five or more appearances to reach a bail decision and this has risen to 9% in 2017.

Multiple appearances can take anywhere between days and weeks, with each additional appearance significantly increasing the amount of time spent waiting for a bail decision. Another way to look at the experience

for youth awaiting a bail decision is to look at the overall **number of days** it takes to reach a bail decision in Ontario. For cases requiring multiple appearances, the number of days youth spend behind bars has increased throughout the years, and the number of youth spending over a week detained is on the rise. In 2006, for cases that took two appearances, the average number of days a youth spent in detention was three days, but by 2014, this had increased to five days. Five appearances equated to an average of two and a half weeks in 2006 but this rose to an average of three weeks by 2017. This indicates that for youth requiring multiple appearances to reach a bail decision, they are spending more time in jail.

It appears that offence type does not account for the variation in the number of bail appearances. Cases with property offences reached a bail decision in one appearance more often than other offence types but there were no significant differences when examining Administration of Justice (AOJ) offences, violent offences or the "other" offence category. In addition, cases where charges were later withdrawn still took a considerable amount of time to reach a bail decision. This is significant because withdrawn cases mean that either the Crown found there was not sufficient evidence to proceed with the trial or the youth may have completed a diversion program as part of an extrajudicial sanction and had their charges withdrawn upon completion. In either case, the charges are not serious or substantiated enough to result in sentenced custody, yet in many cases, these youth still experienced a significant amount of time in pre-trial detention.

It's important to reiterate that these young people are presumptively innocent. The data showed that, on average over the years, only 5% of cases involved a denial of bail and a formal pre-trial detention order. The rest of the cases resulted in bail being granted or were listed as not applicable ("N/A"), meaning there was no decision on bail, likely because there was a disposition reached on the case (for example, a guilty plea) before a bail decision could be rendered. In 2017, 2% of cases were denied bail, 73% of cases ended up with the youth being granted bail and 25% of cases involved a bail decision of N/A. Bail was denied in a small minority of cases, yet all youth represented in the data spent time incarcerated.

It is very concerning that many young people – *children* – continue to experience pre-trial detention when the law so clearly commands restraint in the use of *any* incarceration, however short-lived.



These images are a visual summary of JHSO's consultations with young people in Toronto who have experienced the bail system. The content is made up of direct quotes from the focus groups and interviews. They were created by a graphic recorder from Visual Talks.

KEY TAKEAWAY 2: Young people are waiting longer for their case to be resolved. For many youth, this means a longer period of time in the community under restrictive conditions, which invite breaches and further charges.

Our research findings show that the time to disposition for youth is taking longer. This period of time starts at their first bail appearance and ends when their case reaches a disposition, which could be a finding of guilt, withdrawn charges, or other case outcome. In 2006, 44% of cases reached a final disposition in three months or less, but this number dropped to 35% in 2017. By 2017, 65% of youth cases took more than three months to reach a disposition, with 38% of cases taking six months or longer. This same year, 9% of cases took over a year to get resolved.

As mentioned above, only a small percentage of youth were actually formally denied bail and detained while they awaited a disposition on their case.⁸ The majority were released into the community to await trial and a resolution of their case.

Time spent waiting for a disposition is concerning regardless of whether a young person is denied bail or granted bail and released into the community. For those denied bail, the experience of incarceration makes it clear why this period of time is significant. Any period of incarceration can negatively impact a young person's health and well-being, education, and employment, and the effects can last into adulthood. A denial of bail can also contribute to wrongful convictions as young people plead guilty in order to get out of pre-trial detention.⁹

A longer period of time awaiting a disposition is also significant for youth granted bail and released into the community. Youth are commonly released with restrictive release plans and a number of onerous conditions. Conditions are often unrelated to the legislated

⁸ For instance, in 2017, bail was formally denied in only 2% of cases.

⁹ Kellough, G., & Wortley, S. (2002). Remand for plea. Bail decisions and plea bargaining as commensurate decisions. *British Journal of Criminology*, 42(1), 186-210.

purposes. Young people are often given conditions such as: abide by the rules of the household, attend school, and do not communicate with certain individuals, which may include family or friends. If an officer is called in response to a breach of conditions, the young person may end up back before a court with failure to comply charges, a type of AOJ offence.

Failure to comply charges are common across the province as the most serious offence (MSO)¹⁰, representing 21% of MSOs, making them a significant portion of charges in the dataset. In cases where failure to comply is the MSO, the young person is appearing before the courts solely because they breached a condition associated with their release. This leads to a cycle whereby one initial charge or set of charges quickly turns into more and more charges due to breaches, deeply entrenching young people in the system.

Overall, the data suggests that while the majority of youth are granted bail, the time spent awaiting a disposition, either in the community or in pre-trial detention is getting longer. This is impactful both for the young people detained pre-trial and for those released into the community on onerous conditions and restrictive release plans. Many young people are becoming entrenched in the justice system as they rack up additional charges for failing to comply with their release order.

¹⁰ The ICON data provided information on the most serious charge received on the youth case. When a case includes more than one charge, the most serious charge is recorded. For the purposes of this report, the most serious charge is referred to as the most serious offence (MSO), and each MSO has been categorized into five offence categories as defined by the Canadian Centre for Justice Statistics: violent, property, administration of justice, other, and drug.



These images are a visual summary of JHSO's consultations with young people in Ottawa who have experienced the bail system. The content is made up of direct quotes from the focus groups and interviews. They were created by a graphic recorder from Visual Talks.

KEY TAKEAWAY 3: Regional differences in outcomes suggest the YCJA may not be consistently applied across the province.

The data in our study revealed regional differences in bail and case outcomes. In terms of time spent detained waiting for a decision on bail, the Western region stood out for lowest proportion of cases reaching a bail decision in one appearance and highest proportion of cases taking 5 or more appearances to reach a bail decision. As might be expected because of the larger proportion of cases taking 5 or more appearances, the Western region also stood out in terms of the number of days required to reach a bail decision. With the exception of Toronto, the Western region had cases take longer than any of the other regions to reach a bail decision.

Figure 1: Number of Bail Appearances to Reach a Bail Decision in Ontario Youth Criminal Cases by Region (2006-2017)

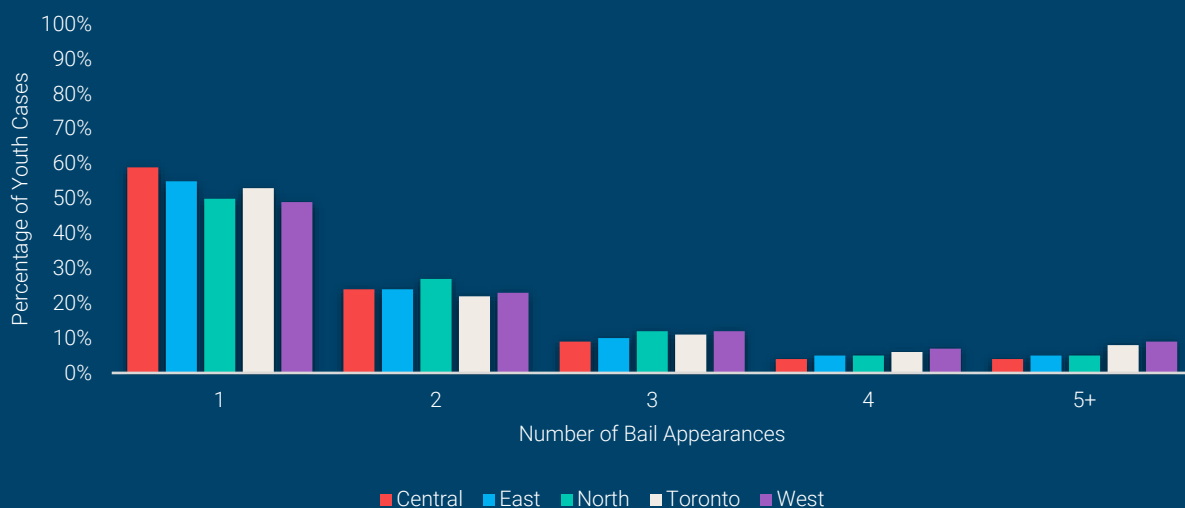
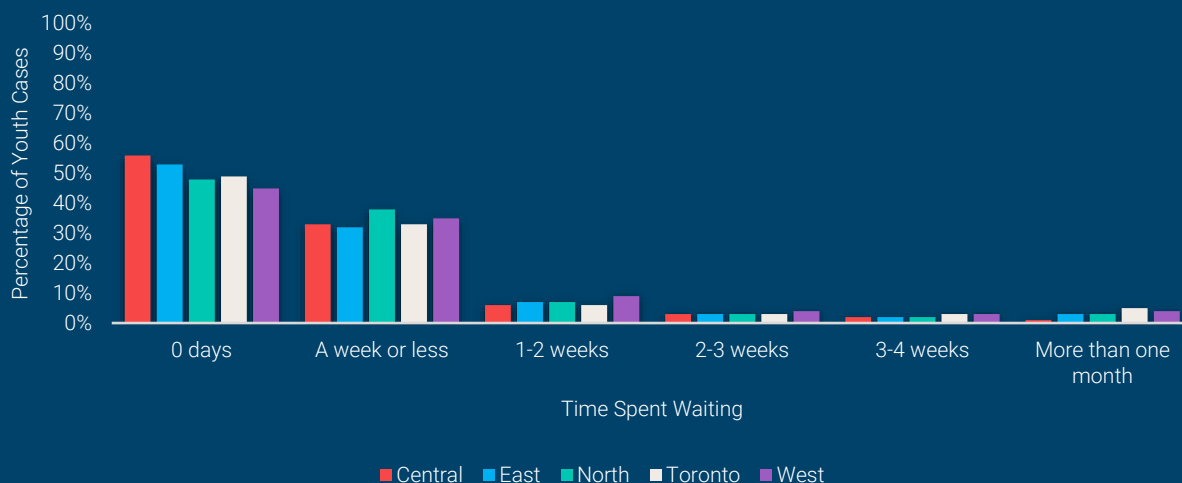


Figure 2: Time Spent Detained before a Decision on Bail is Reached in Ontario Youth Criminal Cases by Region (2006-2017)



In terms of time spent to reach a disposition, Toronto consistently stood out. Almost half of the cases in Toronto took six months or longer to be resolved, and on average, Toronto youth spent 205 days waiting for a case disposition. The Northern region, on the other hand, resolved 80% of cases in six months or less. The average number of days youth spent waiting for a disposition in the Northern region was 99 days, less than half of the average for Toronto.

Toronto also had the largest percentage of withdrawn cases. This could be the case because Toronto has more community service organizations providing diversion programs than other areas in the province, and successful completion of a diversion program can result in a withdrawn charge.

There are also variations across regions in terms of AOJ charges. Youth in the Eastern region were more likely to have at least one AOJ charge and more likely to have three or more AOJ charges than other regions. The Eastern region also had the largest total number of AOJ charges overall.

AOJ charges made up 29% of MSOs across different regions, with failure to comply making up the majority of those charges. In Toronto, AOJ charges were slightly less common as the MSO than in other regions, however failure to comply made up a similar proportion of the AOJ offence category as other regions. In terms of MSO, Toronto reported a

higher percentage of cases where the MSO was a violent offence than other regions.

Discrepancies across the province in terms of bail outcomes is a concern because the framework for bail set out in the legislation should be consistently applied no matter where a young person finds themselves in conflict with the law. Variations in time spent waiting for a bail decision or disposition of their case, withdrawn charges, and AOJ offences suggest youth are experiencing the bail system differently based on where they reside in the province. These differences were not explained by variations in MSO types, meaning certain regions did not have more violent/complex cases than other regions. Stakeholders reported a lack of programs and services across the province for youth in the bail stage and a particular lack of culturally-specific programming for Black and Indigenous youth. It is possible that the lack of programs and services across the province is contributing to the differences in time spent detained before a decision on bail and time spent waiting for a case disposition. Indeed, without community-based alternatives, youth cannot successfully be diverted out of the courts.

The variation in bail and case outcomes across the province may also be due to differences in understanding of the YCJA and variances in court culture from place to place. The YCJA has implemented alternatives to incarceration and opportunities to steer youth towards community-based alternatives focused on rehabilitation, but these may not be consistently available for youth across Ontario.

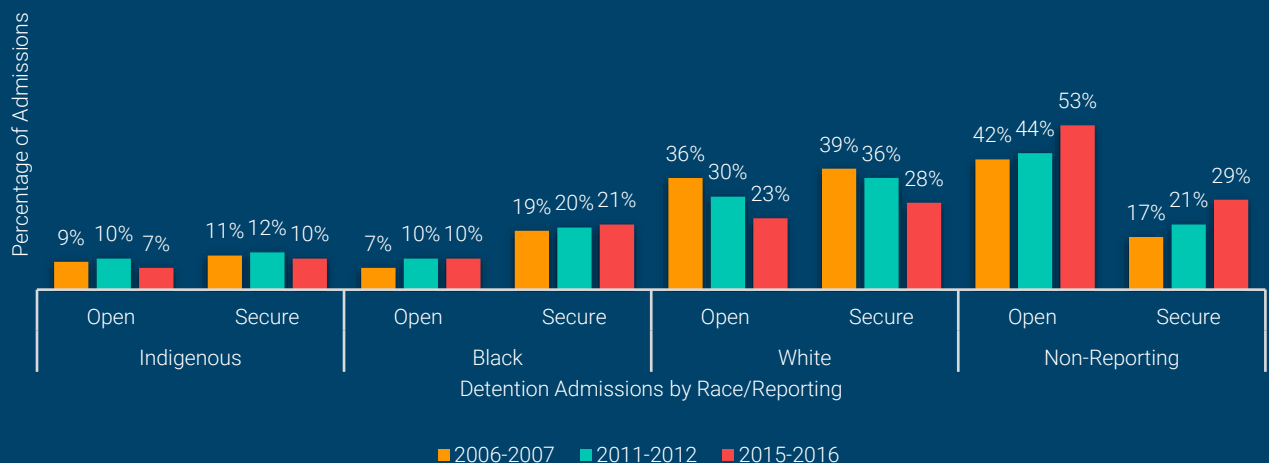
These images are a visual summary of JHSO's consultations with young people in the Niagara region who have experienced the bail system. The content is made up of direct quotes from the focus groups and interviews. They were created by a graphic recorder from Visual Talks.



TAKEAWAY 4: Black and Indigenous youth are overrepresented in admissions to pre-trial detention.

While there have been overall decreases in the number of total number of youth being detained pre-trial, Black and Indigenous youth continue to be overrepresented in admissions to detention.¹¹ Between 2006 and 2015, the proportion of White youth admitted to pre-trial detention decreased considerably. The same cannot be said for Black and Indigenous youth. The proportion of Black and Indigenous youth admitted to pre-trial detention either stayed relatively the same over the years or increased, as can be seen in the graph below. Not only are Black and Indigenous youth overrepresented in admissions to pre-trial detention in general, but also in admissions to secure detention, the most restrictive form of youth detention.

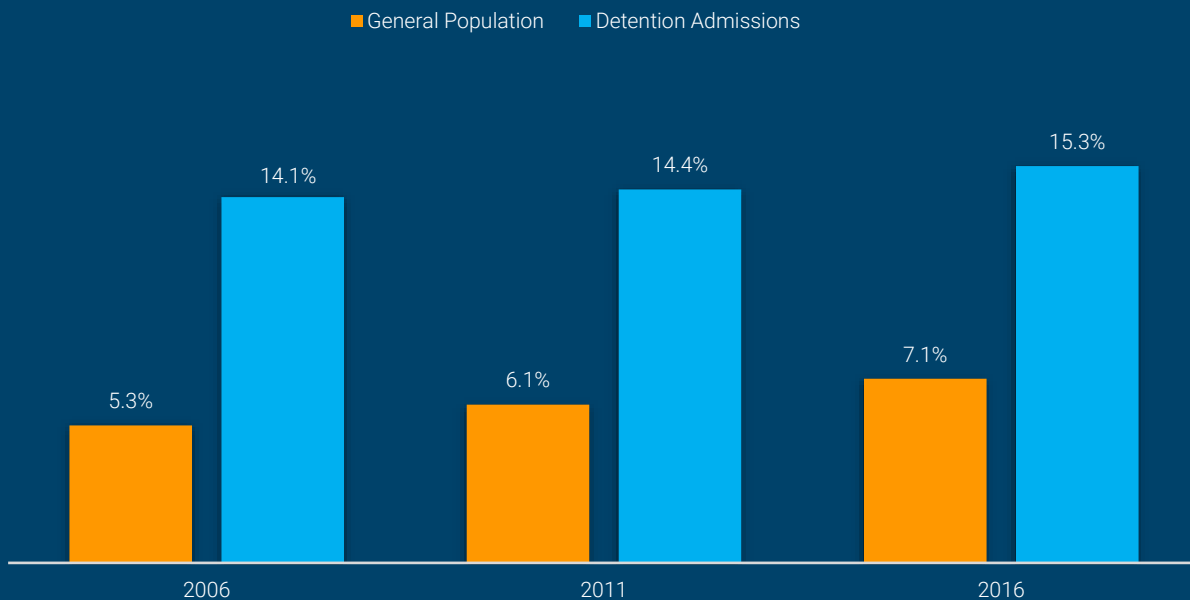
Figure 3: Representation of Open & Secure Detention Admissions 2006-2016



¹¹ This project focused on the bail system and any mention of detention refers to pre-trial detention.

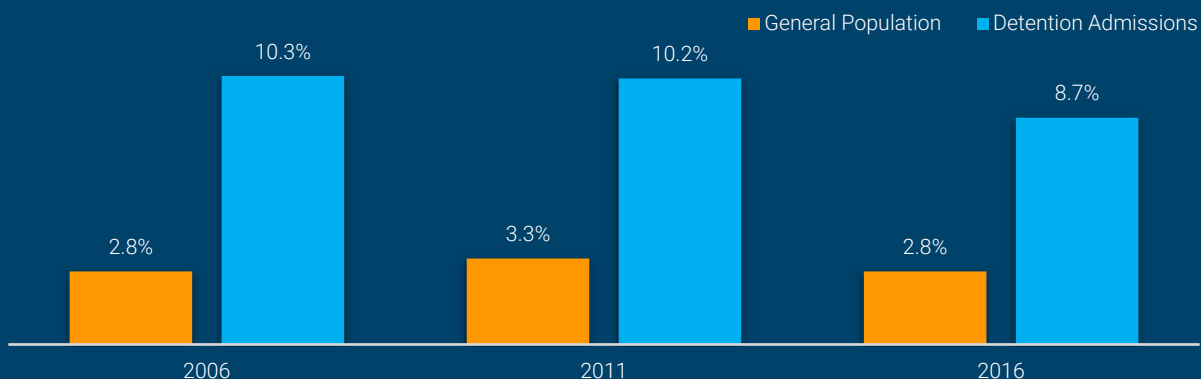
In 2006, Black youth made up 5.3% of the general population but 14.1% of the admissions to pre-trial detention. By 2015, Black youth made up 7.1% of the general population but 15.3% of admissions, indicating black youth continue to be significantly overrepresented in admissions to detention.

Figure 4: General Population Representation & Admissions to Detention for Black Youth 2006-2016



Indigenous youth are also overrepresented in admissions to pre-trial detention. In 2006, Indigenous youth made up 2.8% of the general population but represented 10.3% of the admissions to detention. By 2015, these rates had changed slightly. Indigenous youth represented 4% of the population but made up 8.7% of the admissions to detention. This is still over two times greater than the proportion of Indigenous youth in the general population.

Figure 5: General Population Representation & Admissions to Detention for Indigenous Youth 2006-2016



The overrepresentation is even more stark when examining admissions to secure pre-trial detention, the more restrictive form of detention. In 2006, Indigenous youth made up 10.9% of admissions to secure detention. This went up to 12.1% in 2011 and then back down to 10% in 2016. Since 2006, admissions to secure detention for Black youth has continued to rise from 18.6% in 2006 to 20.6% in 2016. Throughout these years, Indigenous youth represented between 2.8% and 3.3% of the general youth population, and Black youth represented between 5.3% and 6.1% of the general population, making their admission rates to secure detention significantly disproportionate.

Figure 6: General Population Representation & Admissions to Secure Detention for Black Youth 2006-2016

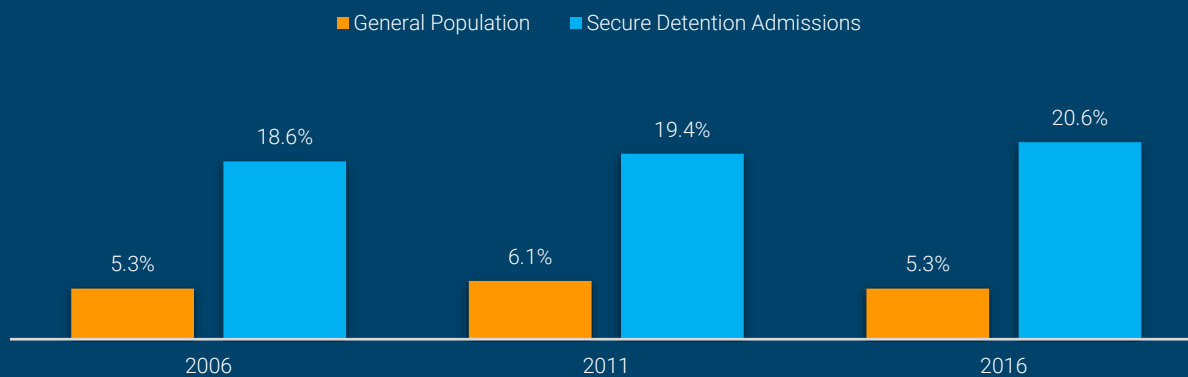
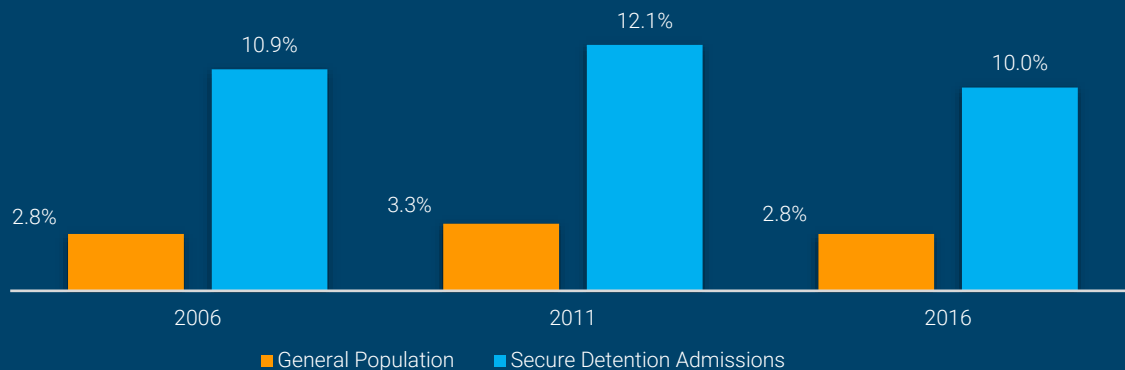


Figure 7: General Population Representation & Admissions to Secure Detention for Indigenous Youth 2006-2016

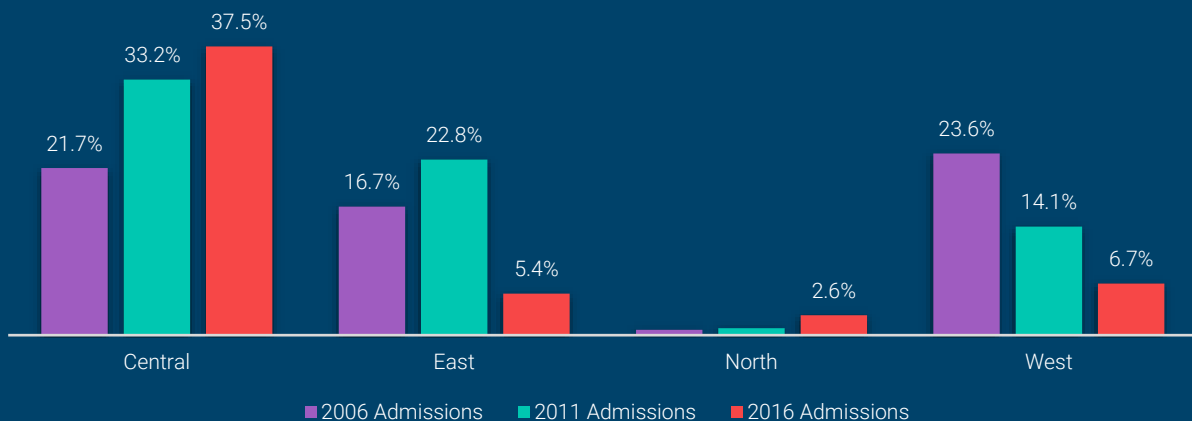


Disproportionalities are particularly pronounced for certain regions in the province. In the Eastern region, prior to 2011, the proportion of Black youth in admissions to secure detention was over three times the proportion of Black youth in the general population. By 2016, this percentage had decreased significantly. Similarly, in the Western Region, in 2011, Black youth in secure detention admissions represented over four times the proportion of Black youth in the general population, but this overrepresentation decreased by 2016.

Other areas did not experience a decline in overrepresentation. The Central Region showed a significant overrepresentation of Black youth in admissions to secure detention. In 2006, Black youth represented 5% of the population but 21.7% of the admissions to secure detention. By 2016, Black youth in admissions to detention made up almost six times the proportion of Black youth in the general population.

Toronto does not currently have secure detention facilities but still showed an overrepresentation of Black youth in admissions to open detention facilities. Over the years, Black youth in admissions to open detention represented two to three times the proportion of Black youth in the general population.

Figure 8: Admissions to Secure Detention by Region for Black Youth 2006-2016



The overrepresentation of Indigenous youth was particularly noteworthy in certain regions as well. Although the Northern region has the largest proportion of Indigenous youth in the general population, the admission rates are not equivalent. In 2006, Indigenous youth made up 50.8% of admissions to secure detention despite being only 16.9% of the population in the region. By 2016, this discrepancy had decreased slightly but Indigenous youth still represented 45.8% of admissions to secure detention, despite making up only 24.6% of the general population.

The Western region also exhibited a pronounced overrepresentation of Indigenous youth in admissions to secure detention. Over the years, Indigenous youth consistently represented two and a half to three times the proportion of Indigenous youth in the community.

These findings highlight the disproportionate representation of Black and Indigenous youth in the bail system in Ontario. They also dispel any musings that higher rates of Black and Indigenous youth in detention are proportional to their populations in particular areas of the province. However, this data does not provide the full picture of this issue. The data obtained about the race of youth admitted to detention was based on self-reports and many young people did not report their race. In fact, 36% of admissions to detention were recorded as unreported in terms of race, indicating that the findings in this report may not reflect the true scope of the disparities in the system. Further research and data are required to fully understand the extent to which racial disparities persist in the youth bail system for Black and Indigenous young people and why these continue.



These images are a visual summary of JHSO's consultations with young people in Thunder Bay who have experienced the bail system. The content is made up of direct quotes from the focus groups and interviews. They were created by a graphic recorder from Visual Talks.

BUILDING ON PAST SUCCESSES: RECALIBRATING YOUTH JUSTICE IN ONTARIO

Although the rates of youth detention overall have decreased significantly since the implementation of the YCJA, we should not rest on our laurels. The positive impacts have not been shared equally by all. Many youth are still spending a significant amount of time in jail while they wait for a decision on their bail, exposing them to the harmful and disruptive experience of incarceration.

The incarceration of young people should be avoided wherever possible. The YCJA provides the legislative means to achieve this; however, the foundation of community-based programming must be strong, and various legal actors must use their discretion in line with YCJA principles. It is crucial for communities to have culturally-relevant, holistic programs and services, including restorative justice and diversion programs, mental health and addictions services, skills development, mentorship, navigational services and housing supports.

For the majority of young people that do get released on bail, the common practice of imposing restrictive conditions and onerous release plans must be interrupted. Recent amendments to the YCJA and *Criminal Code*, and decisions from higher courts have put forth new considerations limiting the permissible bail conditions and guiding the response to breaches of imposed conditions. Widespread and ongoing training is necessary to ensure justice system actors, at all levels, are up to date on the legislative framework for youth.

Finally, this research shows that troubling discrepancies exist in the admissions to youth detention for Black and Indigenous youth, especially in the most secure forms of detention. However, the data only had race-based information for detention admissions, not the court case outcomes, and the detention admissions data does not necessarily provide the full picture due to non-reporting. Therefore, collecting and publishing race-based data across justice ministries is necessary to understand the extent of disparities in the youth justice system and to address them through appropriate policy and program development.

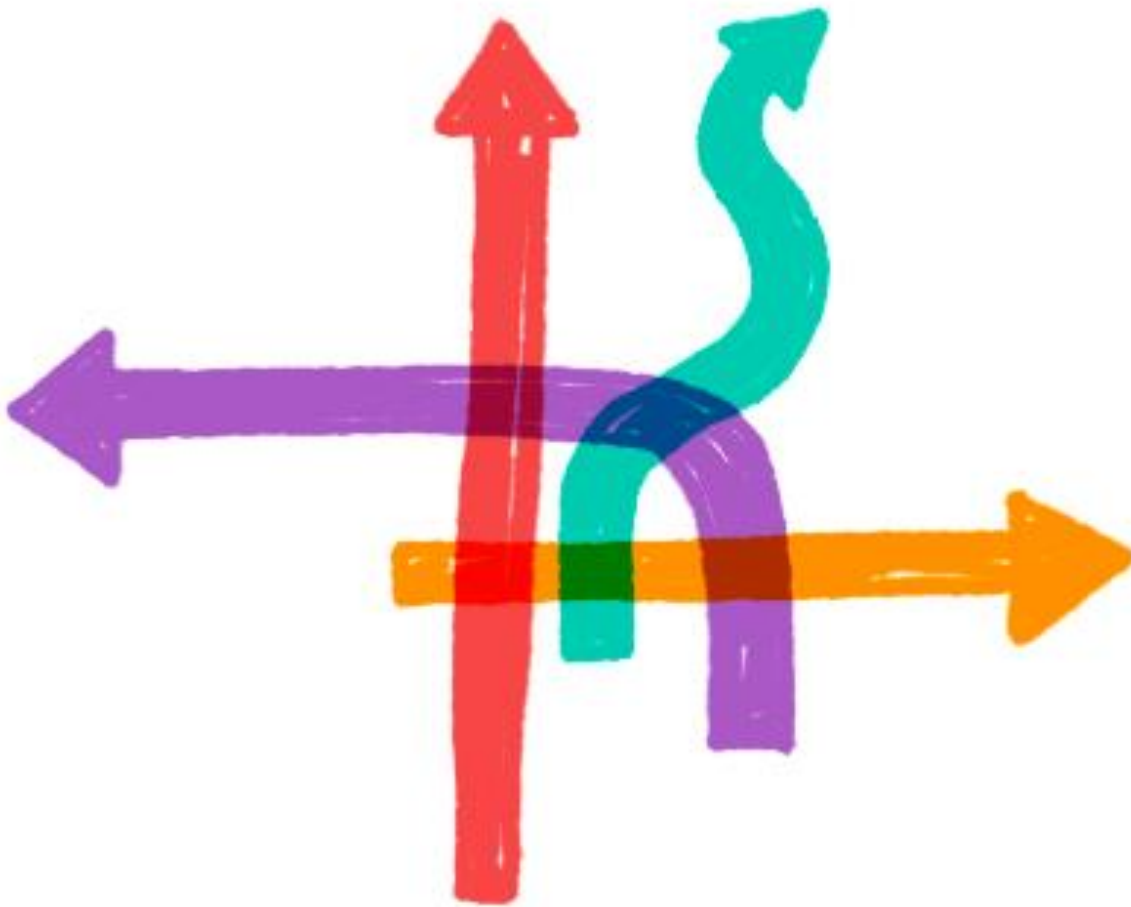
JHSO suggests the following recommendations to strengthen Ontario's youth justice system:

- Allocate funding for youth programs and services that will keep youth out of jail and the justice system, prioritizing communities that lack existing services with a focus on culturally-relevant, and locally-responsive diversion and restorative justice programs.
- Ensure race-based data is collected and regularly published to allow for a greater understanding of the racial disparities that exist in the youth bail system and the opportunity to create meaningful policy and program development to address those disparities.
- Require the courts in each region of the province to create a focused strategy to address the overrepresentation of Black and Indigenous youth in admissions to detention in consultation and collaboration with local communities. These local strategies should inform provincial strategies and funding decisions.
- Equip police officers with the locally-specific knowledge and tools to implement the directives of the YCJA through relationship building with community-based service organizations, and focused training on the diversion measures outlined in the YCJA.
- Ontario should explore the adoption of a "charge approval model": where police make a recommendation to charge, but Crown prosecutor approval is needed before a charge can be laid. Therefore, only charges with sufficient evidence for conviction and that are in line with public interest and the legislative framework proceed.
- Interrupt the practice of meting out boiler plate bail conditions that aren't in line with the legislative framework. The *Criminal Code* should be amended to require judges or justices of the peace to state, on the record, the grounds for imposing any conditions included as part of a bail release plan.
- Courts should provide intensive case management to any youth that experiences more than two appearances before a bail decision is reached to prevent prolonged incarceration and connect the young person to services and supports.
- Require the courts to report on bail and case outcomes, broken down by region, and account for any data trends that deviate from

provincial averages or show changes over time that indicate youth are spending more time in jail.

- Provide discharge planning starting at the first point of incarceration for all young people who are detained for any amount of time before or after a bail decision or sentence.

Early interventions are essential in order to disrupt the cycle of criminal justice involvement that can last throughout adolescence and into adulthood. The research, coordination, and education efforts required to improve the youth bail system are worth the investments, as strategic actions at this early stage of the criminal justice system can completely change the trajectory for many young people, leading to reduced rates of justice involvement for adults. Canada has made huge strides in the approach to youth justice but a focus on youth bail is overdue and needed.



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