



SUBMISSION

2024 Pre-Budget Submission



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About the John Howard Society of Ontario

For more than 90 years, we've worked to keep the humanity in justice.

Today we continue to build a safer Ontario by supporting the people and communities affected by the criminal justice system. Our 19 local offices deliver more than 80 evidence-based programs and services focused on prevention, intervention and re-integration across the province. These range from helping youth develop the life skills that will let them achieve their full potential, to helping families navigate issues of criminal justice, to providing job training for those leaving incarceration so they can contribute to their community in a meaningful way. We promote practical, equitable policies while raising awareness of the root causes of crime and calling on Ontarians to share responsibility for addressing them. Within the system itself, we advocate for the fair treatment of every individual. Each year, our work impacts the lives of more than 100,000 Ontarians.

The John Howard Society of Ontario (JHSO) is pleased to provide our submission to the 2024 pre-budget consultations of the Ministry of Finance. We are grateful for the opportunity to share input into this process.

Introduction

The pandemic and the ensuing post-pandemic economic crisis have exposed the huge disparities facing justice-involved populations in terms of access to housing and other key social services, and conversely, it has placed significant fiscal pressures on the existing social services agencies that operate in the justice space. Indeed, the need for community services has never been so pronounced. Municipalities across the province are grappling with how to respond to the unprecedented levels of homelessness amid the current housing crisis. Inflationary costs have eaten into the already razor-thin margins of non-profits serving Ontario's most marginalized. Community service providers struggle to secure adequate funding to retain staff and maintain critical programs that align with government priorities and protect our communities. Investments in community-based programming are a cost-effective way to strengthen the criminal justice and social service system and help communities thrive. The following submissions outline three key areas requiring urgent investment in order to maintain community safety:

1. Urgent investment in bail verification and supervision programs
2. Investment in supportive housing with a special focus on justice-involved populations
3. Increasing base funding for community justice sector services

Bail

Serious violent crime is a pressing concern, and something we must continuously work to eliminate to help keep our communities safe. Throughout 2023, the Premier of Ontario and the justice Cabinet Ministers spoke out strongly on the need to strengthen the bail system in response to several tragic, high profile cases, advocating federally for law reform, and announcing an investment of \$112 million in new technology to support bail enforcement, establish violent crime bail teams, expand the Ontario Provincial Police (OPP) Repeat Offender Parole Enforcement Squad and provide prosecutors with the resources they need to conduct complex bail hearings¹. JHSO shares the government's focus on finding solutions that serve to prevent crime and build safer communities. Doing so requires all parts of the social service and justice systems working in partnership to prevent offending and support successful bail releases and reintegration.

"When it comes to keeping people safe and addressing crime in our communities, we'll stop at nothing," said Solicitor General Michael Kerzner.¹

There is always value in examining current practices within the justice system to see if there's room to strengthen them. That being said, the province should also be bolstering existing programs at the bail stage that have been successful for years at providing safety for the community. For years, JHS Offices across the province have been funded by the Ministry of the

¹Province of Ontario (2023). "Ontario Takes Action on High-Risk and Repeat Violent Offenders. Province working alongside federal government to fix broken bail system." <https://news.ontario.ca/en/release/1002987/ontario-takes-action-on-high-risk-and-repeat-violent-offenders>

Attorney General (MAG) to deliver the Bail Verification and Supervision Programs (BVSP). BVSP staff are key justice system partners, supporting the operation of bail courts and the protection of the public. Briefly, the core functions of this program include:

- Working with local prosecutors and defense counsel to assess risk of individuals seeking bail, and verify whether they are suitable for release.
- Monitoring people who are released on bail by the courts and who are required to have bail supervision by the BVSP, collaborating with police services, to make sure individuals are complying with their conditions.
- Ensuring that accused persons attend court as required.
- Connecting individuals who are under bail supervision with stabilizing supports and referrals, to address underlying risk factors.

The BVSP program has demonstrated high success rates, despite growing caseloads, hybrid service expectations and increased case complexity in recent years. The BVSP offers community-based bail supervision for a very low cost per client, with demonstrated success at ensuring that accused persons attend court and comply with bail conditions. In addition, when clients are supervised by the BVSP program run by JHS and other community-based agencies, as opposed to a surety, they have the value-added benefit of being able to access additional programming, resources and supports that address any risk factors onsite. Despite the important role they play, most programs are currently under-resourced, having received no increase in funding since 2017. Indeed, a number of JHS's are operating their BVSP at a significant deficit. For example, staff who are meant to carry 35 client cases can find themselves consistently averaging caseloads of 60+.

In many instances, JHS's are providing a range of BVSP services in kind, to respond to court demands and ensure adequate community supervision. This is becoming increasingly unsustainable. After nearly a decade without any budget increases, the programs are facing a funding crisis. This program and its staff have been stretched to its limits, and can't stretch any further. Without meaningful increases in funding, many offices face the undesirable option of cutting back services, which will only harm the community and the justice system partners who have come to rely on it. Bail programs can't afford to keep operating at the status quo any longer. And the province can't afford to compromise on community safety.

Jails are already over-capacity, with remand levels at unprecedented highs. Courts are already facing tremendous backlog, and can't afford to lose relied upon supports to the bail process. In its 2018/19 report, the Auditor General of Ontario noted that the operating cost of a provincial correctional bed in was an average of approximately \$9060 per month (or \$302/day)¹². That translates into \$110,230 a year, per bed. Indeed, the Auditor General reports that the Ministry of the Solicitor General spent, on average, \$726 million annually (\$817 million in 2018/19) to deliver adult institutional services.³ What is important to note is that as of 2021/22, **79%** of the adult correctional population in Ontario is on remand – either awaiting bail, trial or sentencing and

² Auditor General of Ontario. (2019). 2019 Annual Report Volume 3: Reports on Correctional Services and Court Operations. Accessed at:

http://www.auditor.on.ca/en/content/annualreports/arreports/en19/v3_100en19.pdf

³ Ibid.

therefore not yet convicted of a crime.⁴ That is about 5,720 people on any given day⁵. In Ontario, we spend hundreds of millions of dollars detaining legally innocent people every year – many of whom are not high-risk, and could be safely released on bail with the appropriate supports. The challenges facing corrections must, in part, be dealt with upstream to try and reduce costly admissions and remand counts – and reserve detention for those who are truly a danger to the public.

The BVSP, and a related program, bail beds, if properly funded or even expanded, could help the government save significant correctional costs long-term, while maintaining public safety.

JHSO's pre-budget recommendations around bail are summarized below:

1. BVSPs are key justice system partners, supporting the operation of bail courts and the protection of the public. **We need a meaningful increase in base funding for the Bail Verification and Supervision Program in Budget 2024.**

Enhance funding to the BVSP to offset current significant budgetary pressures, and to preserve community safety and reduce remand stays. An expanded BVSP program capacity (i.e. improved staffing ratios and mental health supports) would translate into more efficient releases, saving the government both correctional and criminal court costs.

2. **Increase base funding for existing “bail bed” programs, and invest in a bail bed expansion into more communities.** Accused persons who lack a fixed address or have “no contact” conditions in their bail orders cost the province significant dollars as a result of unnecessary or prolonged detention. Finding suitable residences or residential sureties for individuals who could be safely released into the community also results in expensive and unproductive delays in our criminal courts. Providing supervised housing that is supportive – not shelters – helps stabilize populations who have more complex needs and enhances community safety. In 2017, the Ministry of Attorney General rolled out “bail beds” in five jurisdictions in Ontario to provide supervised housing for individuals on bail with more complex needs. JHS currently operates MAG-funded bail beds in Thunder Bay and Ottawa. The beds are almost always fully occupied/accounted for, and have already demonstrated their value for dollar by housing a number of long-stay residents who would have instead been costing the province significant dollars in stays in remand facilities. These existing programs, like the BVSP, are under financial strain. The cost saving potential for the provincial government is significant were funding and capacity to be increased at existing sites, and expanded to additional communities. Bail beds operate at a small fraction of the cost of a provincial correctional bed, and clients of bail beds also benefit from the additional programming and mental health supports in the community.

⁴ Statistics Canada. (2023). “Average counts of adults in provincial and territorial correctional programs” <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015401&pickMembers%5B0%5D=1.7&cubeTimeFrame.startYear=2017+%2F+2018&cubeTimeFrame.endYear=2021+%2F+2022&referencePeriods=20170101%2C20210101>

⁵ Ibid.

Housing for Justice-Involved Populations

Over the past decade, the number of admissions with "no fixed address" into Ontario's correctional institutions has been on a troubling rise, according to the limited available data.⁶ Many individuals are caught in a cycle with repeat incarcerations, resulting in loss of housing, social assistance and/or employment during each stint in a correctional institution. Upon release, finding stable housing is often an uphill battle. Due to the stigma of a criminal record, and/or bail/probation conditions restricting them from accessing certain types of housing, the housing options for individuals with justice involvement can be very limited. Challenges are compounded for Black and Indigenous populations and other marginalized groups including people with mental health and addictions issues who may require supports to access and maintain housing.

Housing is a key factor in successful reintegration. Individuals experiencing homelessness are at increased risk of justice system involvement and emergency services at significant cost to the province. Justice system involvement is often associated with mental illness, addictions issues, poverty, homelessness and/or weak social supports. Supportive housing targeted towards justice-involved populations is a cost-effective way to stabilize the individual by addressing those risk factors, thereby reducing the risk of further justice system involvement, use of emergency services and hospitalization.

There is a need for both short term transitional housing options and long-term supportive housing. Transitional housing for individuals recently released from correctional institutions would help fill a critical need through shelter with supports to help promote a successful reintegration. As noted above, bail beds are an example of transitional housing that help address homelessness at the bail stage. It is nearly impossible to follow bail conditions and appear at court when someone is experiencing homelessness. Bail beds provide supervision and supports to individuals on bail who might otherwise be released into homelessness or held in detention.

Long term supportive housing options should be inclusive of mental health and addictions needs, as well as the specific needs of Black and Indigenous populations who are overrepresented in corrections and often face compounding issues upon release in the community.

Currently, supportive housing wait lists in many parts of the province are comprised of tens of thousands of people. Municipalities often have to make the difficult decision of how to allocate limited funds for supportive housing initiatives. Justice-involved populations are some of the most marginalized Ontarians as they significantly overlap with populations that experience mental health, addictions issues and extreme poverty. In addition to those challenges, they also face additional barriers to housing due to their criminal record or conditions of release. Therefore, earmarking resources towards supportive housing for justice-involved populations presents a crucial opportunity to shelter populations in significant need. To address backlog in supportive housing services and the long waitlists, a streamlined process for allocating funds and reviewing applications could assist with getting more people in need into supportive housing placements.

⁶ John Howard Society of Ontario. (2022). No Fixed Address: The Intersection of Justice Involvement and Homelessness. <https://johnhoward.on.ca/wp-content/uploads/2022/05/No-Fixed-Address-Final-Report.pdf>

JHSO's recommendations on housing are summarized below:

1. **Make demonstration of service to justice-involved populations a requirement** of municipalities accessing provincial housing funds.
2. Justice and housing ministries should work collaboratively with community-based justice and mental health organizations to **direct funds to a range of supportive housing facilities and rent supplements for individuals recently released from provincial corrections and/or currently under a bail or probation order**. The supportive housing options should include both short-term transitional housing and long-term housing options. Bail beds are a great example to build on and could be expanded to different communities in the province and to include individuals on probation as well as on bail orders.
3. **Streamline the supportive housing system** by standardizing the waitlist management tool, and through the development of a supportive housing body to oversee the development of new units, the grant application process and flow of funds.

Base funding for community justice sector services

Justice sector community service agencies face increasing complexity of cases requiring more time, resources and supports to meet the needs of clients. The COVID-19 pandemic exacerbated issues like mental illness and substance use and shed light on underserved people in our communities. Now, years out from the apex of the pandemic, justice sector organizations continue to face increasing complexity of client needs and circumstances and struggle to maintain programming due to resource constraints and increased service demands, such as the expectations to continue offering hybrid services.

Justice service agencies like JHS cannot continue to meet the growing demand for services with the existing resources, especially with growing costs of inflation and stagnant or minimally increasing funding. The community justice sector has long been under-resourced but continues to deliver essential services to support the functioning of the justice system and to meet the needs of marginalized people in communities across Ontario. However, due to the current levels of base funding, service agencies are often unable to remain competitive and lose skilled and dedicated staff to more well-paying opportunities. In some communities, trained and qualified staff feel compelled to leave the sector and opt for opportunities at retail employers like Costco due to their more competitive wage and benefit packages. This results in a great disservice to the sector and presents increasing challenges around staff recruitment and retention. Due to the complexity of client cases, staff need to be significantly qualified and skilled to deliver the programs, yet the available funds to pay staff are not sufficient to attract the requisite qualifications and skill sets in candidates. The challenges in recruitment contribute to longer waitlists and increased staff burnout.

Last year the government issued a 5% increase in base funding for community-based mental health and addictions service providers funded by the Ministry of Health. That is a welcome allocation of resources for important services in the province. Transfer-payment agencies funded by other ministries, including the Ministry of Attorney General, Ministry of Children, Community and Social Services and Ministry of Solicitor General also require investments in funding to be able to continue delivering crucial services to Ontarians. Many justice agencies like JHS local offices provide mental health services, yet they were not included in the base funding increase because funding flows through justice ministries rather than the Ministry of Health.

In addition to mental health services, justice sector agencies provide life skills training, housing programs, employment supports, diversion programs, reintegration services, peer mentorship, supervision services and many other programs for youth and adults, of all genders and at different stages of their involvement with the justice system. Adequate funding of community justice programs is crucial to the effective operation of the justice system. An effective community justice sector also reduces the risk of re-offending and hospitalization, saving the province costs associated with incarceration and emergency services.

JHSO recommends the following about base funding for community justice services:

1. The provincial government should issue a meaningful **increase in base funding to transfer-payment agencies delivering community services on behalf of the youth and justice ministries** to enable them to continue to deliver high quality services to Ontarians.

Conclusion

The pandemic and its aftermath have laid bare the stark disparities facing justice-involved populations and placed significant strain on already overstretched social services agencies. The pressing need for community services has never been more evident, particularly as municipalities across the province contend with escalating levels of homelessness and complex needs of community members. Non-profit organizations supporting Ontario's most marginalized individuals face additional hardships due to inflationary costs, eroding their already slim operating margins. Securing sufficient funding remains a constant struggle for community service providers, impacting their ability to retain staff and sustain vital programs aligned with government priorities that safeguard our communities. Investing in community-based programs is a cost-effective strategy to strengthen the criminal justice and social service system, fostering resilient and thriving communities.