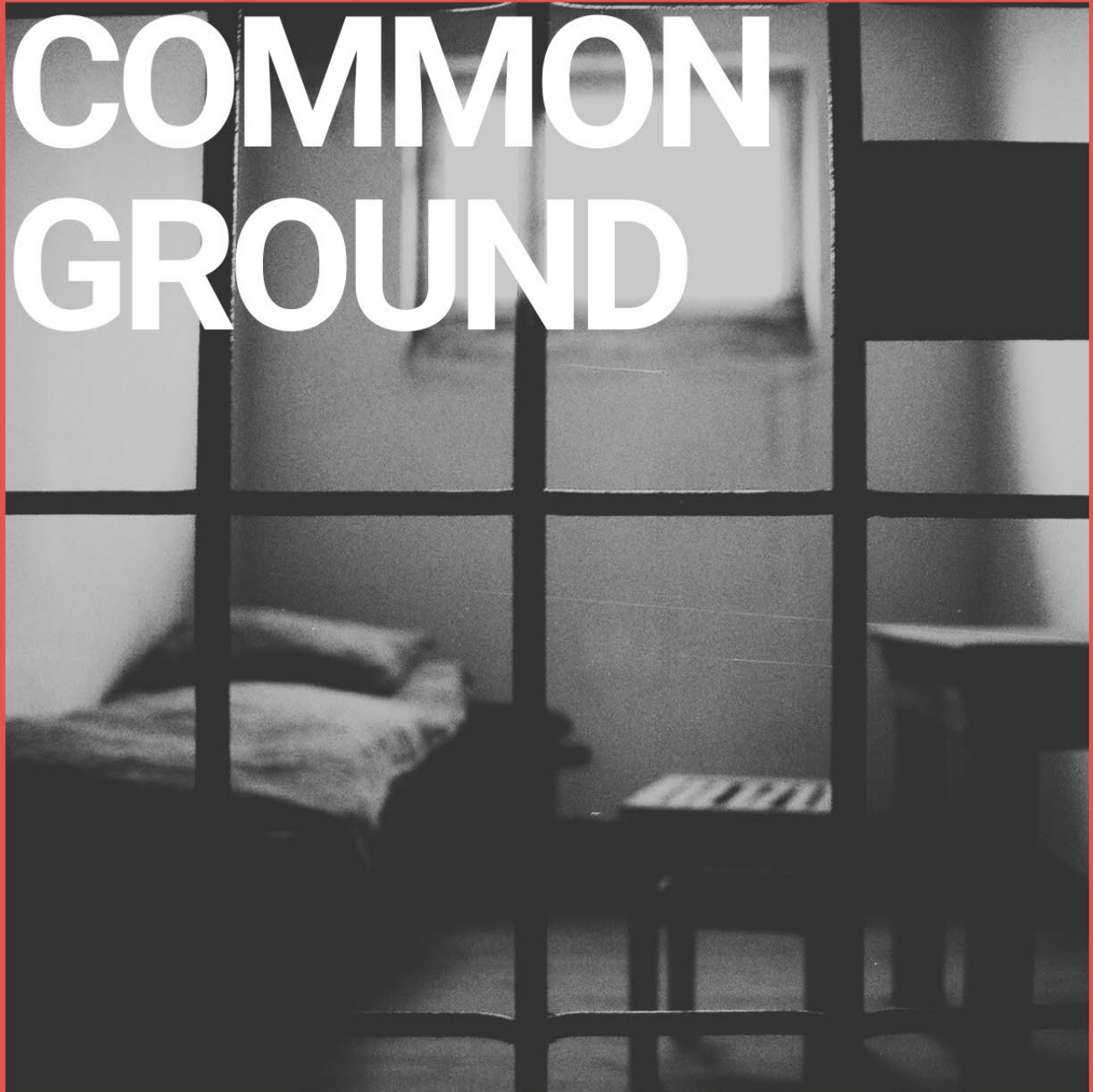


Re/THINKING JUSTICE SERIES

#remandreport

FINDING

COMMON GROUND



***Cross-sector solutions to
modernize Ontario's bail system***



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A NOTE ON LANGUAGE

Criminal Legal System: In this report we are using the term “criminal legal system” which describes the collective institutions of policing, courts, and corrections (e.g., prisons/jails, community supervision). While these systems are also commonly referred to as the criminal justice system, we want to acknowledge in our choice of language that for many people, in particular Black and Indigenous people, this system has never been “just.”

SYSTEMIC ACKNOWLEDGMENT

When recognizing the systemic challenges within the Canadian criminal legal system, it is essential to acknowledge the historical and present-day impacts of colonialism and systemic discrimination, which includes but is not limited to the over-representation of Black and Indigenous people throughout the criminal legal system.

Black and Indigenous populations face higher levels of policing, incarceration, and biased treatment, with Black people being overrepresented by more than 3 times that of the general population and Indigenous people by more than 6 times.

This overrepresentation exacerbates pre-existing structural barriers rooted in systemic racism and colonialism. We hope this acknowledgement contextualizes the research found in our report and serves as a reminder of our shared responsibility to engage in open dialogue, challenge biases, and work collaboratively toward dismantling the systems of oppression that result in persisting inequities in our criminal legal system.

EXECUTIVE SUMMARY

Public safety is a key concern for communities, legal actors and government leaders, particularly in light of recent increases in the crime rate and high-profile incidents of violence. These events have resulted in increased scrutiny of how the criminal legal system responds to risk and protects the public.

The bail stage is often at the centre of this attention, where system actors must balance risk and rights. Police, courts, and correctional facilities are under mounting pressure to get this balance right, to predict and prevent violent re-offending. At the same time, they must contend with an increasing number of cases presenting complex social issues such as homelessness, mental health challenges, and substance use – cases that may be non-violent, but that demand significant resources. Provincial jails are over-capacity, with over 80% of individuals being legally innocent, awaiting bail decision or trial - “on remand.”

In 2013, the John Howard Society of Ontario (JHSO) released its report, *Reasonable Bail?*¹, which highlighted many of the challenges endemic to bail at that time. While there’s been movement on bail practices in Ontario, many of the same issues persist. Bail courts continue to experience frequent adjournments, courts still struggle with crafting release plans for individuals without fixed addresses or strong community ties, and sureties too often remain a default release option in our province.

Over the past decade, many studies and expert reports on bail have been released. JHSO gathered the recommended solutions outlined in these reports, and asked system actors across the police, legal and social services sectors in Ontario to comment on, and rank, their utility to address the perceived issues surrounding bail today.

Participants completed a survey and took part in focus groups to share their perspectives on the strengths and challenges of local bail and remand processes and to assess recommendations for improving bail and reducing the remand population. The findings capture both differing views on key issues and, crucially, areas of alignment around potential solutions that the Ontario government could adopt to ease burdens on the legal system while improving outcomes for individuals and communities.

SUMMARY OF KEY FINDINGS

- Individuals involved with the legal system often have complex health and social issues that are not being adequately addressed.
- While many view the bail system as striking a difficult but necessary balance between an individual’s presumption of innocence and public safety, others

suggest it's overly lenient and failing to adequately prioritize victim and community safety, resulting in a "catch-and-release" cycle and eroded public confidence.

- Pretrial release often hinges on a bail supervision plan, typically requiring a vetted surety that marginalized or unhoused individuals struggle to secure. The Bail Verification and Supervision Program (BVSP) offers crucial community monitoring and professional support as an alternative to surety releases, but needs more Indigenous-led alternatives and full jurisdictional coverage to create a bigger impact.
- Indigenous and Black communities face a lack of culturally competent treatment and support.
- Collaboration between system actors is seen as crucial yet lacking in many communities across the province.
- There are chronic delays in the courts, and virtual courts are viewed as increasing efficiency for some, while others pointed to access to justice concerns.
- Police, lawyers and service providers agree the bail system is under strain, managing complex social and health needs without adequate supports. While there are promising practices in some jurisdictions, gaps in housing, mental-health care, and community collaboration limit overall effectiveness.

Survey respondents highly rated the following solutions to relieve pressure on bail and remand systems:

1. Better utilization of BVSPs, which are delivered effectively by community-based agencies across Ontario
2. Increased investments in long-term community safety
3. Enhanced inter-agency collaboration and improved linkages between police, courts and social services
4. Expanded access to Residential Bail Programs (Bail Beds)

Based on the responses and insights from the survey and subsequent focus groups, as well as a review of evidence-based practices, JHSO developed a set of focused, practical recommendations:

Recommendation #1: Bail Programs

- *Enhance funding to BVSPs to enable them to provide intensive case management and expand caseloads and geographic impact.*
- *Provide adequate funding to Indigenous-led BVSP to provide culturally appropriate supervision and support.*

- *Expand bail beds across Ontario and ensure they are adequately resourced. A gradual expansion should prioritize areas of highest need where there are greater numbers of individuals without housing in provincial jails.*

Recommendation #2: Inter-agency Collaboration

- *The province should establish an “all of government” approach to community safety and well-being that provides sustainable funding for programs that cut across multiple sectors and Ministries with a focus on underserved communities. The Ontario government should explore the Changing Futures Fund in the UK as a funding model and require municipalities to build formal partnerships between health, police, community agencies, Indigenous organizations and people with lived experience to promote community safety and holistically address individuals’ complex issues.*
- *Municipalities should seek funding from the province for approaches like the Making Every Adult Matter (MEAM) initiative that enable collaboration between police, health, community agencies, housing and income support sectors and people with lived experience to develop an approach that involves formalized partnerships and referral pathways that connect people with multiple compounding issues to holistic care.*
- *Formalized partnership agreements should be established between police services, Indigenous communities, and local community-based social service agencies to coordinate services and collaboration.*
- *Ensure up-to-date information about the availability of social services is provided to policing agencies to facilitate timely and appropriate referrals at initial points of contact.*

Recommendation #3: Court Efficiencies

- *Expand specialized courts in urban, rural, and remote communities, including Indigenous Peoples Courts, across the province to support and inform bail adjudication processes. These courts should be adequately resourced and staffed by professionals trained in trauma-informed, culturally safe practices, with a strong awareness of community services, including Indigenous knowledge keepers.*
- *Embed court workers in courthouses throughout Ontario to serve as vital connectors for accused between the legal system and community-based supports. Their presence helps individuals navigate the court process, access necessary services, and avoid delays caused by barriers such as literacy, mental health challenges, or housing instability. Court workers should be appropriately trained in anti-Indigenous and anti-Black racism and be aware of culturally specific supports.*

- *Promote the use of judicial referral hearings as a mechanism to reduce unnecessary court proceedings for administration of justice (AOJ) offences that do not involve victims or significant harm. This approach streamlines the legal process, alleviates pressure on the courts, and better reflects the social realities faced by marginalized individuals.*

With the right infrastructure, including community-based supervision and support, more individuals can remain safely in the community, reduce their likelihood of (re)offending, and rebuild their lives. This also means the courts and corrections can re-focus resources on managing more serious and violent cases. A more supportive and responsive system contributes to a safer society for everyone.

INTRODUCTION

Ontario's provincial jails are over capacity, and most of the population are legally innocent people – that is, those awaiting bail or trial (on “remand”)². This is widely seen as a serious issue – though perspectives on its causes and consequences vary. High numbers of legally innocent people in provincial jails can be viewed as either infringements on constitutional rights (with far reaching consequences) or stringent and necessary risk management. Either way, the result is significant strain on an already overburdened criminal legal system.

One way to reduce system strain caused by high remand rates is to release people on bail, in appropriate circumstances and in the appropriate manner. Decisions at the bail stage must strike a delicate balance between competing and interrelated concerns: weighing considerations of public safety against the preservation of fundamental legal principles such as the presumption of innocence and equal access to justice. Safety remains a key concern – for the public, the legal system and the government – particularly in light of a recent uptick in crime following years of steady decline.³ Violent cases receive widespread attention, amplified by the rapid dissemination of information through social media and traditional news platforms. This has increased public discourse about safety and sparked debate and criticism around how the bail system operates.

Amidst high profile violent cases and system inefficiencies, government decision makers are seeking solutions to reform the bail system. A variety of key actors, including police services, lawyers, service providers and policy professionals, have proposed solutions to address these challenges. These calls for reform are not new. In 2013, JHSO released its report *Reasonable Bail?*⁴, which identified challenges in the bail system at that time. While some progress has been made since then, many of the same issues remain. Bail courts continue to face frequent adjournments, struggle to craft release plans for individuals without stable housing or community ties and rely heavily on sureties as a default release option.

Building on this foundation, this project compiled recommendations from 25 academic and grey literature sources published between 2015 and 2025 into a survey, inviting expert respondents to assess and prioritize the proposed reforms and share their insights on strengths and shortcomings of the current bail system. By consulting with members of police services, lawyers, service providers, and policy professionals from across the province, our findings showcase a cross-sectional snapshot of differing views of the bail system along with some areas of alignment around key solutions.

A recurring theme that emerged from survey responses and focus groups was around the pressures experienced across the criminal legal system. Over-capacity jails are not the only part of the system under strain – police and the courts are also contending with high caseloads and backlog. What also surfaced from the consultations is that as social issues (e.g., homelessness and the drug toxicity crisis) worsen, they are also impacting the workings of the bail system.

Through informed, collaborative dialogue, this report outlines opportunities to reduce pressures on the courts and correctional systems in Ontario by strengthening the pathways to care and support for individuals impacted by poverty, mental health challenges, and addictions, allowing the system to focus its finite resources on serious cases as it was designed to do, while at the same time enhancing public safety.

THE “REMAND PROBLEM”

Provincial jails are comprised of people serving a custodial sentence of less than two years and those being held on remand (i.e., individuals who are held in detention while awaiting bail decisions, trial, or sentencing, rather than being released into the community). When an individual is arrested and charged with a crime, they may be released with an order to appear before the court, or they might be held in custody for a bail hearing. At the bail hearing, a justice of the peace or judge determines if the accused should remain in the community while their case moves through the courts or if they will spend that time in jail. Individuals on remand are legally innocent as their charges have not been proven in court. Some of the population in provincial jails on remand have been formally denied bail while others experience repeated postponements of their hearings as they try to prepare a release plan the court will accept.



For more information on the bail system, check out our [Bail Fact Sheet](#).

The “remand problem” in Canada refers to the increasing use of pretrial detention in provincial correctional institutions.⁵ Canada’s remand population has grown steadily over the past four decades, exceeding the sentenced population since 2005.⁶ In 2022/23, for example, 70% of admissions to provincial correctional institutions were to remand, reflecting an 11% increase since 2018/19.⁷

Ontario’s remand population has also grown significantly over the last 40 years and stands out among other provinces and territories for its high pretrial detention rate. In the early 1980s, only about 20% of people in provincial custody were on remand – in other words, the majority of people in provincial jails were serving sentences. By the early 2000s, remand rates jumped to 49%, and in 2023, provincial jails in Ontario were comprised of 80% people on remand.⁸ This steep growth in the remand population is not accounted for by considering crime rates, as they have only slightly increased in the past decade.

It is important to acknowledge that the characterization of the growing remand population as a “problem” is not universally accepted. Some argue that denying

bail to more people enhances public safety by removing potentially dangerous individuals from the community. From the perspective of many socio-legal scholars, service providers, and legal advocates, however, the growing “remand problem” is a significant concern and has been attributed to multiple factors throughout the criminal legal process.⁹ The increased pressure on the courts and correctional system is widely shared as an issue.

Detention is intended for individuals who are unlikely to attend court, who pose a risk to public safety, or whose release on bail would compromise the public’s confidence in the criminal legal system. However, it has become a default holding space for a growing number of individuals whose primary challenges stem from poverty, mental illness, and substance use disorders.

This shift reflects deeper systemic issues. Many individuals on remand are not receiving the support they need in the community, and their incarceration often exacerbates existing vulnerabilities.¹⁰ The lack of timely access to mental health services, addiction treatment, and stable housing means that people are being funneled into the criminal legal system for behaviours rooted in unmet health and social needs. The consequences are twofold: individuals’ health and social needs deteriorate by being detained in an environment that is ill-equipped to treat their issues, and the legal system is overwhelmed, unable to focus its resources on serious cases.

A growing remand population is concerning for many reasons. More people on remand results in overcrowding of correctional facilities, and poor conditions for staff and incarcerated people. It also results in a greater number of people experiencing punishment and the collateral consequences of jail time (i.e. loss of jobs, housing and social supports) before trial.¹¹

The remand problem is particularly troubling as it threatens constitutional rights including the presumption of innocence. The presumption of innocence is a fundamental legal principle that anyone accused of a crime is considered innocent until proven guilty in a court of law. Experiences of pretrial detention subject individuals to the punitive effects of incarceration before a finding of guilt. The *Canadian Charter of Rights and Freedoms* also guarantees Canadians the right not to be denied reasonable bail without just cause. When individuals experience prolonged pretrial detention due to factors related to poverty and health concerns rather than likelihood to attend court or public safety risk, it erodes this fundamental legal principle. Many individuals on remand are not sentenced to custody or even found guilty of their charges. Of cases in Ontario that were resolved in 2024, 51% had charges withdrawn or stayed before trial; 44% of cases that began in bail court eventually had charges withdrawn or stayed before trial.¹²

Furthermore, data from the Ontario Court of Justice shows that the majority of criminal cases are not violent. For the 2024-2025 year, 32% of cases were categorized as crimes against the person, 21% were crimes against property and 28% were AOJ charges.¹³ AOJ charges can include a failure to appear in court, a

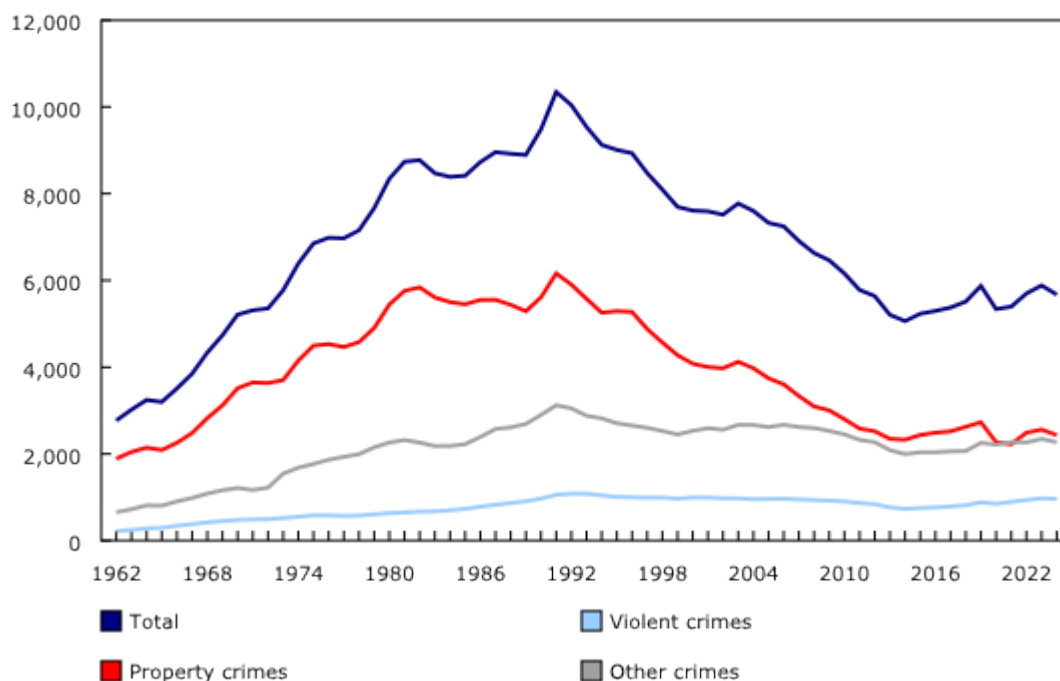
breach of probation, or a failure to comply with bail conditions. Similarly, of cases that started in bail court (as opposed to police releasing an accused person with an order to appear in court), a third of cases involved AOJ as the *most serious offence* type. Of those cases, 45% involved charges being withdrawn before trial. This demonstrates that not only are many people in jail never convicted of a crime, many are also cycling back into the courts and jails due to breaches and failures to appear - not for committing new criminal offences. These types of offences are mostly behaviours that are not otherwise criminal and are common among people who are unhoused or have mental health issues, such as being out past curfew.¹⁴

For people who are unhoused it can be difficult to remember court dates or to follow residency conditions. Untreated mental illness and substance use issues can also cause people to breach orders related to abstinence. Curfews can hinder individuals' ability to hold a job and strict location orders and no-contact orders between family members can set people up for breaches, resulting in new charges for otherwise non-criminal behaviour.

TRENDS IN CRIME

The overall Canadian crime rate has largely declined since historical highs in the early 1990s. However, the trends show an increase in the crime rate between 2015 to 2019, followed by a decline during the pandemic before increasing again between 2021 and 2024. The crime rate has declined over the past year since 2024.¹⁵ The crime rate is calculated by adding the total number of crime reported by police for one geographical area and dividing that by the population for the same geographical area.¹⁶

rate per 100,000 population



The Crime Severity Index (CSI) provides added nuance to the measure of crime by considering both number of reported crimes and the relative seriousness of crimes to create an index and tracking that over time.¹⁷ After three consecutive years of increases, the overall CSI decreased 4% in 2024.¹⁸ If you isolate for violent crime, there was a 1% decrease in the violent CSI in 2024, largely due to decreased rates for sexual assault, extortion, attempted murder and aggravated assault.¹⁹

Overall, crime rates remain relatively low when compared to rates from the past 60 years. The growth pattern in the remand population does not correspond with the relatively minor recent increase in crime rates. This suggests that other factors other than crime trends are impacting the expansion of remand.

THE IMPACT OF PRETRIAL DETENTION

Pretrial detention has serious consequences for incarcerated individuals and the integrity of the legal system as a whole. Individuals held on remand are more likely to plead guilty, receive longer sentences, and experience limited access to defence counsel.^{20,21} Individuals in pretrial detention may plead guilty to avoid waiting for months or longer in harsh conditions, even if they are not guilty.²² This is particularly true for Indigenous populations.²³

Conditions inside provincial jails are notably less resourced with rehabilitative supports than in federal institutions, which house individuals found guilty and sentenced to two years or more. Provincial facilities face serious overcrowding issues, with cells originally designed for single occupancy regularly housing three

or more people. This overcrowding creates a cascade of problems: increased violence between prisoners and with correctional staff, inadequate healthcare delivery, heightened job stress, unsanitary living conditions, and severely limited access to rehabilitation programs. The situation deteriorates further during institutional lockdowns when individuals are confined to their overcrowded cells for extended periods.

During lockdowns, which occur when facilities face security threats, staffing shortages or operational disruptions, incarcerated individuals lose access to programming, showers, phone calls and outdoor time. The combination of multiple people confined in small spaces without normal activities significantly increases the risk of conflict, violence, and disease transmission. Poor conditions inside provincial correctional institutions affect the health and safety of prisoners and correctional staff alike.²⁴

Remand prisoners, who comprise the majority of the provincial jail population, present unique management challenges that exacerbate these conditions. Unlike sentenced inmates, remand prisoners must be separated from the general population, face uncertain detention periods, and require frequent transportation for court appearances (though video conferencing has reduced this somewhat since the pandemic).²⁵ These factors strain already limited resources and contribute to the systematic overcrowding that underlies operational problems in provincial correctional facilities.²⁶ The high prevalence of unmet health needs and limited access to services among remanded individuals creates a ripple effect, compromising not only the well-being of incarcerated people but also the health and safety of correctional staff who work in these strained environments.

Pretrial detention also imposes significant socioeconomic burdens. Individuals on remand, even if only for a few weeks or months, can experience loss of income, employment and housing.²⁷ This is particularly common for individuals without a support network that can cover their rent, or advocate for them while they are incarcerated. Income assistance is cut off in full for anyone incarcerated even if they are only charged with a crime and it is later dismissed. Being charged, even without eventual convictions, can be highly stigmatizing, impacting future job and housing prospects. Short periods of incarceration are also highly disruptive to the family unit and can have long-term impacts, including the removal of children and their placement in the child welfare system. Pretrial detention also diminishes the health and well-being of individuals due to the harsh conditions in provincial corrections.²⁸ Evidence suggests detention on remand may be counterproductive to public safety, as detention in jail is correlated with future reoffending.²⁹

Equally concerning is the disproportionate impact on marginalized groups, including Black and Indigenous people, and individuals with mental illness or substance use challenges, who are more likely to be denied bail or released with more onerous conditions, due in part to systemic biases.³⁰ While access to race-based data in the courts is limited, research has found Black defendants face particularly severe disparities in Ontario's bail system. For instance, Black individuals may be significantly more likely to be denied bail and receive higher

bail amounts than white defendants charged with similar offences, reflecting longstanding patterns of systemic racism in risk assessment and judicial decision-making.³¹

Anti-Black bias in bail decisions often manifests through perceptions that Black defendants pose greater flight risk or public safety threats, even when controlling for relevant legal factors. This bias can be embedded in risk assessment tools and informal decision-making processes that appear race-neutral but produce disparate outcomes.³²

The over-representation of Indigenous people in the criminal legal system continues to be one of Canada's most pressing issues. A Supreme Court case, *R v Gladue*, called it a crisis and introduced guidelines to reduce the overincarceration of Indigenous people, known as Gladue principles.³³ However, since that case, Indigenous people are even *more* significantly overrepresented in admissions to remand.³⁴ Indigenous people are more likely to be denied bail and make up a disproportionate share of the remand population.³⁵

Additionally, high remand populations add to court delays as bail court procedures are frequently inefficient and prolonged, characterized by excessive adjournments.³⁶ Individuals who lack a residence and a social support network often spend more time incarcerated trying to put together a release plan that would satisfy the courts, even for non-violent crimes. For those released, some courts impose numerous restrictive conditions that are difficult to comply with, often leading to re-incarceration.³⁷ Furthermore, resources for legal aid, community alternatives to custody, and essential social services that might reduce offending are widely considered insufficient.³⁸ Together, these systemic shortcomings contribute significantly to the persistence of Canada's (and Ontario's) high remand population.



Whenever an Indigenous person's liberty is at stake, the court is required to consider their background circumstances and the impact of systemic discrimination on them, including when making a decision about their release on bail or their sentencing.

EFFORTS TO ADDRESS THE REMAND PROBLEM

Scholars, advocates and lawmakers have made numerous recommendations and changes to improve the bail process and to reduce the remand population over the last decade. These have largely focused on the police, court processes and decisions, and bail supervision.

POLICE

While police have the authority to release accused via summons, promise to appear, or recognizance with conditions, research shows they may detain individuals even when release is possible.³⁹ Consequently, encouraging, supporting, and training police to use their discretion to release individuals who are suitable for release, in order to reduce the number held for bail hearings, has been recommended. Experts also recommend building in accountability measures, such as providing written reasons for detention decisions.

Additionally, stronger police–court collaboration has been urged to enable police to seek release advice from Crown attorneys to ensure consistency in processes and increase use of release.⁴⁰ Finally, research emphasizes that police should exercise discretion when pursuing failure to comply charges.⁴¹

Recent changes from the Ontario provincial government include the Provincial Bail Compliance Dashboard which is a tool for police services to monitor and share critical information related to individuals on bail.⁴² The government has also invested in Bail Compliance teams made up of officers dedicated to monitoring adherence to conditions.⁴³

COURT PROCESS

The bail court process in Canada has been subject to sustained critique for limiting accused persons' access to timely bail hearings, largely due to chronic scheduling delays, protracted court processing times, and frequent adjournments (often requested by defense counsel), leading to extended periods of unnecessary pretrial detention.⁴⁴ In response, scholars have called for systemic reforms, including restricting adjournments to those that are necessary and justified, enhancing court staffing and resources, and assigning dedicated crown attorneys and justices to promote greater continuity, familiarity with cases, and procedural efficiency.⁴⁵ Furthermore, research emphasizes the importance of specialized bail courts or procedures—particularly for Indigenous accused and individuals involved in intimate partner violence cases—staffed by court actors with appropriate training and competency to ensure the proceedings reflect the distinct circumstances of these populations.⁴⁶

Expanding court technologies - particularly video bail appearances for accused persons and sureties - to improve efficiency and reduce the logistical burden of transporting individuals to and from courthouses has been recommended.⁴⁷ The COVID-19 pandemic acted as a catalyst for this change and many bail courts

across the province continue to operate virtually. However, concerns remain regarding unequal access to technology and digital literacy, which may disproportionately disadvantage accused that are unhoused, experiencing poverty, or located in rural and remote areas of the province.⁴⁸

A widely cited recommendation in bail reform literature is to reduce the use of release conditions and surety requirements imposed by the courts that risk setting accused up to fail by accruing further charges.⁴⁹ This includes, for instance, conditions requiring a fixed residence for those experiencing housing instability or abstinence from substances for individuals with addictions - and by criminalizing otherwise lawful conduct, including curfews, geographic restrictions, and alcohol abstinence.⁵⁰ Similarly, scholars have criticized the increasing reliance on sureties, arguing that some accused remain in pretrial detention simply because they cannot find a surety, while others are unnecessarily required to have a surety despite meeting the legal threshold for release on their own recognizance.⁵¹



A **surety** involves a person promising the court that they will supervise the accused and make sure they follow their bail conditions. The supervising individual pledges an amount of money to the court that they will lose if the accused fails to follow their bail conditions and they do not report them.

Recognizance is where the accused is released and promises to attend court and follow their conditions or else they would have to pay the court money.

COMMUNITY SUPERVISION SERVICES

BVSPs are Ministry of the Attorney General-funded, community-based programs run by community agencies that provide supervision and support to individuals who are not considered high-risk and who might otherwise be denied bail for lacking a surety or other forms of assistance.⁵² Research generally supports the value of BVSPs as effective and safe alternatives to pretrial detention, while also offering meaningful support to those on bail.⁵³

In developing appropriate release plans for accused eligible for bail, the program accelerates bail processes and reduces the number of people held in pretrial incarceration. Bail supervisors provide case management and monitoring to minimize failures to appear in court and help clients address factors that lead to alleged misconduct. The BVSP has a proven track record with a 96% appearance rate for court dates and a vast majority of clients completing the program with no new charges.⁵⁴ Many accused who are accepted into BVSPs do not have an

extensive history of breaching release orders which may contribute to the high success rates.

Concerns around the use of BVSPs indicate that the courts are sometimes referring people to the program who should, by law, be eligible to be released without community supervision. In other instances, higher risk individuals who would benefit from the supervision and support are not being referred to the BVSP.⁵⁵

Additionally, because BVSPs have the authority to impose their own conditions, some scholars caution that they risk criminalizing non-criminal behaviour, contributing to pretrial punishment, and undermining the presumption of innocence.⁵⁶ As such, it is widely recommended that BVSPs be reserved for individuals otherwise likely to be detained and used only to serve the lawful purposes of bail rather than functioning as tools for behaviour modification and net-widening.



Net widening: capturing more individuals under supervision that should be released under less restrictive measures.

LEGISLATIVE REFORM

There have also been numerous legislative amendments and recommendations over the last decade. The Supreme Court (SCC) has issued several key rulings aimed at clarifying and reinforcing bail principles to align the practice of bail with the law on the books.

In *R v. Antic* (2017), the SCC reaffirmed the "ladder principle," emphasizing that accused persons should be released on the least restrictive type of release unless the Crown can justify more stringent measures. This took aim at the practice of requiring sureties as a default to bail eligibility. Later, in *R v. Zora* (2020), the SCC ruled that a breach of bail conditions requires subjective intent or awareness, and emphasized that bail conditions must be minimal, necessary, and carefully scrutinized, reinforcing the importance of restraint and accountability for legal actors. In *R v. Zora*, the accused had a police officer come to their door to monitor their compliance with a curfew condition. They did not hear the knock, because they were sleeping due to drowsiness caused by health treatment, but were still charged with a breach of the condition, which is an AOJ offence. The SCC found that the circumstances of the accused should be considered in determining guilt of the individual.

Bill C-75 (2019) marked the most comprehensive update to bail laws since 1972, codifying the ladder and restraint principles, introducing judicial referral hearings, and establishing a reverse onus for repeat intimate partner violence (IPV) offences. Recently, Bill C-48 (2024) expanded reverse onus provisions to include repeat violent offences involving weapons and certain IPV-related discharges. Requirements for judges to consider an accused's history of violence,



Reverse onus: where the onus shifts to the accused person to convince the court that they should be released, rather than detained, while awaiting their trial.

to explicitly address community safety in their rulings, and - when applicable - to state how they have considered the unique circumstances of Indigenous accused were also introduced.

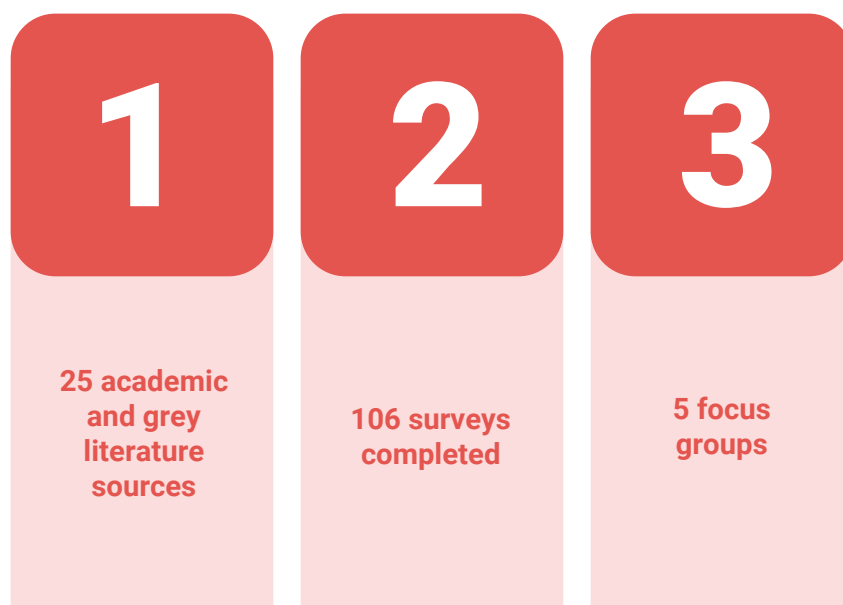
THE CURRENT PROJECT

Despite research, legislative, policy and process changes aimed at reforming bail and reducing pretrial detention over the past decade, the remand population has continued to grow, and concerns about bail are receiving significant public attention.⁵⁷ Several prominent reports and reviews conducted on the bail system in the past decade have provided numerous recommendations. This project sought to better understand how the many recommended solutions were perceived by key actors, including police services, community service agencies, lawyers, policy professionals, and academics, and how, in these experts' views, they should be prioritized and implemented.

Ultimately, the goal was to produce a report that outlines a path forward to policymakers in Ontario for reducing the remand population and improving the bail process in Ontario.

METHODS

This study employed a mixed-methods approach to assess perspectives on bail reform and identify policy solutions with the greatest potential to reduce Ontario's remand population. The project received approval from the JHSO Research Ethics Board in March 2024. Data collection was conducted in three phases:



Phase 1: The research team began by reviewing approximately **25 academic and grey literature sources** published between 2015 and 2025 to extract commonly proposed bail reform recommendations. These recommendations were categorized into three key domains: police practices, court processes, and community-based supports. The recommendations that were included are all within provincial jurisdiction and, therefore, under the mandate of the Ontario

government; consequently, law reform, which is under federal jurisdiction, was not included.

Phase 2: Drawing from this review, the team developed a confidential, online survey composed of both closed- and open-ended questions. The survey began with open-ended prompts inviting respondents to describe the strengths and limitations of the bail system in their jurisdiction, followed by a series of Likert-scale items asking participants to rate their agreement (1 = strongly agree to 5 = strongly disagree) with the effectiveness of various reform recommendations. The survey concluded with an open-ended question about barriers to implementing bail reform.

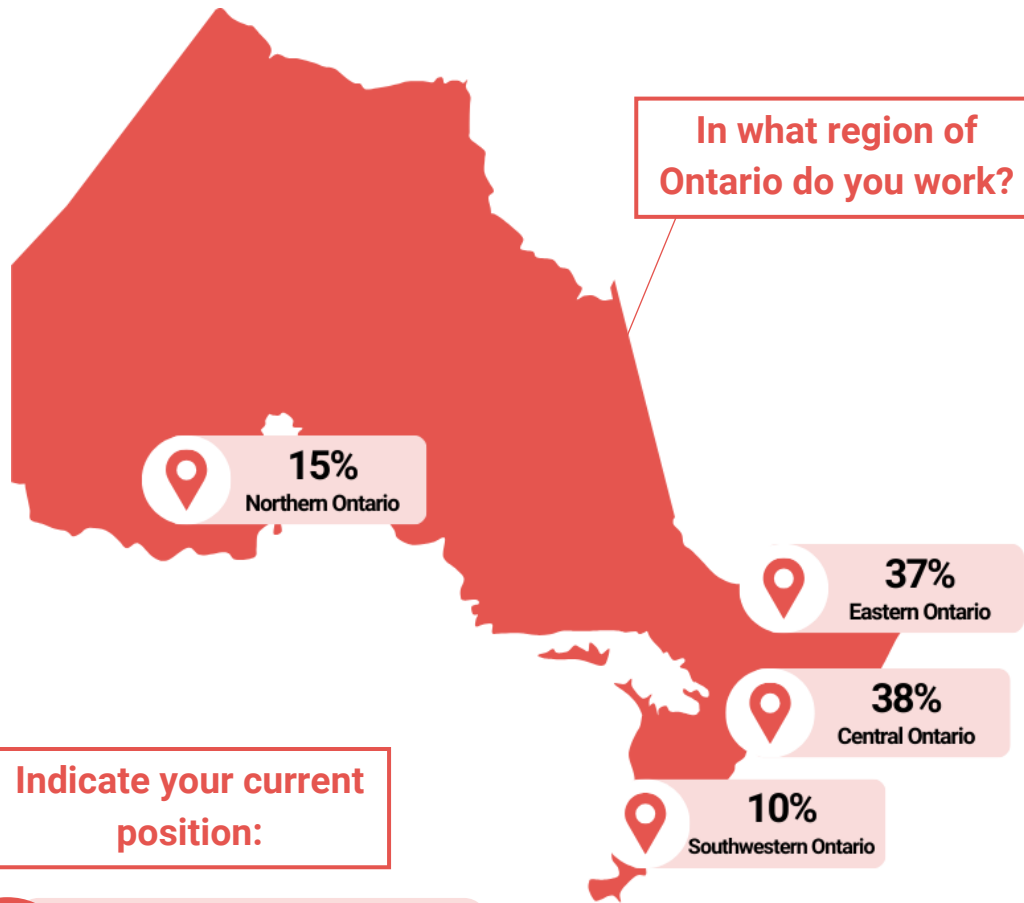
The survey was distributed between June to December 2024 to a non-random sample of police services, community service agencies, lawyers, policy professionals, and academics. A snowball sampling method was used as individuals were encouraged to share the survey with their networks. A total of **106 individuals** completed the survey.

Quantitative survey data were analyzed using descriptive statistics, while qualitative responses were analyzed thematically to identify patterns and guide the third phase of data collection.

Phase 3: The last phase consisted of five regionally focused virtual focus groups conducted in February and March 2025, designed to explore the policy solutions that emerged as most promising in the survey findings. Each focus group lasted approximately 1-hour and was facilitated by a member of the JHSO research team. One focus group included only police representatives, based on survey findings indicating that their views on bail and remand differed to some extent from those of other participants. The remaining four focus groups brought together a mix of professionals and were geographically distributed across Ontario's Northern, Central, Eastern and Western regions. These sessions provided participants with the opportunity to reflect on the survey findings and further unpack the practical challenges and opportunities associated with implementing bail reforms. With participant consent, all sessions were recorded and transcribed for thematic analysis, and all data were anonymized to protect confidentiality.

The findings section outlines perspectives shared by respondents of the survey and focus group participants. Based on those findings, JHSO developed a set of targeted, actionable recommendations that speak to the perspectives shared by key actors across Ontario.

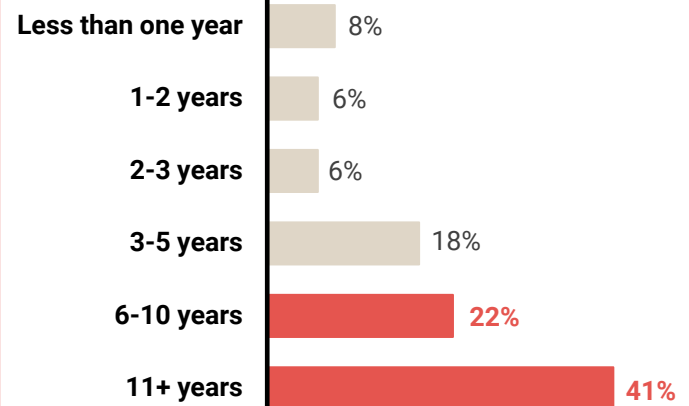
SAMPLE



Indicate your current position:



How long have you been working in your current position?



FINDINGS

KEY STRENGTHS AND LIMITATIONS OF THE BAIL SYSTEM

Respondents were asked about key strengths and limitations to the way bail operates in their jurisdiction. Several themes emerged from the responses. In some cases, respondents differed in their assessment of a particular feature of the system and whether it was a strength or a limitation. For example, while some identified collaboration among service providers as a strength, others discussed the limited local collaboration in their area as a limitation. This highlights that perceptions of the bail system differ depending on factors like role and geographic location.

Overall, respondents painted a picture of individuals with complex issues and an overburdened system.

HEALTH AND HOMELESSNESS

One of the most commonly mentioned themes in responses about the strengths and weaknesses of the bail system was the health and social challenges faced by individuals accused of crimes. Respondents frequently noted that individuals involved with the criminal legal system have complex issues that are not being adequately addressed.

Some respondents noted that a strength of the system in their jurisdiction is that post-arrest, individuals are connected to resources to address their complex needs. Many others noted a lack of access to resources was a current gap/weakness of the system.

“There are [some] options for bail for those that are poor and unhoused. Clearly there needs to be more money invested in these options.”

- Police Service Member, Eastern Region

Lack of stable and affordable housing was described as a critical barrier to both bail eligibility and compliance. Without a fixed address, individuals often lack a suitable release plan to satisfy the court, regardless of the nature of the offence. This may result in prolonged incarceration for reasons related to poverty and social circumstance, rather than public safety or flight risk concerns.

Even when released, those without housing face significant challenges keeping track of court dates, accessing services, or complying with geographic or curfew-related conditions. Breaches of conditions result in further charges and repeat

the cycle. Respondents observed that this dynamic effectively led to the criminalization of homelessness.

"While more accused persons are granted bail, they often have nowhere to live and so returning to court can be a challenge. Also, they are released far from where most of the services they are accessing are located. If they are assisted by a release planner, they are interviewed by one worker and expected to make their way to the courthouse in downtown Toronto to meet with a different worker."

- Community Worker, Central Region

Where they exist, residential bail programs (i.e. bail beds) were cited as a strength, allowing staff to evaluate client needs, build relationships and provide wrap-around supports and referrals to hold individuals accountable and address individual needs. However, since bail beds only exist in a few communities in the province, many noted that a limitation of the current system is a lack of shelter options for individuals with no fixed address.

"Homelessness or being precariously housed is not only a social issue or socioeconomic issue, it becomes an access to justice issue as well, within the criminal context. They are not able to access reasonable bail simply because they cannot afford to have a home or they don't live in a situation that we consider to be stable. This is problematic because here's the thing, if we look at the issue of homelessness or someone being precariously housed outside of the criminal context, yes, there's a whole bunch of issues that we need to consider over there. But none of those issues have an impact on one's liberty interest. Now, we're in a situation where not having a home or being precariously housed has a direct link to whether or not someone's liberty is going to be jeopardized."

- Lawyer, Eastern Region

Respondents overwhelmingly pointed to the lack of adequate community-based support services, particularly for individuals with mental health or substance use issues. Many of these individuals lack access to services in the community, and the criminal legal system becomes a landing spot for many who fall through the cracks. Many respondents emphasized that without appropriate supports in place, bail conditions become difficult to meet, increasing the likelihood of non-compliance and re-incarceration.

"More supports once released may result in less failing to comply, new charges, and failing to appear."

- Police Service Member, Central Region

It was noted that where they are available, mental health workers who attend in person to assist individuals in custody with their bail plans are an asset, supporting appropriate release and the development of effective care plans.

Several respondents criticized the overuse of restrictive bail conditions, particularly when those conditions were not tailored to the individual's actual risk or circumstances. Conditions that are overly punitive, vague, or unrealistic such as “do not use substances” for someone with a substance use disorder or “stay at an address” for someone with no fixed address can set people up for failure. These conditions, which are often difficult to follow given an individual's circumstances or psychosocial needs, can lead to breaches and re-incarceration.

“People with [mental health]/addictions and/or no address can no longer find a shelter bed and often end up re-offending, missing court or not complying with release conditions which increases the number of matters in bail court on administration of justice charges.”

– Community Agency Staff, Central Ontario

BLACK AND INDIGENOUS ACCUSED

Indigenous and Black populations were noted as over-policed and over-represented in police interactions, charges and incarcerations. The need for cultural competency among system actors and culturally appropriate supports was emphasized. Indigenous-specific bail programs and supports were seen as a crucial aspect of the system and a strength where they operate. However, respondents noted a lack of funding and availability of Indigenous-led bail programs and culturally-responsive community services for Indigenous accused.

“Somebody who's Indigenous in our community and somebody who isn't are going to have very different outcomes on interactions with police and really to start to have them have a culture of seeing why. And I know that that's bigger than policing recommendations for sure, but I think it's the core of the majority of the issues that we see.”

- Community Agency Staff, Northern Region

Respondents noted that Black and Indigenous accused are often perceived as a greater risk, influencing decisions about their detainment. As one respondent explained:

“Bail court is all about assessing risk. And we know the kind of the unholy coupling

of race and risk, no matter how we try to pretend as if these two things are not joined at the hip. The moment race enters the conversation, whether at sentencing or at the bail stage, it does one thing. It amplifies risk because of the narratives we have historically ascribed to racialized bodies, whether it's an Indigenous body or a Black body"

- Lawyer, Western Region

Respondents noted a lack of application of Gladue principles and a lack of competency for anti-Black racism analyses at the bail stage. In doing so, they raised that anti-Indigenous and anti-Black bias are embedded in decision making at the bail stage resulting in disparate outcomes for these populations. This perpetuates the over-representation of Black and Indigenous populations in pre-trial detention.

SYSTEM-WIDE AND CROSS SECTOR COLLABORATION

A recurring theme among participants was the importance of collaboration. Some respondents described effective coordination among defense counsel, Crown prosecutors, court staff, and community partners such as the Canadian Mental Health Association (CMHA) and the John Howard Societies (JHS) in their areas. This cross-sector collaboration was seen as a key enabler of successful bail outcomes. Respondents emphasized the importance of ongoing communication and coordination, particularly between courts and police services to support system efficiency and ensure timely bail decisions.

"Collaboration between existing partners is a key strength in [my] region. Everyone working together to create plans that will help people to be on bail successfully in community and address factors that led to their criminalization as much as possible."

- Social Services Staff, Northern Region

The practical value of these partnerships lies in their ability to share information, reduce duplication and provide a more holistic understanding and response to individuals' lived experiences, needs and risks. Where collaboration was noted as strong, participants described a system that could respond more effectively to complex situations, including mental health and housing instability and better support community safety.

"So I think for the social service programs, bail supervisors, et cetera, to work as a team and not in silos and support that client together as a team, not as individual

organizations. We've done that and that works quite well. And it makes a difference."

- Bail Supervisor, Eastern Region

Other respondents noted a lack of collaboration as a limitation or weakness of the current bail system. Without effective coordination, supports for the accused are disjointed or lacking and reduce the effectiveness of interventions to prevent reoffending. In some instances, it was also noted that remote/virtual court can limit coordination and interactions between the accused, lawyers, court workers and community agencies.

COMMUNITY SUPERVISION

The law on bail sets a presumption that individuals should be released while they await trial unless they pose a flight risk (i.e., they are unlikely to appear for their court appearances), they are a public safety risk, or their release would cause the public to lose confidence in the legal system. In practice, respondents indicated that whether an individual gets bail or is detained pretrial often comes down to the release plan they can propose to the court. Some form of community supervision is often a default requirement of the courts to allow an individual to be released.

Many respondents expressed the overreliance on sureties as a concern of the current system, and described the requirement as an unnecessary barrier to release, especially for individuals who may not have the social supports to meet this condition. Some individuals experiencing poverty and homelessness are unable to find suitable sureties for their release. Sureties must be vetted by the court, typically must have a residence, cannot have a criminal record and must be able to pledge money that would be forfeited if they fail to report the accused for breach of conditions. As a result, even for non-violent crimes, individuals without family or friends who can act as a surety for them, may spend extended time in jail.

Many respondents also expressed that the courts often do not enforce the penalties if the surety does not fulfil their duty – meaning the courts will usually not collect the money pledged to the court even if a surety fails to report an accused person who breaches their conditions. This lack of enforcement, some respondents discussed, compromises the effectiveness of sureties as a form of community supervision.

Some respondents noted that bail programs serve as a beneficial alternative to surety releases. Respondents highlighted that the BVSP is particularly useful in managing cases where poverty and social instability are underlying drivers of

criminalized behaviour. In these cases, the BVSP not only supports court compliance but also helps prevent crimes linked to socioeconomic marginalization.

"The BVSP, like the way that I look at it is this, that so many people who are caught up in this are at the fringes of our society and are really, really struggling. There's a lot of other issues going on here and we're not talking about people that have all kinds of supports and are in a self-actualized state. There's other stuff going on. They need help and we're setting them up for failure by not providing them with the additional help that they need in order to comply with the expectations of the court."

- Police Services Member, Central Region

Despite its perceived value, concerns were raised about the program's reach. Respondents noted that the BVSP is chronically underfunded and not available in all jurisdictions. It was also noted that there was a lack of Indigenous-led bail programs to provide culturally relevant and appropriate services for Indigenous accused. The eligibility requirements were noted as an issue by some respondents as those with histories or patterns of breaches can be denied access to BVSP.

VIRTUAL/REMOTE BAIL COURTS

The COVID-19 pandemic saw the quick expansion of virtual bail courts. What started out as a necessity given the restrictions on in-person gatherings quickly became the new normal across the province. In many courthouses across Ontario today, minimal court staff are physically present in the courtroom and judges, Crown attorneys, defense and the accused may appear virtually over an online platform. The adoption of virtual bail hearings was cited as a strength for some respondents, particularly in terms of accessibility and efficiency. Video bail was credited with saving time and reducing logistical burdens for sureties and accused persons who might otherwise have to travel long distances to attend court in person, accompanied by correctional staff. In person appearances at court also involve strip searches of the accused upon leaving and returning to the jail and hours waiting in a holding cell for their matter to be called in court, potentially without appropriate meals. Virtual court avoids those burdens on the system and the individual. For regions with reliable internet infrastructure, virtual bail hearings were noted as making bail processes more accessible and expedient.

Respondents also noted regional disparities in access to technology. In areas where internet service is poor or inconsistent, virtual bail hearings can become a

barrier rather than a benefit. It was specifically noted that First Nations communities face challenges to accessing virtual bail court due to limited internet access. Others also noted technology challenges can result in court delays and system inefficiencies. For instance, virtual courts can make it more difficult for counsel and community service staff to communicate with accused. When most people appear virtually, some accused persons who attend in person may struggle to find someone at the courthouse to assist them with questions and support:

"There are still a lot of people not in person, which makes bail program the place everyone uses for advice, etc., directions, clothes, questions. It can be quite frustrating due to how busy we are."

– Social Services Staff, Central Ontario

AN INEFFECTIVE, LENIENT SYSTEM

On one hand, a number of respondents talked about a system where judges and justices of the peace effectively assess risk to public safety and determine whether an individual is suitable for release and under what conditions. It was noted that presumption of release is a foundational aspect of our system. Weighing an individual's right to liberty against potential public safety risks is often a tricky balance and one that weighs on decision makers.

On the other hand, some respondents suggested that the system is too lenient when it comes to granting bail, especially in cases involving individuals with multiple, prior convictions, and that these individuals are often released with minimal conditions. This trend was described as a "catch and release" cycle, where individuals return to the community only to reoffend, increasing pressure on police, courts and correctional resources.

These respondents described bail as too easily granted for minor offences such as petty theft or property damage, leading to public perceptions that the system lacks accountability. While not ideal, remanding accused into detention – often due to a lack of access to robust community supports – was viewed as the only way to guarantee future court appearances.

"But these people, unfortunately having them in custody is the only way we can ensure that they're actually going to show up to court. And so, it is kind of this vicious cycle of charge release, charge release, bench warrant. Like it's just kind of a nonstop cycle."

- Police Services Member, Eastern Region

A small subset of respondents noted that they disagreed that the growing remand population was an issue and in fact, they are concerned about too many people being released on bail.

A related theme was the inadequate consideration of public and victim safety in bail decision-making. Here respondents raised concerns about the extent to which current bail decisions account for the safety of crime victims and the broader community. They pointed to cases in which an individual with serious charges, such as intimate partner violence or violent repeat offences, was released on bail, creating fear and distress among victims. Some respondents also noted that current practices often fail to meaningfully consult with victims concerning bail decision-making, contributing to re-traumatization and safety concerns.

SYSTEM INEFFICIENCIES AND DELAYS

Court delays were consistently discussed as a systemic issue, particularly in larger urban centers. Respondents reported backlogs and insufficient staffing, including shortages of justices of the peace, Crown attorneys, and courtroom space as significant contributors to this issue. These challenges can result in prolonged pretrial detention, even for individuals who might otherwise be eligible for release. Respondents described a court system struggling with inefficiencies and capacity issues, contributing to delayed hearings, unnecessary remands, overcrowding correctional facilities, and the disproportionate incarceration of marginalized populations.

"As far as bail, the biggest problem is shortage of courts and we're not utilizing the resources of what we have bail hearings. Two-hour bail hearings should not be the norm. They should be the wild exceptions."

- Lawyer, Eastern Region

A related issue was insufficient access to counsel. In many cases, individuals noted that accused are remanded simply because there is not enough time or support to develop a bail plan, or because duty counsel are too stretched to manage caseloads effectively. This is compounded for individuals with language barriers, further limiting their ability to navigate the system and advocate for release.

TOP-RATED RECOMMENDATIONS

Survey respondents were asked to evaluate recommendations aimed at reducing the remand population. Recommendations were categorized as police practices,

court processes or community supports. For each of the three categories, respondents were then asked to rank the recommendation in order of priority.

While perspectives on the strengths and limitations of the current system varied across jurisdictions and roles, consensus around priorities and solutions to the existing challenges emerged from the responses.

The top-rated recommendations were explored further through a series of focus groups. The focus groups brought together police services, lawyers, and community service staff to discuss feedback on the survey findings and share perspectives on implementation of key recommendations.

The following are recommendations from the survey that were the most favourably evaluated and ranked.



1. BAIL VERIFICATION SUPERVISION PROGRAMS (BVSPS)

The recommendation that BVSPs should be used for their stated purposes, with vigilance and discretion from bail supervisors, received one of the highest levels of support from respondents. 90% of respondents agreed or strongly agreed that the BVSP is effective in reducing the remand population.

As noted above, the BVSP is delivered by community-based agencies through service agreements with the Ontario Ministry of the Attorney General, with each program tailored to the community it serves. The BVSP provides structured monitoring and community-based support for individuals released on bail, particularly those who may not have access to a surety. Respondents noted that bail supervision programs are preferable to sureties in terms of expertise and connecting people with services and supports.

"Sureties are not always people that you can necessarily rely on to report when people are not doing as they're supposed to be doing. But if we have supervision programs where we have professionals in this space that know how to, you know, what the expectations are and can also refer to services and other things like that where a surety may not be able to do that, I think that is it. It only makes sense."

- Police Service Member, Central Region

Further, when an individual does breach, the bail supervisors report them to law enforcement, ensuring accountability and promoting community safety.

"I fully agree with the notion that social services are important, but it takes the person to commit to going and buying into the programs which we see, you know, the release with the understanding that they're going to attend and you know, they're able to go the first time, they're able to go the second time, but it kind of ties into the, you know, the bail supervision that someone needs to be watching over this person."

- Police Services Member, Eastern Region

Despite overwhelmingly positive views of the program, there were some gaps and opportunities for growth identified. Respondents emphasized the need to increase funding for existing BVSPs in order to expand staffing and service capacity. Due to funding constraints, bail supervisors often do not receive competitive wages yet must be highly qualified, so staff recruitment and retention are a challenge. Staff burnout is common due to the demanding nature and complexity of the role. Caseloads are also high, resulting in bail supervisors being stretched thin trying to manage the supervision and support of their clients.

Another critique is around net widening. Individuals should be released on the least restrictive form of release unless a more restrictive form is necessary. There were concerns that BVSPs may be used beyond their intended purpose (i.e., for individuals who should actually be released on their own recognizance).

Some programs have “Enhanced Bail Workers” which are specially qualified staff that take on clients with complex mental health and substance use needs. These staff carry a relatively smaller caseload to allow them to provide more intensive case management and support. Respondents suggested that this role should be expanded so it is available for more clients. It was also noted that the design of the role suggests that high needs clients are an exception, but in fact, the need for enhanced care has become the norm. Caseload limits and staff qualifications and training should reflect the increased complexity of needs that clients are presenting with.

Respondents also advocated for the expansion of BVSP into more rural and remote areas of the province where such programming is currently unavailable or greatly under-resourced. In these regions, individuals who lack an available surety are more likely to be held in pretrial detention due to limited local supervision options. This can lead to unequal application of the law and inequitable treatment of individuals charged with crimes based on geographic location. In addition, it was noted that Indigenous agencies should be adequately funded to provide culturally responsive bail supervision and support to individuals admitted to the program, especially in Northern rural and remote regions.

2. INVEST IN LONG-TERM COMMUNITY SAFETY

Of equal priority, the vast majority of respondents (90%) agreed or strongly agreed that meaningful investment in long-term community safety would effectively reduce the remand population. Rather than focusing solely on short-term or punitive measures, respondents called for social and community-based approaches to crime prevention. This involved investing in upstream interventions and programming to prevent crime and foster social participation.

Respondents noted that many of the challenges currently being addressed through the legal system are social issues rather than criminal ones. Social issues can lead to serious or violent crime and require responses to address underlying issues in order to reduce reoffending and promote community safety.

“Many things that affect bail/ court programs are really issues of larger societal problems that need attention and affect the population that ends up before the court.”

- Police Services Member, Central Region

Participants emphasized that underlying socioeconomic factors such as poverty, housing insecurity, mental health challenges, and substance use are not being adequately supported in the community. In turn, individuals experience subsequent criminalization rather than access to appropriate social supports. For example, unmet mental health issues or substance use issues can result in criminal activity, and then individuals face charges only to be released right back onto the same streets with the same unmet needs. These individuals frequently cycle in and out of jail, often not because of serious or violent criminal behaviour but due to a lack of stable housing and access to appropriate services.

Respondents noted that funding is precarious for many community agencies providing supports. Often, agencies have to deal with uncertain or inconsistent funding for programs making it difficult to provide long term care for community members. Community agencies also face barriers to accessing funding for programs that do not fit neatly into one Ministry mandate. As one respondent described, long-term community safety requires dedicated funding and strong community collaboration.

"If you have a stronger community, you're going to have a healthier community. And I think really focusing and you know, in social service work, in the work that we all do, you know, sometimes it is underfunded and programs go from year to year and there is no consistency in that. And we know with communities and how to build trust, particularly up here in the north, is you really need to do that relationship building. You need to have people understand the work that you do and not have, you know, a court support program for one year and that's it. People need to rely on those services."

- Community Agency Staff, Northern Region

Building long term community safety also involves appropriate income support to meet individual's basic needs, employment opportunities, affordable housing, primary care, mental health care, substance use services and community connection. Effectively addressing the root causes of crime calls for an "all of government" approach with sustainable funding mechanisms to build community capacity and infrastructure.

"To invest in the social determinants of health would actually reduce the crime rate among communities. Invest in a way to support the individual going through the system at the root cause and not just detain someone and expect them to fully rehabilitate. If you support the community in addressing the issues you would

reduce the need for individuals that are criminalized due to poverty, discrimination, domestic violence and marginalization.”

- Social Services Staff, Eastern Region

Community organizations are on the front lines of preventing crime and supporting individuals with complex needs, but are held back by precarious, short-term, and siloed funding. A sustainable investment strategy, grounded in the social and economic root causes of criminal legal involvement, was identified as essential to reducing the remand population and building long-term community safety across Ontario.

3. INTER-AGENCY COLLABORATION

The importance of inter-agency collaboration was highlighted by 84% of respondents, who agreed or strongly agreed that strengthened coordination between police, courts, corrections, legal actors and community agencies would reduce the remand population. Participants identified that there needs to be a strengthening of communications and information sharing between police, courts, correctional staff, legal counsel and social service providers.

Multi-faceted issues require cross-sectoral solutions. Respondents noted that, due to the compounding issues affecting individuals, no single actor or agency can create meaningful change alone; a collaborative approach is necessary.

Inter-agency collaboration could take the form of tables or committees that bring together a variety of roles and sectors. Multi-agency Risk Assessment Conferences (MARACs) and Situation Tables were shared as examples of cross-sectoral convenings that help promote collaboration.

MARACs bring together community agencies to share information on high-risk intimate partner violence cases. Based on the needs identified by the survivor/victim and professionals, the table develops a safety plan for the survivor/victim. Situation Tables similarly bring together professionals from different fields to develop an appropriate intervention to mitigate risk of harm or victimization. For a case to be brought to a situation table, the risk factors contributing to the elevated risk require a cross-sectoral intervention that cannot be addressed by one individual or agency alone. Together the group of police, health and service agencies develop a specialized intervention plan, connect the individual to services, address survivor/victim safety, and may provide ongoing support and coordination.

An approach that addresses the full range of issues experienced by an individual speaks to some of the concerns raised by respondents about the current system. When a person with multiple disadvantages or compounding issues is arrested, it

presents a critical opportunity to connect them with comprehensive supports. Early connection to necessary services also supports the long-term rehabilitation of the accused. In focus groups, some police participants shared that they have developed a knowledge of available community resources and have personal connections to allow for warm referrals. However, these referrals were discussed as being based on individual connections and relationships that are not necessarily generalizable to other communities. It was also noted that having some mechanism, like a database or app, to pull up available resources in the community would be beneficial as a tool for officers in connecting individuals with relevant supports.

As discussed by the respondents, if the infrastructure for effective cross-sector collaboration is in place, that individual can receive coordinated care rather than fragmented interventions that tackle one issue at a time. Treating issues in isolation, without recognizing their interconnections, often leads to individuals cycling through the system repeatedly, resulting in poor outcomes for them and growing frustration among criminal legal system actors and the public.

4. RESIDENTIAL BAIL PROGRAMS (“BAIL BEDS”)

Another top-rated recommendation was that the government, in collaboration with community agencies and social service providers, expand and adequately fund bail beds - dedicated housing options for individuals who could be released on bail, but require housing and support services. The recommendation to expand and enhance funding for bail beds was a key recommendation with 78% of participants agreeing or strongly agreeing on its effectiveness in reducing the remand population. Bail beds are designed to provide a short-term housing solution for individuals who are eligible for release but lack a fixed address or whose current housing situation presents a safety risk. Access to bail beds provides temporary, supervised housing for individuals who would otherwise be held in pretrial custody. Bail beds, or residential bail programs, are BVSPs with a residential component. An accused would be vetted by the program and if accepted they would have a bail supervisor that would monitor their compliance with conditions and connect them with services and they would stay in the program’s residential facility.

“And it’s just hard for them [accused individuals] to, when they want to, when the accused person wants to better themselves, they’re put back into the community, put back into a situation where they have nothing and having like a bail bed and somewhere to go to would definitely, they would definitely benefit from that.”

- Community Services Staff, Central Region

Currently, bail beds only exist in a few communities in the province. The John Howard Society operates bail beds in Thunder Bay and Ottawa. Other operators provide limited bail beds in Barrie, Kitchener, and Toronto.⁵⁸ The data on individuals with no fixed address in provincial corrections underscores the need for far more beds than are currently available. 1 in 6 admissions to provincial jails involve an individual flagged as having no fixed address.⁵⁹ Some of these individuals may be released on bail onto the streets. Others spend prolonged periods in pretrial detention due to a lack of housing resulting in a subpar release plan for the courts. As respondents discussed, bail beds for individuals eligible for release to a bail program can reduce pretrial detention pressures and lead to more successful monitoring and individual outcomes. Bail supervisors are better able to connect to clients for check ins and to monitor conditions if they have a stable place to live. Individuals are also better positioned to receive wrap around support and community resources when they are not transient, trying to survive on the streets or managing precarious housing.

JHS Ottawa – Bail Residential Program

The John Howard Society (JHS) of Ottawa operates a **Bail Residential Program** that provides supervision and case management to individuals on bail who might otherwise experience homelessness or prolonged pretrial detention. The congregate housing model provides 24/7 supervision and on-site support services for residents. The program involves a partnership with the local **Canadian Mental Health Association** (CMHA), so clients are able to access mental health supports without the waitlists experienced by people in the community. In addition to mental health and substance use services, clients have access to employment supports, upgrading and life skills, and social recreational services.

Bail beds also play an important role for clients with IPV related charges. In IPV contexts, bail beds were noted as providing housing for the accused, allowing survivors/victims to remain in their homes. In cases of IPV, the dominant response has been for the survivor/victim to leave home to seek safety. This leads to homelessness, precarious housing, loss of social support networks, employment and disruptions for children.⁶⁰ To mitigate these adverse impacts, best practice points to “safe at home” approaches that remove the perpetrator from the home to reduce the risk of violence.

If an accused is forced to leave, and if they do not have friends or family to reside with, they can become unhoused. This was noted as potentially leading to poorer outcomes in terms of following conditions, attending programs and compromising the safety of survivor/victims. Bail beds provide shelter and

supervision to promote compliance with conditions, including no contact orders, and support their participation in programming to reduce risk of further violence.

Taken together a recurring recommendation among participants was that, across the criminal legal system, **people are being asked to do more with less**. While there are concerns with violent crime, the system is also bogged down with minor offences stemming from poverty, substance use, mental health issues and lack of resources.

JHSO RECOMMENDATIONS

Respondents identified key areas where targeted interventions could meaningfully reduce the remand population. JHSO synthesized these insights with evidence-based practices and leading research studies to develop a set of focused, actionable recommendations. These proposals aim not only to alleviate pressure on police, courts, and correctional institutions, but also to ensure individuals receive the support and services necessary to minimize future involvement with the criminal legal system, while upholding public and victim safety.

BAIL PROGRAMS

BVSP is widely supported for its effectiveness in reducing pretrial detention, especially for individuals lacking financial resources or sureties, with 90% of survey respondents affirming its impact. Delivered by community-based agencies, BVSP provides structured supervision and support. Despite positive outcomes, the program remains under-resourced, particularly to support increasing client complexity, and if scaled and invested in, could be a ready-made solution to a number of the challenges identified throughout this report.

In addition, homelessness among individuals referred to the BVSP remains a key concern. Residential programs address homelessness at the bail stage by offering shelter, supervision and supports for individuals on bail. Expanding and funding bail beds was a top recommendation, with 78% of respondents supporting its effectiveness in reducing pretrial detention. Despite their proven benefits, bail beds are currently limited to a few Ontario communities, underscoring the urgent need for broader availability and investment.

Recommendations:

1. Enhance funding to BVSPs to enable them to provide intensive case management and expand caseloads and geographic impact.
2. Provide adequate funding to Indigenous-led BVSP to provide culturally appropriate supervision and support.
3. Expand bail beds across Ontario and ensure they are adequately resourced. With appropriate investments, bail beds could also take on higher risk clients, saving the province in costs related to correctional stays and improving individual outcomes. A gradual expansion should prioritize areas of highest need where there are greater numbers of individuals without housing in provincial jails.

INTER-AGENCY COLLABORATION

A majority of respondents emphasized the need for sustained investment in long-term community safety through social supports like housing, healthcare, employment, and mental health services, rather than relying on short-term or punitive measures. They highlighted that precarious and siloed funding undermines the ability of community agencies to address the root causes of crime and reduce the remand population.

In addition, the importance of inter-agency collaboration was emphasized. Respondents noted the importance of linking police services with community agencies to better support individuals at first contact. Additionally, coordinated, cross-sector responses to meet complex needs was highlighted as essential to improve individual outcomes and prevent repeated system involvement.

To address complex needs with a cross-sector approach, the UK Changing Futures model and Making Every Adult Matter (MEAM) approach can be looked to as promising practices for adoption in Ontario.

Changing Futures is a multi-year program aimed at improving outcomes for individuals experiencing multiple disadvantages.⁶¹ The UK identified that homelessness, substance use, mental illness and re-offending were all being dealt with as separate issues rather than being connected. A lack of coordination across sectors meant that agencies were not communicating to ensure an individual's full range of needs were met, and that transitions were not managed appropriately, for example, as people exit jail or care systems. The Changing Futures program supports partnerships across England that test new ways of bringing together public and community sector partners to deliver improvements at the individual, service and system level.⁶² Local areas receiving funding have their own delivery models but must adhere to program principles which include working in partnership across local services and the voluntary and community sector, coordinated support, and flexibility in local service response with a system wide view of shared accountability and ownership leading to a "no wrong door" approach to support, trauma informed services and commitments to driving lasting system-change.

In some areas of the UK this funding has supported municipalities to implement the Making Every Adult Matter (MEAM) approach. The MEAM approach brings together providers from various sectors, including police, health, and social service agencies, along with individuals with lived experience, to discuss community needs and develop a consistent approach and referral process.⁶³ These partnerships are formally established.

As a result of the approach, there are “no wrong doors” for service users. Individuals who interact with health, police, or service agencies are identified as having multiple disadvantages and connected to supports to address the range of issues they experience. This approach streamlines service access and improves individual outcomes while preventing safety concerns and costly reliance on emergency services due to lack of upstream care.

In Ontario, the provincial government has piloted initiatives like the Community Justice Centres that bring together services to respond to the needs of communities.⁶⁴ The Changing Futures and MEAM approach would build on this work to further streamline services for individuals with complex needs.

Recommendations:

1. The province should establish an “all of government” approach to community safety and well-being that provides sustainable funding for programs that cut across multiple sectors and Ministries with a focus on underserved communities. The Ontario government should explore the Changing Futures Fund in the UK as a model and require municipalities to build formal partnerships between health, police, community agencies, Indigenous organizations and people with lived experience to promote community safety and address individuals’ complex issues.
2. Municipalities should seek funding from the province for approaches like the MEAM initiative that enable collaboration between police, health, community agencies, housing and income support sectors and people with lived experience to develop an approach that involves formalized partnerships and referral pathways that connect people with holistic and wraparound care.
3. Formalized partnership agreements should be established between police services, Indigenous communities and community-based social service agencies to coordinate services and collaboration.
4. Ensure up to date information related to social services is provided to policing agencies to facilitate timely and appropriate referrals at initial points of contact. For example, community agencies should regularly attend professional development sessions to ensure police services are aware of available programs.

COURT INEFFICIENCIES

In addition to the top-rated recommendations noted above there were also some solutions focused specifically on the operations of the courts. Specialized courts (for example, mental health courts, drug treatment courts and Indigenous Peoples’ courts) were discussed as best practices designed to address root causes of criminal activity and divert individuals away from the traditional court process. Importantly, specialized courts also involve staff with appropriate

training in trauma-informed, culturally safe practices and awareness of community services. By addressing underlying issues and offering tailored support, these courts can reduce reliance on pre-trial detention by facilitating more informed and equitable bail decisions.

Building on the role of specialized courts, respondents also emphasized the importance of supportive personnel within the courthouse itself. Court workers were noted as a role that should be embedded in courthouses across the province to support accused navigating the bail process. Court workers serve as a critical bridge between the legal system and community-based supports. Their presence ensures that individuals understand proceedings, access services, and are not lost in the system due to barriers like literacy, mental health, or housing instability. Court workers also help promote efficient and expedient court appearances, reducing system pressures.

In addition to embedding support roles within the court system, respondents highlighted the value of alternative judicial mechanisms such as judicial referral hearings, which offer a more proportionate response to low-level AOJ offences and help reduce unnecessary court involvement. Judicial referral hearings were intended to reduce system pressures by preventing certain types of criminal charges from entering the court system. When an individual is accused with an AOJ offence (i.e., failure to appear in court or failure to comply with release conditions) and there is no victim or tangible harm to the community, the Crown can decide not to proceed with formal court proceedings and instead the individual would have their release conditions reviewed by a Judge. An example of such a case is an unhoused person who forgets to appear in court for one of their appearances or a person with mental illness that forgets a scheduled check in at the police station. In these cases, individuals have allegedly broken a law and could be found guilty of an AOJ offence but these acts are often not malicious, rather reflecting challenges related to housing insecurity, poverty and mental health concerns.

In a judicial referral hearing, the judge can decide to do nothing, release the person on a new order with different conditions, or detain the person in custody until their trial. Regardless of the judge's decision, no new charges are laid, so the individual does not have to return to court to face additional AOJ charges. While this process has the potential to streamline court processes and reduce court pressures, they are rarely used.

Recommendations:

1. Expand specialized courts in urban, rural, and remote communities, including Indigenous Peoples' Courts, across the province to support and inform bail adjudication processes. These courts should be adequately resourced and

staffed by professionals trained in trauma-informed, culturally safe practices, with strong awareness of community services including Indigenous knowledge keepers.

2. Embed court workers in courthouses throughout Ontario to serve as vital connectors for accused between the legal system and community-based supports. Their presence helps individuals navigate the court process, access necessary services, and avoid delays caused by barriers such as literacy, mental health challenges, or housing instability. Court workers should be appropriately trained in anti-Indigenous and anti-Black racism and be aware of culturally specific supports.
3. Promote the use of judicial referral hearings as a mechanism to reduce unnecessary court proceedings for AOJ offences that do not involve victims or significant harm. This approach streamlines the legal process, alleviates pressure on the courts, and better reflects the social realities faced by marginalized individuals.

CONCLUSION

The dramatic rise in Ontario's remand population over the past four decades signals a system under pressure - one that increasingly detains legally innocent individuals, many of whom are experiencing poverty, mental illness, and substance use. While remand is intended to promote public safety and ensure court attendance, it has devolved into a response to complex social issues that the criminal legal system is ill-equipped to address. Today, over 80% of people in provincial custody are held on remand. While there has been a recent increase in reported crime, it does not explain the surge in pre-trial detention. If we are serious about addressing public safety, we must also confront the social and structural issues that are creating deficiencies in the criminal legal system.

Despite a wealth of research, recommendations, and advocacy on the bail and remand system, challenges persist. This project sought to move beyond identifying problems by convening diverse, expert voices from across the province to find common ground and prioritize practical, targeted solutions that the province of Ontario could readily implement. The findings in this report demonstrate that there are differing perspectives on the strengths and gaps of the current bail and remand system. However, despite these differences, there is some alignment on key solutions. The resulting recommendations around diversion and early intervention, bail supervision enhancements and cross-sector collaboration aim to reduce reliance on remand by strengthening supports in the community, improving access to care, and ensuring that detention is used only when necessary.

By connecting those in need to community-based supervision and supports, police and court actors can better focus their attention and time on serious, complex cases. The result is improved individual outcomes and less undue strain on law enforcement, the courts and correctional systems. Ultimately, a more supportive and responsive system contributes to a safer society for everyone.

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