

PRESS RELEASE

DATE: JULY 23, 2014

TORONTO - A new report released today by the Canadian Civil Liberties Association (CCLA) lends new urgency to calls for reforms to the bail system in Ontario. The CCLA report, [Set Up to Fail](#), has found that current bail practices in Canada, and in Ontario in particular, contravene the legislated intent of bail, and undermine of the presumption of innocence and the right to reasonable bail.

Consistent with the John Howard Society of Ontario's (JHSO) own research findings outlined in [Reasonable Bail?](#) (2013), CCLA has found that bail is difficult to attain in Ontario and comes with restrictive conditions, during a time of historically low crime rates. In addition, the CCLA Report details the high degree of adjournments that characterize Ontario bail courts, along with the province's overreliance on sureties as a condition of release.

Of chief concern to JHSO is how bail conditions in Ontario often make criminal offences of otherwise legal behaviour, (e.g. consuming alcohol or being out of one's home past 9:00pm), until a person's case comes to trial. Failure to comply with any condition – and individuals can be on bail for months – can result in administration of justice charges, which can carry severe consequences. In fact, last year over one fifth of cases completed in adult criminal courts in Canada were administration of justice cases.

Bail conditions, which according to the *Criminal Code*, should be applied with significant restraint, are found by CCLA to be liberally applied to Ontarians' bail orders, effectively setting them up for failure. The overuse of bail conditions – which often have no objective connection to the allegations of the charge or grounds for bail - ultimately further criminalize persons from marginalized populations, such as those with mental health and/or addictions issues, persons who are homeless, or those who live in poverty.

These trends with respect to bail in Ontario impact the amount of backlog in criminal court processes, and also have a dramatic impact on provincial remand populations. Indeed, about 70% of people detained in remand are there on non-violent charges. [Set Up to Fail](#) also sheds light on the overcrowded and often deplorable conditions of provincial detention centres, where legally innocent persons who are awaiting bail hearing, or are denied bail, are held.

JHSO fully supports the recommendations outlined in CCLA's report. CCLA's recommendations for bail reform are consistent with those outlined in [Reasonable Bail?](#) particularly with respect to the following:

- Crown policy manuals should be revised to emphasize the ladder approach to the bail process, and the true presumption of unsupervised release of low-risk accused;
- Bail conditions must be clearly related to the purposes of the bail system and the specific facts of the case, and conditions of release must be imposed with significant restraint;
- There should be a moratorium on bail conditions that mandate abstention from alcohol or drugs;

- Bail Supervision programs should be reserved for cases that are facing probable detention;
- Specific policy guidance and court procedures should be put in place to reverse the overreliance on sureties and the widespread practice of having sureties testify in court;
- Concrete measures should be taken to combat institutional risk aversion;
- The reverse onus bail provisions in ss 515(6)(c) and (d) of the Criminal Code should be repealed.

JHSO welcomes the findings and recommendations outlined by CCLA in [Set Up to Fail](#), and calls on the provincial government in Ontario, and the federal government, to commit to substantively addressing bail today.

For more information, please contact:

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