

September 5, 2014

The Honourable Deborah Matthews  
Deputy Premier and President of the Treasury Board  
Room 4320, 4th Floor, Whitney Block  
99 Wellesley Street West  
Toronto, Ontario M7A 1W3

Dear Minister Matthews,

On behalf of the John Howard Society of Ontario, I would like to extend congratulations to you on your recent re-appointment to the Cabinet.

As you may be aware, the mission of the John Howard Society of Ontario is *effective, just and humane responses to crime and its causes*. Our 19 local offices, which are active in communities across the province, deliver vital services to Ontarians who are at risk or in conflict with the law. Our provincial office, through the Centre of Research, Policy & Program Development (The Centre), provides cutting-edge non-partisan research, evidence-based programming, policy development, and informative education material.

A year ago today, the Centre released its report, [\*Reasonable Bail?\*](#), which detailed how bail in Ontario has drifted far from its legislated purpose as outlined in the *Criminal Code*, resulting in significant costs to taxpayers and more people involved in the criminal justice system, with no benefit to community safety.

In Ontario, we spend hundreds of millions of dollars detaining legally innocent people every year. Last year approximately 61,000 prisoners were admitted to our provincial jails. It costs, on average, \$185 per day to incarcerate a person in Ontario's jails. By comparison, supervising an individual in the community typically costs around \$5 per day. Over 60% of prisoners in our provincial jails are on remand – that is, awaiting bail or trial – and in most instances (70%) the most serious charge they are facing is non-violent. In addition, even a short remand stay can be profoundly disruptive and costly; people can lose their jobs and homes and become dependent on government-funded social services. Our provincial jails are overcrowded and at capacity; prisoners sleep two to three to a cell designed for one, at times on a mattress on the floor. Paradoxically, crime rates have been steadily dropping for years.

*Reasonable Bail?* advanced a series of recommendations targeting change in provincial policy and the administration of justice, that if adopted and implemented, would save the province a substantial amount of resources. Indeed, Don Drummond, in his 2008 Report presented to the provincial government, indicated that:

“Given the projected annual expenditures for this sector, Ontario must address the trend of increasing custody remand and the additional costs associated with this trend if the province is to balance its budget by 2017–18.” (Drummond Report, 353)

In our report, *Reasonable Bail?* we argue that in order to address the costly remand issue, targeting bail is essential. Contrary to what federal legislation dictates around bail, bail in Ontario is difficult to obtain and comes with overly restrictive conditions which often have no objective connection to the

alleged crimes committed or actual risk to community safety. These conditions often make otherwise legal behaviour a criminal offence, such as being out past 9:00pm or consuming alcohol. The conditions also set up vulnerable individuals for failure. For instance, people with mental health and/or addictions issues are frequently mandated to abstain from the substances to which they are addicted, or ordered to seek "treatment" where no such services exist in individuals' communities. Our courts and provincial jail admissions are in large part driven by people's failure to comply with these types of onerous conditions: approximately 1 out of every 5 people admitted to Ontario's jails are there for a charge of failing to comply with a court order.

While Ontario has the Ministry of the Attorney General's Justice on Target (JOT) Initiative, which aims to reduce inefficiencies in the court processes, the targets of this Initiative are **not** focused explicitly on reducing remand populations, and therefore will not necessarily achieve this outcome. Nor are JOT's targets aimed at addressing the substantive issues plaguing bail in Ontario. Reducing delays in court cases may have some impact on remand rates, but it will not for instance change how many criminal court cases start their life in bail court – that is, how many charged persons are detained upon arrest rather than released. In order to address these complex systemic issues, and incidentally, balance its budget, the provincial government must make a strong commitment to addressing bail and remand in a substantive and inter-ministerial way.

Since the release of our Report last September, the Canadian Civil Liberties Association (CCLA) released a report on bail in Canada in July 2014, entitled *Set Up to Fail*, which highlights similar troubling trends in Ontario and calls for analogous changes.

Given that the Treasury Board Secretariat's mandate is in part to oversee the elimination of the deficit over the next three years while maintaining the best value for Ontario's taxpayers' dollars, we anticipate that addressing the mounting costs associated with bail and remand in our province would be a priority for the provincial government.

We are requesting an opportunity to meet with you to discuss our research findings, our ongoing research and policy work around bail and remand in Ontario, and our proposed solutions, which we are confident will result in significant cost savings for Ontario while promoting community safety.

Yours sincerely,



Michelle Keast  
Director  
Centre of Research, Policy & Program Development  
John Howard Society of Ontario

C.C. Premier Kathleen Wynne  
The Honourable Madeleine Meilleur, Attorney General  
The Honourable Yasir Naqvi, Minister of Community Safety and Correctional Services