

CMHA Ontario/Provincial HJSCC feedback reflected in Ministry of Attorney General bail recommendations

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Canadian Mental Health Association, Ontario Division

CMHA Ontario and its partner, the Provincial Human Service and Justice Coordinating Committee (HSJCC), is pleased that feedback provided to the Ministry of the Attorney General (MAG) is reflected in new, key recommendations to improve the provincial bail system.

A Bail Experts Table, created as part of MAG's Justice on Target strategy which aims to tackle bail court delay, issued a final report that included 34 recommendations to improve the efficiency and effectiveness of the bail process. Nearly 50 percent of criminal cases began in bail court in 2012, a number that has not changed in the last few years despite the decrease in crime.

The recommendations were the result of consultations with the Provincial HSJCC, the John Howard Society of Ontario, the Salvation Army and other community stakeholders and experts. The Provincial HSJCC met twice with MAG to discuss the current issues in the bail process and what an "ideal bail court" would look like. CMHA Ontario/Provincial HSJCC feedback was reflected in the following key recommendations of the Bail Experts Table:

Local leadership committees should address issues related to the bail phase on a regular basis. There may be existing committees such as the local and regional HSJCCs, which have representatives from mental health services and the justice sector. Sub-committees can be formed from these existing groups to address bail issues. Separate "local bail committees" might also be appropriate depending on the location.

Key justice participant groups should discuss opportunities to pilot improvements in facilitating interactions and increasing access to in-custody clients for all stakeholders involved in the bail process. These stakeholders include duty counsel, defence counsel, police, Legal Aid Ontario, correctional services staff, and other service providers such as mental health court workers.

Key justice participant groups should collaborate to develop and provide ongoing education regarding appropriate conditions of release that are in line with the circumstances of the offence and offender. This includes setting realistic bail conditions for individuals with mental health and/or substance use issues.

A member of each local bail committee responsible for implementing change at the bail phase should be assigned the responsibility of maintaining a list of available community supports for accused persons, especially those that provide support to persons with mental health issues.

The report also outlines several leading practices already in place that are addressing some of the recommendations in the report. To view the full Bail Experts Table Recommendations, visit the Justice on Target website.