

Bail Consultation-March 25, 2013

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Justice on Target

Submitted by: Provincial Human Services and Justice Coordinating Committee

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The following is a summary of common themes and comments from the Provincial HSJCC network. These are general thoughts for consideration and not an inclusive list:

- Having access to the accused before and during bail court is very important in order to improve the chances for release—have interview rooms/cells available;
- Crown briefing in advance, and bail and mental health court workers having access to that information;
- Dedicated Crown for Bail Court and having the time to negotiate bail conditions;
- Encourage strong working relationships and Protocols between Bail Programs and Mental Health Court Programs;
- Having specialized training of crowns and duty council, particularly regarding mental health issue;
- Standardized forms and templates--build on promising practices;
- Access to office space at courthouses-which includes access to technology, telephones, emails, data base, printers;
- Electronic disclosure would speed the process;
- Realistic bail conditions (ie; not expecting a person with an alcohol addiction to not drink);
- JPs having a process and protocol for completing Form 2 at the bail court level;
- Access to housing and short term beds is critical-Safe beds help in many areas; "Bail Houses"/bail residence could be another alternative;
- Finding suitable surety is often a challenge-can be a particular challenge for persons with mental illness and women;
- Improve treatment options for people – stabilization beds, for instance—that will accept persons on bail;
- Community and crowns need good working relationships and protocols;

- Have access to psychiatric assessment/consultation at bail level and utilize tele-psychiatry when necessary;
- People on suicide watch can end up before a JP and be released. There are no standard safeguards in place to ensure everyone is aware that they are on suicide watch;
- Implement screen process and early identification process to identify people who are experiencing a mental illness/disorder;
- Mental health courts in some areas seem to be effective in diverting and monitoring individuals;
- Improve access to MH and addiction support ;
- Utilize CONNEX to find services;
- Duty council that is specifically trained for fitness would expedite processes;
- When a person is released on bail and they do not have their belongings, such as ID, money, medications, house keys, this can result in further difficulties and potential breaches. Transporting belongings with accused, extended hours for picking up belongings and/or providing transportation or tokens would be helpful;
- Barriers like poverty, MH issues, addiction issues make expediting these processes more difficult – and can rush these people out before they can be connected with services;
- There are potential models/best practices in the province that can be replicated—if the PHSJCC had additional resources it could play a role in identifying effective practices and protocols. We have proved experience in this area with the Police-ER Protocols and Communications Info Guides;
- Also, imposing “red zones” can cause difficulties for the accused to access services;
- “New” Crown policy to do criminal record checks on all potential sureties seems to slow down the process;
- When people are denied bail they may plead guilty regardless of the circumstances in order to be released quicker;
- There appears to be inconsistencies in who receives bail-marginalized individuals frequently have a more difficult time;
- Implement a regular Appeal Court for the person to appear when they have been denied bail-rather than having to wait for several weeks;