

THE PROBLEMS WITH THE BAIL SYSTEM



A lot of people detained in overcrowded jails are:

- poor
- experiencing addiction and mental health issues
- from racialized communities

The longer someone spends in custody waiting for a bail hearing or trial, the more likely it is they will plead guilty just to get out of jail – even if they're innocent.

Everyone is innocent until proven guilty.

Unfortunately, in the bail system, people aren't always treated like they're innocent.



Most people in Ontario jails are legally innocent.

They are waiting for either a bail hearing or a trial.

REASONS FOR A FAILING BAIL SYSTEM



Police aren't releasing accused persons after charging them. Instead, they are holding them in custody for a bail hearing.



Courts are overwhelmed by the number of people in custody. Often, courts aren't able to get to all the bail hearings that are ready to proceed. This means people are staying longer than necessary in jail.



Often, bail is only granted when excessive conditions are met. This delays hearings unnecessarily. And, often, the conditions have nothing to do with ensuring someone's appearance in court or protecting the public.

One of the most common required conditions is having a surety to sign bail.

WHAT LEGAL AID ONTARIO IS DOING

In December 2016, Legal Aid Ontario released a strategy that offers a number of ideas. At the same time, the Ministry of the Attorney General announced it would be reducing time-to-trial and improving the bail system. LAO looks forward to working with the Ministry to reform the bail system to reduce the number of people in Ontario jails awaiting trial.

Visit our website:
www.legalaid.on.ca/bailstrategy



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