NATIONAL POLICE FEDERATION

FÉDÉRATION DE LA POLICE NATIONALE ™

Smart Bail Initiatives:

A Progressive Approach to Reforming Canada's Bail System

July 2023

Contributors

The National Police Federation extends our sincere thanks to our expert contributors, below, for adding their voices and knowledge to the discussion paper and helping to identify the challenges within Canada's bail system from both a law practice and academic criminology perspective. Together, we have identified some first-step initiatives that can make a long-lasting impact. While informed by consultants, the views expressed in the discussion paper are those of the National Police Federation.

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About the National Police Federation

The National Police Federation (NPF) is the sole certified bargaining agent representing ~20,000 Members of the Royal Canadian Mounted Police (RCMP). The NPF is the largest police labour relations organization in Canada and is the first independent national union to represent RCMP Members. The NPF is focused on improving public safety in Canada by increasing resources, equipment, training, and other supports for our Members.

Executive Summary

Bail reform has been a topic of much discussion and debate over the last few years. Calls for reform have re-entered the spotlight in response to the on-duty deaths of 10 police officers in Canada over the past 12 months and media reports that the individuals accused of these and other crimes allegedly reoffended while on judicial interim release (bail).

While the public discourse has drawn attention to the need for reforms to Canada's approach to bail, much of the conversation has been focused on legislative solutions. We believe this approach would likely have only a limited impact on addressing many of the fundamental root challenges facing the Criminal Justice System (CJS).

Improving Canada's bail system, especially to address issues related to violent repeat offenders, may potentially have several positive effects on policing resources and public safety. When repeat offenders are released on bail and continue to commit crimes, law enforcement agencies must allocate significant time and resources to locate, apprehend, and process them. By implementing smart bail initiatives, police can redirect their efforts toward crime prevention, community engagement, and other important proactive policing tasks.

When the CJS is seen to effectively address concerns related to repeat offenders, public confidence in law enforcement and the justice system will improve. Communities would reasonably feel safer and more supportive of law enforcement efforts when they witness a system that actively prioritizes their safety and perception of fairness.

While many are recommending more complex and lengthy legislative changes, the National Police Federation and contributing experts examined our current bail system's multi-faceted challenges and, as a result, propose smart, evidence-informed solutions that target improved data collection, analysis, information sharing, and use of court resources. The NPF is proposing recommendations focused on smart bail initiatives and how federal, provincial, and territorial governments can collectively address Canada's CJS challenges.

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Introduction

Fully addressing the many challenges facing a bail system that has remained relatively unchanged for decades will require, federal, provincial, and territorial governments to work together to adopt smarter measures that include concrete actions and specific implementation tools. These smarter measures, outlined below, must enhance efficiency in the court process, including reducing case resolution time while enhancing community monitoring, all of which will require greater resourcing.

Through current data, it is possible to verify concerns about the increase in violent crime rates and crime committed by repeat violent offenders. The violent crime rate in Canada rose 5 per cent in 2020/21, contributing to a 7 per cent increase between 2011-2021 from the previous years, with some violent crime rates being alarming high.[1]

Police-reported crime for selected violent offences, Canada, 2021 [2]

	2021	2021	2020 to 2021	2011 to 2021
	Number	Rate	Per cent change	Per cent change
Homicide	788	2.06	3	18
Sexual assault - level 1	33,521	88	18	41
Extortion	6,747	18	19	297
Criminal harassment	27,055	71	10	12
Uttering threats	87,701	229	3	10

This data is concerning, particularly given several important unknowns related to the real statistics of Canada's CJS. For example, there is little to no data on the rates of violent crimes committed by people on bail or the rate of adherence by the accused to court-ordered bail conditions. These key indicators typically do not fall within the data that is currently collected by Canada's courts or governments. There is an urgent need to coordinate data collection and sharing among all participants in the CJS since these critical gaps prevent law and policymakers from instituting effective bail reforms that would improve public safety.

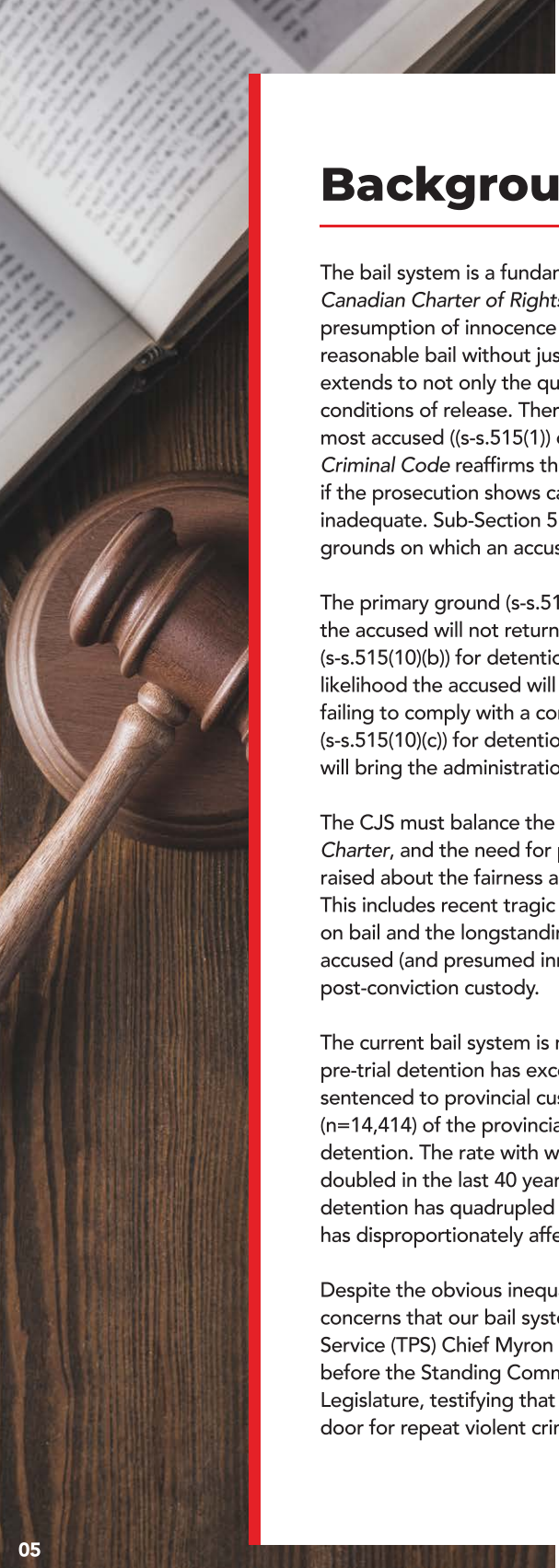
In addition, public concern regarding repeat crime by those on bail is significant with 75 per cent of Canadians agreeing that governments need to address violent repeat offenders, according to a survey conducted in December 2022 by Pollara Strategic Insights.[3]

We believe the most effective way to reform our existing bail system is to make smarter decisions rather than creating new legislation that would, at best, result in making it even harder to get bail while still benefiting from the constitutional rights of a presumption of innocence and the right to reasonable bail, without any demonstrable improvement in public safety.

The effectiveness of a smarter bail system is fundamentally:

- An equation of the quality and quantity of the human resources assigned to the process,
- The quality and quantity of the data upon which decisions are made,
- The quality of the policy created to guide those bail decisions, and
- The quality of the in-field monitoring conducted to continually verify how "smart" the system has been in decision making.

Inherently, all governments, in particular provincial and territorial governments, must be willing to commit to smarter bail reforms that go beyond legislative measures. Simple policy reforms and better resourcing could have a significant impact, resulting in the protection of the rights of the accused and improved public safety. The NPF is committed to working with governments to see these bail reforms implemented.



Background

The bail system is a fundamental component of Canada's CJS. The *Canadian Charter of Rights* and *Freedoms* (the *Charter*) provides for the presumption of innocence (s.11(d)) and the right not to be denied reasonable bail without just cause (s.11(e)). The right to reasonable bail extends to not only the quantum of bail but also to the terms and conditions of release. There is a presumption of unconditional release for most accused ((s-s.515(1)) of the *Criminal Code*, and s.-s 515(2.01) of the *Criminal Code* reaffirms that a more restrictive order shall be imposed only if the prosecution shows cause why a less onerous form of release is inadequate. Sub-Section 515(10) of the *Criminal Code* stipulates three grounds on which an accused's detention in custody may be justified.

The primary ground (s-s.515(10)(a)) for detention is the risk that if released the accused will not return to court as required. The secondary ground (s-s.515(10)(b)) for detention addresses concerns that there is a substantial likelihood the accused will commit an offence while on bail, including failing to comply with a condition of their release. The tertiary ground (s-s.515(10)(c)) for detention considers whether the release of an accused will bring the administration of justice into disrepute.

The CJS must balance the legal rights of the accused, enshrined in the *Charter*, and the need for public safety. However, concerns have been raised about the fairness and effectiveness of the Canadian bail system. This includes recent tragic firearm offences allegedly committed by people on bail and the longstanding and important issue that there are more accused (and presumed innocent) people in Canada's provincial jails than in post-conviction custody.

The current bail system is not working in Canada, the number of people in pre-trial detention has exceeded the number of people convicted and sentenced to provincial custody since 2005/06. In 2021/22, 70.5 per cent (n=14,414) of the provincial jail population across Canada was in pre-trial detention. The rate with which pre-trial detention is used has more than doubled in the last 40 years and the number of people in pre-trial detention has quadrupled in this time.[4] This reliance on pre-trial detention has disproportionately affected marginalized communities.

Despite the obvious inequalities in the bail system, there remain serious concerns that our bail system is not protecting the public. Toronto Police Service (TPS) Chief Myron Demakis's offered his opinion in testimony before the Standing Committee on Justice Policy before the Ontario Legislature, testifying that the current bail system has created a revolving door for repeat violent criminals.

According to Chief Demakis, in 2021, 772 accused charged by the TPS for firearms-related offences were released on bail. Of these, 21 per cent, or 165 people were re-arrested while on bail for more firearms-related charges, and of those people that were re-arrested by the TPS and released for a second time, 60 per cent, or 98 people were re-arrested yet again for a firearms-related charge. Of those, yet another 47 or 50 per cent were granted bail a third time.[5]

Repeated Legislative Solutions are Lacking Empirical Evidence

Bill C-75, An Act to amend the *Criminal Code*, the "*Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*," which received Royal Assent on June 21, 2019, was a criminal justice reform bill that encompassed a wide range of amendments to the Canadian CJS, including changes to bail provisions. Many of the bail provisions, enacted through Bill C75 codify aspects of the Supreme Court of Canada's decision in R. v. Antic,[6] including a principle of restraint as a requirement to impose the least onerous form of release (s-s.515(2.01) *Criminal Code*) and a requirement to release an accused at the earliest opportunity (s.493.1). Bill C-75 also requires consideration of the circumstances of Indigenous peoples and other vulnerable populations who are overrepresented in the Canadian CJS[7] and who may be disadvantaged in obtaining release (s.493.2 *Criminal Code*).

C-75 created "judicial referral hearings," an additional option for police to consider when responding to allegations of failing to comply. However, many municipalities and provinces have recently noted that these legislative changes have done little to address the issue of violent repeat offenders on bail, and there is a lack of data to show that any of the legislated reforms of four years ago have made any practical difference within Canada's bail courts or to public safety.

Canada's Premiers, police service and association representatives, victims of crime, and the public, continue to express concern over the current bail system and continue to demand reform.

These concerns are justified; however, recent reforms put forward by the Government of Canada do not target the most pressing issues facing the bail system. In January 2023, Premiers across Canada issued a call to action strongly urging the Government of Canada to take action to strengthen Canada's bail system.

In May 2023, the Government of Canada introduced Bill C-48, "*An Act to amend the Criminal Code (bail reform)*," which creates additional reverse onus provisions for certain repeat, violent offences, intimate partner offences and offences committed with firearms. Unfortunately, there is no evidence to suggest that yet more reverse onus bail provisions are an appropriate mechanism for improving community safety. Indeed, reverse onus provision may have a limited impact on appropriate bail decision making while increasing the disproportional incarceration of marginalized communities.

Federal legislative changes alone won't solve the complex, long-standing, problems with the bail system. The CJS is a shared responsibility. While the Government of Canada has pursued and is currently pursuing legislative changes to the Criminal Code's bail provisions, provinces, and territories also have an important role to play in strengthening the bail system.

Current Challenges

Public Safety

When considering CJS reforms, one of the biggest difficulties facing policy makers is that there is no accurate, reliable way to predict who is going to commit a crime, particularly serious violent crimes, while on bail. What is more concerning, attempts to predict risk may have a potential discriminatory impact on Indigenous peoples, Black people, and other racialized communities.[8] There are markers or predictors that help to make this risk less uncertain or unknowable. For example, current charges and past conduct may shed light on someone's risk; the release plan also illuminates this risk while demonstrating effective mitigation efforts. These measures however are imperfect as it is impossible to predict with absolute certainty the risk someone poses in all circumstances while on bail.[9]

Our CJS should be better equipped with data and information to identify, address, and mitigate future risks through informed decision making and properly resourced bail monitoring programs. However, there is a complete lack of accurate information throughout Canada - and no real efforts to even attempt to gather and analyze data - to inform whether any of the current risk-averse bail system practices in Canada lead to Canadians being any safer from those released on bail.

Many stakeholders have warned that the impacts of current bail practices result in further criminalization of vulnerable populations. Additionally, solutions perceived to be most simplistic, create a higher bar for bail, which seems to be one of the only solutions currently under consideration through legislative amendments. This will inevitably lead to an increase of the already high 70 per cent of provincial detainees being on remand.

Even short periods of time in pre-trial custody are linked to several negative outcomes, including increased rates of recidivism, mental health issues, and reduced access to legal representation. Custody is criminogenic, making it more, not less, likely someone will commit offences in the future.[10] There are many reasons for this. Pre-trial detention centers are overcrowded, harsh, and dangerous,[11] with rehabilitative programs being virtually non-existent. Removing individuals from the broader community is intensely destabilizing, disrupting connections to the community, family, and social supports.[12] This further criminalization of vulnerable populations within the bail system further enforces the systemic inequalities that exist within the CJS.

Remote & Rural Communities

It is critical to understand that some of Canada's most vulnerable communities live in northern and remote regions and face unique sociological challenges that impact the delivery of CJS services and access to diversion programs. Geography and distance, delays in the formal response to crime, the inappropriateness of sentences, court delays, and a lack of human and other resources are consistently identified as factors that most contribute to the ineffective delivery of criminal justice services to those living in Canada's most remote communities. Added to these challenges has been the unique community needs, an emphasis on restorative justice, and the role of community members and leaders in the delivery of justice services.

Fairness & Overrepresentation

Criminological data supports findings that a risk-averse bail culture[13] results in Indigenous, racialized, women, and financially disadvantaged individuals being detained at much higher rates than Canadians not falling into those categories who are accused of the same or even more serious offences.[14] This is due to the current emphasis placed on the need for sureties, property pledges, and cash deposits to be released from custody pending trial.

One of the main concerns with the bail system is the high number of people who are held in pre-trial custody. In 2021/22, 62 per cent of all admissions to provincial and territorial correctional facilities in Canada were individuals who were being held in custody pre-trial.[15] On an average day, 70.5 per cent of people in Canada's provincial and territorial jails are in remand.[16] Individuals in pre-trial custody are disproportionately racialized. While courts in Canada do not systematically collect or report on racial identity, there are a few indicators that race impacts court outcomes.

Looking at corrections data, in 2012/13 and again in 2021/22[17] the Office of the Correctional Investigator (OCI) noted that growth in the federal custodial population is driven by increases in the racialized population. Between 2003-2013, the Indigenous incarcerated population increased by 46.4 per cent and the Black incarcerated population increased by 90 per cent. The overrepresentation of Indigenous women is even more stark, with Indigenous women making up 37.6 per cent of the federal incarcerated women population.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Recommendations

Canada's CJS continues to be underfunded resulting in resource gaps and poor data collection and analysis. To resolve these issues, all participants in the CJS must collaborate to identify and implement smart bail initiatives that include workable, data-driven solutions that will ensure timely bail decision-making, reduce reliance on detention and facilitate success and bail condition compliance in the community, while protecting the public and law enforcement officers. Without serious, wholescale reform jurisdictions across Canada are at risk of a bail system that is broken beyond repair.

Implement Data-Driven and Informed Judicial Interim Release Decision Making

Access to relevant and timely data to inform bail decisions remains a concern that has not been addressed by recent legislative measures. Improved data collection and sharing among law enforcement and the courts would allow Judges and Crown prosecutors to be better informed when reviewing case information, facilitating appropriate bail decisions.

Canada's *Criminal Code* and the *Charter* dictate that bail hearings be held quickly for anyone arrested and held for a bail hearing. While the Crown can ask for a three-day remand, courts are hesitant to grant much of an extension. This rush to bail often means that prosecutors and the courts have limited information about the alleged offence(s), any other offences for which the accused may already be out on bail (especially for bail outside of the jurisdiction), and the accused's criminal record including details of recent convictions. The quality of current data collecting is often inconsistent and performed by multiple agencies following different policies.

One example of this is that the Canadian Police Information Center (CPIC) records are often missing offence records that only appear on local police databases. This means an accused could have a criminal record that is more serious than the record that is presented to the court.

To effectively evolve the current system, policing, and the Crown need to stop working within information silos. All levels of government, especially provinces, and territories, need to work together to move towards a 21st-century, evidence-based, and intelligence-driven bail system.

While privacy and privilege are sometimes invoked as a rationale for siloing the system, appropriate levels of security clearances, policies and protocols can be developed to break down the barriers and increase information sharing.

In addition, to help improve efficiency in case processing and access to justice, funding for legal aid must be increased to ensure timely legal representation for the accused, reducing the frequency of adjournments, the number of people in pre-trial detention and the time people are detained or subject to conditions of release in the community.[18] Improving time-to-case resolution will help ensure that accused who are found guilty are held accountable in a timely fashion and those who are not convicted are released from the system as soon as possible.

Recommendation 1:

The Government of Canada, in coordination with provincial and territorial governments, should establish a national standing committee on Canadian CJS data sharing, which would collect, analyze, and report on current trends, challenges, and best practices. Committee reports should include recommendations for CJS data sharing policy and program reforms. Shared CJS data should be directly accessible by all appropriate officials involved in the administration of justice.

Improve Post-Bail Release Monitoring

While Canada has robust probation and parole monitoring systems in place, there are limited dedicated human resources being deployed to actively monitor those out on bail for compliance. There is at best a patchwork of systems in Canada for bail monitoring: some police services have resources to check up on curfews, and some jurisdictions may conduct Electronic Monitoring (EM), but the system mostly relies on the honesty of individuals on bail, their fear of reincarceration, and the supervision of their bail sureties.

Public safety regime interoperability and integration can be improved by leveraging data, technology, and analytical tools to ensure bail release provisions are aligned across Canada. This should be done in coordination with bail monitoring systems that are proven effective for a variety of individual circumstances. Many jurisdictions over the years have utilized technologies including bracelets with Global Positioning System (GPS) transmitters, bracelets with radio frequency transmitters, and biometric devices. These tools ensure that those granted bail are allowed to return to the community with supervision while court proceedings are pending.

The first jurisdiction to use EM was British Columbia in 1987. Due to the success of BC EM pilots, EM programs were introduced in Saskatchewan (1990), Newfoundland (1994), and Ontario (1996) and continue to be piloted across the country. Data on EM is relatively limited and to improve its effectiveness more program studies must be conducted. While they are not foolproof, these technologies should be used more frequently, especially considering their potential to free up police resources. While human supervision and monitoring will still be needed, special law enforcement units, not necessarily sworn police officers, could be used. In RCMP-policed jurisdictions, these could be Special Constables devoted to bail supervision both physically and electronically.

Recommendation 2:

The Government of Canada, provinces, and territories should invest in deploying technologies that are proven effective at monitoring bail condition compliance. This would include an in-depth review of all existing available post-release monitoring technologies, and potentially the development of new technologies.

Improve Bail Hearing Resources and Standards

Bail courts are a vital component of Canada's CJS. Therefore, the assignment of experienced prosecutors and judicial officials who have adequate training and preparation time should be a priority. However, in much of Canada, especially in Ontario, it is Justices of the Peace (JP) who are Order-in-Council appointments, but usually have no legal practice experience as a lawyer or law degree, who preside over almost all bail hearings in much of Canada.

By comparison, all qualified lawyers may become judges after a minimum of 10 years of practice. Lawyers hold a law degree from a recognized law school, often in addition to an undergraduate degree, have articled for up to 12 months prior to being permitted to do any independent legal work, and have passed one or more bar exams. While qualification for JP position varies significantly by jurisdiction, a promising example can be seen in Nova Scotia where the province introduced a tiered system for JPs requiring them, except for those performing civil marriages, to be practicing, or formerly practicing, lawyers who have a minimum of five years of practice experience. They are then authorized to perform duties related to some criminal law matters, including issuing warrants and conducting arraignments and trials for some types of cases.[19]

While there have been calls to have an increasing number of bail hearings heard by judges, rather than seeking to have bail decisions made by judges, it would be a much more cost-effective and efficient solution to require all JPs to have legal qualifications. One approach would be to change recruitment requirements going forward while ensuring that only those JPs with legal qualifications are assigned to bail court.

Recommendation 3:

Any jurisdictions using JPs to preside at bail hearings should establish a standard qualification for those bail JP positions, which are based on education and legal background, such as a law degree and five years of legal practice experience.

Reverse Onus Provisions

Reverse onus provisions in the *Criminal Code* place the onus on the accused to demonstrate why they ought to be released rather than the Crown bearing the onus of demonstrating why the accused ought to be detained in custody.

A key measure within Bill C-48 is an increase in the scope of reverse onus provisions. These are provisions that may be considered by the courts when an accused faces charges for serious or violent crimes. It's important to remember that regardless of whether a reverse onus provision is in place, the courts must always consider whether the accused can be released without posing a public safety risk and whether they will attend future court hearings.

There is no criminological evidence that reverse onus provisions, like those included in C-48, will lead to safer communities. The provisions in the Bill are based, in part, on understandable calls from police services in the wake of recent officer deaths, to detain in pre-trial custody those accused of certain repeat violent offences or certain firearms offences. There have been similar calls in the past which led to legislative changes resulting in certain criminal offences triggering a reverse onus for bail, in the hopes that would reduce the rates of crimes like intimate partner violence and drug offences post-release. There is no comprehensive data demonstrating whether such provisions reduced crime.

In practice, the onus is not the determining factor in bail hearings and generally plays a limited role in release decisions. What remains key in bail hearings is the seriousness of the charges, the presence and contents of a criminal record, the grounds for detention, and the release plan presented by the accused. Those factors are all best considered through informed data and experienced well trained officials.

Recommendation 4:

The Government of Canada undertake a national, systematic study of the Canadian CJS bail system which examines the most effective bail provisions that promote public safety and meet the CJS objectives, including ensuring future court appearances and preventing the commission of new offences while on bail.

Recommendation 5:

Provinces and territories should commit more resources to the collection and sharing of data that can be used to inform the exercise of discretion by decision makers when making bail release or detention decisions, rather than relying upon legislative reverse onus provisions.

Align Supervision and Conditions of Bail Release

It is unclear if requiring a pledge of property by way of cash deposit or real property, requiring surety supervision or imposing conditions of release enhances public safety by preventing bail breaches. These routine release requirements, however, generally disadvantage Indigenous peoples, racialized people, people experiencing poverty, those experiencing mental health issues, or people who use substances. While sureties may be a useful mechanism for monitoring accused on bail, there is an inherent conflict of interest as sureties are generally family and friends of an accused. This close relationship may make it unlikely that they will report the accused for non-compliance knowing the consequences of doing so.[20] Given this difficulty, other bail monitoring measures are needed.

The setting of bail amounts should at least be partially based on an amount that is meaningful to the accused or their surety, rather than solely being based on the seriousness of the offence or perceived risk posed by the accused. A high quantum of bail money required to be pledged or deposited can result in unfair outcomes, as individuals, especially from marginalized groups, may be unable to afford the amounts they must promise to the court to be released. Judicial interim release orders can exacerbate social marginalization and criminalization.

There are different bail supervision models, for example in Ontario a bail program is run by third parties to provide supervision for accused who don't have a surety available, whereas in British Columbia bail supervision is performed by probation officers. These programs provide supervision in the community, checking in with the accused and monitoring their compliance, without the challenges presented by having a personal relationship. Some programs help connect the accused with supportive resources in the community. Caution however must be exercised in the degree of discretion given to bail supervision programs to 'approve' or 'reject' a supervision order, or to demand sureties, cash deposits, and release conditions without court oversight.[21]

Improvement to the bail system can be achieved by aligning supervision with release conditions through programs that standardize community supervision requirements and expectations while leaving the decision around the appropriateness of supervision to the courts rather than the programs. Other avenues for reform include reducing or eliminating the reliance on cash bail or the promise of cash for some accused as well as the use of sureties and instead use risk assessment tools to guide release decisions.

Recommendation 6:

Governments should commit to evidence-informed bail reforms that include alternatives to monetary bail deposits and sureties, such as pre-trial release programs that assess a defendant's risk level and provide supervision and monitoring instead of detention.

Adopt a Team-Based Approach to Bail Decisions and Monitoring

In Canada, the bail monitoring system typically relies on the accused's ability to comply with conditions with or without supervision provided by their surety or a bail supervision program. The assurance of compliance is backed by the threat of forfeiting the amount of bail promised and/or a re-arrest and return to detention.

Establishing integrated close cooperation teams of prosecutors and police officers, similar to the Integrated Proceeds of Crime Teams and Guns and Gangs Teams, may be helpful in monitoring the accused out on bail in the community. The "team" concept is based on co-location in the same office space, with prosecutors involved in the investigation at early stages, rather than the more traditional siloing structure of prosecutors and police in Canada, where the police investigate, and only after the investigation is done, do the police hand over the file to prosecutors to pursue a prosecution. The police-prosecutor team approach, however, has to-date largely focussed on more complex cases. Creating Integrated Judicial Interim Release Teams (IJIRT) may be helpful in facilitating the sharing of information, and easing consultation between the police and the Crown, and overall preventing or detecting early new offences being committed while out on bail.

Some jurisdictions, notably Alberta and Manitoba, have developed a team-based approach to bail monitoring which has enhanced coordination within the CJS including the appearance of enforcement officials at bail hearings, with first-hand knowledge of the allegations. Team-based approaches, like an IJIRT could help develop greater police expertise in the law of bail. Perhaps most importantly, IJIRT could improve information gathering from all sectors to ensure that bail courts have the information they need, rather than information about criminal records, other releases, or even the current allegations before the court being unavailable or failing to make it into court in a timely manner.

Recommendation 7:

All governments should invest in creating a community bail enforcement monitoring system, involving dedicated law enforcement units, and cutting-edge technology throughout Canada. These monitoring systems should provide real-time information about potential or actual bail breaches which can be quickly acted upon by authorities, including preventing escalating patterns of minor breaches turning into the full-blown commission of new serious criminal offences.

The NPF's Call to Action

The NPF recognizes that this discussion paper is the first step in a much longer but necessary process to improve Canada's bail system. It's important to note that the effectiveness of these changes depends on a variety of factors, including the implementation and enforcement of revised bail policies, adequate resources for monitoring released accused, information sharing, and collaboration between law enforcement, judicial authorities, and other relevant stakeholders.

As such, we call on the provincial and territorial governments, in collaboration with the Government of Canada, to take the next steps in implementing smart bail initiatives. These initiatives must come with adequate resourcing, both human and financial, as well as with increased data collection to ensure that the right measures that make the most impact are implemented. The NPF recommends all governments swiftly act to implement:

Recommendation 1: The Government of Canada, in coordination with provincial and territorial governments, should establish a national standing committee on Canadian CJS data sharing, which would collect, analyze, and report on current trends, challenges and best practices. Committee reports should include recommendations for CJS data sharing policy and program reforms. Shared CJS data should be directly accessible by all appropriate officials involved in the administration of justice.

Recommendation 2: The Government of Canada, provinces, and territories should invest in deploying technologies that are proven effective at monitoring bail condition compliance. This would include an in-depth review of all existing available post-release monitoring technologies, and potentially the development of new technologies.

Recommendation 3: Any jurisdictions using JPs to preside at bail hearings should establish a standard qualification for those bail JP positions, which are based on education and legal background, such as a law degree and five years of legal practice experience.

Recommendation 4: The Government of Canada undertake a national, systematic study of the Canadian CJS bail system which examines the most effective bail provisions that promote public safety and meet the CJS objectives, including ensuring future court appearances and preventing the commission of new offences while on bail.

Recommendation 5: Provinces and territories should commit more resources to the collection and sharing of data that can be used to inform the exercise of discretion by decision makers when making bail release or detention decisions, rather than relying upon legislative reverse onus provisions.

Recommendation 6: Governments should commit to evidence-informed bail reforms that include alternatives to monetary bail deposits and sureties, such as pre-trial release programs that assess a defendant's risk level and provide supervision and monitoring instead of detention.

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