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Standing Committee on Justice Policy

Keeping Criminals Behind Bars Act, 2026

1st Session
44th Parliament

Wednesday 15 April 2026

Chair: Lorne Coe
Clerk: Isaiah Thorning

Journal des débats (Hansard)

JP-8

Comité permanent de la justice

Loi de 2026 visant à maintenir les criminels derrière les barreaux

1re session
44e législature

Mercredi 15 avril 2026

Président : Lorne Coe
Greffier : Isaiah Thorning

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Wednesday 15 April 2026

Mercredi 15 avril 2026

The committee met at 0900 in committee room 2.

KEEPING CRIMINALS BEHIND BARS ACT, 2026

LOI DE 2026 VISANT À MAINTENIR LES CRIMINELS DERRIÈRE LES BARREAUX

Consideration of the following bill:

Bill 75, An Act to enact the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund Act, 2026 and to amend various other Acts / Projet de loi 75, Loi édictant la Loi de 2026 sur le Fonds Joe MacDonald de bourses d'études à l'intention des survivants d'agents de sécurité publique et modifiant diverses autres lois.

The Chair (Mr. Lorne Coe): Good morning, everyone. The Standing Committee on Justice Policy will now come to order. We are meeting today to conduct public hearings on Bill 75, An Act to enact the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund Act, 2026 and to amend various other Acts.

I have MPP Ciriello, please, before I get through the balance of my remarks that are going to guide us during the course of the day.

MPP Monica Ciriello: I would like to move an additional witness motion.

I move that Jordan Cristillo be invited to appear as a witness at 10 a.m. on Wednesday, April 15, 2026, and that the witness shall have five minutes to make an opening statement, followed by nine minutes for questions and answers divided into three minutes for the government members, three minutes for the official opposition members, and three minutes for the third party members.

The Chair (Mr. Lorne Coe): Members of the opposition, copies of the motion are coming to you now.

MPP Wong-Tam.

MPP Kristyn Wong-Tam: This certainly seems agreeable.

I wanted to just ask about the timing, because I know that our agenda is pretty packed. I don't want to rush any of our witnesses, especially since we know that this bill is very important to so many. So if we could just get a comment from the Clerk—to ensure that we actually can provide the accommodations for this witness?

The Clerk of the Committee (Mr. Isaiah Thorning): Yes.

The Chair (Mr. Lorne Coe): Yes, that's going to be fine. I don't think we're going to at all compromise our timing for the presenters. It is a full day; I appreciate that. Everyone is going to get a full hearing.

Any further debate on the motion? All those in favour? Opposed? That motion is carried, Mr. Clerk, and Mr. Cristillo will be added to the agenda at 10 o'clock.

MPP Wong-Tam?

MPP Kristyn Wong-Tam: I really appreciate the way we just handled the addition of one more witness.

There are a number of witnesses who showed interest in this particular bill. I'd like to move a motion to expand our hearing until tomorrow to allow for more witnesses—the ones who were not accommodated today.

I move that the committee meet for public hearings on Bill 75, An Act to enact Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund Act, 2026 and to amend various other Acts, on Thursday, April 16, 2026, from 1 p.m. until 6 p.m., and that the Clerk of the Committee be authorized to schedule any additional witnesses who submitted their requests to appear prior to the deadline.

Chair, I'll speak to it when you acknowledge me again.

The Chair (Mr. Lorne Coe): Please go ahead and debate.

MPP Kristyn Wong-Tam: I hope this is not going to be a prolonged debate, simply because we have the Solicitor General here, who is ready to make his submissions. But I do know that in the two weeks since the posting announcing that this committee was open for witnesses for Bill 75, we have received a large number of witnesses, and only about half of them could be accommodated. I do think that it would be very wise and, I think, also generous of spirit on our part, as a committee, to make sure that those additional witnesses who have interest in this bill are given an opportunity to be heard by this committee.

Just as much as MPP Ciriello was able to table one motion to bring forward one witness, I know that there are many other witnesses who would have loved to have that courtesy.

That is what I'm submitting to this committee, and hopefully the committee would agree.

The Chair (Mr. Lorne Coe): Further debate? All those in favour? Opposed? The motion is lost.

MINISTRY OF THE SOLICITOR GENERAL

The Chair (Mr. Lorne Coe): I will now call on the Honourable Michael Kerzner, the Solicitor General of Ontario, as the first witness before the committee.

Minister, you will have up to 20 minutes for your presentation, followed by 39 minutes of questions from the members of the committee. The questions will be divided into two rounds of 6.5 minutes for the government members, two rounds of 6.5 minutes for the official opposition members, and two rounds of 6.5 minutes for the third party.

For the members of the committee: Please know that the timing for the questions resides with the Clerk of the Committee—I will take his guidance when it starts, I will take his guidance when it ends. We have worked together for a number of years in this committee, and we've worked well together, abiding by the timing of the Clerk. I think we'll work that way again together.

Solicitor General, the floor is yours. I'll let you know when you have two minutes remaining in your presentation. Welcome to the committee.

Hon. Michael S. Kerzner: Good morning. Bonjour à tous. I'm delighted to be here at the Standing Committee on Justice Policy.

I want to thank the Chair for having me speak today on Bill 75, the Keeping Criminals Behind Bars Act. If passed, this bill will build on our promise to hold offenders accountable, support victims of crime, and provide law enforcement personnel with the tools they need to prevent crime and hold criminals accountable. Through this proposed legislation, we're also strengthening public safety, cracking down on dangerous driving and tightening bail requirements to protect communities.

With the support of my friend the Honourable Doug Downey, the Attorney General; my friend the Honourable Prabmeet Sarkaria, the Minister of Transportation; my friend Trevor Jones, the Minister of Agriculture, Food and Agribusiness; my incredible Associate Solicitor General, Zee Hamid; and many, many others who are so concerned, our government is taking bold action to improve public safety and modernize our justice system.

Bill 75 is a collaborative effort for ministries, agencies and organizations across government. I'd like to thank everyone involved. The final result, if passed, would be an impressive and impactful piece of legislation.

However, we know that our work is far from finished. This is not our first public safety bill, and there will be more to follow in the future. We have a responsibility to the people of Ontario to continue to look for ways to keep them and our community safe. When we were elected in 2025 for a historic third mandate, our pledge was to protect Ontario. We take that responsibility and promise very seriously. We will never let them down.

For me, being in this role since June 2022, it has been the highlight of my life to work across the aisle, to visit our police services across the province. I've gotten to almost every single municipal police service, with one exception—and a commitment to get to Deep River this year, soon.

I'm proud also to have been passionate—and visit our fire services across our province. Over 300 fire services exist, and many of them are volunteer fire services. I'm proud to champion their welfare—as I know many members of this committee share tremendous pride in our amazing fire services.

I want to also give a shout-out to everyone: our corrections officers, our probation and parole officers, tous les premier intervenants qui travaillent fort tous les jours qui assurent la sécurité de notre province.

I'm proud that Bill 75 continues the great work that our government has done to protect the people of Ontario. This legislative legacy includes the Strengthening Safety and Modernizing Justice Act, 2023; the Enhancing Access to Justice Act, 2024; the Safer Streets, Stronger Communities Act, in 2024; and Protect Ontario Through Safer Streets and Stronger Communities Act, 2025—specifically, this last piece of legislation is particularly important and relevant because it delivers on our government's commitment to public safety, addressing issues like intimate partner violence, child safety and human trafficking. The legislation also streamlined the judicial appointment process, created dedicated prosecution teams to help stop violent crimes, and gave the police the authority to seize electronic devices used in vehicle theft. This past year, we supported this legislation with the $91-million Community Safety and Policing Grant. Over the course of the year, our government funded 127 police projects, through this program, that addressed key issues like gun-and-gang activity, sexual violence, human trafficking, hate-motivated crimes, and commercial theft.

Bill 75 builds on these measures. It's the next logical step, and it includes making our streets and communities safer, enhancing bail reform to ensure repeat offenders are held accountable, providing safety personnel and their families with additional tools and supports, and takes other steps to empower and protect victims and advance our public safety.

0910

Let me speak for a minute, Mr. Chair, on the safer streets and why this is important.

I want to thank the members of the opposition on the committee who supported the government in allowing Andrew Cristillo to be here today—I'm sorry, not Andrew Cristillo—

Interjection: Jordan.

Hon. Michael S. Kerzner: Jordan Cristillo—thank you. Andrew Cristillo was the brother who was tragically lost, and Jordan will be here today. Thank you so much for clarifying that.

When Andrew was killed not that many months ago, he left three grieving children—Chloe, Ella Rose, and Leah—and a wife, Christina. He was killed in a collision involving a driver who was facing other charges for dangerous driving and stunt driving. His family launched a petition for Andrew's Law, calling for tougher penalties for dangerous driving and other measures to keep our roads safe.

I have to tell you, when I met with Jordan, Jordan's dad, and other members of the family with the Premier and Minister Sarkaria, it was a gut-wrenching moment—to listen to the tragedy and the words of the family, and understanding there were absolutely no words that you could say to comfort them. We gave them a commitment: that Andrew's passing would not be the end of the story and just another statistic. We worked hard with our ministry staff and also with the Premier's office—and I'm looking forward to having the support of the opposition. The people who are driving dangerously and stunt driving do not belong on our roads, and there must be consequences. By tabling this act, our government is answering the call. It's a promise we made to the family. It's a promise that we're going to fulfill.

This legislation, if passed, would introduce a lifetime driver's licence suspension for anyone convicted of dangerous driving causing death. It would allow the police to issue an immediate 90-day roadside licence suspension and impound the vehicle if they suspect a person was driving dangerously. It would introduce a suite of other measures aimed at ensuring our roads are among the safest in North America.

Mr. Chairman, there is no excuse for driving recklessly or impaired. It endangers not only your own life when you do that, but the lives of everyone around you.

I want to also mention that when we have the RIDE program each year—I had a chance to speak to Mothers Against Drunk Driving. I reminded them that it isn't how I remember growing up—being told you should never drive a car having consumed alcohol in excess. It's more than that—it's taking illegal substances and getting behind the wheel; it may be taking legal substances when you shouldn't be driving, when there's a warning, "Do not drive," because you've taken certain medication.

We take our road safety very seriously. I want to thank Minister Sarkaria and his team for their incredible leadership.

I also want to talk about bail and accountability. I'm proud to say that Ontario is leading the way.

I know, across the aisle, in the Legislature, everyone agrees that people who commit violent offences belong in one place, and that's in jail. We want to keep the murderers, the drug traffickers, the rapists—the most egregious examples of criminality committed by individuals—locked up where they belong.

Bill 75 proposes measures that would strengthen the compliance—this is the compliance by accused persons and their sureties.

First, Bill 75 includes legislative amendments that would enhance the administration of bail liens and collection tools, to help ensure bail debts are successfully collected when necessary.

Second, there are amendments in the bill that would make cash security deposits mandatory. I want to highlight that the cash security deposit is something that would be part of the court-ordered conditions that a judge or a JP would be responsible for. Right now, the system relies—and I didn't know this until I was educated on it—on a promise to pay. So a person commits a crime and has a court-ordered condition—"I promise to pay the deposit that I'm responsible for." But we know that's not enough to get somebody to honour it. That's why we want to take it to the next level—this concept of mandatory cash deposits that would be, again, administered by the court, upon what the judge or the JP decides. It would require the accused, released from detention, to deal with making sure that they complied. Where payment of the cash security deposit is not made, accused persons or sureties are punishable, and would be punishable by provincial offence. This is on top of the civil collection consequences.

We're doing our part. We think this is a balanced approach. We think it's a message to people getting out of jail that we want them to come back into our communities. We want to have lower rates of recidivism. But they have a responsibility too, and we want to hold them to account.

I want to also talk about supporting the staff. Another big part of Bill 75 is supporting public safety personnel. Our government recognizes how much we owe our heroes, the police officers who protect, every day, our fundamental rights. It's so important. We have to always be grateful to everyone—the firefighters who keep us safe, the correctional officers, and the paramedics. This is very important.

I want to digress into the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund. It was established in 1997. I believe that there's broad support for strengthening the scholarship fund. It was named after Joe MacDonald, a young officer, 29 years old at the time he was fatally shot by two men. His widow, Nancy MacDonald, is someone I've gotten to know, together with the ladies of SOLE, the Survivors of Law Enforcement. We see them when we have the memorial service, which we're going to have in a couple of months right here at Queen's Park—and please God, we should not add any more names to the wall, because it means that nobody was killed in the line of duty. I hope and pray that that's the case. We will also see the SOLE ladies again for the police and peace officers' run, of which I've been the flag-bearer now for the last few years. I'm razzed a little bit by my colleagues, that they didn't want me falling in the middle of University Avenue. So I take that flag-bearing role here in Toronto, but also with our great parliamentary assistant for the Attorney General, MPP Ciriello—in Ottawa, which was a highlight.

On October 7, 1993, in Sudbury, a young constable, Joe MacDonald, was fatally shot. His murder shocked the province and became a rallying point for improving officer safety and supporting the families of fallen public safety officers. To honour his memory, Ontario established the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund, which helps spouses and children of police officers, firefighters and other public safety workers who lost their lives in the line of duty—that we should pay for the post-secondary education of those individuals and their children.

We're proposing, in the scholarship fund, that, understanding that tremendous sacrifice was made and a debt to

the family that can never be repaid—this fund helped families; it helped lessen the burden of seeing their kids go to post-secondary education. If enacted, this legislation would also include regulation-making authority to allow updates to the program that would strengthen this commitment by expanding the program and eligibility; for example, to capture on-duty deaths and extend educational supports to post-bachelor programs, such as graduate studies. Let me explain, member for Durham and to my friend opposite from Toronto, that we had a Toronto officer, not that long ago—I think it was a year ago—and also in Durham, where an officer was performing their function in the line of duty, had a cardiac arrest, died, and left the family not only grieving, but that officer never came home that day. He wasn't killed in the line of duty, but he died in the line of duty. We've had requests to expand the program so that those children of that officer were not left behind. We've also had examples of children who—I remember the family well. I think it was the family from Welland, whose father lost his life many years ago. One said, "I've completed my bachelor program, but I want to go further. I want to take my education further, so I'd like the fund to consider helping me in my next journey for a master's or PhD." That's why we brought this thing forward.

0920

Bill 75 also includes other measures to protect animals—something that I know all members of the committee know I am passionate about—promote our public safety and enhance victim supports.

Our dedication to establishing, upholding and enhancing a robust system for animal protection is very important.

Amendments to the Animals for Research Act propose to prohibit invasive medical research on dogs and cats unless it is for a veterinary purpose, and prohibit the operators of supply facilities from breeding cats and dogs for research purposes in Ontario.

We would revise the offence and penalty framework to provide courts with the discretion to impose financial penalties on conviction, to align with those available under the PAWS Act—that's the Provincial Animal Welfare Services Act of 2019.

Changes to the PAWS Act would increase penalties for a person who harms animals that work with peace officers, to reflect the seriousness of this offence. Unfortunately, it has happened. The member opposite from Toronto knows, in Toronto, we've lost a K-9 dog in the Toronto Police Service, and we've had other examples where this has happened. Those responsible have to be held to account. This is very important.

Also, I wanted to provide updates, as part of this legislation, to the Police Record Checks Reform Act of 2015, which will enable standards to be developed to reduce the processing delays that can impact employment and access to services. Additionally, changes to the authorized disclosure schedule, which sets out what information can be disclosed under each of the three types of police record checks, would help police services apply the act more consistently. We want people who apply for the police record checks, wherever they are in Ontario, to know that there will be consistency in getting their application processed, so they can be a counsellor at camp in the summer, so they can be a teacher taking their first employment. There are many examples of people who want to volunteer at a retirement home. There must be consistency.

With respect also to the Coroners Act, we're proposing updates that will establish protection for inquests that already exist for other proceedings. If passed, these updates would prohibit the unauthorized recording and dissemination of images surreptitiously taken during coroners' inquests, safeguarding the integrity of the process and ensuring the safety of inquest participants. This would not impact at all the public access to the hearings. We're also proposing amendments to formally recognize the Chief Forensic Pathologist's fundamental role in delivering postgraduate training and continuing education in forensic pathology.

The Chair (Mr. Lorne Coe): Excuse me, Minister. You have two minutes remaining.

Hon. Michael S. Kerzner: By the way, I would say, Mr. Chair, I'm a great advocate.

I know we're expanding our medical schools. I know we're doing a lot to bring more people in to be our doctors of tomorrow. But the coroner always has a casting call out—we're looking for people who want to have a long-term career as a coroner and as a pathologist. These are also great careers.

In conclusion, Bill 75 will help protect Ontario. It will protect responsible drivers by cracking down on dangerous driving, stand up for animals and everyone who believes in animal welfare, and support the most vulnerable citizens, especially our children. The bill would make it harder for offenders to manipulate the bail system by making the onus on people who break the law to observe the security deposit imposed on them by the courts.

Overall, the Keeping Criminals Behind Bars Act reaffirms our government's unwavering commitment to be tough on crime and to do whatever we can to protect the people of Ontario.

Mr. Chair, I've had the journey of a lifetime travelling the province, listening to people, being proud of our first responders, standing with them every single day, going to our correctional systems, visiting our officers, going to probation offices, going wherever I can go, and going into ridings across Ontario that are both government and opposition ridings. I do so because I'm passionate about our province. C'est notre terre, le vrai Nord fort et libre—our land, where I should have started. This is our land. It's the free north. There's no other province like it in the world.

It's a pleasure to speak to you today.

The Chair (Mr. Lorne Coe): Thank you, Solicitor General, for your presentation.

This round of questions will start with the official opposition. I'll let you know when you have one minute left, so you don't need to check the time. You can concentrate on your questions.

MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you, Minister Kerzner, for your delegation here and your words on this bill. I do agree that holding offenders and criminals is very important.

You mentioned that there was a grant that was given, for public safety, to the 127 police projects. Can you give me the dollar figure on that? Was it $91 million? Sorry. It was right at the beginning of your delegation. As you look that up, I will continue with—

Hon. Michael S. Kerzner: It was $91 million, yes.

Mrs. Jennifer (Jennie) Stevens: Great. I'm looking forward to seeing some of that $91 million coming down to St. Catharines, to Chief Fordy, for their vest cameras. I know the region has cut that out of their budget, so we'll be looking forward to seeing that announcement soon, I'm sure.

As you're aware, in Ontario jails, we have a severe overcrowding problem. We have inmates bunking together in overcrowded cells, more frequent assaults and attacks, and mental health playing a role in that. We're seeing our correctional officers in a very, very, very critical position. We're seeing the inmates—and even the public is in a bad situation, when we have this overcrowding in cells and bunking together of inmates.

However, with your cash bail plan that we read in this Bill 75, I fear and the opposition fears it's working against lower-income families.

Do you foresee a significant increase in remand populations as more and more individuals cannot meet the new bail requirements?

Hon. Michael S. Kerzner: She knows I do it all the time—I want to give her a shout-out for being such a great supporter of both her police service and her fire service. She's a great fan of Chief Upper and Deputy Fire Chief Andrea DeJong.

To answer the member's question—no, and I'll tell you why. The courts will decide on the amount. The courts take into consideration the circumstances. The purpose of this bill—the inclusion of the bill—is to say that people have to treat their responsibilities upon exiting a correctional centre seriously. They were there for one or two reasons: They have committed a very, very serious offence—they may have been sentenced and then coming out—or the courts have decided it's time to come out.

At the end of the day, there has to be a framework where a person doesn't say, "I promise to pay"—but "I understand it's a serious responsibility."

Mrs. Jennifer (Jennie) Stevens: Through you, Chair, to the minister again: Years ago, Marco Muzzo killed three children and a grandfather in an accident and was off on bail. He's a millionaire. His family are millionaires.

0930

I'm quite concerned that individuals who are actually within our prison system who do not have the money or the purse strings that can afford their bail—that the JP might put a target, or may I say, a completely outrageous amount, that they can get of out the situation that they're in and be able to pay for their bail.

It was just reported yesterday, through a freedom-of-information request, that your government is planning on spending upwards of $7 billion to increase beds and capacity in jails over the next 24 years, but we're short over 2,000 beds as of today. I'm sure you're well aware of that—in the capacity equivalent of five facilities.

Is there any plan—and I don't see it here—to increase funding to the community bail supervision program, that would alleviate some of the overcrowding within these jails, to protect, as I said, our correctional officers, the public, and also the inmates who are in there?

Hon. Michael S. Kerzner: The answer is, we're going to look at all avenues and where funding can best be deployed.

We work with a lot of not-for-profit agencies when people come out of jail—the John Howard Society, the Elizabeth Fry Society, and other local organizations that have an important role to play. I have a great organization—not in my constituency, but just south—that helps people work with LIUNA so that they have trade skills that they can learn.

Every opportunity we have to reduce recidivism is important.

But let me also give the context. Unfortunately, as the population was growing 10 years ago, and even before that, when we were not in government, there were no substantial investments made. We had a legacy of seven jails that were closed, thousands of beds taken offline.

The member highlighted what the Canadian Press reported. Yes, we have ambitious plans to spend billions and billions of dollars—

The Chair (Mr. Lorne Coe): Thank you, Minister.

We have one minute left for questions.

Mrs. Jennifer (Jennie) Stevens: Thank you for that answer, Minister.

Are there any other provincial bail courts within Canada currently requiring cash bail and forcing loved ones to cough up thousands of dollars? If so, do you have any data available that supports the use of this system to actually reduce recidivism, as you mentioned?

Hon. Michael S. Kerzner: I'm going to follow up on that. I'm going to ask our ADM, who's here to speak to that.

The question is, what other jurisdictions have it?

The Chair (Mr. Lorne Coe): There's only 23 seconds left, so we're going to save your answer. We'll come back.

We'll go to the independents. You can start with your questions, MPP Collard.

M^me^ Lucille Collard: I'm actually going to give the ADM a chance to respond, with the time that I have.

Ms. Melissa Kittmer: Thank you. Melissa Kittmer, assistant deputy minister for the Ministry of the Solicitor General.

Just to confirm: I don't currently have that data handy with respect to other jurisdictions. But I will commit to follow up and provide the information.

M^me^ Lucille Collard: Thank you.

I want to go back to the question of sureties, Minister. I know the bill provides broad powers for you to set regula-

tions as to how and when the bail surety must be paid. Can you explain to the committee what those intentions are and how it will work in practice—if people will be required to pay up front, or only if they don't appear for their hearing?

Hon. Michael S. Kerzner: Again, this is something that's important. We want to make sure that there's a seriousness, a responsibility of the individual who's being released.

In reply to the member from St. Catharines, I said that this is obviously something that—the courts will have to impose what it is.

I believe this is the right way to go because it takes it to a higher level. A promise to pay today is, unfortunately, like somebody telling their parent, "I promise I'm going to be home at a certain hour," if the parents say, "Come home at a certain time from the park." We have to take it to a higher level. So I'd say to the lady opposite, my colleague, my friend, that we have to take it to a higher level. I think, this way, it imposes a seriousness on the person coming out of our facilities—to behave yourself and don't create havoc again.

M^me^ Lucille Collard: So, just for more clarification—the person will be asked to pay bail up front before they can be released?

Hon. Michael S. Kerzner: Mr. Chair, I'll ask our assistant deputy minister to reply in greater detail.

Ms. Melissa Kittmer: Under the proposed system, a security deposit would be required once the accused person is released from custody. If the accused person follows the terms of their release, the deposit would be returned when the case concludes or the surety's obligations end. If the bail conditions are not met, the money would be automatically recovered upon being ordered forfeited by the court.

Further details will be prescribed in regulation. I think you mentioned that. We don't have the details of that regulation at this time.

M^me^ Lucille Collard: And you don't know specifically what the intent is? Are you going to impose certain amounts in the regulations?

Ms. Melissa Kittmer: I'm not able to speak to that. I don't have that information.

M^me^ Lucille Collard: Thank you.

I want to speak to the situation in our jails. We all know they're overcrowded. Many judges have described those conditions as inhumane, because they are very crowded. There are too many people in our jails, there's not enough capacity, there's not enough staff, there are a lot of lockdowns, people get locked in small cells, and we have more violence, which has a whole slew of effects. We know that back in 2025, the capacity was at 127%. Do you know what the percentage capacity is right now?

Hon. Michael S. Kerzner: I said, actually, to a reporter the other day—the percentage that the member refers to is in part due to how a facility was rated on the day that it opened, meaning, when the Brockville jail opened in the 1840s, if it had 10 beds, and it has 30 now, as an example, the differential would not be included; it would be considered over capacity. So I don't rely on those numbers. I rely on the fact that we have to protect Ontario, that we will continue to, as I said publicly, optimize our space in our jails, by adding more beds, building more jails, expanding units.

We have a very ambitious plan. Do we have a lot of people in jail? We do. We're building the capacity to address the needs—but look at the increase in population that we've had. We have to continue to keep the province safe.

I can tell you this: Having visited the jails, our correctional centres, as Solicitor General, we have some incredible people who work hard each day, and I'm proud of them.

The Chair (Mr. Lorne Coe): You have one minute and 42 seconds left.

M^me^ Lucille Collard: Again, about that capacity: I know your plan is to build a lot more jails. That's not going to happen overnight. Right now, the situation in our jails is horrendous. If you said you visited jails—I did too, and obviously, we need to do something. So what is your plan to address this overcapacity and these inhumane conditions in the meantime, before you have that extra space available?

Hon. Michael S. Kerzner: I was incredibly transparent. We said we would bring an unprecedented thousand new beds online in the shortest of order; we said where and when. We said we would do it in London and Toronto. We said we would do it in North Bay. We said we would do it further west, in Kenora. We've been very specific. And we have a bold plan to build and reopen two jails that were closed by, unfortunately, the government that was in power years ago—the Walkerton jail and the Brantford jail. I'm going to work heaven and earth to get those open in the shortest of order. That will add over 300 new spaces not in our thousand—that will go further.

M^me^ Lucille Collard: Can you acknowledge the fact that a lot of people in jails have mental health issues and addiction issues and that may not be where they actually belong?

The Chair (Mr. Lorne Coe): You're not going to have time to respond. It's three seconds.

M^me^ Lucille Collard: It's okay. We'll come back.

The Chair (Mr. Lorne Coe): Now to the government members: MPP Ciriello.

MPP Monica Ciriello: I really want to thank the minister for being here today. I think you've done an incredible job as Ontario's Solicitor General while you've been in that role, and it's really promising—to see what Bill 75 is going to bring next.

In your opening remarks, Minister, you mentioned that protecting Ontario means ensuring that Ontario has a bail system that doesn't allow repeat offenders to walk free. We want to make sure that we're putting families and communities first and that we are not putting them at risk.

0940

When bail is forfeited, collecting payments is costly and often ineffective, leaving victims frustrated and law enforcement powerless. This revolving door undermines confidence in our justice system—which I have seen first-

hand in the Attorney General office—and it jeopardizes public safety as a whole in our communities. Our government promised to fix this system and restore accountability.

Can you explain how this measure will strengthen compliance and continue to protect the families of Ontario?

Hon. Michael S. Kerzner: It's a great question.

I want to thank the member for her leadership, as parliamentary assistant to the Attorney General—although I happen to have an amazing parliamentary assistant; that's the member from Mississauga East–Cooksville.

Bill 75 is part of a series of measures that we've taken and discussions that we've had to deal with these violent and repeat offenders coming through the system. There are a lot of moving parts to the story.

The mandatory security deposit—and by the way, I've said it in answer to the opposition questions, and I've said it as part of my remarks—is part of a process that makes an obligation on a person that's coming out: "Behave yourself. Don't come back. We don't want to see you back in this place." We're hoping that measure, which is something that a lot of people thought existed, that there was a mandatory security deposit—there isn't. This goes to further to it. It's not there to penalize a person who can't afford it. It's not there to help a wealthy person get out of jail. The discretion of the deposit is with the judiciary. This is a way of saying, "We do not want you to be back here. Please behave yourself."

The Chair (Mr. Lorne Coe): MPP Allsopp.

Mr. Tyler Allsopp: Thank you, Minister Kerzner, for being here today.

During your comments, towards the end, you talked about the lengths that you go to to connect with our first responders, our police officers, our firefighters across the province. That's something that I've seen first-hand in Bay of Quinte. I just wanted to thank you for taking the time to do that.

A little over a year ago today, Jim Young, our deputy fire chief in Belleville, passed away. You and the Premier were on the phone right away, reaching out to me, reaching out to the fire service. I really appreciate it. He was an exceptional person and is dearly missed.

I want to ask you about Bill 75 and how it addresses some of these gaps that exist in our system that allow people to go without feeling the consequences of their actions.

Under the current system, sureties often provide outdated and incomplete information, making it difficult for courts and police to enforce bail conditions. This lack of accountability creates loopholes that criminals exploit, allowing repeat offenders to evade consequences.

Ontarians expect a justice system that works, not one that rewards dishonesty.

Bill 75 modernizes bail debt collection and requires sureties to provide accurate, up-to-date information.

Can the Solicitor General please outline how these changes will close enforcement gaps and ensure that bail conditions are meaningful and enforceable across the province of Ontario?

Hon. Michael S. Kerzner: I'm envious of the member from the Bay of Quinte, because he also has Prince Edward county, which I happened to see for my first time, and well protected by the OPP and a great fire service—a special shout-out to Chief Murray Rodd at Belleville Police Service.

At the end of the day, we want to make sure that there is better behaviour. We can't assume that everybody who's leaving our jails and correctional systems does not have a capacity to do better. That's why we really shout out to our probation and parole officers for the incredible work that they do.

Again, this concept of putting up the deposit as set by the court—let's say it again: It's set by the court. That's who sets the deposit. It should be treated seriously. It shouldn't be, "I promise to pay. I promise to be good"—there has to be something more. That's why we think that this whole concept of taking the deposit seriously will change a mindset. We want to protect Ontario. We don't want to see these people back in our jails. This is a way that further sends a message: "Behave yourself."

The Chair (Mr. Lorne Coe): You have one minute, 15 seconds left. MPP Gualtieri.

MPP Silvia Gualtieri: As parliamentary assistant to the Solicitor General, I am pleased to participate in this very serious ministry that supports our front-line officers, who are there every day to protect us all.

As reckless driving has claimed too many lives in Ontario—including the tragic death of Andrew Cristillo—families have demanded action. Our government is responding.

Bill 75 introduces immediate roadside penalties for dangerous drivers, including licence suspensions and vehicle impoundments, along with tougher penalties for careless and distracted driving. Can the member explain how these measures will make Ontario's roads safer and send a clear message that dangerous driving will not be tolerated?

The Chair (Mr. Lorne Coe): Minister, there are only eight seconds remaining—perhaps, in the next round for the government, you might address and save for that question, please.

I'm going now to the official opposition. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to the Solicitor General for his presentation.

The conditions in Ontario jails are quite harrowing. Some 80% of the inmates who are sitting and waiting in jail are on remand, simply waiting for trial. They are legally innocent. We're hearing about the overcrowding in jails: two to three adults in a cell. We're hearing about the overcapacity in Ontario jails. Very few of them have any flex in them. The overcapacity is surging from 130%, on average, across the province, to even as high as 164%.

We are hearing from corrections workers that the government is bringing contract workers, that they're sort of patching together a system that's trying to keep it all together. The conditions have become extremely dangerous, which I know causes everyone concern—everyone on

the justice committee and everyone in the government, I'm sure. We're hearing about the overuse of lockdowns and solitary confinement, just because of the staffing crisis. The conditions are so bad.

So I'm curious to know—from the Attorney General's opinion—what is the immediate step that the Attorney General will take to ensure corrections worker safety and inmate safety today?

Hon. Michael S. Kerzner: Well, Mr. Chair, the member referred to me twice as the Attorney General; I'm not. I'm the Solicitor General. But I appreciate that.

MPP Kristyn Wong-Tam: Sorry. My apologies.

Hon. Michael S. Kerzner: Again, as Solicitor General, by touring and seeing almost all of our facilities—the correctional officers who are working in our facilities are some incredible people.

I also want to say, because I think it's important, that the union that represents our correctional officers are people I have a lot of respect for. Whenever I've gone to a correctional centre, I've met with the local union steward, president, vice-president, alone, in their union office, to listen to their concerns. I'm very concerned about items that they raise with me. I bring it immediately to the management, to our great Deputy Solicitor General for corrections and the ADMs.

What I can tell the member opposite is this: We inherited a system that was completely broken. We inherited a system where over 2,000 beds were intentionally taken offline. We inherited a system where seven jails were closed, and one of them was used for target practice and a beautiful—

MPP Kristyn Wong-Tam: Sorry, Chair.

The Chair (Mr. Lorne Coe): MPP Wong-Tam, please.

MPP Kristyn Wong-Tam: Yes, thank you.

And to the Solicitor General: My apologies for giving you a different title. I'm usually having a conversation with the Attorney General.

I appreciate you going back to the 15 years of Liberal government. But there has also been eight years of Conservative government. So we're sitting on a bedrock of 23 years of both Liberal and Conservative governments, and the problems have deepened.

I want to get back to Bill 75. I think that's really important today. Bill 75 has some very controversial moves. Some of the schedules are quite excellent. Supporting the scholarship for Constable Joe MacDonald—exceptional. Making sure that we keep our roads safe, because everybody deserves to have road safety, is certainly something that is deeply supportable.

0950

I want to speak about the mandatory cash bail that is now before us, which is quite controversial, as you can imagine, in the legal community. Scholars are calling it unconstitutional.

So I want to ask the Solicitor General, to give him an opportunity to clarify—do you accept that people have a constitutional right to reasonable bail, under section 11(e) of the charter?

Hon. Michael S. Kerzner: Mr. Chair, I want to thank my friend opposite.

Again, at the end of the day—I've repeated it quite a lot of times during this hearing: The courts will decide the dollars involved with the bail.

MPP Kristyn Wong-Tam: My question to you—sorry, Chair.

The Chair (Mr. Lorne Coe): Hold on. We have to give the minister an opportunity to respond. He just started his response. He's gotten 15 seconds into it, so listen. Let's hear the response, and then I'll go back for another question.

MPP Kristyn Wong-Tam: I thought it was a simple yes-or-no question, but I seem to be mistaken.

The Chair (Mr. Lorne Coe): Okay.

Continue, sir, please.

Hon. Michael S. Kerzner: I believe that the courts take into consideration a number of factors. That's how they set the bail.

MPP Kristyn Wong-Tam: I didn't get an answer to my question, Solicitor General. Do you accept that people have a constitutional right to reasonable bail under the charter?

I believe that a person has a right to reasonable bail, as set by the courts. Yes, I do.

The Chair (Mr. Lorne Coe): There's one minute left in your question.

MPP Kristyn Wong-Tam: Do you agree that access to justice should not be determined by how much money a person has?

Hon. Michael S. Kerzner: Mr. Chair, I believe that the whole premise behind having a deterrence, by having a mandatory cash bail, is to allow the courts to take everything into consideration—but understanding that under our proposed law, the court would have to set a minimum standard. That's the deterrence. I believe in our judiciary—the member opposite knows I do—so we'll leave that part to the court. But what we're saying to the judge or JP is, "You will do your job, but understand that there has to be a mandatory deposit, however you choose, at whatever level you set." We need the deterrence.

MPP Kristyn Wong-Tam: Do you have any evidence that this mandatory cash bail will keep communities safer?

Hon. Michael S. Kerzner: Well, Mr. Chair—

The Chair (Mr. Lorne Coe): That completes the time for your responses and this particular round.

We'll move now to the independents. Madame Collard.

M^me^ Lucille Collard: I'm not exactly independent, but I'll accept that you've recognized me to ask my question.

Going back to my last question: My question was quite simple. Do people with mental health and addiction problems belong in jail, or is there something else that we could do, as a society or as a government, to avoid that they end up there?

Hon. Michael S. Kerzner: Mr. Chair, the reality is, again, you're in jail for two reasons: that you have done a very, very heinous crime—you may be a murderer, a drug trafficker, a human trafficker, or even worse—or you've been accused of a crime and you're there.

At the end of the day, we know that a vast number of people in jail are people who require health intervention because they have substance abuse. Along the way, our role—to the member opposite—is to care for these people

who are in our facility, compassionately, empathetically. They get a tremendous health system embedded in the correction system.

What I'm saying to the member opposite is, the people who are in our correctional facilities come from all walks of life. Our job is to make sure that they are cared for, that they have every chance to succeed and come back to their communities, and that they will not be a further threat to the community.

M^me^ Lucille Collard: I'm going to change the channel to a new subject, because I know there are going to be some animal justice people who will come later today.

Like you, Minister, I do care a lot about animals as well, and I think we need to do better to protect them.

So, about that protection of animals for research purposes: I don't know if it's a loophole that you intend to correct or if you think it's okay like that—what is proposed in the legislation is that there will be a prohibition to breed animals for research in Ontario, but there's nothing that prevents people from getting animals that are bred somewhere else to do research. Is that a loophole? Is that something you're going to fix?

Hon. Michael S. Kerzner: Thank you. Merci pour la question pertinente. It's a very good question.

Again, this is through the Ministry of Agriculture and the work that they will do—to meet with their stakeholders.

We're going to look at that. I'll take that back to my colleague.

Really, what we want to do—and this is the point that I made in my remarks—is ban invasive medical research on dogs and cats and prohibit the breeding.

What the member opposite says is something I'm going to look into, because, yes, that's a good question. It's a fair question.

M^me^ Lucille Collard: On the same subject: Moving away from using animals for research, I think, makes a lot of sense. There are a lot of new technologies at our disposal—other countries have been using them—that are actually even better than testing on animals, such as organ-on-chip technology and AI-based toxicity modelling. Is that something you're considering as well?

Hon. Michael S. Kerzner: Mr. Chair, through you: We're going to work with our stakeholders to ensure that, as a result of this legislation being passed and working with our stakeholders and developing the regulations and working across multi-ministries, we strengthen animal welfare.

So, yes, we want to listen to our stakeholders. As the member opposite knows, since stakeholders will be coming to the committee and making deputations, we will continue to engage them—because this is something that's incremental. I know this is something that's got the support of all the parties for the reason the member said: People love their animals.

M^me^ Lucille Collard: This is about creating the service standards for police record checks—again, I do have a question. When I read it, I thought there is something that really doesn't quite align.

Why is the government creating a service standard for police record checks, but at the same time, you're extinguishing the causes of action when those standards are not met? Why create standards if they're not going to be enforceable?

The Chair (Mr. Lorne Coe): There is one minute, 34 seconds left in your questions, Madame Collard.

Please proceed.

Hon. Michael S. Kerzner: Well, we learned a lot during the pandemic, about the delays that took place—by a young teenager who wanted to be a counsellor at camp. We saw this ourselves. By the way, this did not discriminate in a specific region of the province. My friend from Glengarry–Prescott–Russell, my friend from St. Catharines, and others—people wanted to have summer jobs.

We came forward, understanding that there should be an obligation of the different police services of jurisdiction to have a minimum standard. What we found is that some of the services were much more expeditious in replying. I'm a great fan of having a standardized approach. I'll work more to make sure that I understand the totality of your question—to make sure that there are consequences of hitting that standard. I'm going to work more on that.

The Chair (Mr. Lorne Coe): MPP Wong-Tam?

MPP Kristyn Wong-Tam: On a point of privilege: I'm curious to know, because our time is so short and there were some questions that didn't get answered, can the Solicitor General and the ADM make a commitment to provide us those answers in writing at a later date, when it's convenient?

My question was about the evidence of requiring cash bails and eliminating bail on sureties—and whether or not it's likely to reduce someone committing a crime or keep the community safer.

And I think Madame Collard had a question that was very specific to quantums, that she didn't get a reply to.

The Chair (Mr. Lorne Coe): That's not a question of privilege, so you're out of order.

Madame Collard, your time is concluded.

Government members, we now have another presenter who is with us this morning. I'm going to invite Jordan Cristillo to the front of the table here.

1000

ADMs, thank you very much for being with us. Thank you for your time. We'll see you in the Legislative Assembly.

MR. JORDAN CRISTILLO

The Chair (Mr. Lorne Coe): Mr. Cristillo, thank you so much for joining us under these circumstances. I'd like to extend our condolences on your loss, sir.

You're going to have five minutes for your presentation. That will be followed by questions from the official opposition, the third party and government members, as you saw today.

Take your time making your presentation. I'll let you know when you have one minute remaining in your presentation so that you can summarize what you want to say.

Mr. Jordan Cristillo: Thank you, Mr. Chair, and thank you, everyone, for the opportunity to speak with you. My name is Jordan Cristillo. Andrew's Law is named after my

brother. Andrew was 35 years old, a hands-on father, a devoted husband, the kind of friend you'd want to keep forever. He had a generous heart, a contagious laugh and a gift for making everyone around him smile, no matter the situation.

On August 3, Andrew was driving home from a family dinner with his wife, Christina, and their three young daughters, Leah, Chloe and Ella. It was a simple Sunday evening and a route they had driven a hundred times. They never made it home. A repeat dangerous driver crossed into oncoming traffic at nearly twice the speed and struck them head-on. Andrew was killed on impact. His three little girls were seriously injured. Christina, who has been bravely battling breast cancer, had to pull her daughters from the wreckage. The driver fled on foot.

Just months earlier, the same dangerous driver had smashed into Premier Ford's motorcade on Highway 401, going over 230 kilometres an hour. He was charged with dangerous driving. The consequence: a 30-day licence suspension—that's it. Our laws let him on the road.

When the story broke and made national and international headlines, people were shocked not just by the tragedy but by the system that made it possible.

Since then, over 40,000 people in Ontario have signed a petition demanding change. Andrew's Law is that change. Its goal is simple: deter dangerous driving, prevent future tragedies. It does this in two ways. First is real consequences: increased suspensions, driving bans, penalties, fines. We need to send an unmistakable message: If you drive dangerously, you'll be taken off the road—simple. Second is through education and awareness. Too many drivers still don't understand that their reckless choices behind the wheel can destroy lives like that. These measures are practical, they're broadly supported, and they're urgently needed.

Since 2015, stunt driving charges in Ontario have soared 146%, and it's costing innocent people their lives—they cost Andrew his.

Andrew can't be brought back, but Andrew's Law can make sure that what happened to him doesn't happen to someone else. Some 40,000 Ontarians have already asked for this change. They signed because they understood that this could have been any of us. I'm asking you to listen to them.

The Chair (Mr. Lorne Coe): Thank you very much for taking the time to be with us. What you've had to say thus far has been very impactful.

We're going to start now with the questions from the official opposition. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you, Chair—and to you, Jordan, my hearts and my deepest sympathies to you and your family, as well as to Andrew's wife, Christina, and his three daughters. From the official opposition—our prayers and thoughts are with you. Let your memories guide you through these difficult times.

I definitely agree that repeat dangerous drivers should pay the consequences.

In my opening remarks to the Solicitor General, Minister Kerzner, I did mention another driver who was a repeat driver. That was a very wealthy man, Marco Muzzo, who killed three children and a grandfather and is now out on bail.

Andrew's Law is definitely needed here in Ontario. It is something that we do need to do—increasing suspensions and fines. We definitely do agree, in the official opposition, on that.

Education is definitely something that we do have to put into the public's minds and make sure that, when we have repeat offenders of DUI, of dangerous driving, stunt driving—all of that should have serious consequences. Because as you've seen and you live, you see what's going on with your family and your extended family and the pain and suffering that you have in life—definitely.

I don't have really any questions. I do just want to let you know that we do agree. I think that education is key, but also the consequences that they pay. They should not be able to just walk a free line after taking a life or even injuring to a severity where they are now living a detrimental part of their life summoned to a hospital bed or even a wheelchair. I did work in a rehabilitation centre, prior to being an MPP, and I have seen several people who were, I guess, the end game of what happens with repeat dangerous drivers.

I just want to let you know that our hearts and prayers go out to you, and we definitely do see the light and the importance of Andrew's Law.

The Chair (Mr. Lorne Coe): To the third party: Madame Collard.

M^{me} Lucille Collard: I want to offer my sincere condolences to the whole family. It's something that you can't explain and doesn't make sense in your head. It should not have happened.

I also agree with your recommendation that our laws need to be more severe in cases like that. Andrew would still be here today if the law would have been more severe and the person wouldn't have had a permit to drive.

I also think that bringing awareness is key. I think that our young people need to understand from a very young age that once you get your driver's licence, it comes with responsibility. I think the only way we're going to make a difference in society is to make sure that that awareness is really emphasized in our schools. Whenever you take your driver's licence, I think, it should come with an education piece. They show you how to do a stop and how to drive technically, but I think they need to talk about that kind of stuff as well. It comes with a big responsibility.

Thank you for your courage and taking the time to be here with us to speak to the committee. We really do appreciate it.

The Chair (Mr. Lorne Coe): MPP Sarrazin.

Mr. Stéphane Sarrazin: Thank you very much for being here. It takes a lot of courage to appear in front of this committee. I want to also offer my sincere condolences to you.

Of course, because of your family's advocacy, and including the petition calling for stronger consequences—this has also all helped Andrew's Law and formed Andrew's Law. By the way, I don't think we've explained

it. It would allow the police to immediately suspend licences and impound vehicles when dangerous driving is reasonably believed. I know you've mentioned it. You've pretty much covered everything, but I'll give you an opportunity to elaborate on what the public needs to know to understand this proposal and the necessity for it.

Mr. Jordan Cristillo: What the public is most outraged by is the gap in the system today, which basically treats dangerous driving offences like a slap on the wrist, in terms of consequences. A 30-day suspension—going outrageous speeds like that, that could have easily cost someone in Ford's motorcade their life, and back on the road in 30 days. That's the outrage.

At the end of the day, this is not about repeat dangerous drivers; this is about preventing there to be repeat dangerous drivers, through true deterrents and true consequences, because clearly, it's not working, what we have today—those are impoundments, bans, awareness.

I would even push it further—to look at examples from Texas, where if someone takes a life as a result of dangerous or drunk driving, and that person happens to be a parent, that person who did this has to pay child support. There are examples in other states and jurisdictions that we should look to; not to set the standard lower for ourselves, but to raise it higher—because these accidents aren't accidents; they're preventable. We have a role to play in making sure this doesn't happen, through our laws.

The Chair (Mr. Lorne Coe): MPP Darouze.

MPP George Darouze: Thank you, Chair, and through you: I want to also offer my condolences. It takes courage to be in front of the committee. Advocating for your family and saving other families in Ontario—it takes a lot of courage. So thank you very much for being here this morning with the family to help us with Bill 75.

The purpose of lifetime driver suspension for anyone convicted of dangerous driving causing death—under the Criminal Code, sis reducible to 25 years, if prescriptive criteria are met.

Could you elaborate a little bit on why you support lifetime suspension?

Mr. Jordan Cristillo: This family has a lifetime sentence. That's the consequence to the victims.

It's only reasonable that there be consequences to those who cause lifetime sentences for others.

I think the public agrees, if someone gets behind the wheel, drives dangerously and takes a life—driving is a privilege; it's not a right—that privilege should be revoked.

This protects Ontarians. Let's make sure that these consequences actually mean something and aren't just laughed at, like they are today.

The Chair (Mr. Lorne Coe): Thank you so much for being with us this morning and providing the information that you've done. If there's any additional information that you wish to provide, please send it to the attention of the Clerk, who's to my left right now.

That concludes our time this morning, members of the committee, to conduct business. The committee will now recess until 1 p.m. in the same room.

The committee recessed from 1013 to 1300.

ONTARIO ASSOCIATION OF FIRE CHIEFS
POLICE ASSOCIATION OF ONTARIO
ONTARIO CROWN ATTORNEYS' ASSOCIATION

The Chair (Mr. Lorne Coe): Good afternoon. The Standing Committee on Justice Policy will now come to order so we can resume public hearings on Bill 75.

Our remaining presenters have been scheduled in groups of three for each one-hour time slot, with each presenter allotted seven minutes for an opening statement, followed by 39 minutes of questioning for all three witnesses divided into two rounds of 6.5 minutes for the government members, two rounds of 6.5 minutes for the official opposition members, and two rounds of 6.5 minutes for the third party members of the committee.

Are there any questions? I see none.

Directly in front of me—welcome—is our initial group: the Ontario Association of Fire Chiefs, the Police Association of Ontario, and the Ontario Crown Attorneys' Association.

I will now call on Mr. Jeremy Parkin, president of the Ontario Association of Fire Chiefs. You have seven minutes for your presentation, sir. You may begin.

Mr. Jeremy Parkin: Good afternoon, Chair and members of the Standing Committee on Justice Policy. My name is Jeremy Parkin, and I'm the fire chief on Rama First Nation. I'm also the president of the Ontario Association of Fire Chiefs. Thank you for having me here today, along with Deputy Chief Andrea DeJong.

We're here to talk about administrative monetary penalties. These are penalties imposed by a regulatory authority against a violator that has contravened a law over which the regulatory authority has jurisdiction. AMPs, as we call them for short, utilize an administrative process rather than a judicial process, which allows the violators a right to an appeal process should they disagree with the penalty received.

AMPs are already in use in Ontario at both the provincial and municipal levels, ranging from parking bylaw enforcement to the Occupational Health and Safety Act, Ontario's Building Code Act, and the Accessibility for Ontarians with Disabilities Act, to name a few—by providing municipalities the option to administer AMPs for Ontario fire code violations to promote compliance within the fire code while at the same time alleviating pressures for both the province and municipalities. In turn, this results in a decrease in fire code compliance rates, as going through the court system to prosecute fire code violations requires specialized knowledge and prosecutors, additional time and resources from the fire department, and adds additional expenses to the municipality for outside legal resources.

The purpose of AMPs for violators of the Ontario fire code are threefold: They increase compliance with the Ontario fire code. They reduce red tape. And they alleviate court pressures and court wait times.

Fire departments face challenges when they prosecute fire code contraventions, in large part because of the

significant costs. This is an ineffective model that doesn't properly deter property owners from violating the fire code.

Only the largest cities employ solicitors who handle Ontario fire code prosecutions, meaning most fire departments must incur significant costs to procure outside legal resources to prosecute these violations. With the frequent delays that occur within the court and appeals system, this at times results in the issued fines being less than the prosecution costs themselves.

Administrative monetary penalties are already successfully used in many municipalities for the enforcement of other legislation and bylaws. By expanding their use for contraventions of the fire code, it allows municipalities a more effective enforcement tool that can be implemented faster, at significantly lower costs, that still result in meaningful enforcement of important fire safety legislation—while the AMP penalty returns to fire service budgets, that allows fire departments to continue with important fire prevention work and the protection of their communities.

In closing, the Ontario Association of Fire Chiefs applauds the Ontario government for bringing administrative monetary penalties for Ontario fire code violations into effect January 1, 2026. This is an effective enforcement tool that enables all municipalities, regardless of size, to ensure compliance within the Ontario fire code. The use of monetary penalties will result in a tangible deterrent that improves public safety. This is the biggest breakthrough in enforcement tools for fire departments and their corresponding municipalities.

Thank you again for having me join this committee today.

I'd like to defer the rest of my time to Lexi Bowman.

The Chair (Mr. Lorne Coe): Welcome, Lexi. You can begin.

Ms. Lexi Bowman: My name is Lexi Bowman, and I'm here today to talk to you about the Constable Joe MacDonald scholarship fund. I'm the daughter of Captain Craig Bowman, a firefighter who died in the line of duty in May 2023, as a result of occupational esophageal cancer, at the age of 47. This scholarship acts to support children of public safety officers who have died in the line of duty, ensuring that the children of those who made the ultimate sacrifice and lost their lives in the service of the people of Ontario do not also lose their ability to access education. I've experienced first-hand the impact of this scholarship, receiving it for the last two years of my undergraduate degree, following the line-of-duty death of my dad. This scholarship helped to alleviate the financial burdens of education which were left behind following my dad's passing, and it allowed me to focus on my education and achieve my bachelor's degree, as I would have if my dad had still been alive. As a family, we have sacrificed so much in the loss of my dad in the line of duty. This scholarship meant that I didn't also have to sacrifice my education.

However, when I entered graduate education, the support of the scholarship ceased as, currently, the scholarship does not extend past a bachelor's degree. For me personally, I am pursuing a career in epidemiology, studying firefighter health to improve outcomes for those who serve. This path requires graduate education, and without the support of the scholarship, this path has become harder for me to access as a result of my dad's line-of-duty death.

The amendments within this bill would extend access to the scholarship, to include graduate students such as myself.

There are currently also circumstances not considered to be traumatic line-of-duty deaths under the scholarship. This impacts families like my friend Ally Smith's. Her father, Captain Kelly Smith, died by suicide as a result of PTSD from his firefighting career. Currently, suicide is not considered a traumatic line-of-duty death under this scholarship, despite being recognized provincially as being a line-of-duty death. Unfortunately, PTSD is an occupational disease which has claimed countless lives of first responders in our province.

This bill would also make changes to allow children of public safety officers who died by suicide to be eligible for this scholarship, properly recognizing these line-of-duty deaths.

Public safety officers, like my dad and Captain Smith, show up to work every day to protect their communities, knowing that they might not come home. When they do make the ultimate sacrifice, this scholarship helps to ensure that their families are supported and that their children are not left behind. By expanding the eligibility of this scholarship to include graduate students and families affected by service-related suicides, Ontario acknowledges the full scope of what that line-of-duty sacrifice might look like and helps to secure the future of the children of our fallen, who have sacrificed their lives for us.

I urge you guys to support these changes.

The Chair (Mr. Lorne Coe): Thank you very much for that presentation.

I'll now move to Mark Baxter, president of the Police Association of Ontario.

Welcome, Mr. Baxter. You're no stranger to this committee. We're pleased to see you this afternoon.

Mr. Mark Baxter: Thank you for welcoming me back.

Good afternoon, Mr. Chair and members of the committee. Again, thank you for the opportunity to appear before you here today.

As the Chair has said, my name is Mark Baxter, and I serve as president of the Police Association of Ontario. I'm currently on a secondment from the Brantford Police Service, where I've had the privilege to serve my community as a police officer for over 20 years. During my tenure, I spent over five years in the traffic unit as a traffic enforcement officer, collision reconstructionist, and later as a sergeant.

The Police Association of Ontario serves as a unified voice for more than 33,000 sworn officers and civilian police personnel from 46 police associations across the province. We are dedicated to providing our members with robust representation, essential resources, education and

comprehensive support. Our unwavering commitment is to ensure that the voices of Ontario's front-line police professionals are heard in all legislative and policy discussions.

That's what brings me here today to speak in support of Bill 75, the Keeping Criminals Behind Bars Act. The amendments outlined in schedule 2 of the Bail Act address Ontarians' concerns and respond to the needs of our communities by strengthening measures to ensure public safety.

According to a recent national poll conducted by Earnscliffe on behalf of the Police Association of Ontario—being revealed here for the first time—72% of Canadians support important changes to surety rules, including prohibiting individuals with a criminal record from acting as a surety, and 70% support limiting the number of people who one can act as a surety for. Focusing on Ontario, 65% of residents support cash bail for everyone charged with a criminal offence, and well over half agree that cash bail would make communities safer. These results show that Ontarians and Canadians from coast to coast recognize the importance of ensuring community safety and support meaningful changes to our bail system.

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While many of the changes that I've outlined fall within the jurisdiction of the federal government, and we've been actively engaged at that level, we applaud the steps taken in Bill 75 to hold sureties accountable. The PAO has long advocated for this measure, including during previous appearances at this very committee.

Bill 75 also introduces targeted amendments to the Highway Traffic Act in response to the Andrew's Law petition, honouring the memory of Andrew Cristillo, a father of three who tragically lost his life after being struck by a driver with a history of dangerous and stunt driving offences. This legislation is designed to address the pressing issue of dangerous driving and high-risk repeat offenders on Ontario's roadways. Far from being a hypothetical concern, this is a real and escalating public safety threat that affects communities right across the province.

Every day, our members encounter individuals who pose an imminent risk on our roadways but who cannot be managed effectively under current thresholds and authorities. Serious dangerous driving offences are frequently committed by individuals who are undeterred by current laws and who pose the highest risk to public safety.

A key feature of these amendments is the roadside administrative 90-day driver's licence suspension and seven-day vehicle impoundment for drivers accused of dangerous driving offences. This approach is legally justified and has been upheld by the Supreme Court of Canada, especially where delay would jeopardize public safety.

It's important to emphasize that these amendments are administrative and preventive, not punitive. Licence suspensions and vehicle impoundments are temporary, subject to appeal, and designed to immediately protect the public. These amendments allow officers to act in the moment, where they believe on reasonable and probable grounds that a dangerous driving offence has occurred and where there is an immediate threat to public safety. This is consistent with established policing thresholds used every day under the Criminal Code of Canada and the Highway Traffic Act. Our members are well-trained in these standards, and their decisions remain subject to appeal, judicial review and charter examination.

We also recognize and support the provisions targeting commercial vehicle operators, including increased fines and mandatory suspensions for distracted driving offences. Given the size and potential harm associated with commercial vehicles, it is appropriate that higher standards and stronger consequences apply. These enhanced penalties are both reasonable and necessary.

The changes in schedule 5 are about protecting the public from dangerous driving behaviour that continues to put lives at risk across Ontario. At its core, these changes are a clear and necessary principle. Dangerous driving must carry meaningful, immediate and proportionate consequences. From a front-line and from a public safety perspective, these amendments provide immediate tools that will help prevent harm before it occurs—not just respond after tragedy strikes. Driving is a privilege, not an absolute right, and the law must allow for timely intervention to save lives.

Chair, before concluding my remarks, I would be remiss if I also did not draw the committee's attention to another important related matter: schedule 3, the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund Act. The Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund was established to honour the sacrifice made by Ontario's public safety officers killed in the line of duty. This fund provides critical financial assistance to their widow and children for post-secondary education, covering up to five years of tuition, books, living expenses, and accommodation costs. However, while the scholarship rightly acknowledges the ultimate sacrifice made by members killed in the line of duty, it unfortunately excludes the families of officers who die by suicide. This is despite overwhelming evidence that many such deaths are directly linked to occupational trauma and cumulative mental health injuries sustained through service.

Our recommendation has been clear: The government of Ontario should amend the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund to support the widows and children of officers who have died by suicide, where credible evidence indicates that the death resulted from duty-related occupational stress or trauma.

The Chair (Mr. Lorne Coe): You have one minute left.

Mr. Mark Baxter: Thank you.

This gap can be addressed through the amendments to schedule 3 and would bring Ontario's support in line with our evolving understanding of mental health in policing and ensure that no family is left behind due to the nature of their loved one's sacrifice.

In closing, the Police Association of Ontario supports Bill 75, Keeping Criminals Behind Bars Act. Together, these amendments are about preventing tragedy, protecting the public and our members, and demonstrating Ontario's commitment to those who keep our communities safe.

Thank you all for your attention and for your commitment to public safety across Ontario.

The Chair (Mr. Lorne Coe): Thank you, Mr. Baxter, for your presentation.

Members of the committee, our next presenters are from the Ontario Crown Attorneys' Association, and they're joining us virtually.

Please identify yourself for the Hansard record, as well as your colleague, and then begin your presentation. You'll have seven minutes.

Ms. Lesley Pasquino: My name is Lesley Pasquino. I'm the president of the Ontario Crown Attorneys' Association, and I'm here with the vice-president, collective bargaining, of the Ontario Crown Attorneys' Association, Ian Bulmer. I will be delivering our presentation in relation to the Bail Act amendments, and Mr. Bulmer and I will each be responding to questions.

The Chair (Mr. Lorne Coe): Thank you. Please begin.

Ms. Lesley Pasquino: Good afternoon, Mr. Chair, and members of the committee. As mentioned, I appear before the committee as president of the OCAA. I'm here with Mr. Bulmer, and we'll address you in relation to the Bail Act amendments.

First, a little about the OCAA: We are the professional association and certified bargaining agent for approximately 1,300 crown prosecutors across Ontario. Our members prosecute Criminal Code offences in every region of the province, including large urban centres, rural communities, and northern and remote jurisdictions—that's about 54 courthouses across the province.

Crown attorneys appear daily in bail courts, conduct bail reviews, respond to alleged breaches, and take bail positions that engage public safety, the proper administration of justice and the constitutionally protected liberty interests of accused persons. Crown attorneys exercise independent, quasi-judicial decision-making authority on every criminal charge that enters Ontario's criminal justice system. That authority is exercised impartially and independently in accordance with the Criminal Code, other statutes, case law and the Charter of Rights and Freedoms. Bail positions are legal determinations made on case-by-case bases, considering all relevant factors. The OCAA submissions on Bill 75 are informed by this independent quasi-judicial role undertaken daily by Ontario's crown prosecutors and, from there, front-line experience with how bail law operates in practice. And I can add that Mr. Bulmer and I, before coming to the OCAA, have approximately 50 years of crown attorney experience between us.

An overview of the bail amendments and the issues it raises: Schedule 2 of Bill 75 introduces a new section, section 8.0.1, into Ontario's Bail Act; the title of that is "Security deposit." The provision is intended to enhance provincial mechanisms for the administration and enforcement of financial obligations associated with release orders under section 515 of the Criminal Code, which is the federal statute.

The OCAA recognizes and supports the aim of enhancing public safety. Similarly, the OCAA supports the objective of enforcing financial obligations where they have been lawfully imposed by a justice, or where payment becomes owing following a breach and forfeiture. Likewise, the OCAA supports efforts to strengthen statutory mechanisms for enforcing financial obligations in bail orders once those obligations become actionable, provided such enforcement is consistent with constitutional principles.

Our central concern arises from the interaction between section 8.0.1 and the current structure and function of section 515 of the Criminal Code, the federal statute. As drafted, section 8.0.1 creates an ambiguity that risks decoupling the financial obligations from the judicial bail determination under the Criminal Code, particularly in relation to deposits of money. That ambiguity raises important structural and constitutional concerns.

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A brief statement of the ladder principle: That principle provides that release is ordered on the most unrestrictive form and only moves up the ladder if the crown has established that it's necessary. That order moves from a release with no financial obligations, under section 515(2)(a) of the Criminal Code, to a release with financial obligations, then up to a release with sureties, and then only then if the crown has established it's necessary, to a release with cash deposits, with or without a promise to pay. So a cash deposit is at the top of the ladder.

Section 8.0.1 reads as requiring a payment whenever a promise to pay exists, including cases where a justice has ordered a release under section 515(2)(b) and the justice deliberately declined to impose a deposit after applying the ladder principle.

The Chair (Mr. Lorne Coe): Excuse me. You have one minute left in your presentation.

Ms. Lesley Pasquino: A failure to pay wouldn't invalidate the Criminal Code release order, but the accused would remain legally entitled to a release. However, that nonpayment could impose a financial penalty of a fine up to $5,000.

So when it comes to principles of access to justice, we have another concern in that persons from lower-income backgrounds; persons from northern or rural communities; Indigenous and racialized accused; persons who are gender-diverse, living with mental health issues, experiencing homelessness; or caregivers or family members whose detention, however brief, could cause lasting consequences—those people who don't readily have cash may be denied the opportunity to get the least restrictive form of release available to them because of this two-tier system—

The Chair (Mr. Lorne Coe): Thank you very much for your presentation. That concludes your time.

Thank you to the other presenters as well.

We're now going to move to questions, starting with the official opposition. I'll let you know when you have one minute left in your questions. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you to all our guests this afternoon who have come to express in favour of, or even some concerns on, this bill that we're seeing—and we're hearing from the general public, those concerns.

Ms. Bowman, I want to thank you for your strength that you continue to show throughout your community in representing your father. Your dad I knew very well, and he'd be very proud of you right now. You worked very hard on getting the bill passed, through MPP Burch and through this House. Working together, all sides of this Legislature, we did accomplish something, and I mean that that is something you should be very proud of, that you worked hard on.

I also want to say that the Joe MacDonald fund—I will be supporting that part of this bill, but I don't think it's enough. I think we have to put more teeth into it. We have to make sure that children of members who protect our great public—we know that the people who are in the line of duty—it's a dangerous job. However, we have to make sure that people who die of suicide and the children who are left, for their legacy to continue, must be put in the bill. I will look forward to seeing those amendments.

I do want to get further down into where the crown has spoken to us—the Ontario Crown Attorneys' Association—where you spoke from the crown prosecutors' perspective.

Will the changes proposed in Bill 75 make it easier or more difficult to manage bail hearings efficiently in an already backlogged court system?

Ms. Lesley Pasquino: Our concern is that these proposed amendments could be subject to charter challenges and therefore add a whole other dimension to bail hearings and increase the strain on resources in the courts. That's one of our big concerns with this proposal.

Another concern with this proposal is that jurists, the justices, may decide not to impose releases with a promise to pay if they know it's going to trigger the provision under 8.0.1 of Ontario's Bail Act. So it may end up actually achieving a result which is opposite to the result that is being sought here, which is enhanced public safety.

Those are the two main concerns of the Ontario Crown Attorneys' Association.

Mrs. Jennifer (Jennie) Stevens: You actually answered my sub-question to you, so thank you for being so clear on that.

Just another question: Do you have concerns that certain aspects of this bill may create more administrative burden for the crown attorneys without improving the public safety outcomes? That's a chief concern that we're seeing and hearing from the general public. Can you elaborate on that?

Ms. Lesley Pasquino: Whenever there's another layer that's introduced into the bail system, then that is going to raise more issues for our crown prosecutors to deal with.

What we're also concerned about is the confusion that this may cause at the jails—whether somebody can be released or not. If there's a release order from the court pursuant to section 515 but then there's a new section under the Bail Act which requires a cash deposit, it's not clear right now how that is actually going to be regulated and administered. We can understand that if somebody has been ordered released by the justice on the bench but then at the jail level they're still being detained—my crowns are going to get those calls from defence counsel very quickly, to say, "My client who was supposed to have been released hasn't been released, and I need the crown to step in." The devil is in the details, as we often say, and it's really how this is all going to play out—when you've got two different levels of administration, for what is a release order that has been ordered pursuant to 515 in the courtroom by the justice on the bench.

Mrs. Jennifer (Jennie) Stevens: Thanks for clarifying that too.

I want—

The Chair (Mr. Lorne Coe): You have one minute.

Mrs. Jennifer (Jennie) Stevens: Thank you, Chair.

I want to go back to Mr. Baxter. Thank you for coming this afternoon.

Thanks for coming as well, Andrea. I missed lunch.

We know that being in the line of duty is a dangerous job, as I've stated already, and one that I greatly respect. I greatly respect the firefighters and our officers; all of us do.

Due to major concerns of PTSD, we also know that suicide is unfortunate and a consequence of untreated PTSD and other mental health concerns.

I'm just wondering, do you have data on how many officers we have lost due to suicide each year, approximately? And therefore, how many families will be left and are left without their loved ones? How is it related to the income that families so desperately rely on?

Mr. Mark Baxter: Thanks for the question.

Mrs. Jennifer (Jennie) Stevens: It's kind of all over the map.

Mr. Mark Baxter: I don't have the stats in front of me of how many members are dying by suicide a year. I can tell you that we have created the Ontario Police Suicide Memorial. This June will be our third memorial. Last year, there were 56 names of officers who have died by suicide.

Certainly, I think we all remember 2018, when nine police officers died by suicide, which resulted in a big coroner's report—

The Chair (Mr. Lorne Coe): Thank you for that response, Mr. Baxter.

We need to now move on to the third party. MPP McCrimmon.

Mrs. Karen McCrimmon: I too would like to thank all of you for being here.

I think we all understand the kind of work that you and your father have done to keep our community safe, and we really appreciate it.

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I'm glad to see us actually discussing this scholarship fund. We'll start there. If the minister is going to get some additional powers by virtue of this bill—so tell me: If you

could talk to the minister and ask him for whatever changes you want to see, what would you tell him?

Ms. Lexi Bowman: I actually have spoken to the minister and asked him for certain changes. The changes to this that I raised to him last year when I was here—I brought up that when I started my graduate school in September, I would no longer be covered under the scholarship. Although I had always planned on doing my master's whether or not my dad was here, now that he has died in the line of duty, it has become more difficult for me to do so.

I also mentioned to him my friend Ally and her father's story, and that they are unfortunately left without accessibility of the scholarship.

In talking to him, he discussed with me what changes would be brought up in this bill. It would include making the eligibility criteria less strict—you need to meet this, this, this and this, and not have a bachelor's degree, and all of those sorts of things—and instead make it a little bit more general, with an actual person sitting down and reading a student's application, saying, "They're going to do a graduate degree," or, "Their parent died by suicide, and it was clearly caused by their job," and that making that student eligible.

Mrs. Karen McCrimmon: And he was listening?

Ms. Lexi Bowman: Absolutely.

Mrs. Karen McCrimmon: Good. That makes me happy. That's exactly what we need to do. And you're going to know, more than anybody else sitting around here, your experience matters. That's why committee meetings and things like this are so important, when we hear from people with lived experience.

We'll talk about PTSD now. I think there are a lot of police officers and firefighters and paramedics who deal with PTSD. It ends up being part of their life.

When you think about the life that your dad led, did he talk about the struggles that he had with how difficult his job was and how he made it through every day?

Ms. Lexi Bowman: Absolutely. I can speak to the firefighter side of things more than the police side.

Most firefighters, I think, have the calls that stick with them years later. I know my dad had quite a few from 20 years ago, when he started his career, that he had told me stuck with him. I know many firefighters have nightmares of the calls that replay in their mind. I think it's very important that they take care of their mental health.

A big part of the thing with firefighters I see is that there's a huge camaraderie in all first responders. There's brotherhood and sisterhood, and they all kind of get each other through things. That's what I see, and I think that community is a huge support for these men and women.

Mrs. Karen McCrimmon: That's awesome. Thank you. And thank you for being there for your dad. Probably there were times when there were struggles and you were there for him. I think it matters. I was military for 31 years, and it's not only the member who puts the uniform on—it's the same for the fire service and the police service—but the whole family does. I know it's not easy. I just wanted to acknowledge that and to say thank you.

I'm going to move on to Mr. Parkin now, about questions and talking about PTSD, and then I'm coming to you next.

Because of my history in the military, I knew that in the military, for a long time, we pretended PTSD didn't exist. I was pleased to see the military finally get there. I suspect it was much the same with our community safety professionals. Are we taking it seriously now? Do we have a plan to actually help firefighters and police officers deal with PTSD?

Mr. Jeremy Parkin: A lot of work has been done to destigmatize it—to say that it's not part of the job. No matter what we do, whether it's fire, EMS, police, military, there's always the risk—and this is what I say to recruits—that you'll carry the dead with you after the call, and that's hard. But understanding that it's not an acceptable part of the job; that, as we say, it's okay to not be okay, to seek services, to seek help—that's kind of how we push forward.

So we're better now than we were 10 years ago, 20 years ago, but there's still a lot of work to be done.

The Chair (Mr. Lorne Coe): MPP McCrimmon, you have one minute left in your questions and answers.

Mrs. Karen McCrimmon: Mr. Baxter?

Mr. Mark Baxter: I would agree with the fire chief. I think we've come a long way. We've done a lot of work, but we still have a lot of work to do.

We know that a police officer is going to be exposed to 800 to 1,000 traumatic incidents during the course of their career. That's a heavy burden to carry with them.

I think that we continue to do work to talk about stigma and talk about reducing stigma and encouraging people to get help. But there are lots of things that can still be done to reduce stigma so that we can make sure that our people are healthy, make sure that they have got healthy families.

As our colleague over there talked about, this has a toll and takes an impact on the families as well. So we want to make sure that families also receive the supports that they need, and that police officers and first responders are getting the supports that they need.

I saw recent—

The Chair (Mr. Lorne Coe): Thank you, Mr. Baxter, for that response.

We're now going to move to the government. Stéphane Sarrazin.

Mr. Stéphane Sarrazin: I would like to first thank you all for being here, and I have to say thank you for your service as first responders. You're the ones who actually protect all of us Ontarians. I used to be a mayor prior to being an MPP, and I'm familiar with the fire department and I also have sat on the police board, and I can surely understand. I would like to thank you for the involvement and consultation with Bill 75.

I have to say on top of that, my daughter just started as a paramedic in Prescott–Russell a year ago, so I can surely understand all that.

Thank you, Lexi, for being here—and I'm actually going in that direction, on that Joe MacDonald scholarship fund. I couldn't help thinking about, in my riding, when

Sergeant Mueller was killed on duty. Me and the Solicitor General, a couple of days after the incident, visited his wife and his family. They had really young kids, newborn kids. Of course, there's no way we can ever compensate for the loss of the people who have been protecting us, but to see that there's actually a program like this that could possibly help these families is great. Of course, you've talked about it and you gave us pretty much all the details, but if you can elaborate on why you think we should broaden the access and—it was fun to hear about these discussions you had with the Solicitor General. And I know Michael was probably really happy to see—and he's someone who's really passionate about all this.

Maybe you can elaborate on what else you'd like to discuss about this scholarship fund.

Ms. Lexi Bowman: This scholarship fund isn't necessarily compensation for a line-of-duty death.

I think what it comes down to is that a lot of our parents had planned on helping us with school, and when our parent died in the line of duty, that doesn't happen. So I think that this is a way that the government can ensure that—our families have sacrificed so much. I've sacrificed my dad. I was 19 years old when my dad died. I sacrificed my future with him. He sacrificed his future. He was 47 years old. I think that this scholarship can ensure that I don't have to sacrifice further in the ability to access my education, and by extending it to graduate studies, it ensures that it doesn't cause me to sacrifice the continued education—it doesn't limit me to the bachelor's degree; it ensures that I'm supported. And it tells our fallen firefighters and our fallen police officers that the government acknowledges the sacrifice that they made and is prepared to take care of their children and ensure that their children's future is still secured.

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The Chair (Mr. Lorne Coe): MPP Allsopp.

Mr. Tyler Allsopp: As has been expressed already—I think it goes without saying but merits saying again—thank you all for the incredible service that you do on behalf of the people of Ontario and the incredible risk that you often take in doing so. It is not lost on any member of this committee, and we certainly appreciate it.

My question today is for Chief Parkin of the Ontario Association of Fire Chiefs. It relates to the fire code and the enforceability of it.

I was wondering if you or your members have experienced any challenges as it relates to compliance and enforcement of the fire code prior to 2026.

Mr. Jeremy Parkin: Yes. Prior to 2026, the fire code and the depth of it—everything from small infractions, smoke alarms, to how hazards are stored—the process to it was lengthy. It involved charges going through the court system, having the staff available within your own municipality to sort of see that through, and the costs that those would incur.

The intent of a fire code is to ensure compliance, to ensure safety. So when you're unable to afford or support the enforcement of safety, that compliance starts to slip a little—or even the length of time it would take. Not everybody is out to screw up the fire code—sometimes it's education, and we get through that—but sometimes there is. Sometimes there are people who sort of find a way around it, and then that increases the risk to people who don't know that they're at risk.

So the delays in prosecution, the delays in getting it through, the costs involved—sometimes we would hear stories about, they seem like minor infractions in the $1,000 to $2,000 range, but the costs the municipality would bear were more than that.

There was a cost to compliance, I will say, before 2026. But now the costs are much more manageable. Our route to compliance is much straighter. That ultimately means a safer Ontario.

The Chair (Mr. Lorne Coe): The government has one minute remaining in your questions. MPP Darouze.

MPP George Darouze: Chair, through you: Thank you very much, all of you, for being here. I also want to echo my colleague in the appreciation we have for all of you, the service you do to protect our community.

The administrative monetary penalty was introduced as a regulatory item in Bill 75 and related initiatives to improve public safety in Ontario.

Could you please explain to the committee what the administrative monetary penalties are? And did they help fire inspectors deal with compliance issues?

The Chair (Mr. Lorne Coe): You have 14 seconds.

Mr. Jeremy Parkin: Okay.

I described the AMPs in my presentation. And the answer: Yes, they do help. They help greatly.

The Chair (Mr. Lorne Coe): We'll now go to the official opposition. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Again, thank you for all your service, for what you do. You put your lives on the line of duty, and I commend you for that and staying safe. The cost of compliance is also a life that could be gone like that, right—if we don't comply with the law. I commend you for bringing that forward.

I just want to remind the public here, again, about the CO law that was just brought in with fire prevention and how they should be educated on how important that is. It's a new law.

The Joe MacDonald—I just want to ask you quick and easy, so I can pass it over to my colleague. I want to ask each and every one of you; just give me a head nod or just yes. Let me be clear, and let's be clear. Are you in support of making sure that we include the amendment to extend the fund—to put teeth into it—for people who have death by suicide? Yes? Yes, yes, yes—three.

Mr. Mark Baxter: One thing I will say, as well: As part of our advocacy day in November, one of our priorities is ensuring that it's included as well. So we're very supportive of that.

Mrs. Jennifer (Jennie) Stevens: Before this bill goes forward, I hope that we can get that amendment in then.

I pass it over to the Chair.

The Chair (Mr. Lorne Coe): MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you very much, Chair. Can you just confirm how much time is on the clock?

The Chair (Mr. Lorne Coe): You have five minutes.

MPP Kristyn Wong-Tam: Okay. I will begin by extending my thanks to those who are here and presenting. I recognize that you've gotten a lot of attention from all the members in the committee. I don't want our friends the crown attorneys to feel left out, because I know that you've also had presentations.

I'm going to start by directing some questions to the Ontario Crown Attorneys' Association. Can you inform the committee whether or not the Ministry of the Solicitor General consulted your association before the drafting of this Bill 75?

Mr. Ian Bulmer: No, they did not.

MPP Kristyn Wong-Tam: The concerns that Ms. Pasquino raised are fairly serious. I recognize that there is room for improvement in all aspects of the judicial system, especially with respect to how bail court is administered and resourced. But you, on several occasions, cited in your remarks the constitutionality of schedule 2. So I'm just wanting to ask you to unpack that further, especially when it comes to judicial independence on how bail is to be granted or denied and if the ladder principle is removed for those who are working on the justice side—crowns as well as the judges. If you no longer have those options—there are three or four rungs, and now you're down to one rung—what does that do for the impact of constitutionality?

Mr. Ian Bulmer: I don't have enough time to opine on the complete constitutionality regime. All I would just point out—and it's not going to be a direct answer, I'm sorry—is that the amendments to the Bail Act, as proposed, would not invalidate any release order that a justice issued. The person, in theory, would still be able to, and has to, be released pursuant to that order. What it creates is effectively an offence—at least as drafted—for not complying with the payment terms that are then prescribed by a regulation for that promise to appear. So, in theory, what would happen is that you'd have the person released with a promise to pay, and then if they couldn't pay—if they're indigent or otherwise couldn't pay—then you would have, effectively, a lineup of—and the question was posed earlier about the backup in the court system. You'd have a whole bunch of provincial offences, in theory, that would have to then be litigated. That's how it would shake out.

MPP Kristyn Wong-Tam: Because the courts are already backlogged in the way that they are, whether it's criminal, family, mental health, drug court, as well as civil, if we are not able to deal with cases in an expedited manner, especially as it runs up against Jordan's Principle, what happens to the overstretched resources of the courts and, in particular, the crowns then?

Mr. Ian Bulmer: Well, they would obviously have to be extended. They have to be resourced in order to deal with that extra capacity requirement, or they would just be extended more, causing more stress on the system. You alluded to one of the biggest measures, which is the Jordan delay—how quickly cases move through—which is the ceiling for different levels of court. So they would be stretched thinner than they already are.

The Chair (Mr. Lorne Coe): You have one minute left.

MPP Kristyn Wong-Tam: Currently, Bill 75 does not extend more resources to bail court. There aren't going to be more resources for bail supervision or to hire more crown attorneys to ensure that you have the proper time allocation and resources to assess risks. Essentially, the system is overstrained and underfunded currently.

Is Bill 75 going to help you with your under-resourcing and keeping the community safe, or is it more work without necessarily giving you clarity and a pathway to doing the work well?

Mr. Ian Bulmer: I don't see any extension of resources to the crown attorneys—our members—which would improve their ability to spend more time reviewing cases. I don't see that in the bill.

The Chair (Mr. Lorne Coe): We're now going to move forward with the third party. MPP McCrimmon.

Mrs. Karen McCrimmon: I too am going to pivot towards the OCAA right now. Thank you very much for being here. We know how valuable your time is, and we're very appreciative that you made the effort to come here.

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It's a little distressing when I hear that the government did not reach out to OCAA to actually get advice when doing this—and that's probably not uncommon, from my experience.

I just want to create the picture; you know what it is already. We're going to talk about a court that's under-resourced and understaffed and stressed and backlogged and leading to some unfortunate circumstances like losing criminals, losing inmates and having to release people who maybe shouldn't be released.

If you could give one piece of advice to this government on how they could actually work with the system—I know the federal government is doing work on bail—but how you could actually improve the system, from a provincial point of view.

Ms. Lesley Pasquino: You won't be surprised to hear me say this: It comes down to resources. When a bail court has a docket with 30 cases on it—and these are all accused who are legally innocent at this point. So you have 30 people in custody, and in order for the crown attorneys, who have just received the material from the police—because an accused has to be brought before a justice, a JP, within 24 hours of their arrest. So there is a very short timeline for the crowns to read the cases, mine the data from the system, to find out whether people have outstanding charges, what those charges relate to and then prepare a package, prepare the material for defence counsel and the justice. If you've got cases lined up, not all of them are going to get reached. Our big concerns are people who spend more time in custody than they need to, but also cases that don't get reached, which may result in charges getting stayed because somebody's constitutional rights have been breached.

Bail is a matter of concern. We understand the concern—crown attorneys, we do what we do for the public's safety—but no legislation is going to succeed in this area unless it's supported by adequate resources.

And if I could get one message across, it would be that you can pass legislation, you can make amendments, but you need the resources—and that's court staff, crown

prosecutors, courtrooms, buildings, technology. It all needs to be updated. It all needs to be properly resourced.

Mrs. Karen McCrimmon: I was also interested to hear you speak about the potential for maybe not meeting these bail terms—to actually create more provincial offences and therefore more demand on the court system. Could you tell me a little bit more about that?

Ms. Lesley Pasquino: As Mr. Bulmer said, the proposed amendment would be a provincial offence—so if somebody is unable to pay the amount that they've been ordered to pay under the proposed regulation, then they may have up to a $5,000 fine imposed on them. That would be a provincial offence, and then that would be litigated in the Ontario Court of Justice, under the Provincial Offences Act. So it could result in more litigation in the courts.

Also, if people don't have the money to pay, that may have been the reason why the justice who was sitting on the bench when the bail hearing was heard declined to impose a deposit. But then this regulation would—despite the fact that the justice had decided not to impose a deposit, then imposes a deposit. And there may be a good reason why the justice didn't do that—because the person is impecunious and they cannot pay—but then that will trigger this $5,000 fine, and if somebody can't pay, that will ultimately lead to a hearing, under the Provincial Offences Act. Again, that would have to be in one of our Ontario courts that could otherwise be hearing, I don't know, a homicide or a sex assault. It all places weight on a system already bending under the strain.

The Chair (Mr. Lorne Coe): You have a minute, MPP McCrimmon.

Mrs. Karen McCrimmon: I'm good, Chair.

The Chair (Mr. Lorne Coe): Thank you.

We'll now go to the government for questions. MPP Gualtieri.

MPP Silvia Gualtieri: I'd like to proceed with the Police Association of Ontario. Thank you, Mark, for being here. You know how much we believe in your service and how much we believe in our government and being sure that our government always has your back continuously. We badged so many officers the other night. It was wonderful to see all those brand new officers, and they were so happy to be there, ready to serve. So thank you for your leadership. Police officers often must deal with dangerous criminals. We thank your organization and your members for keeping this province safe.

My question is, what challenges regarding repeat offenders have you encountered? Could you explain if the current justice system needs to change to target these challenges, and why do you think it's a priority?

Mr. Mark Baxter: Thanks so much for the question.

The biggest challenge that we continue to see with repeat and violent offenders is the revolving door of the justice system. They are arrested one day, out on bail the next, committing offences again and continuing to victimize our communities.

I was just thinking during the last question—the first time I came to this committee to speak about bail was in early 2023. It was about a month after Constable Greg Pierzchala from the OPP had been tragically killed by someone who was on bail, who got a gun and shot and killed him in the line of duty. Shortly after that, every Premier in this country wrote to the federal government and said, "We need changes to bail." And then we came here. I came here with the president of the Ontario Provincial Police Association, John Cerasuolo, and we talked about the need, yes, for federal bail reform. Certainly, we were going to press our federal government to make changes. Some of those changes have been made. But we talked about things that the province can do as well. One of the things that we were very clear about was bail and how money is collected.

The Supreme Court of Canada has said that—and I'm sort of paraphrasing—a surety making a promise to pay carries the same weight as if payment was actually made. What I have continued to say, what we have continued to say, quite honestly, is that that's nonsense. What Ontarians are saying, and what we are seeing from recent polling that we have been doing, is that people don't feel safe in their communities. People overwhelmingly think that cash bail is something that needs to happen to ensure that offenders are held accountable. Obviously, that type of a change needs to be made by the federal government. But the changes in Bill 75 to hold sureties accountable are a really great step and something that is meaningful that the province can do.

We have to hold sureties accountable. A surety stands in front of a justice of the peace or stands in front of a judge and says, "I promise to ensure that the person you're going to release is going to abide by these conditions; if they don't, I pledge a certain amount of money." We need to hold them accountable when they breach those conditions. We need to hold those sureties accountable for the money that they promised the court that they would pay.

As I said in 2023 and as I say again now, I am still not aware, in my 20-plus years of policing and speaking to lots of colleagues throughout the province, of any circumstance in this province where a surety has been made to pay.

So I think what we're seeing here is a meaningful step by the government to hold sureties accountable.

The Chair (Mr. Lorne Coe): MPP Ciriello.

MPP Monica Ciriello: My question is going to be to Mark as well. I really appreciate you being here today and your opening remarks. I think it goes a long way to show collaboration between the government and police right across this province.

Quick question—it might end up in a yes or no, but I'm also open to you elaborating too. You know that the government intends to establish a new user fee for GPS monitoring as determined by the courts, as a condition of bail or release, with the funds potentially used to offset program costs or support victim services—so, going back in. Do you agree that this change will increase public confidence in Ontario's justice system?

Mr. Mark Baxter: I do. I think that the ankle monitoring program is something that's underutilized for a variety of reasons. I think this is a meaningful step to ensure that offenders who are being released and being given house arrest—there are lots of reasons why we might want to give someone house arrest.

I know the government is working to build capacity within our jails, but certainly, it's no secret that our jails are overcrowded. So we've got an opportunity, while the government is building capacity, to have people stay at home with an ankle monitoring program. I think it's underutilized.

I think the changes that are being recommended seem to really make sense and will have an impact on public safety.

1400

The Chair (Mr. Lorne Coe): The government has one minute, 12 seconds left. MPP Darouze.

MPP George Darouze: Chair, through you: I'll make a very quick question to Mark.

As you know, our OPS had a challenging time with Constable Robert Cleroux last month.

I want to go right to the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund. I want to talk a little bit about it. From the scholarship grant under the act, with the PAO's perspective—which is your association—do you have any thoughts about the potential expansion of eligibility criteria under that program? Will it be able to help some of those individuals?

Mr. Mark Baxter: Certainly. We support the changes that have been talked about today that you've brought forward in terms of expanding to include survivors whose parent has been a first responder who died by suicide—expanding the program eligibility beyond just one undergraduate diploma.

What I will tell you as well is that Constable Joe MacDonald's widow, Nancy MacDonald, is a great woman who is the president of SOLE, which is the Survivors of Law Enforcement. She and I have talked about these amendments at length. She's very happy to see that proposed changes are being made and that her husband's legacy continues to live on from his tragic murder in Sudbury in the mid-1990s.

The Chair (Mr. Lorne Coe): That concludes the time allocated for our first group of presenters, and the questions as well.

Thank you so much for taking time to be here with us today and make your presentations, but also to take the questions as well. Have a good afternoon.

LONDON POLICE SERVICE

COUNTY OF CARLETON LAW ASSOCIATION

CRIMINAL LAWYERS' ASSOCIATION

The Chair (Mr. Lorne Coe): Members of committee, we're going to move to our next set of presenters. We have representatives from the London Police Service, the County of Carleton Law Association, and the Criminal Lawyers' Association. The latter two—the County of Carleton Law Association and the Criminal Lawyers' Association—will be joining us virtually.

Welcome, Chief.

Mr. Thai Truong: Good afternoon, Chair.

The Chair (Mr. Lorne Coe): Well, you had a long travel here to join us here in Toronto. Thank you very much.

Hansard is our recording service here at Queen's Park. We'll take your full name and rank, please.

Mr. Thai Truong: Thai Truong, chief of police.

The Chair (Mr. Lorne Coe): Thank you very much, Chief.

You'll have seven minutes for your presentation. That will be followed by questions from the official opposition, the third party, and the government.

Thank you again for being with us. You can begin your presentation.

Mr. Thai Truong: Chair and members of the committee, thank you for the opportunity to appear before you today. My name is Thai Truong, and I serve as the chief of police for London Police Service.

I'm here in support of Bill 75. My comments today are grounded in operational policing and public safety. They are based on the realities our police services and our communities face every day. From my perspective as chief, Bill 75 is a practical public safety bill. It does not solve every challenge facing policing or the justice system, and I do not suggest that it does. But it does provide meaningful tools within provincial jurisdiction to strengthen accountability, improve community safety, and better support public safety personnel and their families.

One of the most important aspects of this bill, from a policing perspective, is the dangerous driving component. Dangerous driving creates immediate risk. When police encounter conduct that places the public at serious risk, time matters. Criminal proceedings are important, but they can take time. Bill 75 would provide an immediate administrative tool, including roadside licence suspension and vehicle impoundment, where the legal threshold is met. That matters because it allows real-time action to reduce risk now, while the criminal process continues separately. In practical terms, it gives police and the province another tool to intervene before tragedy occurs, not simply respond after it does.

I also support the bill's efforts to strengthen accountability in relation to bail. It is important to be clear that police do not decide who is granted bail; courts do this. This bill does not change that. What it does is strengthen Ontario's ability to enforce and collect financial consequences where a court has already imposed them. From an operational standpoint, that does matter. When conditions are ordered, they should be meaningful, enforceable, and capable of supporting compliance and accountability.

In policing, a relatively small number of repeat and high-risk offenders can generate disproportionate harm in the community and repeated contact with police through breaches of release conditions. That is not an abstract issue for our front-line officers. It affects public safety, victim confidence and officer workload. Strengthening enforceability within Ontario's jurisdiction is a reasonable and practical step.

I also support the provisions concerning law enforcement animals. Police service animals are operational part-

ners. They help officers locate missing persons, track suspects, and respond to dangerous situations. A deliberate attack on an animal working with peace officers is a serious attack on a public safety function, and stronger penalties are appropriate.

I also want to address the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund. I strongly support enshrining this fund into legislation. It matters that Ontario is recognizing, in statute, the sacrifices made by public safety personnel and the ongoing needs of the families they leave behind.

With respect, I would encourage the committee and government to consider one additional clarification as this bill proceeds. As drafted, the scholarship provisions do not expressly name civilian police professionals such as dispatchers, call-takers, and communicators, even though they perform critical public safety functions every day. The bill also does not expressly state that the scholarship framework includes deaths by suicide connected to service, although it does allow flexibility through prescribed circumstances and regulation. In my respectful view, there is value in making that inclusion clearer.

Our communicators are often the first first responders. They answer crisis. They guide emergency response. They support both public and front-line members through some of the most difficult and challenging moments people will ever experience. They are an essential part of public safety.

We also know that service can take a profound toll over time. If the intent of this legislation is to broaden support for families of fallen public safety personnel, I would respectfully ask that consideration be given to include civilian police professionals performing critical emergency response functions, and to ensure that deaths by suicide connected to service are captured within this scholarship framework, whether in the legislation itself or through clear regulation.

Overall, I support Bill 75 because it is practical, it strengthens accountability, and it provides useful tools to enhance public safety. It is not the entire answer to every challenge we face, but it is a meaningful step, and with that additional clarification, I believe it would be even stronger.

Thank you for your time, and I welcome any questions.

The Chair (Mr. Lorne Coe): Thank you, Chief.

We're joined by the County of Carleton Law Association and Kimberly Hyslop, who is a board trustee.

Kimberly, you have seven minutes to make your presentation, which will then be followed by questions from the opposition, the third party, and the members of the government. Please begin.

1410

Ms. Kimberly Hyslop: Thank you for allowing me to speak on behalf of the County of Carleton Law Association, the second-largest county law association in Ontario, with over 1,800 members. I also speak from experience, as a criminal defence lawyer for the past 15 years.

I want to start by saying that we all want our communities to be safer. It is why we want criminal law reforms to work and to be effective.

Bill 75, the short title being Keeping Criminals Behind Bars Act, seeks to detain more presumptively innocent individuals in jail. It seeks to keep individuals not convicted of their charges in places that Ontario judges have called inhumane. I emphasize that individuals who are seeking bail are presumptively innocent. The short title of this bill calls these individuals criminals; however, they have not been convicted of the crimes with which they are charged. These individuals have a constitutional right to be presumed innocent until proven guilty and the right to reasonable bail under the Charter of Rights and Freedoms.

Bill 75 will discourage sureties from coming forward to assist accused persons with obtaining bail. Sureties would be discouraged from providing this assistance because doing so would require them to provide cash surety deposits in every case where a bond is ordered. Sureties are overwhelmingly law-abiding citizens who want to help their loved ones. It will also require accused persons to pay bonds in cash by way of security deposit when they likely do not have access to funds while in custody or do not have the means to pay immediately.

My comments today focus on the conditions in provincial jails and the impact that these proposed changes will have on those conditions. It is important that all members understand the consequences of making bail more difficult to obtain. The current jail conditions in this province include severe overcrowding, with triple bunking and cramped cells, frequent lockdowns, limited movement and access to fresh air and showers. There is limited family contact, with only short visits behind glass or no visits at all due to lockdowns or transfers to institutions hundreds of kilometres away. These conditions lead to increased violence among inmates and violence against correctional officers.

As an example, at the Ottawa–Carleton Detention Centre in Ottawa, there are inmates awaiting trial who are locked in their 9-by-10-foot cells, three to a cell, for 20 hours per day, in the best-case scenario. If there are any institutional lockdowns, those four hours outside of their cells are compromised or lost completely. These inmates can be in custody awaiting trial for two or three years or even longer.

Judges across this province, for years, have decried these inhumane conditions. The County of Carleton Law Association recently sent correspondence to members of this government and the federal government outlining some of those judicial decisions. The conditions have been described by judges as "unacceptable, shocking, deplorable, harsh, oppressive, degrading, disheartening, appalling, Dickensian, regressive and inexcusable." In one justice's view, "we have reached the point where the inhumane conditions ... go beyond being an unfortunate circumstance and can more properly be described as essentially a form of deliberate state misconduct."

Judges have noted "the Ontario government's steadfast refusal to treat people in accordance with basic minimum standards set by the United Nations over 50 years."

Less than six months ago, a judge of the Ontario Court of Justice commented:

"Despite a multitude of decisions, from every level of court in Ontario, decrying this abuse of vulnerable inmates, absolutely nothing has been done to alleviate this unjustifiable treatment of people at the mercy of the state. It is mind-boggling that a country that prides itself on its purported respect for human rights is turning a blind eye to these documented, undeniable and inexcusable cruelties.

"Instead of addressing these concerns, politicians demand more pretrial incarceration without taking any steps to ameliorate the overcrowding, understaffing and inability to house the current population let alone incarcerate more people. It bears repeating that these are people, human beings not livestock."

The consequences of the proposed reforms to make bail more financially onerous and difficult will be continued in worsening inhumane jail conditions. These conditions will result in judges discounting sentences or in some cases staying charges.

The members are likely aware of the incident at the Maplehurst Correctional Complex that led to the stay of murder charges.

Sentences are being reduced for the time inmates spend in these pretrial custody conditions. When the majority of a person's sentence is served pre-conviction in these conditions, they miss out on the rehabilitation that prison should be offering. It is rehabilitation that makes communities safer. By the time inmates are sentenced, there is insufficient time left in their sentence for meaningful programming to occur, and they are released back into the community often far worse than when they first went in.

We understand the budget has called for funding to increase capacity at current institutions and to build new jails. However, these projects take time and will not solve the current overcrowding crisis, let alone allow for capacity for additional accused persons to be detained.

Provincial jails are, on average, at 130% capacity. The government's plans create about 1,400 spaces within the next few years, but this will not accommodate the approximately 2,000 inmates for whom we do not have space now. It is imperative that these jail conditions are addressed prior to putting more presumptively innocent people in jails.

It has been said that building more jails to deal with crime is like building more cemeteries to treat cancer: By then, it is too late.

The proposed reforms to the Bail Act do not address underlying causes of criminal behaviour. There are none that relate to addiction services, poverty or mental health. There are none that look to the root causes of crime as a means to prevent crime.

Worsening jail conditions increase the risk that individuals found guilty will have decreased sentences and little time for actual rehabilitation to occur.

We submit that the effect of Bill 75 will be directly the opposite of the intent suggested by the name. It will keep presumptively innocent people behind bars while convicted criminals have their sentences reduced or charges stayed completely.

The Chair (Mr. Lorne Coe): You have a minute left in your presentation.

Ms. Kimberly Hyslop: I'm all done.

I wish to thank the committee very much for the opportunity to speak today.

The Chair (Mr. Lorne Coe): Thank you so much.

Our next presenter is, from the Criminal Lawyers' Association, Cassandra Richards, who is the co-chair.

Cassandra, please start your presentation. You have seven minutes.

Ms. Cassandra Richards: Thank you, Mr. Chair, and thank you to the committee. My name is Cassandra Richards. I am a criminal defence lawyer practising in Ottawa, and I'm also the co-chair of the Criminal Lawyers' Association, or the CLA, legislation committee.

Thank you to the Standing Committee on Justice Policy for inviting the CLA to speak to you today on this important bill. The CLA represents over 2,000 members who work in the criminal justice system every day, including in busy bail courts across Ontario.

We have two submissions to make today, and they relate solely to the proposed cash bail provision. First, the proposed cash bail provision is unconstitutional. It intrudes on the federal government's exclusive jurisdiction over criminal law. Second, the amendments are unnecessary. Justices of the peace already have the tools they need to impose cash bail when appropriate, and there are other ways to enforce compliance.

Turning to our first point: The CLA believes this bill crosses into federal jurisdiction by effectively requiring accused persons and sureties to provide cash up front. Right now, when someone appears for a bail hearing, the justice of the peace decides whether they must deposit money or simply promise to pay a certain amount if they breach their conditions. This framework is set out in section 515 of the Criminal Code. More specifically, cash bails are already available under section 515(2)(d) of the Criminal Code if they are reasonable and necessary in the circumstances of the case before the justice of the peace. This bill changes that. Even if a justice of the peace does not believe that a cash bail deposit is required to keep our communities safe, this provision will override that. It will require the accused or surety to deposit cash or face a provincial offence. This creates a clear constitutional problem.

Provinces are responsible for administering criminal law, but they cannot change its substance or procedure; that is the federal government's role. Only the federal government has authority to decide how courts determine whether someone is released on bail and under what conditions. This bill goes beyond administration; it effectively sets new conditions for bail. This proposed provision conflicts with numerous sections of the Criminal Code, including section 515(2.02), which expressly favours a promise to pay over cash bail.

1420

The Supreme Court of Canada, in the case of Antic, recognized that a promise to pay can have the same coercive effect as requiring cash up front. The favouring of a promise to pay over cash bail makes sense, and it has been a trend followed by many other jurisdictions. In 2017, New Jersey eliminated cash bail, with no increase in gun violence. In 2020, New York removed the requirement for cash bail for non-violent felony charges and misdemeanour charges, with no significant increase in violent crimes or drug offences.

In reality, this provision provides no meaningful choice. If failing to pay becomes an offence, people will have no real option but to provide cash up front. This provision will override the careful analysis and decision made by a justice of the peace who has heard all of the evidence. That turns what is supposed to be a discretionary decision into a mandatory one.

The cash bail also has serious consequences on everyday Ontarians. Requiring cash bail up front means that people with immediate financial resources will be able to secure release. Access to bail will depend on access to money. In effect, this law will keep more working-class Ontarians in custody before they have even had a chance to defend themselves. For those reasons, the CLA submits that this provision is unconstitutional, and we urge this committee not to permit such unfairness.

I turn now to our second point. The province already has tools to enforce bail conditions and recover money when conditions are breached. One key tool is section 770 of the Criminal Code. This section authorizes the estreatment or forfeiture of money when a person does not comply with their conditions. This is already a strong deterrent. The message is clear: If you do not follow your bail conditions, you and your surety will lose money.

Our justice system is built on fairness. It is not meant to be a system where the wealthy can secure release and the poor remain behind bars.

There is no evidence that cash bail will make our communities safer. The CLA urges this committee not to try to jail its way to safety. This provision is both unconstitutional and unnecessary.

I thank you for your time, and I welcome any questions the committee may have for us.

The Chair (Mr. Lorne Coe): Thank you very much for your presentation.

Committee members, we're now on questions. I'll move, first of all, to the official opposition. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you to all our delegates this afternoon. It's quite interesting to hear the repetitiveness of this cash bail and how it could really be detrimental to some of the parts of this bill. So I want to thank everyone for coming and expanding their views on it.

I want to start my questions off with—apologies for your name—the chief of police from London.

MPP Kristyn Wong-Tam: Chief Truong.

Mrs. Jennifer (Jennie) Stevens: Thank you.

We've heard from the PAO already, who says that the bail reforms will improve public safety and bail compliance.

Is the London Police Service supportive of the new cash-for-bail amendments?

Mr. Thai Truong: Thank you for the question.

And Chair, through you: Absolutely, we are.

Mrs. Jennifer (Jennie) Stevens: Can you point to clear evidence that actually requires upfront cash deposits—where they actually reduce reoffending, rather than simply keep more low-income individuals, who do not have the funds or surety willing to provide the funds up front, in custody?

Mr. Thai Truong: Thank you for that question. You raised some excellent points, member.

I will say that in London, for the last two years, we have had over 800 individuals arrested in our community for breaching bail, breaching court orders. That's far too many individuals who have been released from custody by way of court-ordered release or judicial interim release. In the majority of those cases, cash up front was not prescribed; those were promises that conditions were going to be maintained.

The data that you're asking for, I would say, we actually don't have, because the general practice is that cash bails, where money is actually presented, is not the common practice—

Mrs. Jennifer (Jennie) Stevens: Sorry to interrupt you. Were those individuals from no fixed address? I'm just wondering why the number was so high.

Mr. Thai Truong: I can tell you the majority of those individuals have fixed addresses. The majority of those individuals are from London.

Mrs. Jennifer (Jennie) Stevens: Well, they can live in London, but they might not have a fixed address. I'm just saying—but that's no argument there.

Thank you for that answer. I just want to make sure that we make it quite clear that we don't get safer communities by filling our already overcrowded jails with people who cannot pay. You get safer communities by fixing bails and courts.

I just want to go to the County of Carleton Law Association. It was reported yesterday that there were over 2,000 lockdowns at a single jail facility in 2025, an over 50% increase from just two years prior, which is shocking. It's not only shocking, but it's quite alarming. Facility conditions, as I said, are dire, and frequent lockdowns are a major factor for this.

Confining inmates to their cells, sometimes for 23 hours—and I think I wrote down 9 by 10, three to a cell, which is just a very minimal of numbers in a cell. And then 23 hours later, a day almost—cells are holding more people than they are designed for, which is just outrageous to hear.

We see frequent assaults and mental health concerns throughout our jails, and we've seen them over and over and over again. It doesn't only cause harm to our inmates, as I said earlier, but also to our correctional officers. It causes harm to the general public as well.

Can you foresee the new cash bail system making jail conditions even worse?

Ms. Kimberly Hyslop: Absolutely. The more people we put in these facilities, the worse it's going to be.

We're also going to see, in particular, when we're talking about the impoverished who are unable to pay, a lot of people who are in custody on minor property offences, theft unders, because they can't come up with some sort of cash deposit. So our jails are going to be filled with non-violent individuals—presumptively innocent—who might need treatment, who might need mental health services, and they're going to be housed in a jail cell that costs, I think, $357 per day per inmate.

Absolutely, when people can't afford to pay to get out of jail, these numbers are only going to increase.

The Chair (Mr. Lorne Coe): MPP Stevens, you have one minute remaining.

Mrs. Jennifer (Jennie) Stevens: I just want to follow up on that. Right now, Ontario's justice system isn't failing because bail is too soft; it is actually failing because it is under a complete strain and resource backlog. This system is broken.

And theft unders—thank you. I'm glad you mentioned that, because we're going to see more theft unders—of people who cannot afford cash bail right now—and that's because they're trying to feed their family. If we have to look at that, affordability is absolutely on a rise, and it's not only from mental health—but mental health is caused by not eating, not being able to feed your family, not being able to pay the bills. I'm glad you brought that forward, because cash bail is something that only the rich will be able to afford. It's not saying that they're all wealthy—are criminals. But we are framing a small majority and stigmatizing that—

The Chair (Mr. Lorne Coe): Thank you very much for your questions.

1430

We're now going to move to the third party. Madame Collard.

M^me^ Lucille Collard: Thank you to all the presenters today.

I find it very interesting that we do have the side of public safety as a priority and the defendant's right of fairness on the other side.

I would like to start with you, Chief of Police Truong. You've heard the two organizations that are talking about fairness, the situation in jails and the impact that this new proposed legislation could have, especially on more vulnerable people. What's your take on it? Is it your experience—when you arrest people, is poverty a factor? Do you think that what they're saying makes sense?

Mr. Thai Truong: Thank you for that question. I think there are valid concerns being raised.

What I will say is, constitutionality of this legislation is decided by the legislators and the courts.

From a policing perspective, as the chief of police and public safety, I think we need to remember that we need to balance the safety of our community. If we're only talking about minor offences and individuals, for example, who are committing theft—we need to talk about the violent individuals and the repeat offenders. If they are granted bail, they commonly reoffend and commit serious crimes and harm to our community. From a policing and operational perspective, that is a very, very big concern.

If we look at the principles of bail, with the Criminal Code, the courts have that framework under 515 to determine if they're going to impose deposits or cash bail promises or not. That is entirely left with the courts, and the courts are to decide.

In cases where you're speaking of, member—petty thefts or minor crimes—those are in the hands of the JP or the judge to not impose. Therefore, this legislation wouldn't impact the release or detention.

For police—we're only holding for bail individuals who we believe will not show up for court as ordered. Those are the primary grounds. The secondary grounds are the protection of the public and the community and the prevention of the continued offence. The third ground, the tertiary ground, is the strength of the crown's case and the expectation of the community.

So we're not holding everyone who has minor offences for bail. My concern is making sure that we keep the individuals—and there are tools, enforceable conditions for police, where individuals who pose the most harm to this community are held accountable.

M^me^ Lucille Collard: You mentioned 800 cases—that were arrested for breaching their bail conditions. What were the nature of the crimes? Were those more administrative, or are there serious crimes that we have to really pay attention to?

Mr. Thai Truong: That's a great question. I don't have those intricate details.

I can tell you, for the last two years, we averaged over 800 independent single arrests of individuals who were already on judicial interim release and breaching those conditions. That ranges from serious to property-related offences, and it's a whole range.

M^me^ Lucille Collard: Kimberly from the CCLA, do you want to react to the chief of police's comments? What is it we could do to get to that balance of public safety while respecting defendants' rights and trying to be mindful of the conditions in jails already?

Ms. Kimberly Hyslop: I can't speak, obviously, to the experience in London, I can speak more to my experience in Ottawa, which I'm sure has some similarities.

I just would like to comment on the chief's comment about needing a place for violent criminals or those individuals who shouldn't have bail. The concern that, certainly, we have is that there won't be room for those individuals if they're filling the jails with other non-violent individuals.

In response to what the chief said about the powers that police have to release, I can speak from my own experience. There are people, when they have criminal records for theft unders, even if that's all that's on their records—if they've been released once and they breach simply for shoplifting a small item, then they are going to be held for bail. They're not going to be released by the

police. And it is fairly common for there to be even a nominal bond of $250 or $500 imposed on those individuals to be released back in the community. If they're stealing to support themselves for a drug addiction or for food, they're not going to have that money to pay that bond ordered by a justice of the peace. So I respectfully disagree with the chief's comment that this legislation will not—

The Chair (Mr. Lorne Coe): Excuse me. You have one minute left.

Madame Collard.

Mme Lucille Collard: Thank you.

I want to give Cassandra the opportunity to comment as well.

Ms. Cassandra Richards: Thank you for your question.

I think when we're striking the balance between violent and non-violent criminals—the Criminal Code already does that. Justices of the peace already have the possibility to impose cash bail if they believe it's required. And they're the ones hearing the evidence. They're the ones hearing about the criminal record, about the alleged offences, the views of the victims, so they can make the appropriate determination about whether or not cash bail is required.

My submission is that the Criminal Code already strikes the careful balance, and I respectfully disagree with some of the comments made by the chief on that point.

The Chair (Mr. Lorne Coe): To the government, please: MPP Ciriello.

MPP Monica Ciriello: I want to start by thanking all of the speakers for coming today and providing their feedback.

My question is going to be specifically to the chief. Thank you so much for being here, and thank you for your dedication to public safety in London and, I know, prior, too, in York. It's very much appreciated.

Something you didn't touch on but I very much welcome your feedback on—in my role as the parliamentary assistant in the Attorney General's office, a lot of work that we do is focused on human trafficking. The government is exploring options to make certain pieces of information contained in the Ontario sex offender and traffic registry publicly available. Do you agree that this proposal is a step in the right direction? Why or why not?

Mr. Thai Truong: I thank you for the question.

I came prepared for the discussions of the legislation for Bill 75. I wasn't prepared for the discussions on what the government is exploring. But I can tell you, member, that when you're looking at human trafficking and individuals who are trafficking and exploiting young women and girls, the majority of those individuals have previous involvement with police. Many have criminal records. Many are already on judicial interim releases. So I think that the government exploring the sex offender registry and ways to prevent crime and looking at ways to strengthen safety in the community is a positive piece.

The Chair (Mr. Lorne Coe): MPP Sarrazin.

Mr. Stéphane Sarrazin: I'll start by thanking the chief for being here. It's always good to have you working with our government to make sure that we do the right things for Ontarians.

As part of this bill, we are exploring opportunities to work with law enforcement agencies, stakeholders and First Nation partners on options to further address contraband tobacco. This includes reviewing existing authorities and potential amendments on the Tobacco Tax Act, to support police officers with the proper training and education to conduct timely and legally sound roadside searches for suspected contraband tobacco, without requiring a real-time Ministry of Finance authorization. Do you agree that this exploratory work is important, and why or why not? I don't know if it's familiar in your area.

Mr. Thai Truong: Again, I was prepared to speak on the legislative amendments to Bill 75.

I understand what the government is doing. I actually believe that this is a good exploratory opportunity for the government to explore these areas.

The Chair (Mr. Lorne Coe): MPP Allsopp.

Mr. Tyler Allsopp: Thank you to all the members who were present today—and in particular, Chief Truong, for being here in person.

As the former chair of a police service board in Belleville, Ontario, a lot of the comments that you made really resonated with me, including your appeal for some of the civilian members and the things that they see on a day-to-day basis in the context of doing their job. So I'll certainly take that under advisement.

1440

One of the questions that I wanted to ask you today—we asked a similar question of Mr. Mark Baxter, the president of the POA—relates to court-ordered GPS monitoring. As part of this bill, we are moving towards a new fee structure for accused persons who are subject to that provision, where they would actually bear the brunt of the cost for that GPS-monitoring unit. From your perspective, would this measure contribute to greater public confidence and fairness and accountability in the justice system?

Mr. Thai Truong: I think that line of discussion is going to be similar to what we're having now. Anything that supports accountability and public safety, I think, is a great exploration.

The Chair (Mr. Lorne Coe): You have two minutes and 29 seconds. MPP Gualtieri.

MPP Silvia Gualtieri: Chief, we are privileged to have you present with us today, with your expertise on drug trafficking, human trafficking and sexual exploitation.

Calls for service and reliance on police continue to rise. To support a sustainable policing sector, Ontario is exploring strategies to strengthen recruitment and retention, in part by formally acknowledging the contributions of law enforcement. Currently, Ontario does not have a formal mechanism or program in place to recognize the long service or good conduct of law enforcement personnel.

Do you agree with the necessity of expanding recognition for police service, and could you elaborate why?

Mr. Thai Truong: I do agree. I think that is a great exploration of the government. The way our policing

profession is advancing, we are in a state where retention and recruitment are much more challenging than 10 to 20 years ago. The complications of society and community do not make this profession one where individuals are running to, as in the past.

The Chair (Mr. Lorne Coe): You have one minute left for a response.

Mr. Thai Truong: Thank you, Chair.

Police officers are under a significant amount of scrutiny and oversight. I think that the government exploring this is something that will advance and support the policing sector.

The Chair (Mr. Lorne Coe): We have about 35 seconds, so I'm going to suggest that I move to the official opposition to start the second round of questions.

MPP Kristyn Wong-Tam: To all the speakers here and on the screen: Thank you for your really insightful testimony today. It strikes me as a little bit peculiar, because we have started to see a divergence of opinions from the police, the crown association, as well as the criminal defence lawyers and different law associations. I oftentimes view the sectors as working together; you're all part of the justice system—and in particular, I know that corrections are not represented today, but they are also a big piece of it. Everybody generally works in the same ecosystem. When the ecosystem is resourced and coordinated and the legislation works in a way that is knitted together comprehensibly and coherently, we should be able to be keeping our communities safer.

I just want to note that there is a split of opinions on whether or not Bill 75 is effective and if it will be constitutional or will keep our communities safe. I want to just move into that discussion, hopefully with an assumption that we can all agree to that one piece—that we want to keep the community safe.

My question, starting with Chief Truong: Is it frustrating for the officers that charges are being laid and all—clearly, an amount of investigation has to take place to collect enough evidence. Then, in consultation with the crown, you proceed to lay those charges, and you're finding that the courts are taking too long because of the backlog to get a case to trial. Is that frustrating for yourself or your officers? I know that Toronto police are frustrated. Do you share the same frustration in London?

Mr. Thai Truong: The answer is yes. The entire judicial system is a challenging one and it's complex. And I think, to your point, all levels of government need to work together and look at the system.

MPP Kristyn Wong-Tam: Would it surprise you that there isn't any new funding in the current proposed budget to increase court capacity so that they can move through the trials more quickly for the next two years? Does that surprise you, recognizing the crisis that we have right now?

Mr. Thai Truong: I have not had an opportunity to study and review the budget.

MPP Kristyn Wong-Tam: Thank you.

My question is going to go to Ms. Richards as well as Ms. Hyslop.

The challenge around Bill 75 that has been noted by just about every lawyer who has appeared before us today is around the constitutionality and the division of responsibilities between the federal government and the provincial government.

Do you believe Bill 75, and especially as it relates to schedule 2—do you believe it's going to be challenged? Do you believe that there are those who are going to take this bill to court? I don't know who they are, but let's just assume that somebody out there says, "This is unconstitutional. We're going to take it to court."

We'll start with Ms. Richards.

Ms. Cassandra Richards: I can confirm that I think this bill will be challenged in a very efficient and quick order, should some of these provisions come into force. I think there is very strong reason that they can be challenged. Some of my submissions focused on how this encroaches on federal jurisdiction. Certainly, provinces are entitled to create provincial offences, but these provincial offences can't have the effect of determining what bail will be. That's clearly a federal jurisdiction. My submission is that, yes, they will be challenged and we'll be back to the drawing board as to how we can make our community safer, rather than investing in my submission resources that can, in fact, help alleviate crime, like dealing with poverty, mental health, and addressing the backlog in many of our court systems in terms of delay.

MPP Kristyn Wong-Tam: Thank you.

Ms. Hyslop?

The Acting Chair (Mr. Tyler Allsopp): One minute and 30 seconds.

Ms. Kimberly Hyslop: The only comment I'll just say is that I expect what we may see, until such time as it is found unconstitutional, is justices of the peace and judges doing what judges did with the victim fine surcharge and imposing a very nominal bond, if they feel they must, of $1 or $2 as a way to circumvent this legislation.

The Acting Chair (Mr. Tyler Allsopp): One minute and 10 seconds, MPP Wong-Tam.

MPP Kristyn Wong-Tam: I have more time?

The Acting Chair (Mr. Tyler Allsopp): Yes.

MPP Kristyn Wong-Tam: Thank you.

Okay, go ahead.

The Acting Chair (Mr. Tyler Allsopp): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you to my colleague here.

I have a really quick question to the chief. The members opposite, just a few minutes ago, brought up proposed changes to the sex offender registry, and I'm really curious: Do you believe that the following public access to the information would jeopardize the safety of those on the registry, who obviously served their time already—and if they are back in the community and already being monitored by their local police services, as per their conditions?

The Acting Chair (Mr. Tyler Allsopp): Chief Truong, 30 seconds.

Mr. Thai Truong: I think that warrants a deep dive into data and to look at contraventions, of breaches of

individuals from the sex offender registry, before I can even respond to that question.

Mrs. Jennifer (Jennie) Stevens: I brought forward Clare's Law, and this government voted it down three years ago. That would have given the women the rights to know for IPV—

The Acting Chair (Mr. Tyler Allsopp): Thank you, MPP Stevens. Your time has elapsed.

We will now move to the member of the third party. MPP Collard.

M^me^ Lucille Collard: I am going to direct my question to Kimberly from the CCLA. You have important knowledge of what is happening in our jails, especially in Carleton. I have visited that jail as well. We are past having to do something about the conditions there.

I would like to be constructive here and hear you about what it is that we could propose to the government to address this situation in our jails—all the problems you mentioned about having people who are there who are presumed innocent, who are spending too much time in the overcrowding. What kind of suggestion could you make to the government to try to address this very important issue?

Ms. Kimberly Hyslop: The only suggestion that I have that I think would immediately alleviate some of the pressures is—there are a number of individuals I can speak to, from my own experience, who are currently at the Ottawa-Carleton Detention Centre who are in desperate need of going to rehabilitation for drug addiction. There is no bed available, and they will spend more time in custody on a wait-list for a treatment centre than they would if we had funding available immediately for residential treatment, where inmates facing charges could immediately have a bed available to them. That would be a much better use of funding from this government than building more jail cells to house these people. I don't have a statistic for you, but I do suspect it's a significant number of people who could fall into that category and clear up space from the jails.

M^me^ Lucille Collard: So supportive services would go a long way in trying to release some of the people in the appropriate care, as opposed to being behind bars. I have to agree with that.

I'm going to turn to a different question. We've heard, this morning, from Global News that 150 inmates have been improperly released from prisons in the last five years in this province—I don't know if you were familiar with that—and 19 of those inmates actually were from the Ottawa-Carleton Detention Centre. From your experience, do you see a relationship between what we see today in our jail conditions and maybe a pattern of negligence or how this may have happened? I have no idea how these people could have wrongfully been released.

Ms. Kimberly Hyslop: I don't know the specifics. I can just say anecdotally, I was aware that somebody's paperwork was simply noted improperly and that was the reason that they were released. I don't know if Ms. Richards would have more insight into that.

I'm going to assume that there are a number of individuals who are overworked at the Ottawa-Carleton Detention Centre, especially when staff members call in sick. It doesn't surprise me that there are errors made. People are not checking things carefully—I think that's, unfortunately, all I can comment.

M^me^ Lucille Collard: Would you have any comment on that, Cassandra from the Criminal Lawyers' Association?

Ms. Cassandra Richards: What I can add is that corrections also work in conjunction with court services. Our court clerks, who work very hard in our courts every day, are humans and they make mistakes. We have a lack of staffing in our courts. We have a lack of training for some of those court clerks. So that can also contribute to mistakes happening about whether or not someone can be released. A budget that would also work towards funding—having more court clerks, having more judges, having better training for these individuals—could also support in ensuring that these mistakes don't happen.

M^me^ Lucille Collard: Thank you.

Just going to—

The Chair (Mr. Lorne Coe): Excuse me, Madame Collard. We will have to recess the committee. The bells are ringing for a vote in the Legislative Assembly.

We are going to have to recess the committee to attend the Legislative Assembly to vote on a motion that is before the Legislature. We will resume after we vote.

The committee recessed from 1453 to 1512.

The Chair (Mr. Lorne Coe): I'm resuming the meeting this afternoon of the Standing Committee on Justice Policy. We're in the process of questions to our second group of presenters.

Madame Collard from the third party, you have two minutes and 29 seconds remaining in your question.

M^me^ Lucille Collard: Thank you to the presenters for staying and waiting for us. You were kind of held hostage while we were voting, but thank you for making the time to stay. I'm just going to ask, actually, one last question, because I kind of lost my train of thought.

To the chief of police: I understand you welcome this kind of bail reform as helping with public safety, but surely this is not the only thing or the best thing that could help you with your job. So do you have any other suggestions for the government, to help you ensure public safety is addressed properly and to help you do your job?

Mr. Thai Truong: Thank you for that question.

I think this legislation is one step and one piece. It is a complex situation that we are in, in policing and community safety and the judicial system. It requires all levels of government to work together.

I think, with respect to bail, there needs to be a balance. It's a careful balance, and the discussions raised today are very important considerations—even with my friends onscreen there. But we need to balance safety of the community and we need to balance that appropriately, because regardless of if a property crime or a theft crime is considered minor—

The Chair (Mr. Lorne Coe): One minute remaining.

Mr. Thai Truong: —it is unsettling and unsafe for community members to have their homes broken into over and over and over again.

M^me^ Lucille Collard: You are aware that people in jails—we talked about it. Some people are just presumed innocent at the moment, and they may be staying in jails for quite a while, waiting for their day in court.

Are most people that you see, that you arrest, usually in a situation where they have either mental health issues, addictions—or just being vulnerable?

Mr. Thai Truong: That part is true. There is a population and a segment that we encounter who fall into this group. There is also a significant population that is extremely violent. They cause the most harm to our communities, and they put every Ontarian in jeopardy with safety. They are a concern for us. It's the balance that we feel very strongly about, and opportunities to hold offenders or individuals accountable while they are on bail.

The Chair (Mr. Lorne Coe): That concludes the time for the third party to ask questions.

We're now with the government and MPP Darouze.

MPP George Darouze: Through you, Chair: I want to thank the presenters. I'm sorry for the delay, making you wait a little bit longer than we want to.

My question will be to the County of Carleton Law Association, to Kimberly.

As part of this bill, Ontario would update the Police Record Checks Reform Act, 2015, and the exemptions and regulations to allow the Solicitor General to establish a clear service standard—such as the processing time frames—and to enhance the overall consistency of the legislation framework. Does your organization and your association agree with all these proposed changes, and what factors inform your views?

Ms. Kimberly Hyslop: Thank you very much for the question.

That is a section I just looked at quickly in preparing for today, so I won't necessarily commit to saying that this is the final say. What I can tell you is that, in general, we would be supportive of legislation that makes those types of checks more uniform in terms of what's being provided. Right now, it can vary by police force. So, certainly, if there's legislation to be proposed, that would make it more uniform, with clear guidelines in terms of what is to be disclosed and what should not be disclosed. I certainly am aware of times where items have been disclosed that should not have been disclosed. That remains a concern of mine and, likewise, I do have some concerns that the legislation being proposed won't allow for consequences for that inappropriate disclosure. But I think it is helpful, certainly, that the government is looking at that. I would say that—but that's all I can comment on that particular part.

The Chair (Mr. Lorne Coe): MPP Ciriello.

MPP Monica Ciriello: My question is for Ms. Richards.

The Criminal Lawyers' Association has previously criticized the government's tough-on-crime approach.

Would you agree with my constituents of Hamilton Mountain who continue to advocate or indicate over and over again—and, quite frankly, echoed across residents right across this province—that we need to increase the accountability of those who commit crimes, especially violent crimes?

Ms. Cassandra Richards: Thank you for the question.

That is something that the CLA has previously criticized the government for. As an Ontario resident myself, I'm concerned about safety, and I'm concerned about my family's safety.

What I can say is that the CLA's position is that some of these provisions in the Bail Act will not make our communities safer. We all agree that we want safe communities. We all agree that we want to walk on our streets safely. But I think we're disagreeing on how to get there.

Someone will not be held accountable more because they have to deposit a cash bail. That's already an option in the tool box, and that's not going to necessarily keep our communities safer.

So I certainly echo concerns about wanting to find ways to keep our communities safer, but I think we have to be more creative in the ways that we're looking to do that.

MPP Monica Ciriello: Thank you so much for your answer.

I'm just going to quickly ask the chief for his comments. I know you've talked about it a little bit earlier on, when it comes to cash bail. Could you provide your feedback on cash bail and the recommended changes in Bill 75?

Mr. Thai Truong: Thank you for the question.

Here's where I will disagree with my friend onscreen. Yes, in principle, that option is there for cash deposits by the courts. I can tell you from not only experience with London Police Service but my experience of over 20 years with York Regional Police that that practice is not, in principle, being applied. Very rarely are individuals released on cash bail; they're released on promises to pay, where no money is actually forfeited or presented as a bond.

This bill, for me, as a police leader, is an opportunity to hold individuals more accountable and to enforce conditions that can be enforced, versus put on a promise of payment—because we see most violent offenders are already on bail. The ones who are committing murders, home invasion, shootings are already on bail.

1520

The Chair (Mr. Lorne Coe): You have a minute and 48 seconds left. MPP Gualtieri.

MPP Silvia Gualtieri: Again, to our chief, Chief Truong, thank you for being here. Police officers often must deal with dangerous criminals. We thank your organization and your members for keeping this province safe.

What challenges regarding repeat offenders have you encountered? Could you explain if the current justice system needs to change to target these challenges—or why do you think it is a priority?

Mr. Thai Truong: Thank you for the question.

I think myself and my colleagues have—

The Chair (Mr. Lorne Coe): One minute remaining.

Mr. Thai Truong: Thank you, Chair.

Chiefs abroad have been advocating for federal changes and bail reform. I think the legislation being proposed is a very good step—with Bill 75, as well as the federal legislation being proposed. That is an area where what we're seeing—again, we're talking about balance. Individuals who are being released on bail by courts, JPs and judges are continuing to reoffend, and reoffend in the most violent ways.

The Chair (Mr. Lorne Coe): MPP Allsopp, we've got 18 seconds.

Mr. Tyler Allsopp: I just want to thank the chief for those comments. That was a common refrain that I heard from officers of the Belleville Police Service—about how demoralizing it was for them to go out, to do their job, to put their lives on the line, to apprehend people, only to see them back out in the community reoffending, often in very similar ways. I think that's something we're seeing across the province. We wanted to put this forward to make sure that we're not asking things of our police officers and then not holding people accountable on the back end. So I appreciate those comments.

The Chair (Mr. Lorne Coe): That concludes the time allotted for questions and answers of our second group of presenters.

Thank you so much for joining us virtually. And thank you, Chief, for being here all the way from London.

ONTARIO BAR ASSOCIATION
JOHN HOWARD SOCIETY OF ONTARIO
CANADIAN CIVIL LIBERTIES ASSOCIATION

The Chair (Mr. Lorne Coe): Members of the committee, we now will move on to our third grouping of presenters: Ontario Bar Association, John Howard Society of Ontario, and Canadian Civil Liberties Association. We have one member of the Ontario Bar Association, Daniel Goldbloom, who will be joining us by Zoom.

Get yourselves comfortable. Get some water because, as you noted as you joined us, there are going to be two rounds of questions, and it would be easier that you get your water now, rather than halfway through the questions.

Thank you very much for taking the time to join us this afternoon.

I'd like to start the proceedings with the Ontario Bar Association, if you would be good enough, please, to introduce yourself so that we can get that recorded on Hansard, which is the public recording service of the Legislature of Ontario.

Each of you will have seven minutes to make your delegation. I'll let you know when you've got one minute left so you can sum up. Then we're going to start the questions. We'll start from my left, with the official opposition, the third party, and then the government members, and we're going to have two rounds. That's why I was encouraging you to get water now.

Let's start to my left, with the Ontario Bar Association, please.

Ms. Kelsey Flanagan: My name is Kelsey Flanagan. I am a lawyer at Henein Hutchison Robitaille, and I am the public affairs liaison for the criminal justice executive at the Ontario Bar Association, which has more than 17,000 members practising in every area of law across the province. I am also joined virtually by my colleagues Daniel Goldbloom, chair of the OBA's criminal justice executive, and Cassandra Cunningham, OBA policy counsel.

The OBA provided written submissions on the proposed amendments to the Bail Act, and I will now highlight its principal points for the committee.

We respectfully submit that the Bail Act reforms should not be pursued, as they carry substantial risks of unintended consequences that run counter to the policy objectives of enhancing public safety and improving court efficiency.

Ontario's bail system is already under significant strain, particularly due to the number of individuals held in pretrial detention and the limited capacity of courts and correctional institutions to handle that pressure. A cash bail deposit system risks exacerbating these issues. I would like to highlight six of those unwanted effects before proposing alternative measures that can achieve the policy objectives while better balancing the risks.

(1) Cash bail risks creating a wealth-based system of pretrial detention that will have disproportionate impact on vulnerable and low-income individuals. The Supreme Court of Canada, in Antic, has said that requiring cash in advance to secure pretrial release could operate harshly against poor people, as it makes an accused person's release contingent on their access to funds. The proposed reforms hinge on the individual's ability to pay, rather than the nature or severity of the alleged offence or the risk to public safety.

(2) The risk of disincentivizing sureties is concerning. Sureties play an essential role within Ontario's bail system. By supporting compliance with bail conditions, they help mitigate the pressure on Ontario's overburdened pretrial detention system, all without using public resources. Mandatory cash bail deposits from sureties are likely to significantly deter or effectively prevent many individuals from acting as sureties. Currently, sureties often pledge assets like real estate or investments. The amendments would mean that many sureties would have to liquidate those assets up front, something that fewer people will be willing to do.

(3) While Bill 75 aims to enhance public safety and keep violent and repeat offenders behind bars, the implementation of cash bail in the Bail Act amendments actually risks the opposite effect. For example, offenders are regularly receiving sentence reductions and early releases because of the conditions in detention centres. In our submission, we provided examples of several cases where offender sentences were reduced—many by more than a year—all due to conduct or conditions in pretrial detention. If more people are detained not because of the severity of the alleged offence but because of their inability to pay cash bail, we expect the conditions in, and the pressures on, the system will worsen, and we will see more

sentencing reductions or early releases, including for violent and repeat offenders.

(4) The requirement for cash bail deposits will also increase the likelihood of wrongful convictions. Studies indicate that an individual denied bail is 2.5 times more likely to plead guilty than those who are released pending trial. This includes those who are innocent who plead guilty to be released. In addition to having severe and lasting effects on individuals, wrongful convictions have systemic consequences that significantly weaken the integrity of the criminal justice system.

(5) The OBA would also urge consideration of the risk of constitutional challenge to these amendments, which could result in a temporary delay or stay of the provision pending the outcome, which could delay the reforms and efforts towards increasing public safety. More targeted efforts, like those that I will conclude with, are more likely to be constitutionally sound and would achieve the desired policy objectives.

(6) There are also challenges concerning the enforcement of cash bail deposits and the further strain that they will put on judicial resources. There are practical challenges in setting the quantum of cash bail, as articulated by the Supreme Court, again, in Antic. The court said, "A system which requires security in advance often produces an insoluble dilemma. In most cases it is impossible to pick a figure which is high enough to ensure the accused's appearance in court and yet low enough for him to raise: The two seldom, if ever, overlap." This means that in an attempt to enable the accused to meet bail, the amount set for cash deposits may often be too high and deprive vulnerable people of the right to bail, or too low, which undermines the intended policy objectives of these reforms.

Additionally, by increasing the burden on the judicial system, there is increased risk of delaying proceedings and having cases stayed for unreasonable delay. Importantly, as you know, the severity of the crime or the history of the accused is not a factor that the courts can consider when applying the Jordan delay framework.

In our respectful view, judicial resources could be better targeted to where they are needed the most and where they can best achieve the policy objective of increasing public safety.

That takes us to the alternative measures to achieve Bill 75's policy objectives, which I am pleased to share. The OBA provided three non-exhaustive ideas by way of example.

The first is enhancing the use of estreatment. Under the current system, where an accused fails to appear in court or violates their bail conditions, the surety and the accused can be ordered to pay the cash amount that is pledged on the release through estreatment. But this is not a process that is commonly relied on, or pursued, in Ontario.

The Chair (Mr. Lorne Coe): You have one minute left in your presentation.

Ms. Kelsey Flanagan: Thank you, Mr. Chair.

Additional resources to enforce financial pledges through estreatment procedures would enable the province to collect forfeited bail payments and deter breaches without detaining individuals who are otherwise suitable for release.

1530

Second, to improve the bail system, we believe initiatives ought to target persistent delays within the system itself. There are substantial delays between pretrial custody and actual attendance in court, which directly contribute to overcrowding, leading to early releases, and increase the likelihood of stays due to Jordan timelines. Additional investments in court staff, facilities, disclosure, transportation and more are needed.

The final example is charge screening. The OBA urges the ministry to consider examining and implementing pre-charge screening protocols in Ontario, which are used in other provinces, including British Columbia, Manitoba, and others. If a similar model were advanced in Ontario with sufficient investment to support crown attorneys, it would likely help alleviate unnecessary strain on courts and—

The Chair (Mr. Lorne Coe): Thank you very much.

Ms. Kelsey Flanagan: Thank you.

The Chair (Mr. Lorne Coe): I know you've already provided a written submission, but thank you very much for your presentation.

We'll move now to the John Howard Society of Ontario. I'll need your name, please, and position at the John Howard Society. Welcome.

Ms. Safiyah Husein: Thank you so much for the opportunity to appear today. My name is Safiyah Husein, and I'm the director of policy for the John Howard Society of Ontario.

The John Howard Society of Ontario works to build a safer Ontario by supporting the people and communities affected by the criminal justice system. Our 18 local offices deliver more than 80 evidence-based programs and services focused on prevention, intervention and reintegration across the province. Each year, our work impacts over 100,000 Ontarians, supporting youth, families and people leaving incarceration so that they can contribute meaningfully to their communities.

We acknowledge the intent of Bill 75: to improve community safety, respond to repeat offending, and ease pressures on Ontario's courts and correctional system. These are goals we share.

Ontario's bail system is under significant strain. Courts are overwhelmed, provincial jails are crowded, and police services are increasingly tasked with responding to situations rooted in poverty, mental illness, addiction and homelessness. These pressures make it harder, not easier, for the system to do what it is meant to do: focus on people who pose real risks to public safety.

As the province considers changes under Bill 75, we urge caution with respect to the expanded use of cash-based bail requirements. Cash bail does not measure public safety risk; it measures financial capacity.

For people with low incomes, cash bail effectively criminalizes poverty. Two individuals charged with the same offence can receive very different outcomes solely

based on their or their sureties' ability to pay. Those who cannot afford bail or lack a surety with the ability to put forward a cash deposit remain incarcerated even when they pose no greater risk to the public. From a public safety perspective, this is not an efficient use of resources. Holding low-risk individuals on remand contributes to overcrowding, delays court proceedings, and diverts attention from higher-risk cases.

Cash bail has particularly harmful impacts on people living with mental health challenges or addictions. These individuals are more likely to be unemployed or under-employed and lack savings and social supports. Detention due to inability to pay interrupts treatment, destabilizes health, and increases the likelihood of reoffending.

The consequences are even more pronounced for Black and Indigenous communities, who already experience systemic discrimination throughout the justice system due to the ongoing impacts of racism, colonialism and socio-economic exclusion. Black and Indigenous communities are more likely to be policed, charged and denied release. They are more likely to experience poverty or housing instability, making cash bail an insurmountable barrier. These proposed changes would deepen inequities within Ontario's bail system.

Expanding cash bail risks increasing the remand population without increasing safety. Many individuals on remand are there not because they're dangerous, but because they lack stable housing, mental health supports, or someone to act as a surety. Indeed, many challenges associated with delays in bail in Ontario flow from the fact that Ontario relies more heavily on surety-based bail as compared to other provinces. Other provinces do not so heavily rely on this type of release. As mentioned, surety bail creates inequities for those without financial or social supports, and it also isn't always the most reliable way to ensure a suspect doesn't reoffend.

If Ontario wants the bail system to focus its efforts on targeting serious and violent offences, the province should look to expanding bail supervision and bail bed programs. By safely managing low-risk individuals in the community and addressing their underlying needs, these programs relieve pressures on police, courts and correctional facilities, reserving detention for those with repeat and violent offences who pose genuine risks to the public.

Bail supervision delivered by transfer payment agencies across the province supports the intent of this legislation and is a ready-to-scale solution. The Bail Verification and Supervision Program, or BVSP, is a low-cost, effective alternative to remand and sureties that are funded through the Ministry of the Attorney General. It allows individuals accused of lower-level offences to be released under supervision while receiving the wrap-around supports and case management by trained professionals that they need to stabilize their lives and prevent further involvement with the justice system.

BVSP staff work closely with courts, crowns, defence counsel and police to facilitate bail hearings and monitor compliance. The program is a resounding success. The vast majority of clients in the program attend all court appearances and do not commit new offences on bail.

Not only does the BVSP have a proven track record in terms of outcomes, but it's also a trusted program among justice system actors. A 2025 John Howard Society of Ontario report entitled Finding Common Ground drew on surveys, focus groups and interviews with police officers, lawyers and service providers from across the province, and 90% agreed that strengthening and enhancing the capacity of the community-based BVSP is essential to improving public safety and reducing pressures on courts and remand facilities. Participants consistently identified these programs as cost-effective tools that allow the system to focus on higher-risk individuals.

In addition to the BVSP, residential bail beds provide stable housing, 24/7 supervision and structured supports for individuals who would otherwise remain in custody. Currently, only a handful of these residential programs exist in the province. Expanding them province-wide, particularly in rural and northern communities, would promote fairness, reduce unnecessary detention, and allow the system to focus on higher-risk cases.

Let me share a brief story of a client of the BVSP. Alicia spent years of her life battling substance-use disorder, which eventually escalated to the point of her being arrested—

The Chair (Mr. Lorne Coe): Excuse me. You have one minute left.

Ms. Safiyah Husein: Thank you, Mr. Chair—and charged on three occasions for offences like drinking and driving and property crimes. After her third arrest, she was able to access a bail bed in Thunder Bay and was supervised by the bail supervision program. The program connected her to supports that helped her get sober. Being supervised in community also meant she was able to maintain custody of her children. The bail program helped her break the cycle of addiction so that she could rebuild her life.

The bail system exists to detain individuals who pose an unacceptable risk to public safety. On that point, we do not disagree. However, most cases before the courts are non-violent and instead involve people facing complex issues like poverty, homelessness, mental illness and addiction. Whether an accused is granted bail should not depend on their wealth or social supports. Rather, the province should strengthen and invest in proven community-based bail supervision programs, ensuring the courts have reliable release options that promote compliance, accountability and stability.

The Chair (Mr. Lorne Coe): Thank you very much. That concludes the time for your presentation.

We will now hear from the Canadian Civil Liberties Association. You have seven minutes, sir.

Mr. Shakir Rahim: My name is Shakir Rahim. I'm a lawyer and director of the criminal justice program at the Canadian Civil Liberties Association.

Bail is the safeguard of liberty for the innocent. As of last count, 58% of criminal cases in Ontario did not result in a finding of guilt. Before evidence is tested, before the

other side of the story is presented in court, bail is all that stands between an innocent person and a prison cell.

Public safety also matters. People in Ontario are understandably concerned when a person allegedly reoffends while on pretrial release. When we see those headlines, it is natural to ask the question: Is our safety being put at risk by how the bail system operates, and what are our elected officials doing in response? The right answer to this question is crucial. It is crucial because the bail system exists both in and out of the headlines. Out of the headlines, the percentage of people in pretrial detention in Ontario is at a record 86%. Out of the headlines, most people released on bail do not reoffend. Out of the headlines, conditions in Ontario prisons have judges expressing collective shock year after year.

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As one recent decision put it, "It is mind-boggling that a country that prides itself on its purported respect for human rights is turning a blind eye to these documented, undeniable and inexcusable cruelties."

In this context, Bill 75 sells a false promise. It will not improve public safety, and it is far from an evidence-based proposal to address perceived shortcomings in the bail system.

What would Bill 75 do? It would introduce a universal requirement, as we have heard, for cash bail. To be clear, where appropriate, the Criminal Code already provides a justice with discretion to order cash bail. Bill 75 erases that discretion. Instead, it creates a two-tiered justice system by requiring cash bail for any release order that contains a promise to pay. If you can afford it, pay to get out; if you can't, tough luck. Canada worked to abolish this unjust practice 54 years ago, in 1972, with the Bail Reform Act, which established the current scheme in the Criminal Code; Parliament did so precisely because it created one system of justice for the rich and another for the middle class and poor. It was noted in Parliament and by experts at the time that the result of an overwhelming reliance on cash bail was "the ability of the accused to marshal funds or property in advance"—being the factor that determined whether they could be released.

Not only would Bill 75 create a two-tiered system of justice, but it would do so for any offence. This legislation is not targeted at repeat and violent offenders with a demonstrated history of non-compliance with bail conditions. It does not matter if you are a first-time offender. It does not matter if you are charged with a non-violent offence. It does not matter if the case against you is weak. If Bill 75 is enacted and you are ordered released on a promise to pay, what will ultimately determine your liberty is what is in your bank account.

Beyond being bad policy, the cash bail provisions in Bill 75 are flagrantly unconstitutional. In the 2009 case Ontario (Attorney General) v. Chatterjee, the Supreme Court of Canada noted, "The Constitution permits a province to enact measures to deter criminality ... so long as those measures are taken in relation to a head of provincial competence and do not compromise the proper functioning of the Criminal Code."

The federal Criminal Code provides justices with the discretion to order cash bail. That means that provincial legislation cannot oust that discretion under the Constitution by requiring cash bail in every instance. This is exactly what Bill 75 seeks to do, and the province simply does not possess that constitutional power.

Supporting this legislation, then, is not only supporting bad policy, but supporting a policy that is very likely to be struck down by the courts.

For these reasons, the CCLA opposes Bill 75. We urge this committee to ensure that legislative and policy approaches to the bail system are lawful and based on sound evidence.

The Chair (Mr. Lorne Coe): Thank you very much for your presentation.

We now will turn to questions from the opposition, starting with MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you to all our delegates today. I really want to thank you for highlighting so many different things that have already come to fruition here in this committee.

I think it's very important that I'm mindful of your time as well as mine, so I'm going to get right to the questions.

We've heard the government and a few presenters say today that their sureties need to be held responsible—this is going to you, Ms. Flanagan—thus the introduction of these cash bail policies. Do you agree that sureties are the ones who need to be accountable here, or are there other alternatives, in your personal opinion, you can suggest that won't put the onus of alleged crime on the people who aren't even being charged?

Ms. Kelsey Flanagan: When a surety agrees to be a surety, they are making a promise to the court and to the system that they will be supervising the accused while on release and that they will ensure compliance with their release terms. That is a promise that they are making.

The position of the OBA with respect to sureties is that any financial pledge that they make can be pursued through the current system of estreatment. So it's not that sureties can never or should never be held accountable; it's how they are held accountable or what they are being asked to do as part of their role.

Sureties play a crucial role in our system. Without them, the only people to supervise people on release is our police services, which are already under strain with respect to these issues. So we rely on sureties to ensure that people are compliant.

Sureties are told that if they know that the accused is going to breach, or if they find out that they have breached, they have an obligation to report it and to cease to be a surety immediately. If they do not do that, there is already a process where any financial pledge can be pursued because they have not complied with their promise to the court. What we are seeing, however, is that that process is not commonly being followed or pursued in the courts.

Mrs. Jennifer (Jennie) Stevens: We've also heard that they might have to liquidate some of their assets, which is awful, to make sure that they can bring those sureties forward.

To the John Howard Society of Ontario: Ms. Husein, legal experts have raised concerns that mandatory cash bail may violate presumption of innocence and disproportionately impact marginalized individuals, effectively creating a two-tiered justice system based on wealth. Can you expand on how this proposal could affect vulnerable populations in practice?

Ms. Safiyah Husein: The cash bail requirements of all accused would mean that many marginalized and vulnerable Ontarians would not be able to secure release, even if they are otherwise able to be safely managed in the community while they await their court hearing's proceedings. This would create a system where individuals would experience incarceration without being a public safety risk or a flight risk, and it would disproportionately impact people who are suffering from mental illness and addiction, poverty, homelessness, and Black and Indigenous communities.

Mrs. Jennifer (Jennie) Stevens: I want to thank you. Thank you for your service, too.

There are also concerns that this approach may be unconstitutional and outside provincial jurisdiction, while doing little to improve safety in our communities. From your perspective, what evidence-based alternative should the government be pursuing instead to address repeat offending without undermining the Charter of Rights?

Ms. Safiyah Husein: We believe that there are other opportunities to address some of the system strain so it can better focus on repeat violent offences. We do agree that public safety is of utmost concern and, as I noted in my remarks, the community-based bail supervision program is a trusted program.

We talked to police services, lawyers and service providers across the province in our recent report, and there is agreement that this is a program that allows the system to better focus on higher-risk cases while safely managing and supervising those who can be managed in the community and also providing them with wraparound supports to address underlying causes that might have contributed to their involvement with the justice system. That's how we promote community safety.

Mrs. Jennifer (Jennie) Stevens: Thank you for clarifying that, because it's really important.

How much more time?

The Chair (Mr. Lorne Coe): A minute and 46 seconds.

Mrs. Jennifer (Jennie) Stevens: That will give Mr. Rahim a few minutes to answer this question.

I just want you to do me a favour and walk the committee through how the bail-related provision in Bill 75, particularly around expanded use of cash bail and upfront payments, may conflict with the charter protections, like the presumption of innocence and the right not to be denied reasonable bail without just cause.

Mr. Shakir Rahim: Well, let me start by speaking to the second principle you outlined, which is enshrined under section 11(e) of the charter.

The Supreme Court of Canada, in Antic, was quite clear that once a bail scheme requires overreliance on cash bail, it comes into conflict with section 11(e) of the charter—the right to receive reasonable bail. Certainly, any provision that effectively results in a person who ought to be released not being able to be released runs up against the presumption of innocence being upheld, which is part of what bail is designed to do.

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Of course, the constitutional issue with this bill precedes even the charter. It's a very basic division of powers issue. Here, you not only have the charter concerns that are outlined, but you also have a fundamental problem in terms of whether the province has the power to enact legislation in the first place.

The Chair (Mr. Lorne Coe): The time for the official opposition has concluded for this round.

I will now turn to the third party. MPP Collard.

M^me^ Lucille Collard: Thank you for being here and for presenting convincing arguments about something we could do differently, especially about this bill.

We've heard repeatedly from the minister and from other stakeholders, as well, who are dismissing the arguments that vulnerable people would be more affected by the cash bail system, because the court has the discretion to decide on what amount is appropriate. Presumably, if it was somebody who was poor, they wouldn't impose a big amount; it could be something very nominal to allow them to go on bail, if it's judged that they are not a threat to public safety. So what do we say to that?

Do you want to start?

Ms. Kelsey Flanagan: I'm happy to answer.

I think it comes down to what amount makes it a meaningful effort to address the public safety concerns. It certainly can be that cash bail can be set at different amounts, given different financial circumstances of the accused. However, the question is, what amount is high enough to deter someone from breaching but low enough to account for their financial circumstances?

The problem with nominal amounts is that there would be criticism that those amounts are not high enough to actually deter the breaches that we are concerned about.

So the risk of breaches and the risk of the issues of public safety can be addressed in other and better ways, without punishing the poor.

M^me^ Lucille Collard: Is the promise of paying the promised amount a better system than requiring cash up front?

Ms. Kelsey Flanagan: In the OBA's position, it is. Even for people who are of minimal means, the amounts pledged in these bails are often couple hundreds of dollars. Typically, $500 we're often seeing, even for people who don't have any money at all. The problem is that it is an effective process as long as estreatment is sought if someone breaches—so as long as the actual risk of losing your money exists. That process exists in the Criminal Code, and if it is followed, the pledge actually means something, whereas if the pledge is made and a breach happens and no one pursues estreatment as it exists under the Criminal Code, the pledge is meaningless.

The current system is constructed in a way that pledges can and should be effective, and the OBA encourages the pursuit of estreatment.

M^me^ Lucille Collard: Can you explain a little bit more what that means in practice—estreatment? I think not everybody may understand what it is.

Ms. Kelsey Flanagan: When an individual is released on bail with a surety and there is a pledge made—a pledge can be made by the accused, and the pledge can be made by a surety, if there is a surety. Those amounts do correlate, for the accused, to the financial circumstances of the accused and to the financial circumstances of the surety. If there is a breach and it is a proven breach, there is a process arising in sections 770 and 771 of the Criminal Code, where a hearing can be set to seek an order from a judge requiring those two individuals to pay that amount of money. There is a process; I've seen it once in my time as a criminal defence lawyer. It is so rarely followed, but it is available to the ministry to pursue those pledges and make the pledges meaningful. What it means is that, for individuals who make pledges based on their assets—their savings, their investments, their homes—or otherwise might need to save this amount, if a breach does come into fruition, it doesn't make the pledge any less meaningful. It will have to be paid if there is a breach for the accused and if there is a breach that the surety should have known about or done something about, if those things are proven. And it can be a meaningful pledge, but only if it's pursued later down the road if there is a breach.

To act as a deterrent, that estreatment process in sections 770 and 771 needs to be pursued.

M^me^ Lucille Collard: So you're saying that the use of estreatment already exists, but the justices of the peace are not using it?

Ms. Kelsey Flanagan: It's a process that's initiated by the Ministry of the Attorney General, and it's just not commonly pursued or used. We understand the system is under strain and courts are—there are things that ought to be focused on. There are criminal cases that might take priority. But if there's a management of the court's resources and the other issues which the OBA has addressed in its submissions, that would make room for this process, and we say it should be pursued.

M^me^ Lucille Collard: But would it burden the court more, given that they're already overloaded and there's a backlog? There's a reason why we've got so many people stranded in jails who are just on remand waiting for their day in court. So if we're adding this as a process for the courts to consider, are we adding to the burden and not helping fix the problem?

The Chair (Mr. Lorne Coe): We have one minute and eight seconds.

Ms. Kelsey Flanagan: I agree that it is an additional process or additional proceedings, initial court dates that would be needed. But the OBA's position is also that instead of focusing on adding resources to the cash bail system, which would also add a burden to the administration of justice, which would require staffing, people to collect the money, working with the Minister of Finance—organizing that between institutions will also add resources and delay, keeping people in institutions longer, adding to the delay there. Resources are better served addressing the delay and the overburden on the court system elsewhere, including through proper court staffing, improvement in facilities, but also charge screening.

The OBA, as I noted, strongly urges the ministry to consider charge screening at the outset of criminal cases, where crown attorneys review cases before charges are laid, because what that can do is it can filter out cases at the beginning that do not have a reasonable prospect of conviction, that are going to be the cases that my friend referred to as being withdrawn—

The Chair (Mr. Lorne Coe): Thank you very much for that response.

We'll now turn to the government members. MPP Allsopp.

Mr. Tyler Allsopp: Thank you to everyone here today who has taken the time to come before this committee.

I know you were cut off on your last answer, and my question really dovetails with the question that was asked by MPP Collard. So perhaps there will be an opportunity to expound on that a little bit.

We talk about if the court orders a release on a promise to pay and no cash deposit is required, this means that when a condition of bail is violated, it often leads to challenges related to the collection of the forfeited bail payments, including time and resources that must be expended to collect the payment.

You've raised the prospect of estreatment under sections 770 and 771, but then acknowledge that that would require a hearing, which would require more resources.

So why is it better to put the onus on the Ontario taxpayer, who funds all of those services, as opposed to on the person who has been accused and arrested for a crime?

Ms. Kelsey Flanagan: I have a two-part answer to that. The first is that the cash bail system will require further resources, on the administration of justice, on our court staff, who will be taken away from other proceedings to deal with this, and that those resources, in terms of administering the cash bail system, will be funded—there's no way around it—by the Ontario taxpayer. And the second part of the question is that I think it's important not to forget that people who are charged with crimes are presumed innocent and that they have a constitutional right to be released—to not be denied reasonable bail.

The OBA's position is that the cash bail system proposed by the government will unfairly punish those who are vulnerable or poor, who will be denied their constitutional right to reasonable bail.

The Chair (Mr. Lorne Coe): MPP Ciriello.

MPP Monica Ciriello: I want to thank all of the speakers for being here today and providing your remarks.

My question is for Kelsey—back on the Ontario Bar Association's opinion.

We know that the bill is focused on enhancing public safety, which is a huge priority for our government—I think it's something that we hear across the province, when we're talking to our residents; I know I certainly do

when I'm talking to my residents in Hamilton Mountain. One of the steps that we are taking is ensuring that individuals who repeatedly commit violent offences are not released to only offend again.

We understand that you have concerns with this legislation. So could you outline the OBA's preferred approach to dealing with repeat violent offenders and explain how your proposal would avoid creating the perception that violence is being excused or overlooked?

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Ms. Kelsey Flanagan: I am here on behalf of the OBA, to present the OBA's position that is outlined in our materials.

The OBA is equally concerned with public safety and with alleviating the burden on the justice system. Our criticism of the bill has nothing to do—it is not that we're not concerned with public safety like other citizens of Ontario. The problem is that the people who will be punished by cash bail or who will be detained and have their liberty deprived are not only or exclusively repeat violent offenders or only violent offenders.

MPP Monica Ciriello: But they are—you're saying not just because some of them are. You're acknowledging that some of them are violent repeat offenders by saying that.

Ms. Kelsey Flanagan: I'm not sure I understand.

MPP Monica Ciriello: Do you want to repeat your last line, then?

Ms. Kelsey Flanagan: Of course, there will be people who are violent offenders and who are repeat offenders who will be arrested and come before the bail system. A significant number of people who are accused, though, are vulnerable, poor, in the system because of those factors or because of mental health issues and do not pose a public safety risk. Those individuals will be detained along with violent offenders and repeat offenders and denied their constitutional right to a reasonable bail. Their rights should not be denied; they should not be the one held to expense because of the actions of repeat violent offenders. Unfortunately, the bill, as drafted, captures them as well as the violent repeat offenders the province is concerned about.

MPP Monica Ciriello: Could you explain, then, the OBA's position for dealing with repeat violent offenders and how that proposal would avoid creating that perception that violence is being excused?

Ms. Kelsey Flanagan: The OBA's position with respect to increasing public safety when it comes to violent and repeat offenders is addressing this issue of reduced sentences or early releases that our current—and including with respect to violent repeat offenders, because of the conditions in our detention system. So the OBA's concern is that the cash bail system is going to have the opposite effect. The more people who are detained—and they will be, because they will not be able to afford cash bail—the more double bunking, triple bunking, quadruple bunking will happen at our institutions. The conditions will decline even further, and people will be detained for longer periods of time when they should not have been—all of which are factors that go into reducing sentences for those individuals who were denied bail because they are a risk to public safety but spent time in conditions that are deplorable and were made worse by the detention of people who shouldn't be there but are there because they cannot afford to be released, which reduces the actual sentence that they receive after they've been convicted and found guilty of the violent criminal offence.

The Chair (Mr. Lorne Coe): One minute remaining for questions. MPP Darouze.

MPP George Darouze: Chair, through you: My question will also be to Kelsey from OBA.

We heard today—it has been busy all day, listening and hearing from different stakeholders.

I want to ask you a question about impaired driving causing death. It has a devastating impact on surviving family members and places emotional, psychological and financial burdens upon those family members to care for the minor children of the deceased.

Building on examples of similar jurisdictions such as Texas, the government is exploring the best way to ensure impaired drivers who kill a parent or guardian are held financially responsible for supporting the children of their victims. This would build on existing liability, including the ability of victims' families to sue impaired drivers in civil court. Do you support this proposal?

Ms. Kelsey Flanagan: As a representative of the OBA here today—

The Chair (Mr. Lorne Coe): Thank you. The time has lapsed for you to be able to provide a response.

We now turn to the members of the opposition. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to all our presenters. We've had a very full day of testimony from a number of witnesses—those who are actively in law enforcement, those who work within the judicial system.

I noted in my last round of remarks, just so you are aware, that I was noticing that there is a divergence of opinions, and I would probably extend it to say that—between who the government is listening to and what they propose the solutions to be. So the government is listening to law enforcement, who are saying that they need this tool of mandatory, universal cash bail and that it is one way—not the only way, but one way to keep the community safe. We're hearing from legal practitioners that—not so fast—this piece of legislation, as proposed, is unconstitutional, and there's the jurisdictional matter of whether or not the province can actually do what it's proposing.

I think we're getting down to the premise from what the Solicitor General said this morning, and I want to share with you. When I asked him whether or not he believed that people have a constitutional right to reasonable bail under section 11(e), he struggled to answer the first time, but he said yes the second time and then said that the courts will sort it out. He was basically, I think, saying that we're just going to place this law in front of the judiciary and we're going to let the judges and the JPs decide on how to administer. And by way of mandating the universal cash bail, the ladder principle is now being removed. So I want to just drill down a little bit more on that.

What does it mean when the ladder principle is removed from the justices when they're considering how bail is ministered?

I'm going to start with the OBA.

Ms. Kelsey Flanagan: The ladder principle, of course, is the principle that the conditions of someone's release increase or decrease based on a number of risk factors—either the severity of the offence, the risk of reoffending etc. Those who are first-time offenders with non-violent offences are often released without conditions. Those charged with violent offences or particular offences where there's reverse onus, or who are repeat offenders who have breached in the past, have more severe conditions.

Those principles will still be applied to the conditions of a bail, even with a cash bail. The problem is—what we're saying is, the courts will review the case and say, "This person is releasable." We've managed the risk on the ladder principle. There are appropriate restrictions—house arrest, curfew, non-contact orders—and those deal with all of the risks. They are releasable, but they have to pay this amount in cash. So we all agree they're releasable if they can pay, and if they can't pay, then the inability to pay supersedes those rules on the ladder principle and our agreement that they are releasable.

MPP Kristyn Wong-Tam: So it seems to me, based on your reply, that the Solicitor General may have contradicted himself when he said that the courts will decide, when this legislation is giving him a prescriptive law that then limits their judicial independence to determine what is appropriate when it comes to reasonable bail or access to reasonable bail.

The government has said on several occasions that this is a government that's tough on crime. They support the police officers—as if it's an assumption that nobody else does—but more importantly, they're going to build a lot of jails, build as many jails as they can possibly get their hands on. They're going to build modular jails; they'll stack them up 10 storeys high.

Is there a jurisdiction in the world that has made their community safer—for example, the USA, which has built the highest number of jails. And are those communities safer because of the number of jails that exist?

To Safiyah—thank you.

Ms. Safiyah Husein: I do not believe that communities that have built more jails have resulted in higher degrees of public safety.

We know that to incarcerate somebody is costly. It's not an efficient use of resources. It also doesn't address underlying issues related to their criminal justice involvement—particularly for those who are presumed innocent. We know the system is struggling with people with unmanaged mental health, addictions concerns, homelessness, poverty. The justice system winds up as the catch-all for those people who fall through our social safety net. So this is not effective. To build more jails to incarcerate them is not necessarily an effective use of resources. However, community supervision that provides support and wraparound services to address underlying issues related to their criminal justice involvement is much less costly than incarceration and can improve community safety by addressing those underlying concerns.

MPP Kristyn Wong-Tam: Would it surprise you to hear that this government has agreed with those sentiments through the intimate partner violence study, through our last discussion in 2023 around the—

The Chair (Mr. Lorne Coe): You have one minute left for questions.

MPP Kristyn Wong-Tam: Thank you—government's review of bail reform. Would it surprise you that the government is on record saying that bail verification and supervision programs are effective, that there should be more investment—that it's something that they should do, but they haven't necessarily done? Does that surprise you?

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Ms. Safiyah Husein: I think the evidence is there, so this is an opportunity to move on the data.

MPP Kristyn Wong-Tam: Thank you.

The Chair (Mr. Lorne Coe): You have 20—well, 20 seconds is not time for a question and response.

I'm going to Madame Collard.

MPP Kristyn Wong-Tam: I could have filled it.

The Chair (Mr. Lorne Coe): Pardon me?

MPP Kristyn Wong-Tam: I said I could ask a question.

The Chair (Mr. Lorne Coe): All right. Thank you.

Third party, please. Madame Collard.

M^me^ Lucille Collard: Given what we've heard and what we know about the horrendous situation in jails, I think it's very important that as a society we find a way to address this problem, because I think it's a big issue. It definitely doesn't give anyone a chance to rehabilitate themselves, when they're in jails in such conditions—actually, I think it goes the opposite way, totally.

In talking about alternatives and some solution to reduce the burden on the jail system, I'd like to continue the conversation about the charge screening, because I think that's a way to maybe have less people in jail. Can you just explain more how it would work in practice?

Ms. Kelsey Flanagan: In the current system in Ontario, a charge is laid by the police when the police have reasonable grounds to believe an offence has been committed. That is a pretty low standard, in terms of our belief based on the evidence of whether a crime has been committed. When the case is moved from the police after a charge has been laid, it's brought into court. Crown attorneys then have to review the case throughout the process for reasonable prospect of conviction, which is a higher standard of, can we actually win the case, is there actually a chance of going to guilt, in addition to reviewing it for public interest.

Charge screening moves the timing of the crown attorneys' review of that to before the charge enters the system—so, before the case enters the court system, becomes an appearance, becomes a proceeding that takes up time from the courts, from the staff, the crown attorneys are required to review the police investigation and determine, "Is there enough evidence here to proceed? Am I likely to secure a conviction?" Oftentimes, they can give the police evidence to say, "There's a big gap here in terms

of the evidence. Go and investigate this before we lay charges." That is done in numerous provinces across this country, including BC, Quebec, New Brunswick, Manitoba. BC and Quebec have been doing it for over 40 years.

In BC, for example—it's a great example; they do it very effectively—BC does not have the Jordan delay issues that we have. Their system is not bursting at the seams; it runs very effectively. One of the main reasons cited for that is charge screening. It filters out all of the cases that are low public interest, not violent crimes, or cases that are weak or need more investigation before being pursued so that a conviction can actually be pursued.

With the right resourcing to the crown attorneys who would have to do this work, like they do in other provinces, and support for those crown attorneys, a set of cases can be removed from the court system, because they're going to be removed anyway. They're just going to be removed later, when they fall apart when the crown does that review later on—which saves court time, resources, staff. It saves the police from having to arrest the person, hold them. It saves time on bail. It removes the people who are flowing through the bail system for cases that are not the cases we need to worry about or that are not provable anyway.

M^me^ Lucille Collard: Those jurisdictions that are applying this principle or this process—they're not pressed, like Ontario seems to be, to build more jails at any cost.

Ms. Kelsey Flanagan: No. The reports from those we know in BC and who we speak to—and I do have friends who are crown and defence in BC, and there are academic studies on this as well. They are not dealing with the delay problem that we have. They are not having cases thrown out and stayed for 11(b) breaches, because their system is not clogged up with a bunch of cases for a period of time before they get withdrawn anyway for being weak or not in the public interest, not violent offences etc.

M^me^ Lucille Collard: Right. And I'm sure it's saving them a ton of money, because keeping people in jail is very expensive.

I'm going to turn to Safiyah. I'm also interested in an alternative to having cash bail or building more jails. You talked about bail beds, bail programs. Can you talk more about that, how that works—in other jurisdictions, I imagine, because we don't really have that here—how effective it is, and what it could look like?

Ms. Safiyah Husein: We do have a few sites in Ontario that have a residential bail program; however, it's not nearly enough to meet the need. How it works is, if an individual is released into a community-based bail program, the Bail Verification and Supervision Program, and they do not have a fixed address, they are experiencing homelessness, they can be released into the residential bail bed program. That provides supervision, a case manager, somebody who provides services and supports to them, often in-house. There are two sites where it's the John Howard Society that runs these programs, and they have services in-house to ensure that if an individual has mental health needs, they are connected with mental health services within days—whereas somebody might wait months or years in the community, waiting for those types of supports. So the individuals have the wraparound supports they need, and they're in a residence with 24-hour, seven-day-a-week security and supervision, so that individuals can be safely managed in the community and have housing—

The Chair (Mr. Lorne Coe): Thank you very much for that response.

You have one minute, Madame Collard.

M^me^ Lucille Collard: Presumably, those programs are less expensive than having people in jail?

Ms. Safiyah Husein: Significantly.

M^me^ Lucille Collard: So we would be saving money and saving space in jails as well?

Ms. Safiyah Husein: Exactly.

M^me^ Lucille Collard: It seems to make a lot of sense to me.

I'm going to leave it there for now because I don't want to get into another big conversation without enough time.

The Chair (Mr. Lorne Coe): We'll now move to the government for questions. MPP Gualtieri.

MPP Silvia Gualtieri: I turn my attention to the John Howard Society. under the directorship of Safiyah Husein.

Congratulations to you, as I mentioned in the hall when I saw you. Congratulations, and best wishes to the upcoming baby.

Ms. Safiyah Husein: Thank you so much.

MPP Silvia Gualtieri: The Coroners Act sets out the death investigation system, including the role of the coroner and forensic pathologist in death investigations, including inquests and death investigation oversight. The government is reviewing the act to identify opportunities to propose updates in response to challenges under the system. Initial proposed changes include the prohibition of unauthorized recording and broadcasting of coroners' inquests, to bring in line the practices in courts under the Courts of Justice Act, and clarifying the Chief Forensic Pathologist's role in facilitating postgraduate training and conducting continuing education programs for pathologists while maintaining transparency for families and the public. What is your organization's view on the proposed changes on the coroners' side?

Ms. Safiyah Husein: Thank you for the question.

While I did not prepare my remarks today on that part of the bill, we do believe at the John Howard Society of Ontario that inquests are a really important opportunity for transparency into the correctional system, particularly with deaths inside correctional institutions, and that proposed changes should consider the importance of maintaining that public accountability and transparency, while also focusing on efficiencies and ensuring that there are opportunities to examine trends, to allow for recommendations that truly get at some of the issues that we're seeing again and again in some of these inquests.

The Chair (Mr. Lorne Coe): MPP Sarrazin.

Mr. Stéphane Sarrazin: I will also direct my question to you, Safiyah.

We're looking to support safer environments in adult correctional facilities, and Ontario is moving towards en-

hancing its canine detection program, including conducting more searches and potentially extending the program to include searches of inmates. Would your organization agree that expanding the use of canine units in corrections is an appropriate and effective measure?

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Ms. Safiyah Husein: As I have not been able to prepare an official response on behalf of the organization, I will say that when it comes to searches inside correctional institutions, we do believe that they should abide by human rights standards and ensure that they're only done when necessary to promote safety inside the institutions, but done in a way that preserves the dignity and rights of incarcerated persons.

Mr. Stéphane Sarrazin: So do you think having the canine looking into it would be different from actually searching? Do you have a point of view on that, or not really?

Ms. Safiyah Husein: Perhaps. We'd have to consider the different factors. Opportunities that respect an individual's dignity, that avoid unnecessary strip searches—those are opportunities that we think are important to explore.

The Chair (Mr. Lorne Coe): MPP Allsopp.

Mr. Tyler Allsopp: Chair, could I get a time check?

The Chair (Mr. Lorne Coe): You have two minutes and eight seconds.

Mr. Tyler Allsopp: Fantastic.

In a previous round of questions, the member from Carleton, MPP Darouze, asked a question regarding additional provisions for drunk drivers when there is a loss of a parent, that would then see the drunk driver in question pay child support, effectively, to the children who had either lost a parent or been orphaned by the actions of that drunk driver. It's a provision that exists in Texas. It's something that the government is considering. If I could ask the panel—what are your positions on that? Do you think that is something worth exploring or not?

Ms. Kelsey Flanagan: And as I would have answered the question if it weren't for time constraints last time, I'll say that I'm here as a representative of the OBA, to speak on the bail provisions and the cash bail provisions in Bill 75. I'm not prepared, or here on behalf of the OBA, to speak to anything different than that.

Mr. Shakir Rahim: I have a similar response. We don't have a particular position on that provision at the moment.

Ms. Safiyah Husein: It's the same for us. We are, unfortunately, not prepared to speak that or anything else.

Mr. Tyler Allsopp: That's all right.

The Chair (Mr. Lorne Coe): You have one minute and two seconds remaining.

Mr. Tyler Allsopp: I apologize, Chair. I expected that might take a little bit more time.

Ontario is advancing initiatives to improve safety within adult correctional facilities, including adding splash guards in specialized care areas to mitigate the risks associated with thrown fluids, as it relates to corrections officers. Do you support those provisions in the bill?

I'll go to Mr. Shakir Rahim.

Mr. Shakir Rahim: Yes. I think any provisions that are seeking to improve the safety environment in correctional institutions are ones we should pursue.

What I would say, as I referenced in my remarks, is that it's quite clear that justices have noted issues with health, overcrowding and so forth in Ontario prisons for quite some time now—including the last Ontario ombudsperson report. So I think it's equally important that there are some steps taken by the government of the day to address those findings.

The Chair (Mr. Lorne Coe): That concludes the second round of questions.

Thank you very much to our presenters. We have another group coming behind you. Have a good evening.

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND HUMANE SOCIETY

ANIMAL JUSTICE

SOUTH ASIAN LEGAL CLINIC OF ONTARIO

The Chair (Mr. Lorne Coe): I'd like to welcome to the table the Ontario Society for the Prevention of Cruelty to Animals and Humane Society, Animal Justice, and the South Asian Legal Clinic of Ontario. You might want to get some water before you sit down, since we have two rounds of questions.

Thank you very much for coming to Queen's Park to make your presentations. I'd like to start with the Ontario Society for the Prevention of Cruelty to Animals and Humane Society. For the record, please introduce yourselves and your position with your organizations. You have seven minutes each to make your presentations. I'll let you know when you have one minute left, and that will be followed by two rounds of questions, as you just saw.

Please go ahead, sir.

Mr. Drew Woodley: I'm Drew Woodley. I'm the director of government relations with the Ontario SPCA and Humane Society.

Thank you for the opportunity to appear before the committee today to speak on the important issue of animals in research. The Ontario SPCA and Humane Society appreciates the opportunity to provide feedback to the proposed legislative changes to the Animals for Research Act contained in Bill 75 and the accompanying regulatory package. We believe that the legislation and regulations that have been introduced are a meaningful step forward by the provincial government and will have a positive impact on Ontario's animal welfare framework.

When the provincial government first announced that it would be bringing forward legislation to address the use of cats and dogs in medical research, the Ontario SPCA provided recommendations to the province on key elements that we believe should be included in the new framework. We were heartened to see that some of those recommendations were subsequently included in the legislation, particularly the recognition that an exemption

must exist for legitimate veterinary education and research purposes.

While the legislation is an important step, we believe there are some specific amendments to the legislation and changes to the proposed regulations that will make the new regulatory framework more effective for the protection of animals. Specifically, we wish to raise the following items:

Sections 14 and 20 of the Animals for Research Act allow animals in pounds to be sold as a source for research subjects. We believe that these components of the act must be removed and that pound-sourcing of animals should end, except as part of legitimate veterinary research and training conducted with the participation of the sheltering organization.

We wish to reiterate our belief that the blanket exemption to the Provincial Animal Welfare Services Act be removed in section 1.1 of the Animals for Research Act. Currently, the act states that the Provincial Animal Welfare Services Act does not apply in respect of an animal in the possession of the operator of a registered research facility or of a licensed operator of a supply facility. As an alternative, we would propose limiting the non-applicability of the PAWS Act strictly to the research approved by an animal care committee. Animal suppliers and research facilities should be required to comply with the PAWS Act prior to the commencement of and following the conclusion of said research. We further call on the government to make amendments that would empower OMAFA inspectors to enforce the PAWS Act as part of their duties.

Further to the enforcement of the PAWS Act, we believe that changes prohibiting the sourcing of research animals from outside of Ontario are necessary to ensure that the conditions under which they are bred and cared for are subject to the standards of the PAWS Act and the Animals for Research Act.

We also believe that animal protections can be improved by adding a section to the Animals for Research Act similar to section 14 of the PAWS Act, requiring veterinarians and other prescribed persons to report suspected violations of the Animals for Research Act to OMAFA inspectors or other designated authorities, with similar penalties for non-reporting. Individuals who make such reports should be granted explicit whistle-blower protections.

The Animals for Research Act puts significant responsibility in the hands of animal care committees. To strengthen this rule, we believe that the following amendments and additions should be made to the Animals for Research Act:

—that section 17 be amended to require at least one veterinarian not employed or otherwise connected to the research facility to be part of the animal care committee;

—that inspectors under section 18 be granted the same powers as animal care committees under section 17 of the act, such as directing offending research to be stopped;

—that it be made an offence to falsify or withhold relevant information provided to an animal care community as part of section 17; and

—that the legislation leaves many of the details of this new framework to accompanying regulations.

We've had an opportunity to review the publicly available draft of the regulations that were circulated several months ago, and based on that, we would recommend the following items be added to the legislation itself, or that the proposed regulations be strengthened through the following changes:

More detailed language on rehoming plan requirements should be added, requiring researchers to provide details of a post-research rehoming plan for each animal as part of their proposal to the animal care committee. When rehoming is not feasible, researchers should be required to provide a clear, evidence-based justification outlining the scientific, medical, behavioural or biosecurity reasons preventing rehoming, as well as the steps taken to explore alternatives. The animal care committee should retain the authority to request revisions or impose conditions related to rehoming prior to granting approval.

Further, we would want to see the introduction of veterinary science-based limits on the length of time animals may be housed for research purposes, along with a requirement that animals must only be used in a single research activity.

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We believe it is important to strengthen transparency through public requirements on the nature and scope of animal-based research conducted under the legislation, including the establishment of a public reporting mechanism on any violation.

Finally, open the regulatory review process to consider the inclusion of all animals under the invasive research ban. Notably, the Canadian Council on Animal Care reports that dogs and cats account for only 0.27% of the animals used in category D and E research, which is roughly aligned with the proposed ban. This indicates that broader inclusion would significantly increase the impact on animal welfare.

The legislative and regulatory improvements brought forward by the government in Bill 75 are a significant step forward towards providing more robust protections for animals used for scientific research. The Ontario SPCA believes that by incorporating the additional changes we have recommended, the government of Ontario can further demonstrate its commitment to addressing the inadequacies of the existing research oversight framework.

Finally, the Solicitor General announced Bill 75 in November 2025, and when he did so, he also announced a government consultation on the related issue of banning medically unnecessary procedures that harm dogs and cats, such as declawing and ear cropping. While the Ontario SPCA welcomed this consultation that had originally been promised in 2023, we were disappointed to see tail docking quietly dropped from the list of medically—

The Chair (Mr. Lorne Coe): Excuse me, Mr. Woodley. You have a minute left in your presentation.

Mr. Drew Woodley: Thank you.

We were disappointed to see that tail docking was quietly dropped from the list of medically unnecessary

procedures that the Solicitor General had committed to consulting on. This procedure consists of amputating the tails of puppies as young as a few days old—often without pain medication—and runs the risk of death from infection or death from blood loss. Startlingly, these tail amputations are often conducted by non-professionals for appearance purposes.

We call on the provincial government to follow through on the ban on procedures when done for medically unnecessary cosmetic and convenience purposes and to include tail docking as part of the ban.

The Chair (Mr. Lorne Coe): Thank you very much.

We'll move now to Animal Justice. Welcome to the justice policy committee. Please introduce yourself for the record.

Ms. Camille Labchuk: Camille Labchuk with Animal Justice.

The Chair (Mr. Lorne Coe): Thank you. You can start your presentation right now.

Ms. Camille Labchuk: I'm a lawyer and the executive director of Animal Justice. We're a national Canadian animal law organization working to improve animal protection laws.

Unfortunately, we actually have some of the worst animal protection laws in the world in Canada, especially for animals used in laboratory experiments.

I want to be very clear that Bill 75 is a big step forward, with updates to animal research oversight and precedent-setting protections for cats and dogs against being used in horrific, painful experiments. This reflects public opinion, and it also reflects the scientific innovation that is rapidly moving on from animal testing. The proposed law has the potential to send a ripple effect across the country, which of course is good news.

First, just a little context on how we got here: Last year, Animal Justice was approached by a couple of whistle-blowers who were incredibly brave, and they shared extensive documentation and photographic evidence with us revealing a secret animal research lab inside St. Joseph's Hospital in London, Ontario. Young dogs were kept in barren metal cages, used in invasive cardiac experiments where they were given heart attacks that could last for hours. Their hearts were then imaged in the same machines used on human patients. Windows were covered, the lab played music to cover up the sound of their barking, and staff were instructed to hide the dog food bags from the garbage so the rest of the hospital would never know. The dogs who survived endured a painful recovery and were nursed back to health, only then to be killed, with their hearts removed and their bodies stuffed into biohazard barrels in a freezer.

As caregivers, the whistle-blowers had a special relationship with one friendly and affectionate dog named Salt. When her cage mate named Sugar unfortunately died after being induced with a heart attack, Salt was devastated. She was completely alone in her cage and showed signs of emotional distress, including whimpering and submerging her head in her water bowl. Sadly, after suffering through her own heart attack experiment, Salt was killed too.

In August, the Investigative Journalism Bureau published a lengthy story exposing this secret dog lab on the front pages of national newspapers, and the public reaction, as you know, was swift. People were heartbroken and outraged to learn that dogs were facing this type of brutal experimentation in Ontario—and that includes the Premier. After playing a role in convincing St. Joseph's to close the dog lab down for good, Premier Ford made a groundbreaking promise to end what he called "cruel" and "unacceptable" tests on cats and dogs.

Provincial leadership is so important, because we don't have that at the federal level. We lack a federal animal welfare law and a legal regime to protect animals in labs. There's only a voluntary body called the Canadian Council on Animal Care that sets guidelines, but these are not laws and carry no legal weight.

Animal-free science is evolving at an unprecedented pace around the globe, to phase out experiments on animals, and we are starting to see some federal shifts too, including a 2023 law that restricts cosmetic testing on animals and the sale of those products—and, that same year, a law that would hopefully lead to the elimination of toxicity tests on animals in the future. This could save the lives of about 150 animals used in some of the worst, most painful tests every year.

I'll just turn now to several specific amendments that we think could strengthen the bill.

The first recommendation is around definitions. The Premier was very clear when he said the law is intended to prevent invasive and painful experiments on cats and dogs. He said, "You aren't going to use pets—dogs or cats—to experiment on any longer." As drafted, the bill prohibits "invasive medical research" on cats and dogs. We propose deleting the word "medical" to clarify further that the intent is not simply to ban medical research, but all invasive research on cats and dogs. The Canadian Council on Animal Care recognizes five categories of experiments, and medical research is just one of them. The others are fundamental research; regulatory testing of chemicals; studies to produce human or pet health appliances; and education and training. It's important to be extra clear that cats and dogs shouldn't be used in these other categories of experiments either, particularly toxicity testing, which is the worst and most painful form of testing.

Recommendation number 2: There is an exception right now to the ban on invasive medical research on dogs and cats if done for a veterinary purpose. We think that's important, but we do recommend narrowing this to ensure that even for veterinary research, our pets aren't subjected to experiments causing the worst pain and distress. This could be done by prohibiting what are called category E experiments, which are the most harmful, as they "cause severe pain near, at, or above the pain tolerance threshold of unanesthetized conscious animals." And we would say there's no scientific or ethical justification for these experiments.

Recommendation 3: We would like to see Ontario require labs to rehome animals at the end of an experiment, where possible, instead of simply needlessly killing them. Adoptions like these are already the law in many US states. This bill came too late for Salt and Sugar, but the other seven dogs in that lab when the story came out were rescued, and now, as far as we know, are in loving homes. We think that when this new bill becomes law—which, hopefully, these provisions will—there will be cats and dogs who are no longer going to be able to be used in experiments, who will need homes. We would far prefer to see them be able to access those homes and mandated to do so rather than simply euthanized.

I was lucky enough to meet two beagles who were released from a lab last spring here in Toronto. It was a beautiful, sunny day, and they emerged from their cages, welcomed into the arms of their adopters. While it was so heartbreaking to know what they had endured for so many years of their lives, seeing them mesh so well with their new caregivers and their capacity for forgiveness and their ability to soak up the love that they were given was just so heartwarming.

The last recommendation I'll emphasize—

The Chair (Mr. Lorne Coe): Excuse me. You have one minute left.

Ms. Camille Labchuk: Thank you—is one my friend mentioned, which is ending the practice of handing animals over from municipal pounds to animal experimenters. Ontario is the only province with this mandate, and it is, of course, unacceptable. We know around 12,000 lost or abandoned pet dogs and around 11,000 cats from 2012-16 alone were sold by pounds to labs for only $6 a dog and $2 for a cat. This should end.

To wrap up, I will just point out that you can see more detailed comments and suggestions from us in the brief that I sent to all the committee members. And I do want to again applaud the government and members of other parties for taking lab-animal welfare seriously. Too often, this is hidden behind closed doors, and I think this bill is proof that when that comes to light, people want to do good things for animals. Laws have been extremely effective in driving global change for animals used in lab settings, and this is a huge step forward.

I look forward to any questions.

The Chair (Mr. Lorne Coe): Thank you very much for your presentation.

I will now turn to the South Asian Legal Clinic of Ontario. Please introduce yourself so we can capture that on our record here at Hansard.

You have seven minutes for your presentation, and as you have seen, I will give you a one-minute warning so you can start to summarize your presentation.

Ms. Gurmat Randhawa: My name is Gurmat Randhawa. I'm a staff lawyer at the South Asian Legal Clinic of Ontario, or SALCO. SALCO is also a founding and steering committee member of Colour of Poverty-Colour of Change, which is an Ontario-wide network focused on addressing the racialization of poverty and advocating against structural inequality.

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SALCO is a not-for-profit legal aid clinic that supports low-income South Asian people across Ontario with legal matters across a number of areas of law. We also provide work to inform systems reforms on the impact of law and policy on low-income communities, and in particular low-income racialized people.

We are speaking today because schedule 2 of Bill 75, which amends the Bail Act, raises significant access-to-justice and equity concerns. It has the potential to affect low-income people, racialized and Indigenous communities, women, caregivers, people with disabilities and families already struggling with financial pressure.

Our position is that we oppose the proposed changes to the Bail Act. This would not be a minor administrative change. It would move Ontario towards a cash-first bail system where release would then become a function of whether an accused person or their family can come up with money quickly. These changes would create additional barriers to access to justice, perpetuate existing inequities and put a significant strain on an already overextended court system and overcrowded provincial jails.

The bill's stated policy objective is to target violent, high-risk and repeat offenders. However, the proposed changes would not meet that stated objective. The bill does not make any distinction between someone who may have been charged for the first time in their life, as compared to someone who may have a prior conviction. This overbroad approach will disproportionately impact people who are already vulnerable and marginalized. And this matters, because poverty is already a major barrier to release. People without stable housing, property, employment or strong social supports often struggle to secure a suitable surety and are more likely to remain detained pretrial. Our current bail law and framework codify the ladder principle and the requirement to consider the circumstances of Indigenous accused, as well as accused from groups that are already overrepresented. This is in the Criminal Code at this time.

Government data tells us that in Ontario, Indigenous and racialized people experience far higher rates of poverty than non-Indigenous and non-racialized people. The poverty rates for people with disabilities are also substantially higher than those of people without disabilities. It's also important to mention that poverty rates have only gone up since the pandemic, so the rates are higher across the board, and then within these communities we see even higher percentages. We also know that Indigenous and Black communities are already overrepresented in incarceration. Making release dependent on cash would predictably deepen these existing inequities.

In creating this additional requirement of upfront payment, this bill would, in essence, be criminalizing poverty. The proposed changes would create a two-tier system of justice, as we've heard, where the only difference between two people charged with the same crime who would otherwise qualify for bail would be their capacity to pay. Impacts would also be felt beyond just the people charged criminally. In practice, the financial burden

of the proposed changes will also shift to families and caregivers, who often act as sureties and bear the emotional and financial burden when a family member is detained. These individuals may face pressure to obtain funds or pledge property. This can create additional financial strain and housing insecurity, particularly for women and caregivers who often assume this responsibility. It also risks discouraging family participation in the bail process, making release more difficult to achieve, and more difficult to sustain and reduce the risk of breach.

Lastly, as you've heard earlier today, Ontario's provincial jails are already under stress from overcrowding and resource shortages. Most of the people in provincial jails are pretrial detainees. Increasing pretrial detention for people who cannot meet cash requirements would only worsen those pressures and lead to higher system costs.

On one hand, we are creating a situation where presumptively innocent people are being held in custody for extended periods of time. Of those individuals, only some will be convicted. And there are already examples of court decisions where courts have had to reduce sentences for individuals found guilty, because of extended pre-detention duration and bad jail conditions. These proposed changes would not alleviate those issues.

Building more jails does nothing to change the systemic delays in our criminal justice system. And holding someone in custody is a very, very expensive proposition. From a policy perspective, these changes do not promote either efficient or fair administration of justice. Without investing in our court systems and effective enforcement of our existing bail compliance framework, we are not truly addressing this problem.

We urge the committee to recommend that Ontario not use the bill to require upfront cash payment as a requirement for bail. We recommend this be withdrawn completely.

We recommend that Ontario does not create a system that undermines the codified principles of restraint and least onerous release.

We also recommend that investments be made in improvements that have proven benefits, such as timely access to hearings, access to legal representation, and remote participation for sureties, especially in rural and northern areas, as well as mental health and housing supports that would promote safe and sustainable release and reduce the pressures on our justice system.

In closing, we care about public safety. At SALCO, we work with some of the most vulnerable sections of society. Over the last almost 25 years of our existence, we have worked with thousands of people who have interacted with the criminal legal system in different ways—as survivors of violence, as individuals currently facing charges, and those with prior convictions.

The Chair (Mr. Lorne Coe): One minute left.

Ms. Gurmat Randhawa: Thank you, Chair.

From our perspective as service providers working with low-income communities, this bill would not move us any closer to increasing public safety. What it would not do is make a targeted reform addressing repeat offenders. What it would do is over-capture low-income people and individuals who would otherwise be eligible for bail but for the capacity to pay.

We encourage the committee to ensure that Ontario's bail system remains focused on risk, fairness and justice, and not on financial capacity.

I thank you all for your attention and the opportunity to address you all today.

The Chair (Mr. Lorne Coe): Thank you very much for your presentation.

We'll now start with questions. To the official opposition: MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you to all of you who have come under your busy schedules today to express how you feel about Bill 75. Your opinions are so valued. I hope that they're being listened to and they fall upon listening ears and we can raise these when we come in like mind.

This is going to Mr. Drew Woodley. You raised concerns about the current exemptions under the Animals for Research Act and the ability to source animals from outside of Ontario. In your view, how do these gaps undermine the standards set out in the PAWS Act, and what risks will that create for animal welfare, by sourcing animals from outside of the province?

Mr. Drew Woodley: For context, there is, as I mentioned earlier, an exemption to the Provincial Animal Welfare Services Act—our province's animal protection act—in the Animals for Research Act. It sets out that, essentially, research facilities and research supply facilities are exempt from the act, which means our provincial animal welfare service can't enforce the act in those environments. That's a lot of exemption, right? I think the intention there was probably, if I were to imagine, originally around recognizing that in a scientific laboratory setting, that law simply could not be enforced and the research could not take place, potentially. But the exemption itself is very broad. So our recommendation would be that that exemption be substantially narrowed to the research component itself and the pre- and post-settings have PAWS Act applicability and the exemption be removed.

Likewise, with sourcing from outside of the province—the amendments that were brought in in Bill 75 speak to sourcing but are silent on sourcing from outside of Ontario. If we are to ensure that the welfare of animals that are being used in research is maintained and is maintained at the level that Ontarians expect, that would mean a ban on importing animals from other jurisdictions, because we simply don't know the standards. There are, quite frankly, many jurisdictions in North America that do not have standards close to what we have in Ontario. So by putting in that ban, we can ensure that the animal welfare standards we all expect to take place and have in place for animals that are being used for research in our province are respected.

Mrs. Jennifer (Jennie) Stevens: Thank you for that. That was very well detailed. I appreciate that.

I know a concern raised prior by the Ontario SPCA was tail docking in dogs. You mentioned it in your delegation. Given that this procedure is done purely for cosmetic reasons and mostly to newborn puppies, can you speak to the animal welfare association's concerns with this practice and whether its exclusion from provincial consultation that just recently concluded undermined efforts to meaningfully address medically unnecessary procedures?

Mr. Drew Woodley: When the Solicitor General announced the intention to hold a consultation two and a half years ago, he mentioned four procedures specifically: feline declawing, ear cropping, devocalization, and tail docking. When the consultation finally proceeded at the end of 2025 and early January this year, tail docking was dropped from that list. This is a procedure where puppies a couple of weeks old have their tails amputated for appearance purposes, reportedly to align with breed standards. I'm not a scientist, but I think if you have to amputate the tails off of dogs, that is not a natural component of that breed standard. It also is a cruel act. This is often, like I say, done without pain medication. It runs the risk of infection and runs the risk of blood loss. For some reason, when this consultation came forward this year, that particular procedure was removed, and we do not know why.

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Mrs. Jennifer (Jennie) Stevens: Do I have time?

The Chair (Mr. Lorne Coe): Yes. I'll give you a time check right now: 2:01.

Mrs. Jennifer (Jennie) Stevens: Perfect.

Can you go into more detail on the importance of having actual medical professionals like veterinarians on the animal care committees? You did mention that.

Mr. Drew Woodley: The structure that would have veterinarians—where we see an important role is having a veterinarian at arm's length from the research facility itself to give a third-party assessment, if you will, so that the animal welfare standards and care standards that need to be included in a decision to conduct research on animals are respected, and to have that independent voice as part of that consultation.

Mrs. Jennifer (Jennie) Stevens: Perfect.

I am going to go to Ms. Labchuk and Ms. Randhawa. I'm sure my colleague will be able to address your concerns, but I'm short on time, so, quickly—Bill 75 maintains provisions that allow animals from pounds and humane societies to be sold for research purposes, as you added, and does not fully close gaps around the oversight of expectations under the PAWS Act. From your perspective, what are the risks of keeping these provisions in place, and how could they undermine the animal welfare standards in Ontario?

And I do apologize to the other speaker we won't get to.

The Chair (Mr. Lorne Coe): You have 37 seconds to respond.

Ms. Camille Labchuk: Thank you.

One really big risk is that people's lost and abandoned cats and dogs end up in the hands of experimenters. This is not a theoretical risk. This has happened before. There's a three-day redemption act under the applicable legislation, meaning that after three days, those animals can be handed over, and that's a problem.

With respect to the PAWS Act being inapplicable, this means that even in that situation where perhaps a lab technician is very frustrated and starts whaling on an animal, or a lab facility neglects animals, without food and water, or keeps them in terrible conditions or experiments—

The Chair (Mr. Lorne Coe): Thank you very much.

We are now moving to the third party. Mrs. McCrimmon.

Mrs. Karen McCrimmon: I'm actually going to stick on the animal welfare, and my next round will be for talking about bail.

It was interesting for me to hear that Ontario is the only province that allows taking cats and dogs from pounds to be used for research. When you brought that up to the government and said, "Why do we do it that way in Ontario? Nobody else does," what did you get for a response?

Ms. Camille Labchuk: Thank you for the question, MPP McCrimmon.

We have raised this. We have sent various submissions to the government since this bill was first discussed publicly, and then when it was proposed. We've mentioned this in the context of the regulatory changes, as well. I don't know that we've received any information to fully understand why it hasn't been removed. I think it's important that it is removed.

Obviously, we've just identified some very real concerns, which are that people's pets could be ending up in labs. The other concern, of course, is that we're in a situation where we are restricting, through this bill, cat and dog research in the first place, so the rationale for allowing experimenters to buy cats and dogs for $2 to $6 from pounds is further eroded.

I think it would be really important that we do see a change on this at some point in the future.

Mrs. Karen McCrimmon: Thank you.

Do you have anything to add?

Mr. Drew Woodley: We haven't received a response either. The Animals for Research Act is decades old, and it has been part of that framework for a long time. It is now 2026. Our view on animals and animal welfare has changed over the decades. And quite frankly, we think that animals that have been lost, that have been abandoned, that have been rescued, that have come from puppy mills should not then be taken from shelters and pounds and put into research facilities.

Mrs. Karen McCrimmon: Thank you very much. That makes a lot of sense to me.

Let's talk, then, about when the research is completed. What happens in Ontario now, and what would you like to see happen?

Ms. Camille Labchuk: Thank you for the question.

The state of affairs in Ontario now is that the lab is free to make decisions about what would happen with those animals when the research is completed. It's not necess-

arily apparent to the public or to an organization like ours what the fate of those animals typically is, because there's a lot of secrecy around this industry.

There aren't public reports about the fate of animals, so I'm not able to rely on any statistics, but what we believe to be the case is that they're primarily euthanized at the end of experiments rather than adopted. I know occasionally that sometimes a lab worker will facilitate the adoption, or there will be somebody at the lab who agrees that would be a good thing and it might be done somewhat informally. But to the best of our knowledge, there's not typically a consistent policy of adoption or rehoming of animals after experiments are facilitated. We think that is a huge opportunity. In many states in the US, including California, Massachusetts, Iowa, Illinois, they have moved forward with these so-called "second chance" or "beagle freedom" laws, and they have been incredibly popular. As you can imagine, there's no more heartwarming story than a rescued dog.

My colleague actually rescued and adopted a dog who came from a lab in the United States—a beagle named Mack—and it has been really incredible to watch him bloom, on Zoom calls, when we're in the office place. He was terrified of everything at first. He was terrified of an elevator because probably he'd been taken to experiments in an elevator before. He was terrified of the rain because he'd never seen that before. He didn't know how to play with a stick, and her other dog taught him.

To be able to be in a position for Ontario, as a province, to offer that second chance to dogs, to cats, potentially other animals—I think it's a really beautiful thing that we could be doing.

Mr. Drew Woodley: Our general approach to animals and animal welfare is that we want to see animals in their forever home. If coming from research—the current state, as Camille mentioned, is, we don't know what the end result for most of the animals in these research facilities is. But we want to see them get to that forever home.

Mrs. Karen McCrimmon: Thank you.

It was interesting to hear that it's the American jurisdictions that are actually out ahead on this issue. Are there any Canadian jurisdictions that have the same kind of guidelines, or are we way behind the eight ball here?

Ms. Camille Labchuk: We are behind the eight ball. I know it's our national pastime as Canadians to feel morally superior to Americans, but when it comes to animal welfare law, that's typically not the case.

I will say one thing that has happened; it's a very recent development, but the CCAC, the Canadian Council on Animal Care—that's the body I mentioned that's a federal non-profit. It's not a legal authority, but it does produce voluntary guidelines. It just released some new guidelines—outcomes for animals at the end of scientific activities. These new guidelines do affirm that they would like to see animals be given a second chance and the opportunity to be adopted at the end of an experiment, and that they consider that killing an animal, even through a humane method, is still harmful to them.

The Chair (Mr. Lorne Coe): One minute remaining for questions.

Ms. Camille Labchuk: So there seems to be an increasing recognition on the part of the CCAC that this would be a good thing as well.

I think Ontario, at this point in time, has a pretty cool opportunity to be the leading province in really charting a new path for adoptions of lab animals.

Mrs. Karen McCrimmon: A quick question for Drew about banning category E experiments: Tell me about it.

Mr. Drew Woodley: The Canadian Council on Animal Care has different categories of experiments, depending on how much harm they inflict, ranging from A to E. So E would be the most harmful, the most invasive, the most painful. Our recommendation to the government would be that the ban apply on category D and E experiments.

The Chair (Mr. Lorne Coe): To the government: MPP Ciriello.

MPP Monica Ciriello: Thank you to all of the speakers here today providing opening remarks. I want to thank you not only for coming today, but for your continued advocacy when it comes to animal rights and care and compassion, to ensure that we are advocating for—I want to say those that don't have a voice. As a dog mom, I can certainly appreciate that. We really appreciate the work that you do, and we hope that we're stepping in the right direction, and it certainly sounds like we are with this legislation.

Mr. Woodley, our government has been very clear that the status quo is no longer acceptable when it comes to the protection of animals in our province. We've seen instances that have been deeply concerning to the public, and Bill 75 takes a decisive stand by significantly increasing fines and tightening definitions.

1700

Could you explain for the committee how these enhanced penalties, which are some of the toughest in the country, will serve as a meaningful deterrent and ultimately ensure that research facilities are held to the highest possible standard of accountability?

Mr. Drew Woodley: Sure. Just before I answer the question: I was remiss earlier—during the previous panel, one of the members spoke about this committee's study on intimate partner violence that you concluded last year, and I do just want to take a moment to acknowledge that study, including a section on animal welfare and its intersection with that important topic. I want to say thank you to the committee for including that section.

Our general view at the Ontario SPCA is that anything that can strengthen laws and raise the standard of enforcement for penalties for instances of animal cruelty and animal neglect is something we support.

MPP Monica Ciriello: Wonderful.

Camille, the same question.

Ms. Camille Labchuk: My understanding of the proposed amendments in schedule 7 is that conducting invasive medical research on cats, dogs or other prescribed animals will be what's considered a major offence under the act, and the fines are significant. There's a fine of up

to $130,000 or two years' incarceration on the first offence, or a corporate fine, which I also consider to be very significant, of up to $500,000. Those do appear to be effective deterrents, and we applaud the government on moving forward with protections for cats and dogs. There's a provision in the bill, as well, that would allow the expansion of that provision to other animals in the future.

We've prepared some remarks, in our brief to this committee, on primates. I think many of us have a really strong understanding of primates, their capacities and the way that they suffer and bear in laboratory environments.

There are lots of species to consider in the future as we evolve and continue to study other species and know more about them.

The Acting Chair (Mr. Tyler Allsopp): The next government question goes to MPP Darouze. You have three and a half minutes, sir.

MPP George Darouze: Chair, through you: I thank you very much for being here. Like MPP Ciriello mentioned, we appreciate the advocacy you do on behalf of those animals. They are our pets. They live in our homes. They are like family to us. So we thank you for that.

My question will be to Drew, to start with. We want to touch a little bit on the veterinary aspect of the legislation. We know how much the people of Ontario love their pets, and we also know how vital the veterinary sector is to our agriculture economy. We live in Ontario; we have lots of rural communities, and some have raised concerns about research limits. But our bill specifically carves out protections for veterinary medicine. Could you walk us through why it was so important for this government to maintain that exemption, and how it will actually lead to better health outcomes and life-saving treatments for the very animals we are seeking to protect?

Mr. Drew Woodley: From our perspective as a shelter care provider—one of many shelter care providers in the province—one of the key components that we recognize is the need for access to veterinary services in the province; particularly, in our case, procedures like spay and neuter programs. We do not adopt out animals without spaying or neutering them first. There is a well-recognized veterinary shortage in the province, so organizations like ours often rely on partnerships with veterinary colleges and veterinarians to help us do those spays and neuters. We have staff veterinarians, but we also work with organizations like the Ontario Veterinary College, who are training veterinarians who need to learn how to do spays and neuters, to help provide a portion of those services—and when I say "our," I mean our sector generally.

Our concern when this issue was first raised was that a broad definition of research would include instruction on how to do spays and neuters. If you have a student doing a spay or neuter, that would fall under the definition of research, and that's why we felt it was important to have that veterinary exemption in place—so that those kinds of programs that benefit society generally, but also benefit the animals in our care by having access to those kinds of services under supervised students, weren't interrupted.

The Chair (Mr. Lorne Coe): You have a minute left.

MPP George Darouze: I want to see if she cares to comment on the same question.

Ms. Camille Labchuk: Instead of speaking about veterinary medicine, I'll just emphasize that Ontario is really well positioned to be a hub of scientific innovation around animals more generally, and especially replacing them in the experiments that we've come to witness in Ontario.

Ontario did have a centre called the Canadian Centre for Alternatives to Animal Methods at the University of Windsor, which was investigating and validating these methods, and it was forced to close after not receiving federal funding.

So it would be interesting to see if the province could consider stepping up to help us thrive economically as well as be a leader in replacing animal testing.

The Chair (Mr. Lorne Coe): The second round is going to start with the official opposition. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to all of our presenters.

Ms. Randhawa, I'm going to come back to you at the very end because I want to give you the final word, but because we haven't heard from the folks from the animal advocate community until now, I just want to make sure I get these questions in.

In the UK, the Labour Party has announced their plans to phase out animal testing with the help of scientists, industries, civil society. Do you think Ontario would be capable of following suit with the right type of planning, investment and political will, with investments to advance and promote non-animal research techniques, such as organ-on-a-chip or using artificial intelligence? Can we do it?

Ms. Camille Labchuk: I think we're extremely well-positioned to be a leader in this regard. It was, frankly, quite heartbreaking to those of us working in the sector that the Canadian Centre for Alternatives to Animal Methods had to close its doors at the University of Windsor after the feds didn't step up to the plate to fund that centre. I think there's an opportunity—it still exists; it exists under a new name, the Canadian Institute for Animal-Free Science, and I think there's a huge potential for Ontario to invest in providing that support for research alternatives.

MPP Kristyn Wong-Tam: Fantastic.

Mr. Woodley, do you have a comment?

Mr. Drew Woodley: I think this bill indicates there is a willingness on the part of this government, that we haven't seen in several decades in Ontario, to move forward on this issue. And with that will, with investment in finding alternatives, yes, I think we could be a world leader.

MPP Kristyn Wong-Tam: That's quite encouraging.

With respect to the amendments proposed to the Animals for Research Act, and in light of your comments about the CCAC's five categories of what is permitted use, the government is now proposing to restrict invasive medical procedures or research. Would you say that there's a ranking to how much pain is inflicted or suffering

is inflicted on an animal based on those five categories? Why would only one category be restricted as opposed to five?

Mr. Drew Woodley: Camille, you might have the actual categories handy. It is not necessarily about pain infliction, particularly at the lower-end categories. Category A, I think, is observational, in a normal setting, where there isn't a lot, if any, pain inflicted. So that's how the ranking works.

Ms. Camille Labchuk: What I'll add to that is my concern around amending that language from "invasive medical research" to just "invasive research." It's not necessarily that the current wording will not encompass all of those uses as well—all of the five uses; it's just that I think it is a little bit more clear and gives intent to Premier Ford's promise that this would cover all cats and dogs if we delete the word "medical." There are proposals and the regulatory proposal that, I believe, would also make it clear that all research is intended to be included, except for the carve-out for veterinary research. So I think it's a clarity amendment.

MPP Kristyn Wong-Tam: And because there's now this loophole—I'm going to call it a loophole for now—does that undermine the government's intention to protect animals, especially cats and dogs and other prescribed animals, if this loophole is not closed?

Ms. Camille Labchuk: I certainly think it would be preferable for there to be clarity by deleting the word "medical" there, and that would ensure that regulatory testing of chemicals, which—to your question about ranking—is likely the worst category. These are tests where animals are forced to ingest noxious substances. There are tests where animals have toxic substances smeared on their skin or put into their eyes, and tests where animals are expected to die at the end. They're generally lethal. So it would be really good to clarify that that is not an acceptable use under this act.

MPP Kristyn Wong-Tam: With respect to the pain differential between invasive medical research versus invasive non-medical research—is there a difference?

Ms. Camille Labchuk: Well, invasive medical research versus the carve-out for veterinary research—there could still be veterinary research that is quite painful and is quite invasive and very harmful and lethal to animals. That's why we were proposing that category E experiments—and we agree with Drew that category D experiments need to be considered too—those being the most painful experiments, where animals are experiencing pain at or near or above the pain threshold, should not be permitted in any event, no matter what the purpose is.

1710

MPP Kristyn Wong-Tam: Thank you very much.

I'm going to turn to my friend from SALCO. Thank you for your presentation today.

There have been many advocates from the legal community, practitioners who came forward to advise us that schedule 2 of Bill 75 is unconstitutional. It will most likely be challenged as soon as it's passed. I think that the government has premised that they are moving forward with this bill largely because they believe that locking criminals up is the only way for them to keep us safe—not necessarily fixing our broken court system or investing in community-based resources.

The people who are locked up in Ontario's detention centres and jails are overrepresented by people who are Black and Indigenous and oftentimes poor.

So my question to you is, do you see any correlation between high poverty rates—

The Chair (Mr. Lorne Coe): One minute left.

MPP Kristyn Wong-Tam: —or a high disparity between wealthy and low-income communities and crime, or in this case, interactions with the criminal justice system?

Ms. Gurmat Randhawa: I think there are several pieces to that question. I think one is, what are the root causes of crime, and where poverty and mental health and all of that play into it. But then I think—from what we see on our end as legal practitioners, is where does poverty play into your access to legal representation, access to appropriate interpretation when you're in court, access to resources in order to be able to present your case? And then when we look at the numbers of who lives in poverty, who is more likely to be part of our low-income statistics, because of systemic racism, because of the impacts of colonization, it is racialized communities, it is Indigenous communities, so—

The Chair (Mr. Lorne Coe): Thank you very much for your response. That concludes the time for the official opposition.

We'll move to the third party. MPP McCrimmon.

Mrs. Karen McCrimmon: Thank you, Ms. Randhawa. I was really happy to hear your testimony.

I was happy to hear you talk about restraint as being a principle that should be front of mind when we're talking about criminal justice. Are there other principles that you think should be part of this discussion, to make sure that we're actually doing the right thing?

Ms. Gurmat Randhawa: Definitely, I think the government's stated policy objective on targeting violent, high-risk offenders—that is a concern for us as well. A lot of my clients are survivors of violence. But I think at the same time we need to remember that the people who will be captured by this new regulation are presumptively innocent; these are people at the pretrial stage. So I think just remembering our constitutional promises on the presumption of innocence is key.

Again, seeing who is more likely to be charged, to be incarcerated—and then we don't want to, in essence, end up targeting and over-capturing people who would likely not have breached their promise to pay. First-time offenders would be equally captured under this legislation.

Mrs. Karen McCrimmon: So it wouldn't necessarily improve our criminal justice system, because it doesn't appear to be designed to address the repeat offenders and the violent offenders. Is that how you see that?

Ms. Gurmat Randhawa: Yes, and I don't see it as an efficient use of resources. We're already looking at an overextended court system and overcrowded jails. You heard today from the crown attorneys' association. You

heard today from the defence lawyers' association. The crown attorneys' association put it really well when they said you can add any layer of regulation on top of what we have already, but until you adequately resource it, you're not making any changes.

So from our perspective, these changes are not addressing any root causes. They're putting a band-aid on a problem. That is where our opposition to this bill comes from.

Mrs. Karen McCrimmon: I would think that the aim of our criminal justice system should be rehabilitation. That's really what we would want, because otherwise, then you're just paying to keep more and more people in jail, and it doesn't necessarily keep us any safer.

So tell me about how you think that these kinds of changes to the bail might influence the potential for rehabilitation and reintegration into the community.

Ms. Gurmat Randhawa: In fact, I think it would make it harder to reintegrate. I look at it from an example of someone who may be a first-time offender, cannot afford to make this cash payment, ends up detained for a period of time, loses their employment, risks losing their housing; if they're parents, what is happening with child care? There are all these downstream impacts for someone who would equally be captured under this new regulation.

Once we have pushed someone to the margins of our society, we are making it only increasingly harder for them to reintegrate; it's only increasingly harder for them to rehabilitate back into society.

Again, at this stage, these are all presumptively innocent people whose guilt is not proven. I don't think we should lose sight of that.

Mrs. Karen McCrimmon: Actually, that's one of the things I want to talk about. Right now, over 80% of the people who are in jail are on remand. They're awaiting trial. They have not been found guilty. And that percentage is actually going up—five years ago, it was 74%; right now, it's 80% or 81%. What is this going to mean to that percentage of people who are in jail on remand? What will this bail change translate to?

Ms. Gurmat Randhawa: It will translate to a massive increase of that number. I think that's one of the first things we will see.

I know the province does plan to build more provincial jails. That would not solve this problem or any of these existing problems.

We owe detained individuals a right to safe conditions within jails, but we also owe it to ourselves to have an efficient court system, where the time between when someone is charged and when they stand trial is as short as possible. If we can focus our resources and regulations on that period of time, we can actually make sure people are moving quickly through the system, and people who are guilty are convicted and appropriately sentenced, and people who are innocent are not spending more time in detention than they need to be.

The Chair (Mr. Lorne Coe): You have one minute and 28 seconds left.

Mrs. Karen McCrimmon: It costs over $10,000 to keep someone in jail for a year.

If someone was to give you $10 million and you could have an immediate impact somewhere along this continuum, where would you spend the money?

Ms. Gurmat Randhawa: I think it's about $10,000 a month.

Mrs. Karen McCrimmon: Yes, a month.

Ms. Gurmat Randhawa: I think it's not a year. And just to put that into perspective, we work with a lot of clients who receive provincial social assistance. The maximum amount someone can receive a month from Ontario Works is $733—versus $10,000-something when they're in detention. So it just tells you where we're putting our resources.

If I had $10 million, working in a legal clinic, as I do, I would put that into looking at income security. I would look at food security. I would look into adequately resourcing our courts. We have public systems that can work. These are not systems that are fundamentally broken. There is room for improvement, but they can work; they need to be appropriately resourced and supported so that they can.

The Chair (Mr. Lorne Coe): We're now going to move to the government. MPP Ciriello.

MPP Monica Ciriello: My question is for Camille. I know that this is something you've already touched on, but I want to give you an opportunity to expand on it a little bit further. It's about the medically unnecessary procedures. When they're performed primarily for cosmetic or convenience reasons, they can cause pain, long-term health issues and behavioural challenges in animals. Can you speak to or inform this committee why prohibiting these procedures should be a priority in the animal welfare domain?

Ms. Camille Labchuk: Thank you for that question. Let's talk about a couple of those procedures.

Let's start with cat declawing. I have a cat. Hopefully there are other cat parents in the room. We all see how our cats interact with the world through their claws and through their paws. It's so important for them to scratch. It's a way that they can defend themselves. It's a way that they can play with each other and fight with each other in a playful way. When you remove those claws, that's not only painful in the moment to the cats, but it also can cause behavioural problems down the road. Drew would be able to speak to this in even more detail than I can, but the number one reason why cats are surrendered to shelters is behavioural issues. Cats often experience litter box issues and many other problems as a result of declawing. So that's cats.

1720

If you think about dogs and having either their ears cropped or being devocalized or having their tails sliced off—I'm sure all of us have been to a dog park before or have dogs that we love in our lives. Their tails are an important way that they communicate with each other. Tails indicate "I'm friendly" or "I'm scared" or "I don't want you to approach," if you're a dog. When their tails

are sliced off, that removes a really important way that they communicate with each other. Ears can have a very similar social-signalling approach. Dogs' ears perk up or they stay down, depending on the circumstance. That removes information that they can share with each other and interferes with their social communication—of course, in addition to being tremendously painful in the moment. The same goes for devocalization. When dogs have their voices removed and lose the ability to bark, they're, again, not able to communicate with each other, with the humans in their lives. That just takes away something of who they are.

It is critically important that the government is moving to prohibit these procedures. We do really strongly hope to see tail docking included so that Ontario steps into line with the other provinces that have already done this.

The Chair (Mr. Lorne Coe): MPP Allsopp.

Mr. Tyler Allsopp: Thank you to all the presenters who are here today.

My question is for Camille Labchuk from Animal Justice. It relates to something that's very near and dear to my heart, which is increasing the fines for those who harm animals that work with peace officers.

As a former member of the Belleville Police Service's board, I spent a lot of time with officers Bax and Dash from the service and know that they're a very important part of the team at the BPS, as well as part of our community safety team.

We've decided to increase, in the proposal, the minimum penalties from $25,000 to $50,000 for first-time offences for both individuals and corporations, and then the maximum penalties to $260,000 for an individual and $1 million for corporations. Do you agree with this proposal, and how do you think this might help keep some of those peace officer-associated animals safer?

Ms. Camille Labchuk: It's not a focus of what I'm here today to speak about, so we haven't taken a formal submission or included that in our written submissions to this committee. But in general, of course, Animal Justice supports protecting animals from harm.

I will say, I do have significant concerns with the use of horses and dogs in policing activities in the first place because, unfortunately, that does sometimes result in them being put in harm's way.

So I'm not sure that increasing the fines is going to address that root cause of harm. But I appreciate the sentiment and the government's intention to protect those animals.

Mr. Tyler Allsopp: Thank you.

If I could ask the same question of Mr. Woodley, I would appreciate that.

Mr. Drew Woodley: Likewise, this wasn't the focus of our deputation today. Our organization doesn't have a formal policy on this. But as I mentioned earlier, as a general principle, we support any increase to the consequences for people who are committing acts of violence or otherwise harming animals.

The Chair (Mr. Lorne Coe): You've got two minutes and 17 seconds for another question. MPP Darouze.

MPP George Darouze: Thank you, Chair. Through you: I'll ask a question to the South Asian Legal Clinic—to Gurmat.

The Keeping Criminals Behind Bars Act is designed to stop small groups of repeat violent offenders from cycling through the justice system and putting innocent people at risk. We are interested in hearing what concrete alternatives your organization recommends.

What, in your view, should the government do to ensure violent behaviour is met with real accountability?

Ms. Gurmat Randhawa: Thank you for the question.

I understand that the stated policy objective of this legislation is to target violent, high-risk, repeat offenders. That is not what the framing of the legislation tells us. In impact, it would not necessarily only target those categories of offenders; it would also target people who are first-time offenders or first-time charged criminally, who may have found themselves at the wrong place at the wrong time.

I can also tell you, working with survivors of gender-based violence, there are instances where police are called to a residence for domestic assault and both parties are charged. Then, when we look at the power dynamics and the financial dynamics of intimate partner violence, the women are more likely to have less financial capacity to pay. So now you're looking at a situation where the victim is actually in detention because they don't have the financial resources or the supports to get a release, whereas the abuser, who may have that money, is then out on bail.

In terms of your question about what alternatives we would suggest, there are evidence-based programs that have worked. Our colleagues at the John Howard Society had some great examples of bail verification, bail bed programs, bail supervision programs. We would support any of those types of measures.

The Chair (Mr. Lorne Coe): Thank you very much for that.

You've got 21 seconds—not enough time for another question and response.

I want to thank each of our presenters today. We will now move on to our next set of presenters. Have a good evening.

DR. ANDREW THOMAS
TAMOGO FOUNDATION
FEDERATION OF ONTARIO LAW ASSOCIATIONS

The Chair (Mr. Lorne Coe): I'd like to invite up—we have one presenter, Andrew Thomas, who is presenting virtually. We have the Tamogo Foundation. We also have the Federation of Ontario Law Associations.

Each of the presenters will have seven minutes for your presentation, followed by questions from the official opposition, the third party, and government members.

Mr. Thomas, welcome to the Standing Committee on Justice Policy. Please start your presentation.

Dr. Andrew Thomas: Thank you so much for having me, and thank you for allowing me to present virtually. This way, I'll be able to get back and see the baby before bed tonight, as I'm a family doctor who works in Bowmanville and lives in Whitby.

I'm speaking to you based on some of my professional experiences. I'm a family doctor in Bowmanville, but my relevant experiences are that I also work at the Central East Correctional Centre in Lindsay, as one of the attending physicians there; I also work as an investigating coroner in the region of Durham. I am also the past president for the Black Physicians' Association of Ontario, although I'm mostly speaking to you guys today based on my experiences working in corrections.

There are just a couple of points I wanted to make off the bat, in case I don't address some of these things as I speak to you through the rest of my time. In general, there are three points I want to touch on.

First and foremost, the men and women I work with at the Central East Correctional Centre do their best to take care of the patients and inmates we take care of, but working in a broken system makes it quite challenging for us to do the best for the folks we see there and take care of. Overall, there has been a lot of talk about folks who are incarcerated, and some of the language and discussions around this bill really does up the rhetoric around incarcerated peoples.

Secondly, I think many of us who work in corrections will say that corrections really is the biggest mental health and addiction hospital that we have, because there have been gaps in funding for addressing mental health and addictions in the community.

The last point we know, then, is folks who are underrepresented. In my time as a Black physician working with other Black physicians, and certainly working with the Black community in Ontario, we know that being underrepresented certainly impacts your likelihood to end up incarcerated—and certainly some of the challenges that can affect Black individuals and others who are underrepresented in the justice system.

1730

I wanted to, if I could—and I understood, too, that there may be several questions for me as well, about my different roles. I can paint a picture of my day, which might help, at the Central East Correctional Centre. I work there a few times a month—about three times a month, on average. When I was last there just two weeks ago, we were at over 1,500 individuals for—you all will know better than I, but for an institution that was designed for about 1,180. Since COVID, since I've been working there consistently, we're always over capacity. A lot of the interactions I have day to day are directly related to the fact that there is a lot of overcrowding.

First and foremost, I started working at Lindsay as a required rotation as a trainee, and the stark thing I noticed first off is that in Lindsay, as I was working there for three months as a family doctor, the only Black and Indigenous patients I saw were at the jail, when I was there. It's in stark contrast to quite a different complement of staff who work at the institution, and that certainly lends to an increased power dynamic, to the point where even myself as a physician, I faced a lot of microaggressions and other aggressions or overt racism while working in the institution—historically, being carded much more than my colleagues who work there, and other things.

I spoke about how there is overcrowding that happens in the institution, and that can certainly impact the ability of the inmates to have yard time. They're triple-bunked, so there's one on the top bunk, one on the bottom bunk, and one on the ground. There are certainly a lot of fights and things that pop up. So it's not uncommon on a day that I arrive, I may be assessed—to see someone to do stitches or assess them for an ER transfer or otherwise, just because of the amount of violence that happens in this institution.

Ultimately, the one thing I think about is, when I approach patients—we know that, being a provincial institution, many folks are not yet convicted of their crimes, and therefore, increase in the rhetoric around sending more folks there can be dangerous because we know that many people still are awaiting trial for their time. I see that, in the bill, there are some proposed changes to the ability of sureties to be able to help out folks who are there waiting their trial and—

The Chair (Mr. Lorne Coe): Excuse me, Doctor. You have one minute left in your presentation.

Dr. Andrew Thomas: Thank you so much—therefore, we're likely to see more folks who are sort of wrapped up in minor offences potentially related to addiction and mental health there when they don't need to be.

Ultimately, I can say, too, that all of us are affected, I would say, by someone who has experience, whether it's family or friends or otherwise—the fact that so many people are incarcerated really has quite broad implications. I can say, too, personally, having had a family member of mine incarcerated in the institution where I work, it's not a place that we really would want anyone to be. I think unless we can keep folks out by addressing addiction and mental health in the community and better work to fund corrections—

The Chair (Mr. Lorne Coe): Doctor, that concludes the time allocated for your presentation. There will be questions that will follow.

I'd like to move now to the Tamogo Foundation. Can you introduce yourself, sir, and your position so that we can include it in the official record of our proceedings today?

Mr. Michael Cuadra Guerra: It would be my pleasure. My name is Michael Cuadra Guerra.

The Chair (Mr. Lorne Coe): Welcome to the committee. You have seven minutes for your presentation. I will let you know when you're at the one-minute mark left in your presentation so that you have the ability to make some final points. Please proceed.

Mr. Michael Cuadra Guerra: As I said, my name is Michael, and I'm the executive director of the Tamogo Foundation. Our organization works with low-income Canadians, minorities, immigrants and refugees, asylum

seekers—but also, practically just about anybody who walks through our doors and demonstrates a need, we try to help them however we can. We not only try to help with quality legal representation so that people seeking asylum, people trying to immigrate the right way, can find the resources in order to do so; we're also a food bank and a clothing bank, because the costs of living keep going up, because things are getting more expensive, and people keep struggling to make ends meet. Things can be confusing, life can be complicated, and we try to make things just a touch simpler or easier to understand.

The notion brought today that bail would essentially just be cash only is a horrifying one, is one in which the impact of our communities, of low-income Black communities—it can't be overstated just how absolutely devastating it would be to those we serve. To those we serve, getting a day off or using a sick day to renew a work permit is challenging enough, as a work permit—they would need our assistance to fill correctly, as there are some sections of a work permit that are not exactly straightforward and intuitive. They would need help, and we are fine in doing this. But if the ability to continue to work legally by renewing a work permit—and getting a day off for that is challenging enough, without threatening their employment, without threatening their ability to pay rent, their ability to put food on the table, even with the help of food banks like ours and other organizations. Many depend on food banks to stretch the budget enough just to make ends meet.

Also, we help people create their résumés. We help people with their job interviews. And they find that it's difficult enough to try to even get their foot in the door and get a job to begin with. Thus, the notion of taking a day off, even when it's something as necessary as for a work permit, is difficult.

If they have to spend any amount of time behind bars for an offence that they may or may not have committed, as they have not been declared innocent or guilty under the eyes of the law—a law many refugees are inherently afraid of, a law which they saw back home being used as a weapon against them for their identities, for their beliefs. Having bail be harder to access threatens their jobs—jobs that they have worked hard to try to get for themselves, jobs that they desperately need in order to stay here in Canada, in order to make ends meet, to live. Time off, even when necessary, can threaten that. So the notion, on top of their regular responsibilities—providing for a family, providing for themselves—that we may ask of them as a country, that in order to be able to live a life, that they must have the financial resource in order to live that life, becomes a punishment in and of itself, before they have been declared guilty.

1740

For the innocent, if they cannot return to their life after the process of law, then it becomes disheartening, to say the very least, to imagine what they may resort to do.

As this does not target people who are violent or who are a danger to the community—for those people are not offered bail, to my understanding.

Thus, the only people this bill would target are the poor, the marginalized, those who have a hard enough time to get their voices heard—

The Chair (Mr. Lorne Coe): Excuse me, sir. You have a minute left.

Mr. Michael Cuadra Guerra: Thank you—participating in the legal system.

We need to ensure that whatever changes we make to the justice system, whatever changes we do—it is to be done so that we minimize harm to the innocent. If the innocent and guilty together both suffer, the distinction between innocent and guilty becomes hard to define—because at the end of the day, both lives may get ruined. For the guilty, the punishment is understandable. For the innocent, it becomes a nightmare for them, perhaps the same nightmare they sought to escape—

The Chair (Mr. Lorne Coe): Thank you, sir, for your presentation.

I'd like to move to the Federation of Ontario Law Associations. Welcome. Please identify yourself for the record.

Ms. Jennifer Rooke: My name is Jennifer Rooke. I am vice-chair of the Federation of Ontario Law Associations, or vice-president.

The Chair (Mr. Lorne Coe): Thank you very much for being here. You have seven minutes for your presentation. I'll let you know when there's one minute left, so you can summarize, and that will be followed by questions from the committee members.

Ms. Jennifer Rooke: Thank you, Chair. Thank you, committee members.

We are an organization commonly known as FOLA. We represent 46 district and county law associations across Ontario. When we say that we are the voice of the practising lawyer, we mean that our information and comments are based on what our members are telling us, because we are in direct contact with law association presidents across Ontario who speak on behalf of their respective boards, made up of licensees—and speaking on behalf of licensees in their jurisdictions.

The concept of reforming bail legislation to protect Ontario communities is generally accepted.

What is concerning is the following: As of April 13, 2026, Ontario jails were over capacity, particularly in Sudbury, at 165.7%; Windsor, 158.4%; Vanier in Milton, 164%, and Maplehurst operating at 137% over capacity. Many inmates are awaiting bail or they're in pre-sentence custody—in remand, so to speak. These inmates are presumed innocent, which is a fundamental principle in Canadian law, enshrined in section 11(d) of the Canadian Charter of Rights and Freedoms. People are considered innocent until proven guilty. Pursuant to section 11(e) of the Canadian Charter of Rights and Freedoms, any person charged with an offence has a right not to be denied reasonable bail without just cause. Requiring a deposit of cash is problematic for many reasons.

We are in a drug toxicity crisis. Particularly in the northern regions, in the corrections facilities, accidental death by drug is twice the national average; that's in the

news this week. We are also in a mental health crisis. We are also in a homelessness crisis. Look at downtown Windsor, downtown Peterborough, downtown Barrie, downtown Toronto. We are in crisis as a community.

Cash bail is going to impact our most vulnerable population—people who are dealing with addiction, people in mental health crisis, people who do not have homes to live in.

Cash bail is a luxury for many and will be exclusionary for many. It will create a two-tiered system: If you have the funds, you'll get out on bail; if you don't, you'll sit in custody.

We are already dealing with over-incarceration of many groups, including minority groups—non-white, Black, Indigenous persons. We've already heard about some of this. Racism, discrimination, inequality is systemic, and we're going to be perpetuating that if we introduce cash bail.

This will also result in increased incarceration of those in pretrial custody or pre-sentence custody—again, those who are still presumed innocent. They will be occupying space needed for sentenced prisoners.

Now let me digress for a moment and just talk about sureties. It's generally accepted that sureties should be held accountable. This principle is reasonable. We want to make sure that, when people are out on bail and they have a surety in place, those sureties take their role seriously and we can count on them to monitor people outside of a traditional institution and make sure that they are following those conditions in the community, to keep our community safe.

If sureties have to put up real property or put up cash bail, you're going to have some sureties not being able to for some of the same reasons—they don't have accessible funds to make the deposit. They might also be less willing to put themselves forward because of family commitments, work commitments, other financial commitments that have nothing to do with whether or not they have confidence and whether that person can be monitored or supervised in the community. This is going to lead to more over-incarceration for those in pre-sentence or pretrial custody.

Inmates are three to a cell in many institutions. We've heard this already. It's true in Windsor as well. When there are three people housed in one cell, one person is on the floor, next to the toilet. There is barely enough room to move. The person getting off the top bunk is stepping down onto a person, when they're three to a cell. People who are presumed to be innocent, in remand and pre-sentence custody, are being housed in these conditions. Ontario judges are recognizing and commenting on the deplorable conditions in Ontario jails and granting enhanced credit at the time of sentencing.

Let me speak about Summers credit for a moment. For every day spent in pre-sentence custody, it will be enhanced to 1.5 days automatically. When you're calculating sentencing, you're reducing a sentence by pre-sentence custody—one day served enhanced to 1.5 days.

Then, according to Duncan credit, the remand credit, harsh, pre-sentence incarceration conditions can lead to a judge reducing a sentence. Someone who has been found guilty is going to get a lighter sentence.

Downes credit: sentencing credit for onerous bail or pre-sentence conditions. So a judge can reduce a sentence because of the deplorable pre-sentence bail conditions—or the "onerous," I should say. "Deplorable" is more appropriate when I'm talking about Duncan credits, because of the harsh conditions for incarceration.

So sentenced prisoners are receiving lighter sentences because they are getting additional credits at the time of sentencing. If you want to keep the most serious people and hold them accountable for their crimes, we should be focusing our attention on that; not holding people in pre-sentence custody who are still presumed to be innocent.

The Chair (Mr. Lorne Coe): Excuse me. You have a minute left in your presentation.

Ms. Jennifer Rooke: I urge Parliament to consider more bail compliance initiatives.

For example, in Windsor, Ontario, there was an effective bail compliance unit—two and a half officers. In 2005, there were 239 compliance checks. Offenders under house arrest, curfews and electronic monitoring were followed up on. It resulted in 91 arrests, including 61 bail offenders and 14 sureties arrested for breaches. It also led to a reduction of GPS monitoring. This unit has improved public safety and reduced the strain on patrol officers, who can focus their energy where we need it.

On the surface, more jails and more beds will help house more people. However, our attention, respectfully, should be focused on housing the most serious offenders in our communities to keep our communities safe, and not spending our energy keeping those in pre-sentence or remand in custody when they could be monitored in the community.

The Chair (Mr. Lorne Coe): Thank you very much, everyone, for your presentations.

We're now going to start with the questions from the official opposition. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to all three of our presenters. It has been a very long day.

1750

Dr. Thomas, I'm going to start with you, sir. I want to understand your experience as a physician in the Central East Correctional Centre. Are you a doctor who is being paid by the hospital, or are you employed by the corrections centre?

Dr. Andrew Thomas: I'm a contractor for the Solicitor General, just to work in the institution.

MPP Kristyn Wong-Tam: Thank you.

I have noted that it's oftentimes difficult for corrections officers to speak up about the conditions in corrections. They have talked about the repercussions if they poke their heads up to say, "This is a challenge."

Here you are speaking to us—very bravely, I must say, because I have heard that it's very difficult to speak the truth about what's happening in corrections. Are you worried about repercussions?

Dr. Andrew Thomas: Thank you. It's a great question.

As a contractor, I am not an employee, which maybe makes a bit of a difference, but I think I am saying what you said, what I think a lot of people believe.

Folks are working hard to do the job they have, but just not with the right tools and in a system that's under—there are too many folks, way understaffed, which makes it challenging and leads to a lot of the issues that do happen.

MPP Kristyn Wong-Tam: Yes, I think that the stories of the facilities being over capacity are out there. It has now become quite common knowledge.

What I'm hearing is that access to actual health care for the inmates has been a challenge—including the fact that their right to access health care is not stripped just because they are in government detention.

Can you unpack for us what will happen when the facilities become even more over capacity? Right now, we're sitting at 130%, average, across Ontario—what's going to happen? There are about 80,000 criminal charges that I think are laid that do get processed through the courts. What is going to happen when you get another 500 people coming through your facility? You are right now at 1,500, when your capacity is really only at 1,180.

Dr. Andrew Thomas: Yes, I'll be there tomorrow, and it's honestly—it becomes a little overwhelming as it is. I may be the only physician or nurse practitioner in the institution for 1,500 folks, when I'm there tomorrow. As you can imagine, there is a whole host of acute issues that happen, whether it relates to a mental health crisis, substance use, overdoses, and then injuries that happen. Many of us can't even imagine what it would be like if there were many more folks in the institution.

MPP Kristyn Wong-Tam: Can you explain to us whether or not a person sitting in remand intermingling with a general population of perhaps those who are involved with guns and gangs—or in gangs, in this case—who are not violent offenders, who are there because they weren't granted bail or they couldn't afford the cash bail—do they come out of the facility rehabilitated? Are there any programs while they're there? It sounds like there isn't space to do programs.

Do inmates come out with any type of rehabilitation services while they're in government detention?

Dr. Andrew Thomas: I can't speak to all the services.

What I would say is that we certainly do our best to provide the same level of care that someone would access in the community, but it's quite limited—especially when folks are so transient. We don't know how long they'll be here. We will provide them with prescriptions and referrals to services on the outside.

I have a family practice and have had a couple of patients who have come to my institution in Lindsay, and I have had the opportunity to see them there, see them here. Overall, it's traumatic, they tell me, and it certainly changes—once you've spent any amount of time there, no matter for what, when I see them afterwards, it can be difficult. It certainly affects their substance use, if they have that, or mental health challenges.

MPP Kristyn Wong-Tam: Can you speak about the mental health issues and the stress that corrections officers are under and what the solitary confinements or the lockdowns do to the general population, as well as the corrections officers? What happens when there's an overuse of the lockdown measures, simply because it's over capacity and under-resourced and understaffed?

Dr. Andrew Thomas: The correctional officers also don't want the inmates to be locked down.

Say, for instance, when I'm there tomorrow—what often happens is, we will know that this unit has been locked down for X amount of time; when they are finally let out, the staff are on high alert to be prepared—

The Chair (Mr. Lorne Coe): One minute left for questions.

Dr. Andrew Thomas: Likely, there will be some injuries. People are pent-up as soon as they're let out. It's not uncommon that even within an hour of them being given some yard time, I'll be called to a unit to assess someone who has been, perhaps, beaten up by several other inmates or otherwise; to assess for sutures or an emergency transfer, or other injuries.

MPP Kristyn Wong-Tam: Is it sustainable—the system that you're working in right now—if there are no changes whatsoever?

Dr. Andrew Thomas: We certainly don't need a lot more folks there. It's very challenging to work in, certainly.

The Chair (Mr. Lorne Coe): We'll now move to the third party. MPP McCrimmon.

Mrs. Karen McCrimmon: I'm going to start with Ms. Rooke.

I really appreciated your description. The idea that we're not targeting the violent and repeat offenders who perhaps need to be addressed, but we're catching everybody else too—do you have any thoughts about how we could make sure that we're not catching everyone in the same net, the people who really don't deserve to be there? How could we do that?

Ms. Jennifer Rooke: Part of it has to do with treatment supports and services early on, if someone is in custody—at an early stage, to see if they can get those supports in place to be discharged.

I'm talking about addiction services; I'm talking about bail supervision programs—I heard someone mention that earlier today—but other tracks that could get them out of the remand in-custody system and into services and supports that they need.

Mrs. Karen McCrimmon: You mentioned that in Windsor they have the bail compliance team. Tell me a little bit more.

Ms. Jennifer Rooke: There was some funding given to the Windsor Police Service. They have two officers from that service and half an officer from the LaSalle Police Service to comprise this unit, and they've been in place—I don't want to misquote—I believe, three years now. We get regular updates monthly. It's in the news. It's reported as well—I think you can look it up online—and then annual statistics as well as to what they are doing. Their unit is geared towards compliance checks—so, specifically, offenders on house arrest, curfews and electronic monitoring. They are going out to make sure that they are complying with their release orders. So they've been granted bail, they're in the community, and now this unit is making sure that they are complying. What they've

found is that they're catching people breaching conditions and sureties not fulfilling their roles, and it's leading to charges—even including against sureties, for not fulfilling their mandate.

Mrs. Karen McCrimmon: Did anybody go to jail? If any of these compliance officers found that there were violations of that group, did people go to jail?

Ms. Jennifer Rooke: People did go to jail. Can I tell you statistically how many stayed in jail? I can't at this moment. But of those who stayed in jail, more likely than not, they had a history of non-compliance. This probably was their last shot on house arrest or GPS monitoring. They messed up, and they're probably going to be properly housed in custody, versus someone who maybe had a medical emergency and it really wasn't a breach, per se—maybe it was withdrawn later by the crown attorney's office. So, yes, arrests happened, but I don't know how many.

Mrs. Karen McCrimmon: Do you think it's contributing to the success of the bail program in Windsor?

Ms. Jennifer Rooke: Yes, I think this unit is contributing to the success of, really, the release orders.

If the alternative is to remain in custody in remand or to be released into the community—we need to make sure you're released into the community but that you're going to abide by conditions, or there's no sense in being released into the community. So if you can't be monitored by a release order, you're going to be in custody; if you can, you're going to go up the ladder—you're going to start with a basic bail, say, maybe, a promise to pay. Then we're going to go up to some additional conditions—maybe a curfew. Then we might go to a house arrest. And then, at the very top, we have a surety to monitor you in the community. If you can't make it in the community with that surety supervisor, the next time you breach, you're probably going to end up in custody—but properly in custody, because you cannot be managed in the community.

1800

Mrs. Karen McCrimmon: Let's talk about the ladder. If we don't have that ladder—if you're coming in right away and it's a mandatory cash bail, what is that going to mean?

Ms. Jennifer Rooke: That means that you are going to hurt vulnerable populations who do not have cash bail or don't even have a surety who could put up cash bail. So they don't get an opportunity, really, to have a release order because they can't put up the cash bail—$50 or $100 could mean the world to somebody, versus somebody who has thousands of dollars on hand and says, "Sure, I'll put up $10,000. Let me out." So we're targeting those who are dealing with addiction, those who don't have homes to go to, those who have mental health issues, who do not have disposable income or family support for disposable income to put up cash bail. That's who we're hurting. That's who we're keeping in custody.

Mrs. Karen McCrimmon: Are there better ways to help those people?

Ms. Jennifer Rooke: Services and supports, yes. I also urge the government to look at bail compliance units, so that people who are being monitored in the community are being held accountable and we're checking up on it. Funding, supporting those sorts of initiatives should be part of the focus.

Mrs. Karen McCrimmon: That makes perfect sense to me. That's what I would like to see, so that the people who really need the close attention, let's say, get it.

Ms. Jennifer Rooke: Yes, that's fair.

Mrs. Karen McCrimmon: And this is going to get everybody.

Ms. Jennifer Rooke: Yes.

Mrs. Karen McCrimmon: I'm one of these people who believes that it's trauma, whether it's addictions, whether it's homelessness, whether it's abuse—that's one of those root causes.

What will this kind of a mandatory cash bail system—what kind of trauma is that going to cause?

The Chair (Mr. Lorne Coe): MPP McCrimmon, one minute left.

Ms. Jennifer Rooke: It's going to compound all other trauma that those individuals have experienced, whether it's racism, homelessness, addiction, mental health—it's just going to be another slap in the face, so to speak. "Sorry. You're not getting out of custody." So it's going to compound those effects.

The Chair (Mr. Lorne Coe): To the government: MPP Gualtieri.

MPP Silvia Gualtieri: Thank you to the three individuals who have presented today.

I have visited several jails and detention centres in my capacity as parliamentary assistant to the Solicitor General.

I'd like to turn to Tamogo Foundation. The intent of the Keeping Criminals Behind Bars Act is to prevent repeat violent offenders from continuing to harm law-abiding members of the public. Do you support Bill 75 and its proposal? Why or why not?

Mr. Michael Cuadra Guerra: To my current understanding of what the ultimate effects of Bill 75 would be, essentially, making cash bail mandatory—I do not support that notion. As I mentioned earlier, the current status of many individuals who are low-income, who are racialized, who are minorities, who are under-represented, who struggle to work, who struggle to maintain their quality of life—these are the people who are going to get affected the most. Those who are repeat offenders, those who are dangerous to let loose in the community—I ultimately believe that those are not the individuals who are going to be impacted by this bill. I believe that people who are already struggling are going to struggle even harder with this in place.

MPP Silvia Gualtieri: What alternative measures does Tamogo Foundation propose to effectively address repeat violent offending, and how would those measures ensure that serious violence is met with meaningful consequences rather than leniency?

Mr. Michael Cuadra Guerra: I think it goes toward what we want to build our society on. And given the fact

that in the Bill of Rights we have stated that people are innocent until proven guilty, I think the default answer has to be, by law, leaning toward leniency.

However, how to try to prevent repeat offenders, how to try to prevent more serious crimes—it would be our position that interconnectivity is the answer. When we have people who are involved in their communities, when we have people who are empowered to volunteer and be active in their communities, when people are more invested in people they know in their local communities, that interconnectedness can—I don't want to say "completely prevent," because we can never completely eliminate criminality, but what we can do is to try to discourage it.

We can try, even when being merciful—have that mercy be a strength of our justice system, not a weakness of it, so that mercy is the doorway to rehabilitation, not a loophole to be exploited.

The Chair (Mr. Lorne Coe): MPP Allsopp, you have two minutes, 49 seconds.

Mr. Tyler Allsopp: I'd like to thank all three presenters for being here this afternoon and for the great work that you're doing in our community. I really appreciate it.

I want to ask a question of Michael Cuadra Guerra as well as Jennifer Rooke, if you'd like to jump in on it.

Some of the presenters today are focused on the challenges that this bill might pose for racialized, marginalized communities, lower-income individuals. The focus from the presenters has really been on those individuals as either the offenders or as the accused. But as we know, those groups are often overly victimized by crime—particularly women and LGBTQ members of those communities.

So why does a tougher-on-crime approach not help protect those individuals who might be struggling in those racialized, lower-economic, marginalized communities from being the victims of repeat crime?

Ms. Jennifer Rooke: I'm taking a moment to reflect on that from a victim perspective.

You want to make sure, if someone is not capable of complying with bail, that they're in custody. But if someone is capable of complying with a release order or a bail order, and part of the condition is to stay away from that victim or that complainant or not to attend at their place of work, or not to attend at anywhere they ought to be or be subject to maybe a breach—then you have protection for the victim still. And there are other conditions that can be crafted. So if it's going to prompt some sort of child protection because there are family issues there—you can protect children; you can protect women. You can protect, more generally, victims in those circumstances through appropriate bail conditions with release orders in place.

I know our focus was on how we're going to capture everyone and people are going to lose the chance at being out in the community on a release order. But when I look at it from a victim's perspective, I look to the conditions that you can attach to a release order and going up—again, that ladder principle. So if you're starting with a promise to pay, and now you don't have to put up cash, but under this legislation you do, that's a problem. The conditions don't change, though. You can still have conditions that protect victims and the community at large. We're talking about potential witnesses as well. We're talking about family members. Those bail orders can extend to those individuals as well. So there you have protection from a victim side.

Mr. Michael Cuadra Guerra: In addition to her comments—perhaps I'm just misunderstanding the question, in particular, because as she was just saying, there are conditions that you can put onto bail. There are, I have to imagine—

The Chair (Mr. Lorne Coe): Thank you very much for your response.

We're now going to move back for the final round of questions from the official opposition. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: I want to say thank you to all of our representatives here today, but most of all I want to say thank you to Dr. Thomas for coming this afternoon and being the brave face of so many men and women who work in our correctional services and see first-hand—and I'm sure some of our delegates, as well, have seen first-hand what goes on in our jails and our correction systems.

We've seen today, individuals have stressed—and the government has listened attentively, as the opposition and the third parties have. They've stressed that in Ontario jails, there are severe overcrowding problems. The inmates are bunked together in overcrowded cells, we heard today from Ms. Rooke. We heard they were bunked on top of each other. Imagine—on top, on top, and stepping on each other. And we've seen more frequent assaults and attacks and mental health playing a major role in that.

With cash bail planned in schedule number 2, we would be working against lower-income families, I feel, with this schedule. We have heard from others that we will foresee a significant increase in remand populations if more and more individuals cannot meet the new bail requirements.

1810

We've heard today that it was just reported yesterday, through an FOI request, that this government is planning on spending up to $7 billion to increase beds and capacity in jails over the next 24 years. But we are short over 2,000 beds, as we heard from Ms. Rooke, as it is today—the capacity equivalent of five facilities.

Dr. Andrew, I want to thank you again, and I want to ask you about your experience with marginalized and minority inmates—how their treatment inside institutions differs and how they can be disproportionately affected by cash bail priorities. This is, I know, in your personal opinion—it will not have to do, I hope, with any repercussions for your job. I think that you should be commended for being the face of so many people who come to a committee and express their voices that we need to really hear. So can I ask you that question?

Dr. Andrew Thomas: Yes, I see the disproportion, the overrepresentation of, particularly, Black and Indigenous, but other marginalized groups.

What I would say is, we know that there is systemic racism that exists. Unfortunately, it does impact, potentially, of course—whether it's in the justice system or in health care, whether in institutions or outside of institu-

tions. I think the more folks get locked up, the more likely we're going to have under-represented people.

I see on a day-to-day basis that—we do our best to provide, again, equal access and care, but there are just challenges. When there are so many people, it's just very difficult for us to provide the care that's often required. Especially when people are moving from institution to institution, which often happens as well, it makes it even more difficult for us on the health care side to provide for all their needs.

Mrs. Jennifer (Jennie) Stevens: Thank you for that answer—and it really shows sometimes when the gaps are showing, and it comes out with injuries and what you do.

So thank you for all you do, throughout your years of your career—not only at the correctional services, but what you do in the hospitals.

My next question is to Ms. Rooke. I want to ask if you believe that the Maplehurst incident—you mentioned an incident that happened at Maplehurst, and I'm not sure if you're aware—is a direct result of remand being too overcrowded and a result of mental health concerns, from the perspective of both inmates and correctional officers, being left unchecked due to the shortage of resources that we saw in the inquiry.

Ms. Jennifer Rooke: I can respond first by saying that I was referring to Maplehurst statistically, for overcrowding.

But for the incident you're referring to, I got from that—you're talking about a correction officer, over capacity; there was an incident. I assume they couldn't properly respond. I'm not sure exactly what incident you're speaking of.

However, the overcrowding is an issue across the board, and correctional officers obviously are getting drained. They don't have enough resources. The turnaround there—of them burning out—is not helping either. You have new officers coming in, not able to deal with the inmates the same way that seasoned officers could deal with the inmates. So it is a perpetual problem, and it is on account of that being over capacity and the high remand turnover—or I should say, the remand incarceration that we're dealing with. It's all part of the same problem.

The Chair (Mr. Lorne Coe): MPP Stevens, you've got one minute left.

Mrs. Jennifer (Jennie) Stevens: Perfect.

I want to specifically ask, do you believe changes in surety cash bail policies will further exacerbate issues in remand—and can you make it really quick, because I just want to—

Ms. Jennifer Rooke: I do, because they don't necessarily have the resources. It puts them more in jeopardy, and they might be fearful of what their impact might be on the family—but not because they can't be a supervisor, but because they don't have the money.

Mrs. Jennifer (Jennie) Stevens: I just want to end by expressing a thank you to all the individuals who are here right now and all who have come all day today.

I want to express that we have heard—the government side, as well as the third party and the official opposition—loud and clear, and we really do see that there are severe overcrowding problems. We understand the dangers of what's happening within our correctional facilities. We have listened. But most of all, we really are going to pay attention to schedule number 2. That cash-for-bail plan is not working.

The Chair (Mr. Lorne Coe): We now have MPP McCrimmon from the third party.

Mrs. Karen McCrimmon: My first question is for Dr. Thomas, and it's as a coroner—I'm sure you must have seen your fair share. And I want to understand whether you think that we have the proper level of oversight and the proper level of transparency to make sure that when things go bad, we find out about them and then we do whatever corrective action is required. Do we have the kind of oversight we need, and the transparency?

Dr. Andrew Thomas: Thank you for the question.

A couple of caveats: I work in Durham. There's no correctional institute in my catchment, so I haven't had any cases involving incarcerated individuals. The other thing I'd say is, I'm a lowly coroner on the ground, so some of the checks and balances that happen tend to happen above me.

What I would say is, there are a lot of changes happening in the coroner's office which you all are probably aware of—and how the model is going to be changed, and there's the involvement of other health professionals to potentially take up some of the cases that investigating coroners used to investigate. There are a lot of moving parts that are currently happening at the coroner's office.

I think, on the ground, we all hope that the same level of oversight continues through a number of the changes that have been happening over the past year and more, in terms of death investigations in the province.

Mrs. Karen McCrimmon: I'm a big believer that our criminal justice system should be designed in such a way to maximize rehabilitation when it's appropriate. There will always be some for whom it's not going to be appropriate—but the majority, I think, we could.

Is our system, the way it's operating right now, and I think with this new cash bail system—is that something that would actually support people reintegrating back into a community and rehabilitating to become a member of society again?

Dr. Andrew Thomas: On the physician health care side of things, certainly more and more—there's a new electronic medical record that was introduced, I think, over the past year. It has become more difficult to do our day-to-day, being slowed down by some of those administrative tasks. So we may begin the workup for someone, for their health condition, but may not be able to get back to them again due to time constraints, lockdowns on a unit, where we're unable to access a patient—or just the fact that by the time we get back to them, they're gone or transferred to another institution.

We really do our best to try to get the ball rolling on a lot of the rehabilitation, whether it's mental health or addictions—but there are just so many people we get

started, and then often we're not able to finish what we would like to.

Mrs. Karen McCrimmon: What I'm trying to get at is, are these changes actually moving us in the right direction, so that more people will be rehabilitated, and the right people will end up jailed who need to be in jail, but more people will get the treatment and the care they need for addictions or mental health issues? Is this change towards cash bail going to make that harder or easier?

Dr. Andrew Thomas: Just to echo some of the other speakers in this session, during this time slot—likely we're going to see under-represented folks more disproportionately affected by this. Therefore, the intent of the policy, I don't think, is going to come through in how it would be rolled out.

The better use of resources, I think a lot of us would agree, would be if we can help, on the more prevention side—if there are more supports for mental health and addictions in community, we're going to help prevent a lot of these people from getting into these positions.

1820

Also, someone spoke about homelessness. I do see, not uncommonly, folks who will do things to end up back in our institution or others, to be able to have a warm place to sleep or food provided for them on a regular basis, compared to their underhoused living situation.

The Chair (Mr. Lorne Coe): MPP McCrimmon, you have one minute left.

Mrs. Karen McCrimmon: All right.

Just one more quick question, then, about how you provide service to people who end up being incarcerated: How can we make sure that the potential for recovery, the potential for reintegration, is stronger?

Dr. Andrew Thomas: There are some programs that do exist.

I'd like to highlight again: If we had fewer folks, it would be easier to do a lot of the good work that we're hoping to do, essentially—or a lot more investment in the health care that's in these institutions.

The Chair (Mr. Lorne Coe): We're going to go to the government. MPP Darouze.

MPP George Darouze: Through you, Chair: I have a quick question for Andrew.

Ontario is taking steps to enhance safety in adult correctional institutions by reducing the risk of liquid-throwing incidents. This includes installing additional protective hatch barriers, commonly referred to as splash guards, in cells located in specialized care units, along with strengthening procedures across institutions. Do you support this proposal as a necessary measure to better protect correctional officers in their workplace? Since you've been there and visiting, I hope I get your comment on it.

Dr. Andrew Thomas: Again, because a lot of those things you mentioned, I think, directly would impact how the correctional officer would work in their day-to-day—I can't very much speak specifically to that, because my main role is primarily to help with the health care of the patients I see when they're there.

The Chair (Mr. Lorne Coe): MPP Ciriello.

MPP Monica Ciriello: Thank you to all the speakers who came today.

My question is for Jennifer Rooke. Thank you for being here.

We know that the bill that we have proposed, as a government, is focused on enhancing public safety, which has been an unequivocal initiative of our government since we've been in power. We want to make sure that individuals who repeatedly commit violent offences are not released only to reoffend again. I know that's something that's really important—something I support, something I hear from my residents all the time, and certainly a priority. I think what I heard from you is that you may not fully agree with this legislation.

I'm hoping you can outline the preferred approach to deal with repeat offenders and explain how your proposal would avoid creating a perception that violence is simply being overlooked or excused to those in the community.

Ms. Jennifer Rooke: I'll try to answer your question efficiently.

Everybody wants to make sure that we uphold the administration of justice. So when we're talking about the most serious offenders, the ones who are repeat offenders committing the most serious crimes—the serious domestics, the sexual assaults, the murders, those who are serious drug traffickers, those sorts of things—if they cannot be held accountable through bail release orders, or they've shown a pattern of non-compliance, they're going to remain in custody, but well-warranted that they're remaining in custody. But as opposed to saying, "Well, you've breached once, twice, a third time; you're just going to stay in there, and you can't explain yourself"—because I think I've heard trickles of that at some point in time. That might not be justified either, because that breach that they committed—it might be the one time in their whole history that there was a medical emergency in the family, and they have a defence to that breach. And that might be the third strike that puts them behind bars in the remand stage. Yes, they should be there, but not in that circumstance, so to speak. There still has to be that discretion. We're still upholding the administration of justice, if I speak about it that way.

On behalf of the organization, on behalf of lawyers across Ontario who have a voice—criminal lawyers and prosecutors as well, who are part of our federation—the blanket cash bail is a problem. When we have this ladder principle that we're talking about, and if the basic is a promise to pay but no actual deposit—and that's if they don't have a bail supervision order. They might have a promise to pay, and they can have conditions with this promise to pay. If they default on their bail order, then we'll go after estreating that bail. But if they have to put cash down and they don't have it, they're stuck in custody. That's the fundamental problem with this approach.

The Chair (Mr. Lorne Coe): MPP Darouze.

MPP George Darouze: My question will be for Michael.

The government is proposing that individuals are required by the court to wear GPS monitoring devices as a condition of release, contributed to through a user fee, with those funds potentially reinvested in the program or in victim supports. Do you believe these changes will re-

inforce accountability and help maintain public confidence in Ontario's justice system?

Mr. Michael Cuadra Guerra: Sorry. If I may summarize your question—do we believe that, essentially, electronic monitoring with GPS can increase accountability and make bail more effective? Is that a fair summary of your question?

MPP George Darouze: That—and we're trying to create a GPS that's paid by user fees. We'll get back that money and reinvest it into back into programs to help victims.

Mr. Michael Cuadra Guerra: I'm terribly sorry; I have tinnitus, and I have a slight problem hearing you.

I'm going to try to summarize your question again—essentially, it's going to be that you charge these people who need electronic monitoring the GPS stuff so that we can keep up better tabs on them. Correct?

MPP George Darouze: And then the money that they're going pay, we're going get back, and then we're going to reinvest it to help programs to help those victims.

The Chair (Mr. Lorne Coe): One minute remaining for questions.

Mr. Michael Cuadra Guerra: I'm terribly sorry—but to try to make a long story short, I think such a measure needs to be carefully done because, essentially, we do not want to put more economic pressure on the vulnerable than necessary.

If the choices are between cash bail and a program in which you need to pay into in order to have electronic monitoring so that one can work and do the business of living life, being able to support oneself and what one cares for—I think that would be preferable. But I don't think by any means that would be a perfect solution—and I think such tools would need to be carefully done.

The Chair (Mr. Lorne Coe): Thank you very much for your presentations today.

And thank you so much, everyone, for your questions.

The committee is now adjourned.

The committee adjourned at 1828.

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