



## Bail and Administration of Justice Offences (AOJOs)

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Young people believed that an accused should remain in the community on bail for all types of offences (with some conditions) while awaiting trial instead of being remanded to jail. Youth thought that accused persons should have greater supports to help them meet reasonable bail conditions, for example referrals to support services or rides to court.

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### What we also found

- Many youth noted that it was unfair that people who failed to meet bail conditions could be charged with another criminal offence.
- Youth felt that appropriate resolution of a breach of conditions requires individualized responses, including examination of personal circumstances, as well as the reason for and nature of the breach.
- Youth suggested that alternatives to a criminal charge should be considered when a condition was breached; they suggested fines or a warning, or a re-evaluation of conditions. For example, if a person with caregiving duties had to bring their family member to the hospital after curfew, this might warrant a re-evaluation of their curfew because it conflicts with the extenuating circumstance of having to go to the hospital.
- Most youth stated that those who remain in the community on bail should be kept away from those they harmed through a condition, especially if the crime was violent.

### In more depth

Young people wanted caregiving responsibilities and lived realities (like poverty, mental health needs, and employment circumstances) to be considered when judges place conditions on an accused person on bail. For example, if an individual works night shifts, a curfew would inhibit their ability to work and generate income. Or, if an individual is a caregiver, geographical limitations should be broad or flexible, recognizing that caregivers are often required to bring their dependents to appointments, services (e.g., daycare, recreation activities) or other places for their health and wellbeing.

Many young people thought that number of AOJOs could be reduced if those out on bail with addictions issues and/or mental health issues were provided more supports, in particular from a robust and comprehensive bail program that would include access to counselling and rehabilitative programming.

Most youth agreed that bail officers should have discretion with regard to breaches; for example, if an accused provides an officer with a valid reason (e.g., if the accused misses curfew because they have to work a night shift) for a breach or potential breach the accused should not necessarily be charged.



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In their own words,

*“Charging people does nothing but give them a record, we need ways to help people have a better life and make better decisions.”*

## Method

Justice Canada, in partnership with the Students Commission of Canada (SCC)<sup>1</sup>, conducted youth engagement projects in both 2016 and 2017. Each project explored youths’ views, perceptions and expectations of the criminal justice system. This was done through developing and hosting a Justice Youth Action Committee (YAC)<sup>2</sup>, gathering opinions through youth-led Community Action Projects (CAPs)<sup>3</sup>, and hosting the Canada We Want Conference.<sup>4</sup>

**Youth Engagement on the Criminal Justice System (CJS) Project 2017:** Eight Justice Youth Action Committee members representing Indigenous, non-Indigenous, rural, urban, and other diverse populations joined bi-weekly calls from June 2017 to March 2018. This project had an issue-based focus relevant to the work of Justice Canada. Issues covered included: bail and AOJOs, restorative justice, problem-solving justice, overrepresentation of Indigenous persons in the CJS, overrepresentation of persons with mental health and cognitive issues in the CJS, performance measurement of the CJS, and the perspectives of victims of crime. During the 2018 Canada We Want Conference the **CJS theme team**, a group of 11 youth and 2 youth facilitators from 2 territories and 5 provinces, representing Indigenous and non-Indigenous, Northern, and a number of other diverse populations, engaged in discussion around justice issues.

Justice Canada and the SCC provided youth definitions, key statistics and potential positive and negative outcomes of bail and AOJOs. Through the Community Action Project, the SCC recognized that the notion of bail was not clear to many youth. Youth did not understand that someone on bail was awaiting trial and had not been found guilty. The SCC, therefore, created and began sharing a glossary, as well as YouTube links that explained the difference between bail, parole, and probation. The SCC facilitator also developed a bail and AOJOs survey for YAC members to bring to the community and gather data from their peers.

**For further information on the findings and/or surveys mentioned in this document please contact the Department of Justice’s Research and Statistics Division ([rsd.drs@justice.gc.ca](mailto:rsd.drs@justice.gc.ca))**

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<sup>1</sup> The Students Commission of Canada is a national charitable organization with a mission to support young people in putting their ideas for improving themselves and their communities into action. The Centre of Excellence for Youth Engagement is a network of youth, youth organizations and academics focused on providing evidence on the benefits of youth engagement and positive youth development.

<sup>2</sup> The Students Commission selected members to join the Youth Action Committee for Justice Canada. The youth selected were from across the country, aged between 12 and 22 years, lived in urban and rural communities, were from diverse backgrounds and cultures, and had varied life experiences.

<sup>3</sup> Community action projects required YAC (Youth Action Committee) members to go into their communities and gather data from their peers using the survey questions identified on the calls. Youth could deliver a survey, a focus/discussion group, or interviews to collect this data.

<sup>4</sup> At the “Canada We Want” conference, the *CJS theme team* (a diverse group of youth from across Canada) generated recommendations for policy makers and other young Canadians regarding the criminal justice system.