

Beyond Release or Remand: Community Supervision as a Supportive Alternative to Pre-trial Detention

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Abstract

In Canada, bail is the subject of ongoing debate sparked again recently by concerns around perceived rising crime levels. This discussion is often framed as a binary choice between bail (judicial interim release) or remand into custody. However, both these options can carry carceral harms: bail can impose stacked conditions that criminalize poverty and addiction, while remand destabilizes lives through confinement resulting in a higher likelihood of recidivism. In contrast, this paper showcases the transformative potential of a third option: the use of bail supervision programs (BSP). While acknowledging critiques of supervision programs, we argue that supportive, community-run supervision can have beneficial outcomes for both participants and the public. Using the Elizabeth Fry Society of Manitoba's Bail Verification and Supervision Program as a case study, we analyze administrative records, program materials, and participant and staff interviews to consider what BSPs can offer to discussions of bail reform.

Keywords: bail reform; community supervision; pre-trial detention; conditional release; breaches; administration of justice offences; Elizabeth Fry Society

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Introduction

“Gather ‘round, folks... it’s bail reform story time again,” a recent news headline reads, and indeed, despite recent regulatory changes aimed at addressing concerns, bail reform continues to be a popular flashpoint for discussions of public safety and crime control (Brodbeck, 2025). While public and governmental discourse may at times consist of “largely political gestures that lack specifics” (Brodbeck, 2025), the approach to debates on bail reform tend to revolve around two options: releasing people accused of crimes on bail while awaiting their trial or resolution of charges, or keeping them jailed in remand facilities, for the sake of public safety (Thibodeau, 2026). In debate on the issue, the constitutional right not to be detained without just cause is pitted against a popular assumption that the more we deny bail and choose remand, the safer society will be. However, both these options can carry carceral harms: bail can impose stacked conditions that criminalize poverty and addiction, while remand destabilizes lives through confinement. Approaching the question of bail reform with only these two approaches in mind often disregards an alternative option: community bail supervision programs.

The purpose of this article is to encourage consideration of supervised community release through bail supervisions programs. Indeed, while some longstanding bail supervision programs are highly regarded by the police, the judiciary, and counsel (Government of Canada, 2022), and some have been expanding (Berger & Myers, 2024; Schumann & Yule, 2022), overall there has “been steady erosion across Canada in the availability of community support programmes for accused with special needs that could be managed in the community” (Government of Canada, 2022, n.p.). In the absence of such programs and their consideration in recent bail reform debates—along with a lack of understanding on the part of the public, perhaps, on the difficulty of getting bail or how restrictive bail conditions may already be—pre-trial custody becomes the only option for those proposing bail reform to manage perceived public safety issues.

This article contributes to a small but growing body of research on community bail supervision through a case study of one program operating in Winnipeg, Manitoba: the Elizabeth Fry Society of Manitoba's (EFSM) Bail Verification and Supervision Program. Drawing on administrative records, program materials, and qualitative interviews with program staff and participants, we examine this program, noting some of its outcomes, and we discuss the potential that programs like this might offer. While acknowledging there are critiques of bail supervision programs (Hannah-Moffat & Maurutto, 2012; Leblond, 2025a; Yule & MacDiarmid, 2024), our case shows that supportive, community-run supervision can have beneficial outcomes for both participants and the public. Bail supervision programs are not a panacea, but they do hold promise for addressing concerns that have prompted bail reform debates, such as public safety, in a more transformative way, and thus should be included in discussions on bail reform.

Bail Context in Canada

In Canada, judicial interim release, commonly known as bail, is a court order that allows a person accused of a crime to be released from custody with certain conditions while awaiting trial or resolution of their charges (*Criminal Code*, s.503(1)). The constitutional basis for bail is found in section 11 of *The Canadian Charter of Rights and Freedoms*, which assures citizens of both their right to be considered innocent until proven guilty and their right not to be denied reasonable bail without just cause. Since someone awaiting trial is legally innocent, the onus is on the Crown to show reasonable grounds for holding them in custody while awaiting resolution or trial. Under the *Criminal Code* of Canada, section 515(10), there are three grounds for denying bail. First is the risk of non-attendance, where it is necessary to ensure the accused appears in court. The second concerns public safety and protection, where detention is considered necessary to prevent the accused from committing further offences while on release. The third pertains to the maintenance of confidence in the administration of justice, where pre-trial detention is deemed necessary to ensure that the public does not lose faith in the system.

In the past decade, the Supreme Court has reaffirmed the constitutional right to bail, noting that in Canadian law, the release of accused persons is the cardinal rule—that detention should be the exception. In *R. v. Antic* (2017), the Supreme Court reaffirmed the “ladder principle,” directing judges to start with the least restrictive form of release and reiterating that people should be released at the earliest opportunity (*Criminal Code* ss. 515). Parliament codified these principles in Bill C-75 (2019), stressing that pre-trial detention should be a last resort. The *R. v. Zora* (2020) decision reaffirmed that the default for release should be minimal conditions, and that conditions must correspond to current charges and be proportionate to the risks involved. The Court ruled that conditions may “only be imposed to the extent that they are necessary,” recognizing how ‘standard’ conditions may criminalize poverty, addiction, or instability and underscoring the risks of over-reliance on conditions in bail practice (Sprott & Myers, 2011).

These rulings notwithstanding, recent reforms have been made to restrict bail. While the onus is generally on the Crown to demonstrate the grounds on which someone be detained, there are some exceptions for which the onus is reversed and the burden shifts to the accused, who must show why they should be released. Responding to pressure from provinces and territories as well as law enforcement, in 2024 the Canadian government expanded these exceptions through regulatory amendment in *Bill C-48: An Act to Amend the Criminal Code (bail reform)*. The legislation expanded or introduced new reverse onus requirements that are intended to make it more difficult for individuals accused of serious offences involving weapons, certain firearms offences, and repeated intimate partner violence to be released (*Criminal Code* ss. 515(6)). This provision further limited the principle of “reasonable bail,” which requires that bail not be denied without “just cause.”

Bail reform continued to be a popular flashpoint for discussions of public safety and crime control, and in October 2025 the government introduced Bill C-14, *The Bail and Sentencing Reform Act*. If adopted, the legislation is aimed at making bail laws stricter through the expansion or creation of new reverse onuses, clarifying that the “ladder principle”—which calls for the least restrictive form of release—

does not apply to accused who are subject to a reverse onus; it is effectively superseded by the need to demonstrate that the proposed release plan adequately addresses risks (Government of Canada, 2025; Just Peace Advocates, 2026). The *Act* would also require courts to consider whether allegations involve random or unprovoked violence and to consider imposing certain conditions when granting bail for some offenses, especially those associated with violent or organized crime (Government of Canada, 2025). In the discussion of bail reform leading up to the tabling Bill C-14 and echoed more recently by those interviewed in the media (prisoner advocates, victim advocates, politicians, and law enforcement), remand continues to be framed as a “safer” option, and in public debates there is little to no mention of one option for release, that of community supervision programs (Thibodeau, 2026).

Community Supervision as an Alternative to Remand

In the debates on bail reform and recent regulatory changes, the options for accused individuals are often presented as a polarized choice between remand and bail, framed with the perception that remand is the safer choice versus bail as the constitutionally responsible one (Bernhardt, 2025). The underlying justification for holding the accused in remand is that public safety will benefit from lowering the incidences of crime committed by people on bail. Indeed, the stated purpose of the recent bail-related regulatory reforms is to increase public safety, by making it harder for repeat offenders to be released into the community. That said, the rates of those remanded to custody has continued to climb (Malakieh, 2019). Starting in 2004–05, the number of people held on remand in provincial custody exceeded those serving sentences (Correctional Services Program, 2017). This gap continued to widen and today, on an average day, there are more than three times as many people in remand as there are serving a provincial sentence (Statistics Canada, 2025).²

Furthermore, while these reforms were made in the name of public safety, the use of remand presents its own safety concerns. Incarcera-

² In Canada in 2023–24, on average, 5,895.1 people were sentenced to provincial or territorial correctional institutions, compared to 19,334.5 in remand custody, on average. In Manitoba during the same period, 491.8 were sentenced to custody and 1,493.8 were in remand custody (Statistics Canada, 2025).

tion is shown to have its own criminogenic effects (Bales & Piquero, 2012). Research shows that even short stays in remand can increase the likelihood of future system involvement. The longer someone spends in pre-trial detention, the more likely they are to commit a new criminal act upon release (Lowenkamp et al., 2013), and the sooner re-arrest will occur (Silver et al., 2024). This is the case because remand can interrupt treatment and destabilize housing (John Howard Society of Manitoba, 2023).

Remand disrupts the foundations of everyday life. Even short periods of remand carry serious personal costs. Individuals detained, even briefly, can lose income, housing, employment, and social connection (Canadian Civil Liberties Association [CCLA], 2014, 2024). Remand conditions are often more severe than those faced by sentenced prisoners, including limited access to programs and supports (CCLA, 2014, 2024; Webster et al., 2009). These harms are not evenly distributed. Indigenous women are disproportionately remanded due to systemic factors such as poverty, housing insecurity, and colonial patterns of policing and prosecution. Once detained, they encounter heightened surveillance, cultural dislocation, limited access to culturally safe supports, and geographic isolation (Monchalain, 2016; Sayers, 2020). From a constitutional lens, these experiences are additionally problematic for the fact that remanded prisoners have not been found guilty of a crime.

As the harms of remand are often underestimated, the dangers associated with bail are overestimated. While examples of an accused committing violent acts while out on bail are widely publicized, they are rare. The public discourse tends to centre on the role bail plays in increasing crime (e.g., Lim, 2025; Tasker, 2025). However, as the John Howard Society of Canada (2024) notes:

Crime and violent crime rates have decreased substantially over the last 30 years. That includes violent crime. ... *the Crime Severity Index tracked by Statistics Canada has declined from 119 in 1998 – the first year it was measured – to 73.68 in 2021.* The dominant narrative about the threat to public safety is simply wrong – but it is politically valuable for some parties. (emphasis original, n.p.)

In addition, bail often functions as another form of penal control. Courts can impose stacked conditions such as curfews, abstinence clauses, no-contact orders, and mandatory reporting (Schumann & Yule, 2022; Sprott & Myers, 2011; Yule & Schumann, 2019). For people facing poverty, addictions, or unstable housing, these requirements are often unrealistic to meet. Breaches are common, not because of new criminal behaviour but because daily life makes strict compliance difficult or impossible. Each breach can generate new criminal charges, pulling people back into custody. An analysis by Statistics Canada showed an increase in the proportion of completed adult criminal court cases that included administration of justice offences, and found that in 2013–14, 39% included at least one offence administration of justice offence, though these are often related to non-violent behaviours such as missing curfew or consuming alcohol (MAP Centre for Urban Health Solutions, 2024; Statistics Canada, 2025).

Community Bail Supervision Programs: Support and Surveillance

While underdiscussed in this current push for national bail reform, there exists a third option in the bail reform arena: community supervision programs that assist with the bail process. These programs are distinct from individual-level community supervision, as provided by sureties, for example. In Canada a surety is a responsible person, often a family member or friend, who acts as a bail guarantor for an accused person. Sureties help the accused secure bail because they provide an added level of supervision; it is assumed they ensure compliance with bail conditions, and they pledge a sum of money to the court, which they may forfeit if the accused fails to appear or breaches conditions. However, scholarship has problematized this seemingly supportive role. Myers (2019) conceptualizes sureties as “third-party police,” while Schumann (2018) describes them as “civilian jailers,” highlighting how responsibility for surveillance and compliance is shifted onto private citizens.

Those who lack the resources or social support to secure a surety are more likely to be remanded into custody, showing how this additional condition of release may impede the granting of bail for lower-

income individuals. At the same time, this form of supervision cannot be understood as purely punitive or supportive. Myers and McDermott (2024) show that surety supervision is often enacted through relationships of kinship and care, producing tensions between expectations of monitoring and the realities of personal and familial support. While the Supreme Court of Canada's 2017 decision in *Antic* tempered the courts' reliance on sureties, the lack of stable housing and community supports continues to result in higher rates of remand custody for those who do not have social supports and stable housing in the community (CCLA, 2024).

As part of their bail plan, an accused may be released to a community supervision program. Community bail supervision programs are community-based services that provide varying degrees of supervision, support, and monitoring for individuals accused of criminal offenses who have been granted pre-trial release but may lack the financial resources or community support to meet their bail conditions or otherwise be released. Some programs include residency. These programs help ensure compliance with bail conditions and court appearances and offer referrals to other community agencies for treatment and other needs, thereby meeting the requirements of the justice system while enabling individuals to remain in the community rather than in detention (Government of Canada, 2022).

Recent scholarship cautions against understanding such programs as purely supportive, emphasizing that supervision in the community also operates as a form of governance that structures behaviour, risk, and compliance (Myers & Leblond, 2024). A variety of bail supervision programs exist across Canada. Some offer community support programs for accused with special needs. Some focus primarily on compliance monitoring, which may include electronic ankle monitoring. These programs extend surveillance into the community and risk creating what scholars call "remand in the community" (Law Reform Commission of Nova Scotia, 2020; Yule & MacDiarmid, 2024). Instead of offering a true alternative, they may function more as "penal governance" (Hannah-Moffat & Maurutto, 2012) by replicating carceral logics through risk assessment, managerial control, and surveillance, and shifting this carceral power into the community, often through NGO intermediaries (Leblond, 2025a). As Nelund (2020) ar-

gues, community-based programs for criminalized women often operate within tensions between social justice goals and broader systems of governance, rather than existing fully outside them.

This carceral logic is visible, for example, in the issue of breaches of release conditions. Over recent decades, the number of conditions for those released on bail have expanded, with people receiving an average of average of six or seven conditions (CCLA, 2014). While *R. vs. Zora* (2020) ruled against excessive, unnecessary, or “boilerplate” bail conditions, affirming that the default position is release on an undertaking with no conditions, the number of conditions since the ruling has remained high, at an average of five to six conditions in 2021 (John Howard Society of Canada, 2024). Multiple conditions, especially those only tenuously related to the original charge, widen the criminal net by making it easier for breaches to occur (John Howard Society of Ontario, 2023). The surveillance provided by bail supervision programs may lead to the identification of breaches, increasing the likelihood of administrative charges.

However, some bail programs operate with a broader support-based approach that goes beyond helping people get to court and avoid breaches. Typically delivered by community-based organizations, these programs are designed to combine case management with practical supports, rather than emphasizing surveillance alone. They embed housing assistance, addictions treatment, cultural connection, and relational casework into supervision (Law Reform Commission of Nova Scotia, 2020; Morris, 1981; Scott, 2022). Evaluations of community bail supervision programs indicate that they help individuals return to court and comply with conditions of release, and that providing help with housing, transportation, and treatment reduces breaches by making compliance possible (John Howard Society of Ontario, 2023, 2025, 2026). This is important because while the courts use conditions of release to ensure public safety, the failure to comply with conditions ends up criminalizing people on bail for administrative breaches—actions that would otherwise not be illegal (Webster et al., 2009).

Support-based community supervision programs are often described as beneficial in helping participants navigate the legal system and access supports and resources (Barno et al., 2019; Scott, 2022). Yet, even support-oriented programs may reproduce governance dynamics, as assistance is often delivered through conditions that require monitoring and compliance. Indeed, research on bail conditions and supervision more broadly suggests that individuals may experience conditions and supervision as simultaneously restrictive and enabling, with their effects varying depending on how they are imposed and navigated (Myers & Leblond, 2024; Yule et al., 2023). The accused may value the program for facilitating release and providing guidance and connection supports, while also experiencing programming as coercive and tied to ongoing surveillance (Leblond, 2025b). Peer-reviewed research on these programs remains limited, and emerging scholarship suggests a complex picture; supervision may simultaneously mitigate some harms associated with detention while also reproducing forms of surveillance, conditionality, and breach exposure in the community. As Leblond (2025a) adeptly identifies, bail supervision programs:

Have the potential to play a crucial role in mitigating Canada’s persistent remand problem by facilitating the release of accused, to support increased court efficiency, and assist with connecting accused to support programs that may reduce the likelihood of recidivism; however, changes are needed to ensure BSPs are used in practice as they are intended on paper. (p. 179)

Even programs that purport to operate with a support-oriented approach and provide care can end up exercising “coercive benevolence” in practice.

Under Bill C-14, the proposed *Bail and Sentencing Reform Act*, community bail supervision programs have been positioned as high-scrutiny bail plans; the legislation would direct courts to “closely scrutinize” the bail plan presented by the accused, to ensure a bail plan and any supervision program proposed as part of the plan is credible and reliably addresses public safety risks, rather than being a superficial release plan (Government of Canada, 2025). This heightened scrutiny reflects broader shifts toward risk management

and accountability in bail decision-making, further shaping how supervision programs are structured and implemented in practice (Myers & Leblond, 2024). It will be up to municipalities and provinces to properly resource bail supervision programs; without adequate resources that include supportive housing and mental health and addiction support, “enforcement alone cannot solve the complex challenges driving crime and community disruption” (Federation of Canadian Municipalities, 2025).

In this paper, we contribute to a small but emerging body of work examining bail supervision programs in Canada. Studies have examined how they operate in practice (e.g., Leblond, 2025a, 2025b; Myers, 2019; Myers & McDermott, 2024; Schumann, 2018). Our case study of the Elizabeth Fry Society of Manitoba’s (EFSM) Bail Verification and Supervision Program builds on this previous work, offering insights into program staff and participant perceptions, which Leblond (2025b) notes are largely missing from research on bail. Our study also focuses on a program in Manitoba, where fewer studies have been conducted. In this moment of renewed interest in bail reform, we note some potential benefits of community bail supervision programs. We view community bail supervision programs not as a neutral or singular alternative, but as contested practices in which care and control are entangled, and whose effects depend on how supervision is structured and experienced in practice. We recognize that such programs may simultaneously extend state control while also creating space for community-led forms of support and accountability—something that warrants further examination.

Research Design and Methods

To consider community-based supervision as a viable—and potentially transformative—alternative to remand and approach to bail, we turn to a case study of the Elizabeth Fry Society of Manitoba’s (EFSM) Bail Verification and Supervision Program (BVSP). This program offers an empirical example of supervised release for women and gender-diverse people with complex needs. Run out of an abolitionist and Indigenous-centred organization, this program redefines what supervision can look like for those on bail. Its practices are rooted in care, cultural safety, and relational support (Cunneen &

Tauri, 2019; Pollack, 2009). Examining this program helps us to understand how community supervision works in practice and highlights what it can offer.

The methods were designed not only to capture measurable outcomes, but also to reveal the everyday practices, relationships, and informal norms that shape supervision (O'Malley, 2009). We used an instrumental case study design (Stake, 1995) to examine EFSM's BVSP. We selected this case for two main reasons. First, the program serves women, two-spirit, and non-binary people, the majority of whom are Indigenous. These groups have been disproportionately harmed by bail and remand practices, reflecting systemic colonial and gendered patterns of punishment (Monchalin, 2016; Webster, 2022). Second, the program operates in Manitoba, a province with some of the highest remand rates in Canada (Malakieh, 2019; Public Safety Canada, 2023). It therefore offers a valuable lens for examining cases of release where remand might otherwise be a likely default. One aim was to understand the daily routines and experiences of conditions for those released on bail. The broader aim was to assess whether and how support-oriented bail supervision might counter, rather than reproduce, the harms linked to other restrictive release options or remand, as well as to start better understanding what types of bail supervision programs can work effectively for the safety of the accused and public.

Our study adopted a mixed-methods approach, combining analysis of qualitative and quantitative data from three complementary sources. First, we analyzed administrative program records. Information from intake forms, supervision logs, and program reports were digitized and compiled in a database. The records contained information about participant demographics, case characteristics, and program outcomes for participants ($n = 303$) involved in EFSM's BVSP from 2014 to 2023.³ Records documented details such as housing status, mental health and substance use needs, experiences of intimate partner violence, and compliance with court orders. They also included open-ended responses in which participants described their experiences in

³ The dataset contained 270 individual records with dates (2014: $n = 1$; 2017: $n = 1$; 2018: $n = 12$; 2019: $n = 76$; 2020: $n = 58$; 2021: $n = 79$; 2022: $n = 28$; 2023: $n = 15$). 33 records were undated but from the files within the period of 2014-2023.

their own words. Directly-identifying information was removed by EFSM prior to sharing the dataset for cleaning and analysis.

Second, to supplement analysis of administrative records, between March 2023 and July 2024 we conducted semi-structured, in-depth interviews with participants residing in EFSM's on-site BVSP ($n = 4$) and EFSM staff ($n = 4$).⁴ Interviews fleshed out information in the administrative records, providing context and more in-depth understanding of the experiences and practices in the BVSP. Staff reflections provided insight into daily practices, discretionary decision-making, and the challenges of delivering care-based supervision. Resident reflections offered perspectives on lived experience, including the relational aspects of support and the difficulties of meeting bail conditions in practice. Interviews were audio-recorded and transcribed, with the participants' consent, and transcripts were de-identified for analysis.

Finally, we also analyzed program materials, which consisted of organizational policy documents, training manuals, and internal reports. Together, these offered insight into how the program was formally designed and resourced, and how it represented its aims to funders, courts, and community partners.

Administrative data were analyzed using SPSS (version 25). We calculated descriptive statistics including frequencies, percentages, means, and cross-tabulations. Variables included profile participant demographics, criminal histories, and outcomes such as breaches, compliance, and court attendance.⁵ In the analysis presented here, we focused on the following variables: mental health, substance use and

⁴ The Elizabeth Fry Society of Manitoba currently, at the time of publication, has five staff members, and approximately thirteen women reside in their on-site facility through the BVSP at any given time. These interviews came from a larger set of interviews conducted as part of a broader project examining the use, experiences, and implications of conditional release in Manitoba. Participants in this paper were recruited with the cooperation of EFSM staff, who informed program participants about the study, and those interested contacted researchers to meet at the participants' convenience. Interviews with staff were arranged by contacting the organization directly.

⁵ This case study is part of a larger project on conditional release in Manitoba. In the EFSM dataset, we identified 52 variables related to participant demographics and case-based information. For this paper, we have focused on seven variables as indicated here and highlighted in the findings section below. These variables were chosen for relevance to the current analysis and completeness of data.

addictions, victimization, Indigeneity, family or kinship status and responsibilities, and justice system involvement (including history of involvement, charges, convictions). We also conducted a content analysis of participant responses to open-ended questions (Berg, 2008). Recurring themes were identified, grouped, and counted, with their frequency and percentage recorded. We adopted a grounded, thematic approach to interview data analysis. First, researchers independently analyzed transcripts using open coding, and a codebook was developed from emerging categories. Axial coding was then used to identify and refine combined themes.

Triangulation (Lincoln & Guba, 1985) across these sources allowed us to check consistency, identify tensions, and highlight where official accounts, recorded outcomes, and lived experience aligned or diverged. This approach increased the trustworthiness of findings and helped ensure that the analysis did not rely on a single perspective.

Researcher positionality and ethical considerations

Our research approach followed community-engaged, justice-oriented principles and a commitment to confidentiality and data security. Our relationship with EFSM is both academic and collaborative, informed by recognition of the organization's expertise in supporting participants navigating the criminal justice system. At the same time, we were mindful of the power imbalances inherent in analyzing administrative records and representing marginalized women's experiences. This awareness guided our focus on structural inequalities rather than blaming individuals for non-compliance with bail conditions. These commitments also shaped how we approached ethical questions around confidentiality and data use.

Participation in interviews was voluntary, informed consent was obtained, and identities were protected. Identifying information was removed before analysis, and findings are presented in aggregate form to avoid re-identification. Interview quotes included are not intended to stereotype perspectives but were chosen for inclusion because of their representativeness of our overall research findings.

Engagement with participants and their data required careful attention to power dynamics, particularly given they were sharing experiences of justice involvement and supervision. We listened carefully to pro-

gram staff and participants, engaged in member checking where possible, and remained transparent about our interpretive lens. We also worked with a community advisory board, who guided our research design and analysis.

Findings: Case Study of a Community Bail Supervision Program in Manitoba

EFSM's Bail Verification and Supervision Program (BVSP)

We turn now to the case study itself, examining how the BVSP operated and what it reveals about the possibilities and limits of supportive community supervision. Elizabeth Fry Society of Manitoba supports people who are involved or have the potential to be involved with the justice system. Its Bail Verification and Supervision Program, operating since 2009, offers community supervision and programming for women, two-spirit, trans and non-binary people, 18 years and older, who are accused of a criminal offence and are awaiting resolution of criminal charges (Vivic Research, 2025). Eligible individuals can be referred through their lawyer or other advocate or can self-refer. An EFSM bail worker conducts an intake interview to assess if the candidate is a good fit for the program. Once accepted, the bail worker works with a participant's lawyer to create a bail plan that incorporates the BVSP as part of the release conditions.

The BVSP operates primarily as a residency program, with an individual released from custody to reside at EFSM's on-site facility, though participants may also be supervised and access EFSM programming while residing in the community. The program offers both supervision and programming. EFSM has fourteen standard conditions including a minimum 30-day absolute curfew when first released and abstinence. Other conditions for the in-house and community participants can include mandatory programming. Depending on the history of the participant, the court may impose other conditions such as ankle monitors and no-contact orders. Participants graduate from the program once their charges have been resolved, but this can take many months, and some stay for years.

When a referral is made, the BVSP bail worker assesses whether EFSM has programming that might meet the needs of the individual and whether the individual can abide by the conditions of release. Of-

ten, participants are referred to the program if they might otherwise be denied bail. This includes people with a record of failing to comply with bail conditions or facing serious charges, including aggravated assault, forcible confinement, drug trafficking, or murder.

Participant profile

All BVSP participants are women or gender-diverse, and administrative records⁶ show that 79% of participants ($n = 190$) were mothers, many with caregiving responsibilities. A large majority of participants, 91% ($n = 276$), identified as Indigenous (First Nations, Inuit, or Métis). Records indicate that many have limited formal education. Only a small percentage have post-secondary credentials, nearly 44% have not completed beyond Grade 11, and about 9% ended formal schooling in Grade 8 or earlier. In addition, most participants experienced significant mental health issues, substance use disorders or addictions, or a history of serious criminal charges (e.g., violent offences, drug trafficking, etc.), as indicated in Table 1. The BVSM generally serves individuals who would be considered high-risk or high-needs. Many have significant mental health challenges, including 67% with documented conditions such as post-traumatic stress disorder (PTSD), anxiety, bipolar disorder, schizophrenia, or complex trauma. The majority of participants reported histories of substance use, with more than 40% identifying methamphetamine as their primary substance of choice. Others reported use of alcohol, crack, cocaine, and opioids including fentanyl. In our sample, 76% of participants reported experiencing and surviving physical abuse, and 68% reported sexual abuse. These factors point to social marginalization and barriers to opportunity, perhaps even prior to justice system involvement.

Many BVSP participants are not first-time offenders, and they often face serious charges. Participants averaged 10 outstanding charges and 16 prior convictions at intake. The majority of participants (62%) faced charges for violent offences, the kind that typically trigger reverse onus in bail hearings. Interviews and qualitative information in

⁶ While the total sample of participants in our dataset is 303, the number with information about specific characteristics or circumstances differed for each variable. Percentages were therefore calculated based on the number of respondents for each item (i.e., the denominator).

program files indicate that many of those released to EFSM would not have been granted bail without the program; indeed, even after intake to the program, some participants must wait in remanded custody until a bed opens up in the BSVP (EFSM bail workers continue regular meetings, establishing relationships with participants while in custody prior to their release to the program).

Table 1: Bail Supervision and Verification Program Participant Characteristics

Participant Characteristics	Frequency (total respondents)
Documented mental health condition	67% (n = 161)
Substance use or addictions	75% (n = 227)
Victimization	76% (n = 230)
Justice system involvement	
<i>facing charges of violence offences</i>	62% (n = 159)
<i>had administrative offences among their charges</i>	81% (n = 245)

Staff emphasized that participants in the BVSP were individuals less likely to succeed under conventional bail because of their multiple needs and complex histories, but also whose needs would be exacerbated within the context of remand custody. Many participants had failed multiple prior attempts on bail or had spent extended periods in remand, without successfully exiting the criminal justice system. Case notes describe participants arriving with little trust in the justice system but choosing EFSM because it offered not just monitoring, but also practical help and relational support.

Access to programming and housing

The BVSP is trauma-informed, gender-responsive, and community-based. Program documents and staff reflections emphasized the importance of wraparound supports. These include: mental health supports (referrals to therapy, crisis intervention, psychiatric care); substance use reduction supports (harm reduction, recovery planning, navigation of detox or treatment); housing supports (securing placements, liaising with landlords, supporting shelter transitions); and practical and relational supports (e.g., transportation, reminders and accompaniment to court, safety planning, advocacy with agencies).

The EFSM bail supervisor works to find programming that best achieves goals set at intake. Some programming may be assigned by Manitoba Justice; this includes: “Women for Change,” which offers tools and knowledge to cope with anger in a positive non-violent manner; “The Preventions Program,” for women who have committed shoplifting, fraud, and other breach of trust offenses; “Kicking Addictions,” which is a SMART Recovery abstinence-based program grounded in well-researched approaches to changing addictive behaviors; and “Women Healing from Trauma” counselling. Other programming may be required or encouraged, based on individual participant needs or goals. Some programming is delivered in-house at EFSM and some is available in the broader community. Bail supervision workers facilitate access and attendance. Other resources are also available through the BVSP, such as the “Read to Me” program, which helps record mothers reading stories, after which a copy of the recording and the book are sent to the child. There is a clothing and hygiene depot and there are on-site opportunities for volunteering and mentorship.

Significantly, the BVSP was designed to have both a residential option and a community supervision option. As a staff member describes:

Essentially, the process is that women apply to either program. Typically, it was predominantly residential when they didn’t have other means of release. So, if they didn’t have access to a surety or they didn’t have an address, or they couldn’t go back to their address.

Not all bail supervision programs have a residency component, but it was clear from our research that housing concerns figure prominently in the question of release. Individuals who do not have access to secure, stable housing but would otherwise be released are held unnecessarily in remand centres. As the same bail worker notes:

A lot of women were definitely precariously housed, so that was a big issue when they were applying for bail. Even on more minor charges, if they had no fixed address, they therefore weren’t releasable from the court’s perspective. And then the other issue is that a lot of people, their charges originate from the address

that they were living at, so if they were living with a family member, the court would say, “you did this while you were living with that person. So obviously it’s not a suitable environment for you.”

The BVSP currently houses up to 13 people in the residency program, and others are supervised while residing in community. However, the demand for this program is high; with an average of twenty referrals per month, only one-fifth of applicants are accepted (Vivic Research, 2025).

Breaches and stabilization

The fact that participants are residing on-site facilitates compliance with conditions for some. Interviews with staff stressed that even though residents are under absolute curfew when they first move in, they are free to leave anytime; though it would mean they are breaching part of their bail conditions, EFSM is not holding them there. However, participants emphasized how, once they gave the program a chance, they wanted to stay. For example, one resident noted she did not expect to like the program or to stay. When asked if she worried about meeting her bail conditions, she reflected:

Yeah. I thought I was going to take off right away, and I thought I was just going to go on the run. But a part of me kind of wanted to stay and see how it is, to try to put in the work for myself because I’m 31, I’m not getting any younger, and to go on the run is just stupid, you know, especially when I have a place to live, I have food to eat here. I have programs that are going to help me stay out of jail. I didn’t know how the staff were going to be around here, but it is actually pretty good. They made it easy to stay.

Noting that the day of her interview was her one-year sober anniversary, she added, “I choose to stay here, it’s my safe spot.”

According to internal records, most participants did end up breaching their bail conditions at least once during their stay at EFSM. Among our sample, about 65% of participants had at least one breach during supervision. On paper, this appears to be a high rate. However, staff

emphasized that a breach was not the end of support. Instead, it became a point of re-engagement. As one staff member explained:

The [breach] rate can be a misleading statistic, though, because many of the individuals that we breach remain in contact with us and our services and still end up performing quite well in the community. And we still advocate for them at their sentencing and work with them in the community. Some of the individuals we breach end up getting released back to us two to three times. I have individuals who I breached in 2022 and 2023 who I am now continuing to support in the community.

This approach reflects EFSM's philosophy of trust and continuity. Staff work with women before release from remand, support them through their bail period, and stay connected even after a breach or sentencing. Breach reporting was treated as a duty to the courts, but it did not sever the relationship. Participants who faltered were not abandoned; they were supported through setbacks, sometimes multiple times, thus lowering the number of administrative offence charges that can come with breaches.

Program records confirm that engagement has deepened over time: the average stay in 2020–21 was just 17 days, but by 2023 it had risen to nearly 300 days. Breach rates also varied with group stability. In one recent month, for example, only one of eight women was breached, which staff attributed to quicker housing placements, faster access to addictions services, and more systematic reminder protocols. As an EFSM staff member explained:

If we do have breaches, the majority of our breaches are going to be because [of] family influence, grief, and also relationships. ... It's usually circumstantial. Grief and loss. If you have someone who seems to be doing stable, stable and good, and then they lose a family member and they just take off, it's just too much to handle. We've had individuals here who have been here for two years, but within like six to eight months, they had three family members who have passed away. It's incredible the resilience of some, you know, these people that are going through this. So, when that happens, the team itself kind of surrounds them and puts as much support into it, as much as possible. And we also try

to get them out into the community and do some cultural work as well.

These comments reflect how BVSP operationalizes its philosophy of “working with participants where they are,” as a staff member put it. Rather than excluding participants after a breach, staff adapted supervision to address immediate needs, turning moments of instability into opportunities for renewed support.

The outcomes of the BVSP reflect both the challenges of working with a high-needs population and the distinctive ways the program translated its philosophy into practice. Monitoring through the BVSP might mean that someone’s breaches are exposed in a way they might not be if they were not in the program but on bail in the community with conditions. However, program participants are often those least likely to be released on bail otherwise, often facing very serious charges, and while breaches were common, they did not necessarily signal failure. Instead, staff and records showed how EFSM defined what accountability and success could mean in the bail context. Another resident spoke about her numerous breaches from past experiences on bail, especially related to conditions to abstain from alcohol:

Interviewer: So you agreed to the conditions, one of them being to abstain from alcohol.

Participant: Yeah.

Interviewer: Did you think that you might have trouble with that condition? When you agreed to it?

Participant: I didn’t think about it at all. I just went about doing my same thing because I was an addict. And I was always drunk.

Interviewer: How did you find the condition to abstain in this program?

Participant: For the first 30 days, I had to [abstain] and then I breached. I left the centre. I was having a really hard time with my addiction. I breached and then, the [bail workers] begged for me to come back because they said I was doing really good. I was working and I was doing good. I just had a slip. So, they called me and called me for a couple days, and I eventually came back. So, I’m thankful for that. And then yeah, I came back, and I’ve been doing good ever since.

Accounts from residents relay the ways the program, while bound with a number of restrictions, also comes with what other experience on bail or in remand did not: a true sense of being welcomed as they are into the program and a sense of belonging that buoys their resolve to address longstanding issues that have contributed to their criminal justice system involvement.

Through the provision of housing and access to programming, both on- and off-site, the BVSP also created tangible opportunities for stabilization. Program files document participants maintaining family ties, entering addictions treatment, and securing stable housing while on bail. For some, this meant regaining custody of children or completing residential programs. For others, it meant holding onto housing or developing consistent routines. Staff emphasized that small, practical supports (e.g., providing reminders or rides to appointments) often made bail conditions achievable in ways that they would not be while on bail in the community without the support.

Relational care, support and accountability

The ethos of trust-building, support, and relational accountability, indicated in the program philosophy, come through clearly in participant narratives. One of the women we spoke to was in remand for 22 months before being released to the EFSM BVSP. This experience in remand was, in her words, “Very emotional. And mentally it was very, very difficult. I did a lot of fighting in there, too, to protect myself.” When asked about the experience at the BVSP, she was effusive in her appreciation for the program:

I can't wait till Mondays because the building opens, right. E-Fry has become a family to me, you know, like I've never seen people who weren't in your family care so much about you. Waking up knowing that they are here for you is something. I never had that before. So, I would get up and I'd be happy because they're here. ... Like having people believe in me, I know that I can do these things in my life, knowing that they're there to support me, it makes me feel so important.

This respondent did not mind the restrictions such as the curfew, the abstinence, or the mandatory programs, noting, “It feels safe here. It feels very loved. And so everyday I tell them ‘thank you’ because I

am so very thankful for them. And all I want to do is do my best and listen and respect their rules and, and I've been doing that." Because of the focus on building caring relationships of support, both between bail workers and participants, and between the participants themselves, every respondent referred to EFSM feeling like a "family."

The family feeling stemmed from a feeling of support that was empowering. The program's relational ethos also means that staff-participant relationships are seen as longer-term commitments. A participant noted that staff "didn't give up on me" after a relapse, contrasting EFSM's approach with the punitive responses of bail courts. Similarly, a staff member commented:

We have someone who's been here for five months, never had a slip up, doing amazing. And then, a visit with their kid gets messed up or a death in the family. So, if you can really pinpoint, "Okay, they were doing great. And this is clearly what happened," we like to pick them back up and provide that support. ... I think it really helps build that relationship and trust even more if we do something like that. Because it shows like, "Hey, we're your family, we're here to pick you back up. Mistakes happen and it's not like you're out of here immediately. Like, let's talk. Let's communicate. As long as you're communicating with me, we can see what we can do." And I also think with addictions, that is part of the journey, lapsing, that is part of the journey. "We're going to keep trying and we're going to be there while you keep trying."

These accounts underscore that the program's outcomes cannot be measured only in breaches or compliance. They also include the everyday work of building trust, fostering stability, and reshaping how accountability is practiced in pre-trial contexts.

Surveillance and accountability

The EFSM's BVSP also plays a supervisory role that is accountable to the courts, which does position their care as also grounded in surveillance on behalf of the state (Law Reform Commission of Nova Scotia, 2020; Myers & Leblond, 2024; Yule & MacDiarmid, 2024). For the courts, the verification of residence and supervision plans are crucial aspects of their program. Staff and participant reflections sug-

gest that this verification often persuaded judges and Crowns to grant release, especially in high-needs cases. Their program's reputation of providing successful supervision has made it a more well-known, credible community-based option for pre-trial release. As one staff member explained:

When I started in 2021, almost every single bail to our program was a contested bail hearing. We attended on average six to eight bail hearings per month. Now, we only have contested bails for the most serious of charges (murder, aggravated assaults, large drug trafficking operations). These are charges that the Crown typically is not 'allowed' to consent release on, but these individuals are typically getting granted bail by the judges. Almost all the women we have on bail right now have very serious charges ranging from murder, assault, forcible confinement, multiple assaults, drug trafficking, firearms offences, etc. And they have been our strongest group in a while.

Judges who might otherwise have defaulted to remand were willing to consider release when supported by EFSM's verification and supervision plans. This shift was especially important for women facing violent offences or with prior breaches, who otherwise might have been seen as "too risky" for bail. As one participant explained:

So, I guess [the courts] were figuring if I get bail, "Who's going to keep an eye on her, to abide by her restrictions or is she going to go AWOL or something?" So, the only way I can get a bail was to get into [EFSM]. So, I applied to get in. And I've been talking to them and they've supported me throughout that entire time until I got released.

While the supervision does come with monitoring for breaches, the residents are also able to participate in meaningful programming that would have been absent in remand detention centres. This programming can contribute to breaking the cycle of criminal involvement in ways remand custody does not.

Discussion: Community Supervision as an Alternative

The Elizabeth Fry Society of Manitoba's Bail Verification and Supervision Program serves individuals often excluded from standard

pre-trial release and disproportionately harmed by remand custody. Its philosophy of continuity alongside wraparound supports in housing, addictions, and relational care set it apart from surveillance-based models such as electronic monitoring. Our findings show the BVSP's practices facilitated releases, fostered stability, and reduced breaches over time. In this way, the BVSP functioned not only as a technical alternative to remand but as a relational intervention, laying the groundwork for asking whether it represents a viable—and transformative—alternative to remand and the more conventional bail model. The contrast between EFSM's BVSP and surveillance-based programs is summarized in Table 2.

Rather than repeating the general harms of remand, findings show how the BVSP worked to mitigate some of these harms in practice. Staff reflections suggest many BVSP participants, especially those facing violent charges or with prior bail failures, would have been remanded without the program. EFSM's verification of housing and supervision plans shifted judicial discretion, offering courts a credible alternative to detention. Once released, participants accessed addictions treatment, stabilized housing, and maintained caregiving roles. Where remand severs community ties and pressures guilty pleas (Webster, Doob, & Myers, 2009; Webster, 2022), the BVSP supported continuity and stability for participants. In this way, the program not only provided a technical alternative but also appeared to reshape informal court practices by expanding the range of credible release options available to decision-makers.

Table 2: Contrasting Models of Bail Supervision

Feature	Surveillance-Oriented Models	EVSM’s BVSP (Support-Oriented)
Philosophy	Emphasis on compliance and risk management	Emphasis on stability, care, and relational accountability
Response to Breach	Termination of supervision; remand custody	Re-engagement; adjustment of supports (housing, treatment, contact)
Core Practices	Monitoring, curfews, strict reporting	Wraparound supports: housing, addictions care, transport, advocacy
Cultural Orientation	Extends state control into community (“remand in the community”)	Indigenous-centred, abolitionist, community-based
Effect on Participants	Conditions often unachievable; criminalization due to breaches	Stabilization through care, continuity, and non-linear support
Effect on Courts	Reinforces punitive defaults	Provides credible, care-based alternatives that expand discretion

The EVSM’s BVSP also addresses some of the harms associated with bail conditions. Restrictive bail often functions less as liberty than as penal governance (Hannah-Moffat & Maurutto, 2012). Conditions such as curfews, abstinence clauses, and reporting requirements routinely extend criminalization into the everyday realities of life (Schumann & Yule, 2022; Sprott & Myers, 2011). As critics have argued, these conditions often set people up to fail rather than succeed (e.g., CCLA 2014, 2024; Pollack, 2009; Sprott & Myers, 2011). For marginalized people navigating poverty, housing precarity, caregiving, or intergenerational trauma and recovery, standard bail conditions create obligations that are often structurally difficult to meet. Missing curfew because of childcare, struggling to access treatment without transportation, or relapsing in the context of addiction become legal breaches rather than social challenges. In this way, vulnerabilities are transformed into administration of justice charges, reinforcing cycles of surveillance and custody. This dynamic is consistent with research showing that bail conditions may contribute to ongoing cycles of criminalization, even while formally enabling re-

lease (Yule et al., 2023; Yule & MacDiarmid, 2024), and that such conditions operate as mechanisms of governance that structure everyday behaviour and risk in the community (Myers & Leblond, 2024).

This case study suggests that EFSM's BVSP offers an alternative to traditional pre-trial options, as neither remand nor conditional release alone would have provided the same combination of programming and supports available through the program. Transportation back for curfew, reminders for court, and staff mediation when treatment conflicted with bail conditions made compliance possible rather than punitive. Most significantly, staff re-engaged participants after breaches instead of excluding them, contrasting sharply with conventional bail where even minor breaches typically lead back to remand custody. At the BVSP, those adaptations, while still operating within a framework of supervision and monitoring, leaned toward forms of care-based accountability. These practices remain embedded within systems of monitoring and conditional release, underscoring that such approaches may simultaneously support compliance and mitigate harms, but also extend and reproduce forms of penal governance in the community (Leblond, 2025a; Myers & Leblond, 2024).

Reviews of Canadian bail supervision programs show that surveillance-driven models often reproduce carceral logics, amounting to “remand in the community” (Law Reform Commission of Nova Scotia, 2020; Yule & MacDiarmid, 2024). Leblond (2025a) makes a similar critique, arguing that bail supervision can extend carceral power into the community by shifting control to NGO intermediaries. This reflects the broader dynamics of penal governance, where community programs can simultaneously provide support and operate as extensions of carceral authority (Hannah-Moffat & Maurutto, 2012). Indeed, community supervision is inherently fraught. Staff and programs occupy a dual role: both supporters embedded in community and stand-ins for the state. As Myers and McDermott (2024) show in the context of surety supervision, this dual role is often experienced through tensions between care and enforcement, rather than as a clear distinction between the two. This tension risks reproducing carceral authority, even as it opens space for care-based alternatives.

What makes EFSM significant is that, as an Indigenous-centred and abolitionist program, it demonstrates how supervision can be done differently and provides an example of the alternative possibilities that supportive, community-led justice might open. By centring relational practices, trauma-informed supports, addressing gendered pathways into the justice system (Millar et al., 2025), and providing continuity through breaches, the program created opportunities for care and accountability within the constraints of bail supervision. Similarly, the focus on housing, addictions care, and cultural connection aligns with Indigenous-informed critiques of carceral responses and calls for community-based justice (Cunneen & Tauri, 2019). This is not simply surveillance and monitoring for the sake of compliance; it is a sustained program to address the underlying causes that brought these individuals into contact with the criminal justice system to begin with. While ideally these services should be robustly and readily available to women, two-spirit, and non-binary folks long before their needs culminate in criminal justice involvement, EFSM is positioned where these individuals are now: needing the supports to access the resources to stay in the community and prevent further involvement. These practices remain embedded within carceral systems of supervision that require monitoring and accountability, underscoring that even care-oriented models operate within broader structures of governance (Leblond, 2025a). However, these practices show that supervision can be done differently—though not without tension, and not outside the constraints of the bail system itself.

The findings from the EFSM's BVSP show how the everyday realities of supervision may both reproduce punitive logics, through acting as a point of surveillance for the state criminal justice apparatus and, at times, rework them in practice by supporting participants through periods that would likely have resulted in breaches in the community or in un-treated trauma in remand custody. While not eliminating risk entirely—nothing does—the program and its supports can reduce instability, build trust, and help participants comply with their conditions in a way that is sustainable and even potentially empowering. Trends in the program data demonstrate the even for participants who might be deemed “high risk,” outcomes can improve when the environment around them changes, when they are given the

tools and relationships needed to succeed and meet their goals. By examining how BVSP responded to breaches with some supported leniency and offered wrap-around programs and support for participants through instability, we see how community-run supervision should be recognized as one possible approach in discussions of bail reform in Canada.

Conclusion

Approaching the question of bail reform with only conditional release or remand custody as possibilities disregards an alternative option: community bail supervision programs. The discussion often obscures the harm of current practices and the possibilities of community-based alternatives. The Elizabeth Fry Society of Manitoba's Bail Verification and Supervision Program illustrates one way in which some of the harms associated with remand may be mitigated while providing supports that enable people to remain in the community. While such programs do inherently operate within larger systems of carceral control that mandate monitoring and conditionality, programs like the BVSP have the potential to expand judicial discretion, stabilize participants often considered "too risky" for release, and reduce reliance on detention without abandoning accountability.

Community supervision is contested terrain. Critics warn that it can risk becoming "remand in the community," extending carceral logics through NGO intermediaries (Leblond, 2025a). The EFSM's BVSP does not resolve this critique, but it does offer a more transformative option that allows for tailored, sustained, and invested programming for folks in their program that is missing from the pre-trial options of standard bail or remand custody. Its abolitionist orientation, Indigenous-led character, and refusal to abandon participants after a breach demonstrate that supervision can be enacted differently when grounded in continuity, cultural safety, and care-based accountability.

The context of bail and discussion of bail reform stand at a crossroads. Court decisions such as *Antic* and *Zora* and reforms like Bill C-75 instruct the courts to use restraint when restricting bail and applying conditions. In practice, however, courts often continue to default to remand or impose onerous conditions, and Bill C-14 proposes to make bail more inaccessible and restrictive. In Canada, meaningful

bail reform requires not only legislation but also the resourcing of culturally responsive supervised release. Transforming pre-trial justice demands more than technical adjustments. It requires shifting the cultures of decision-making that overlook supportive, community-based options, while remaining attentive to the risk of reproducing penal control and guarding against simply extending it into the community rather than reducing it. Considering this option of community bail supervision should focus on programs rooted in ethics of care, Indigenous cultural practices, and trauma-informed support. EFSM demonstrates that supervision can be grounded in Indigenous and feminist traditions of accountability, focusing on continuity, relationships, and healing rather than exclusion. It reminds us that justice is not only a state apparatus, but also something enacted in communities through relationships of care, support, and accountability. The challenge for Canada is whether it will remain bound to a punitive binary or embrace a broader, more transformative vision of justice.

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