



# NEWS RELEASE

## **Toronto Police Association Presents at the Government of Ontario's Standing Committee on Justice Policy**

**Toronto, ON, January 31, 2023** – On Tuesday, January 31, 2023, the Toronto Police Association (TPA) joined other police leaders in presenting submissions to the government's Standing Committee on Justice Policy.

The Committee has been tasked with studying the reform of Canada's bail system as it relates to the provincial administration of justice and public safety with regard to persons accused of violent offences associated with firearms and other weapons.

On behalf of the almost 8,000 members the TPA represents, the submission to the Committee covered the following:

- real-life examples of how the current bail system is failing the community and police service;
- the need for all areas of the justice system to be adequately resourced to manage the influx of bail releases;
- a suggestion to legislate minimum requirements for "adequate and effective policing" within the new *Community Safety and Policing Act*; and
- a suggestion to create dedicated Justices of Peace, with specialized training, to exclusively preside over bail hearings involving serious offences.

"The men and women who serve our communities do not experience events on paper, on video, or in theory. They live it in real time, daily, within the communities they serve," submitted Jon Reid, President of the TPA. "The victims of crime, communities and members of the public do not experience those events on paper, on video, or in theory, either. While the rights of an accused are important – they cannot, and should not, be at the expense of public safety."

"I am not here to suggest that bail should be outright denied," continued Reid. "I do not lose sight of the fact that our *Charter* ensures we all benefit from a presumption of innocence, and that reasonable bail is our right. But as a society, as a community, and as justice leaders – we must assess and question whether or not there is a disconnect on this notion of reasonableness."

A full version of the submission by the Toronto Police Association can be read below.



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*The Toronto Police Association represents almost 8,000 police and civilian members of the Toronto Police Service. We are a professional organization dedicated to advancing the interests of our members through education, political action, and legislative advocacy. We operate in an open, ethical, and professional manner and strive to promote professionalism and accountability within the ranks of our members. Our foremost priority is the wellbeing of our members and the community we serve.*

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## **Submissions to the Standing Committee on Justice Policy**

**President Jon Reid  
Toronto Police Association  
January 31, 2023  
*Check Against Delivery***

- Good afternoon, Chair, Vice-Chair, members of the Standing Committee, legislative staff, and fellow presenters.
- My name is Jon Reid and I am the President of the Toronto Police Association. As President, working together with our Vice-President, Board of Directors, and dedicated management team, I have both the responsibility and privilege of being the voice of Toronto's policing community.
- Our members give up certain rights when they take their oath of office and wear that uniform. The badge they carry is heavy. They cannot speak on certain matters publicly; they must be impartial. It is my responsibility to be their voice.
- The TPA represents almost 8,000 full time members of the Toronto Police Service who work in both a uniform and civilian capacity. Our membership includes frontline police officers, special constables, criminal investigators, community response officers, and civilian members who perform a myriad of specialized functions that contribute to public safety.
- However, my appearance here today is not just to advocate on behalf of our members, but also on behalf of the communities we know are deeply impacted by the current system of bail, a system that is failing ...
- ...And a justice system that has very much eroded our collective sense of justice and safety.
- I tell you I am here on behalf of the communities we serve because neither I nor our members, ever lose sight of the fact that we not only serve our communities – but also form a part of our communities... whether that be here in Toronto or any other region of this province. They are all community members. They all have an interest in public safety.
- With an unwavering dedication, all our members are committed to upholding the safety of Toronto's residents daily...often in the face of dangerous circumstances and under the ebb and flow of criticism of their actions.



- But they, like all police officers, cannot do this alone. They need support, and... especially now... they need resources.
- While criticism is uncomfortable – and often undeserving – it plays an important role.
- The key is that the criticism be constructive ... done so in a way to always get better... to always improve. To identify something that is wrong and find a way to fix it.
- It is why we are here today – our sense of justice is broken, and our safety feels like it is diminishing. And I applaud this government for convening this committee to deal with this very important issue.
- As elected officials you all know... our police operate independently from the Legislature, the Crown and the Judiciary. Each have a system of checks and balances... mechanisms and procedures to hold them to account. But these entities have one thing in common – ALL have a responsibility to ensure that the public maintains its confidence in the administration of justice.
- In fact, on the issue of bail specifically... our Criminal Code uses those exact words – that the detention of an accused person is justified *"if the detention is necessary to maintain confidence in the administration of justice..."*
- I am not here to suggest that bail should be outright denied. I do not lose sight of the fact that our *Charter* ensures we all benefit from a presumption of innocence, and that reasonable bail is our right.
- But as a society, as a community, and as justice leaders – we must assess and question whether or not there is a disconnect on this notion of reasonableness... whether or not there is a disconnect between decision makers and ensuring that the public maintains its confidence in the administration of justice.
- I am not a lawyer. I am a police officer – one for over 30 years.
- There will be people with many more letters after their name than I have, who will take a different viewpoint than I do when they depute to you this week.
- That is ok. In fact, I welcome that perspective and dialogue.



- But what I do know is this... the men and women who serve our communities do not experience events on paper, on video, or in theory. They live it in real time, daily, within the communities they serve. And sometimes pay the ultimate sacrifice in doing so.
- This past year has been a stark reminder of that.
- The victims of crime, communities and members of the public do not experience those events on paper, on video, or in theory. They too live it daily.
- While the rights of an accused are important – they cannot, and should not, be at the expense of public safety. I appreciate that involves a delicate balancing act. I welcome the dialogue, but I think I share the perspective of a reasonable person that the pendulum on that balancing act has swung too far in the wrong direction.
- The TPA – along with other police leaders - has been sounding the alarm not only on the need for bail reform – but on staffing levels in policing for years.
- We must ... in fact we owe it to ... our people who put their lives on the line every day. We need to ensure they have the best protections available so they can do their jobs as safely as possible.
- This sends the message that public safety is a top priority, and it helps ensure that our collective confidence in the administration of justice is maintained.
- You have heard some examples from my colleagues from the Police Association of Ontario and Ontario Provincial Police Association... but I offer some more...
- Ms. Hogarth, you may remember this case as it was a bank robbery in March 2021, that occurred in Mimico, in your riding. Two men wearing masks entered a bank armed with knives. One stood as a lookout, the other demanded cash – while holding a knife, yelling, and terrorizing the bank employees. By sheer luck, fortunately two plainclothes police officers were nearby and responded without hesitation. As a result – one of our officers was stabbed in the abdomen. The other suffered lacerations. As one would expect – the offenders were charged with a range of serious offences. Within 24 hours one of those accused was released on bail.



- At that time I wrote an op-ed in the Toronto Sun and I concluded it by saying:

***"If our bail system is designed and/or interpreted to justify releasing individuals in these circumstances, what message does this send to the community and those serving the community? The answer is simple – it sends the wrong message to the people who protect our communities and those who seek to live in a peaceful and just society.***

***It erodes confidence in the administration of justice."***

- Just last week, here in Toronto, a man was arrested and charged in relation to seven – yes seven - separate incidents. He was charged with (2) two counts of robbery, (19) nineteen counts of breach of probation, (3) three counts of break and enter, (4) four counts of theft – including a theft of a vehicle (which we know is a huge problem in the GTA right now), and (2) two weapons related charges. He was released on bail the next day. Four days later... a mere four days... he was arrested again in another stolen car.
- In June, a man was arrested for his alleged involvement in a carjacking. He was carrying a loaded firearm at the time of his arrest. He was charged with multiple offences including disguise with intent, weapons dangerous, carry a concealed weapon and possession of property obtained by crime. In September, he was released on bail. While the courts imposed an electronic monitoring device as a condition of his bail, the offender wasted no time cutting off the device. Thankfully, he was re-arrested in December.
- In August 2018, a man received a five year firearms prohibition after he was convicted of Assault Causing Bodily Harm. Four years later, the same man received a lifetime firearms ban after he was convicted again of Aggravated Assault and Possession of a Firearm. He was recently arrested, again, in your riding Mr. Ke, of Don Valley North, and charged with multiple firearms offences.
- These are just some of many instances... just a few examples that come to our attention at the TPA because our members are beyond frustrated with things as they stand, and they turn to us as their Association to help communicate their concerns to the public.



- I acknowledge that we are not going to fix these issues in a day. These are complex matters that are multi-faceted.
- However, given that I, along with other police leaders, are here to help inform this Committee as subject matter experts on areas to study and find solutions to reforming our systems, I would like to offer some topics on areas that require review, investment, and immediate consideration and action.
- First and foremost – our police services need people. And ... we need them desperately.
- At our current staffing levels our members find it increasingly difficult to meet the demands expected of them. We need adequate resourcing, so we can respond in a timely manner to emergency calls for service – which we already struggle with doing – but also to ensure we have resources to deal effectively with proactive issues dealing with public safety.
- A priority of those proactive issues must be the supervision of people accused of crimes that have benefited from the presumption of bail.
- I am sure you would be shocked to hear there are some nights in divisions across this city where only a few patrol cars are available to be deployed in areas that cover tens of thousands of residents.
- The reality is that there is no time or resources for proactive initiatives. There is no time or resources to seek out individuals on bail. There is no time or resources to seek out those who fail to appear to court.
- Too often we treat “administration of justice” offences as less serious. You have heard the comments of my colleagues.
- I offer the following - If we want respect for the administration of justice – the administration of justice must first respect itself.
- Breaches of recognizances, undertakings, and failures to appear for court should always be treated seriously and enforced seriously. Accused persons cannot be allowed to thumb their nose at the conditions placed upon them by the court, the same conditions they agreed to in order to obtain bail.
- Breaches of such conditions need to be punished seriously. These are changes in policy that must be taken, and can be taken, expeditiously.



- Committee members, you may be silently asking yourselves – why are we discussing staffing if this is a study on bail. I bring this up because while we may revisit our bail system – and while we may make amendments and shift priorities – the reality is that reasonable bail is a constitutional right... and many people will return to their communities until such time they have their day in court.
- The police have a responsibility... in fact it is their most important responsibility... to maintain public safety.
- However, this is not a responsibility they shoulder alone.
- As an example, years ago, here in Toronto, across every division we had Bail Compliance Units. A team of officers whose sole purpose was to monitor and conduct compliance checks – at the local divisional level – within their communities.
- While we still have some capacity to do that – we have removed it from the local divisional level – we removed the community notion of it. These initiatives require resources.
- When accused parties are on bail – they sometimes fail to appear for court. While I have already suggested that our courts and prosecutors treat those failures to appear with stronger rules – we as the police also need resources to track those individuals down... proactively.
- Again, these initiatives require resources, and they require investments in people.
- In discussing this I would be remiss in failing to mention our other justice partners and stakeholders – and the resourcing that they too require.
- It is not lost on me, nor our members, that our Assistant Crown Attorneys are also overworked, overburdened, and require more resources. Our colleagues at Probation and Parole – are also overworked and require more resources.
- These are all important investments in public safety.



- Too often we have an either / or conversation. Too often in the discourse we ask: "Do we fund front end programs or enforcement"? The answer is simple – the answer is both.
- With respect to policing, and specifically on the issue of bail, our government can take concrete steps at a policy level to help ensure these investments are made.
- The *Community Safety and Policing Act* is slotted to replace our current *Police Services Act* once the regulatory drafting that accompanies the Act is complete.
- Like our *Police Services Act*, the legislation stipulates that Police Services Boards shall provide **adequate and effective policing** in the area for which they have policing responsibility.
- Adequate and Effective Policing means crime prevention; it means law enforcement; it means maintaining the public peace; it means emergency response; and it means assistance to victims of crime.
- On the topic of bail reform, what is of importance to this committee is that all these functions be provided in accordance with the standards set out in the regulations.
- We know that these regulations are currently being drafted and worked on. Some of the regulations accompanying the new Act have already been placed on the public registry for comment.
- I would like to take a moment to discuss specifically the regulation expected in the legislation that deals with Adequate and Effective Policing.
- This is an opportunity to establish minimum standards that Police Service Boards must abide by with respect to bail compliance. A standard that does not give way to fiscal pressures.
- Surely – bail compliance – and appropriate benchmarks to be measured against - must form part of Adequate and Effective Policing. A requirement to have a proactive initiative separate and apart from the reactive duties we expect of our police officers.



- When defining the adequate and effective requirement, surely bail compliance contributes to crime prevention.
- Surely bail compliance contributes to law enforcement.
- Surely bail compliance contributes to maintaining the public peace.
- And surely bail compliance – perhaps most importantly – contributes to the assistance of victims of crime – and sends the message that they are taken and treated seriously.
- Committee Members, I am cognizant of my time limit before you today.
- But, at a high level, in addition to the items I have discussed here, and topics and perspectives you have heard from other police leaders, I implore you to review and study the following...
- Whether it is appropriate that Justices of the Peace be charged with the responsibility in our provincial courts to preside over bail hearings... especially for serious matters. We have embarked on programs where dedicated teams of Crown Attorneys are dedicated to bails ... perhaps a similar system is needed for those who preside over bail hearings... especially for serious offences.
- To explore if training on community issues would assist our Judiciary in what I perceive to be a disconnect between what a reasonable person – fully informed of all the circumstances – expects to maintain confidence in the administration of justice.
- Much like resourcing is an issue for policing – I believe it is an issue across the justice system. You will hear, I'm sure, that bail ought to be given because of the time it takes things to get to trial. Resourcing assists that.
- The answer should never be to do less. Public safety demands otherwise.
- Again, I thank you for inviting me to be here today. We all can contribute to finding solutions. I welcome any questions you may have.

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