



St. Leonard's  
Society of  
Canada

Société  
St-Léonard  
du Canada



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Bill S-230:

An Act to amend the Corrections and Conditional Release Act

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**SUBMISSION TO THE  
STANDING SENATE COMMITTEE ON LEGAL AND  
CONSTITUTIONAL AFFAIRS  
44th Parliament, 1st Session**

Prepared by:

St. Leonard's Society of Canada  
Ottawa, ON  
February 2024

Submitted to:  
Vincent Labrosse, Clerk of the Committee  
lcjc@sen.parl.gc.ca

## Background

On behalf of St. Leonard's Society of Canada (SLSC)<sup>1</sup>, we are grateful to have been invited to appear before the Honourable Members of the Standing Senate Committee on Legal and Constitutional Affairs as a witness as part of the review of Bill S-230: *An Act to amend the Corrections and Conditional Release Act (Tona's Law)*. **In addition to our testimony on February 8, 2024, we are pleased to submit this document to provide supplementary information for your consideration ahead of the clause-by-clause review.**

Enclosed you will find documents pertaining to SLSC's research and advocacy on matters pertaining to effective and humane ways to improve policies and practices related to the criminal justice system. The documents have been organized according to theme and the French versions of reports have been provided where possible. We welcome any questions related to the enclosed materials.

## Mental Health

SLSC has conducted the following research reports that further explain context and recommendations regarding the intersections of mental health and the criminal justice system:

**(EN) Community Connections: The Key to Community Corrections for Individuals with Mental Health Disorders<sup>2</sup> | (FR) L'Engagement communautaire : La clé de services correctionnels communautaires à l'intention de personnes souffrant de troubles mentaux (2010)<sup>3</sup>**

**(EN) Towards an Integrated Network (Second Edition): Working Together to Avoid Criminalization of People with Mental Health Problems (2013)<sup>4</sup> | (FR) Vers un réseau intégré (première édition) : Travailler ensemble pour éviter la criminalisation de personnes aux prises avec des problèmes de santé mentale (2008)<sup>5</sup>**

**(EN) Community Supports: Alternatives to Traditional Approaches (2019)<sup>6</sup>**

## Bill C-83 & Structured Invention Unit (SIU) Operations

Our organization has closely followed the developments related to Bill C-83 since its inception, including the findings and recommendations of the experts overseeing its implementation and other reports from those who engage with prisoners in the SIUs. Since 2019, SLSC has engaged government representatives on this matter seeking clarification on aspects of regarding implementation of the Bill, raising areas of concern, and providing recommendations to address such concerns. The letters sent by SLSC have been attached to this submission:

***Attachment 1: SLSC Letter to Policy and Legislative Advisor, Office of the Minister of Public Safety and Emergency Preparedness regarding Funding Announcement for Bill C-83 (January 14, 2019)***

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<sup>1</sup> SLSC is a national, membership-based charitable organization that brings together a network of individuals and independently operated community-based agencies. Our mission is to promote humane and informed criminal and social justice policy, practice, and responsible leadership to foster safer communities. SLSC is not a religious organization. Online: [www.stleonards.ca](http://www.stleonards.ca).

<sup>2</sup> Available: <https://stleonards.ca/wp-content/uploads/Community-Connections-The-Key-to-Community-Corrections-for-Individuals-with-Mental-Health-Disorders-2010-1.pdf>

<sup>3</sup> Disponible à : <https://stleonards.ca/wp-content/uploads/LEngagement-communautaire-La-cle-de-services-correctionnels-communautaires-a-lintention-2010.pdf>

<sup>4</sup> Available: <https://stleonards.ca/wp-content/uploads/Towards-an-Integrated-Network-Second-Edition-2013.pdf>

<sup>5</sup> La 2<sup>ème</sup> édition n'a pas été traduit. La première édition est disponible à : <https://stleonards.ca/wp-content/uploads/Vers-un-reseau-integre-Travailler-ensemble-pour-eviter-la-criminalisation-de-personnes-aux-prises-avec-des-problemes-de-sante-mentale-2008.pdf>

<sup>6</sup> Available: [https://stleonards.ca/wp-content/uploads/St-Leonards-Society-of-Canada-Position-Paper\\_PBC\\_February-2019.pdf](https://stleonards.ca/wp-content/uploads/St-Leonards-Society-of-Canada-Position-Paper_PBC_February-2019.pdf)

*Attachment 2: SLSC Letter to Minister of Public Safety and Emergency Preparedness regarding SIU Implementation Advisory Panel Reports (November 2, 2020)*

*Attachment 3: SLSC Letter to Minister of Public Safety regarding Operation of Structured Interventions Units (November 11, 2022)*

*Attachment 4: SLSC Letter to the Office of the Auditor General of Canada regarding the Operations and Costs of Structured Interventions Units (May 16, 2023)*

## Community-based Residential Facilities (CBRFs) & Capacity

A Community-based Residential Facility (CBRF), also known as a ‘halfway house’, is a structured facility that helps people on conditional release (e.g. day parole, statutory release) to safely and gradually transition from prison to the community. SLSC’s members offer a diverse range of social justice programs including shelters for homeless men and women; transitional residences for men, women, and youth; programs that address issues of problematic substance use, mental health, trauma, and life skills; and a wide array of employment, education, and training programs. Research related to the operations of CBRFs consistently demonstrates that individuals who reside at community-based residential facilities as part of a gradual and supported release from custody, are much more likely to stay in the community long-term as law-abiding citizens, and face fewer integration-related challenges compared to those who do not.<sup>7</sup>

With respect to the implementation of Bill S-230, our members have shared similar concerns expressed by some of the members of the Standing Senate Committee on Legal and Constitutional Affairs regarding associated costs and capacity in the community. Bill C-83 included provisions for CSC to enhance its capacity to engage with community-based organizations to provide services in SIUs and in the community, and we received invitations from government officials, such as the former Minister of Public Safety and Emergency Preparedness, Ralph Goodale, to contribute to the operations of SIUs:

*“...Community partners, such as the John Howard Society, the Elizabeth Fry Society, St. Leonard's Society of Canada and others, will be welcomed into the SIUs to see how they are functioning and to provide important feedback. That feedback and transparency are an important part of the way we want to make this system work.”<sup>8</sup>*

Bill S-230 would also allow for such organizations to formalize relationships with community-based mental health services like local Canadian Mental Health Association chapters to provide person-centred healthcare. **However, to date, SLSC and its members have not been formally engaged to operationalize that access to people held in SIUs or offer interventions to that could serve as preventative measures to reduce likelihood of reliance on SIUs.**

**SLSC also shares the opinion expressed by some other witnesses that concerns related to capacity outside of institutions to meet the needs of federally sentenced people, particularly those with mental health challenges, should not prevent the Bill from passing, but rather encourage the government to appropriately allocate resources to meet the need.**

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<sup>7</sup> Azalea, A., Tejpar, S., Shulman, T. & Sunderland, J. (2019). *A halfway house for Indigenous men: Moving towards individual healing and public safety*. Available:

<https://macsphere.mcmaster.ca/bitstream/11375/24854/1/McMaster%20Research%20Shop%20Report%20-%20JHS%20Hamilton.pdf>

<sup>8</sup> Standing Committee on Public Safety and National Security, 42nd Parliament, 1st Session. (Nov. 6, 2018). Available:

<https://www.ourcommons.ca/DocumentViewer/en/42-1/SECU/meeting-135/evidence>

## Cost Considerations

Although this figure fluctuates based on the security classification and gender designation of the facility, and an individual's level of need, on average, **it costs 72.9% less to maintain an individual in the community** compared to maintaining them in custody (\$34,214 per year vs. \$126,253 per year).<sup>9</sup>

This statistic must include the added context that this difference in cost is partially related to the insufficient funding invested into the community corrections sector. According to SLSC's data from members, when compared to the *starting salaries* of CSC equivalent positions, per year, frontline CBRF staff earned approximately 29% less and CBRF supervisors and managers earned approximately 16% less. Prior to 2023, the level of funding for CBRFs had been largely unchanged for the past 20 years.<sup>10</sup> Disparities in staff compensation between Federal Public Service employees and non-profit employees has been raised by the Office of the Correctional Investigator and recognized by Public Safety Canada.<sup>11</sup> SLSC continues to work with other CBRF networks to identify the remaining gap between the true cost of CBRF operations and what CSC contracts provide.

**Amending Section 81 and Section 84 of the CCRA as proposed in Bill S-230 presents an opportunity to ensure community-based organizations and services can be engaged to create much-needed flexibility for federally sentenced people to access a broader range of support services, and adequately paid for those services. It also provides mechanisms to improve the communication and collaboration sought by community-based agencies to better support the people they provide services to.**

This Bill also supports calls to action presented by the Truth & Reconciliation Commission of Canada, including:

*31. "We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending,"*

*40. "We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms,"<sup>12</sup>*

It also aligns with recommendations from the Office of the Correctional Investigator, such as those discussed in their joint 2019 report with the Canadian Human Rights Commission's:

*"Given that prisons were never designed for older persons in the first place, dual strategies of "aging in place" (integrated accommodation) and "age tailored" (separate accommodation for older inmates with significant cognitive or functional impairments) could prove costly and may be unnecessary. **An alternative approach would be to move funding and resources from institutional to community-based facilities.** If capacity in the*

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<sup>9</sup> Public Safety Canada. (2023). *2021 Corrections and Conditional Release Statistical Overview*. Available:

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2021/index-en.aspx>

<sup>10</sup> Standing Senate Committee on Human Rights. (2021). *Human Rights of Federally-Sentenced Persons*. Available:

[https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16\\_FederallySentenced\\_e.pdf](https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16_FederallySentenced_e.pdf) (p. 268)

<sup>11</sup> Public Safety Canada. (2023). *Public Safety Canada's Response to Recommendations made in the Office of the Correctional Investigator's 2022-23 Annual Report*. <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/ps-rspns-rcmmndtns-2023-en.aspx>

<sup>12</sup> Truth and Reconciliation Commission of Canada. (2015). *Truth and Reconciliation Commission of Canada: Calls to Action*. Available: [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls\\_to\\_action\\_english2.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf)

community to manage an older individual who meets criteria for medical parole or geriatric release is lacking, then **CSC could engage with external service providers and reallocate funds that would otherwise be spent on avoidable (and costly) incarceration.** The Parole Board would be in a better position to support a release plan that would allow older individuals meeting eligibility criteria to serve out their sentence with dignity in the community.”<sup>13</sup> [emphasis added]

For more information about CBRFs, their operations, relationships with government partners, and recommendations regarding promising practices and addressing challenges among CBRF operators, see:

**(EN) Infrastructure, Intersections, and Innovation: Understanding Community-based Residential Facilities Within a Shifting COVID-19 Landscape (2021)**<sup>14</sup> | **(FR) Infrastructure, croisements, innovation : bien comprendre les aménagements des établissements résidentiels communautaires face aux enjeux toujours changeant engendrés par la pandémie de COVID-19 (2021)**<sup>15</sup>

## Social Determinants of Justice & The Definition of “Disadvantaged”

The social determinants of justice (sometimes referred to as the social determinants of crime), are social factors “that can lead to exclusion and discrimination, and ultimately to inequities in justice outcomes”.<sup>16</sup> The five determinants identified by the Institute for Research in Public Policy (IRPP) include (1) income, (2) employment, (3) stable housing, (4) education, and (5) health.<sup>17</sup> The IRPP suggests:

*“A ‘social determinants of justice’ approach to reform acknowledges the idea of punishment, but it also emphasizes rehabilitation and puts individuals, their circumstances and surroundings, at the centre of the system. Far from being ‘soft on crime,’ this approach aims to deploy the system’s resources more effectively to find more lasting resolution to problems. The goal is better outcomes for victims, accused, offenders, and communities, instead of more time served.*

*This approach also recognizes the critical importance of responding to each individual’s case. As many participants in these round tables argued, our system is based on the notion that it is objective and neutral, when in reality it is often neither of these things. Justice is not blind, and perhaps it should not try to be. Let the system acknowledge the particulars of a case, tailor its response to more effectively address them, and aim for equitable rather than equal treatment.”*

Incorporating such factors into a broader definition of “disadvantaged” within the Bill would ensure other individuals who have experienced disadvantage will have their needs met, particularly given the disproportionate rate of people in our correctional system who have not completed high school and have

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<sup>13</sup> Office of the Correctional Investigator & Canadian Human Rights Commission. (2019). *Aging and Dying in Prison*. Available: <https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/oth-aut20190228-eng.pdf>

<sup>14</sup> Available: <https://stleonards.ca/wp-content/uploads/Infrastructure-Intersections-and-Innovation-SLSC-Final-Report-2021.pdf>

<sup>15</sup> Disponible à: <https://stleonards.ca/wp-content/uploads/2021/08/Infrastructure-croisements-innovation-rapport-final-de-la-SSLC-2021.pdf>

<sup>16</sup> Department of Justice. (2023). *State of the Criminal Justice System Dashboard*. Available: <https://www.justice.gc.ca/socjs-esjp/en/Youth/Definitions>

<sup>17</sup> Institute for Research in Public Policy. (2018). *Rethinking Criminal Justice in Canada*. Available: <https://irpp.org/wp-content/uploads/2018/10/Rethinking-Criminal-Justice-in-Canada.pdf>

lower than average rates of literacy, for example.<sup>18</sup> Additionally, although current statistics indicate that 11% of Canadians are living below the poverty line, this population disproportionately makes up 80% of those in prison.<sup>19</sup>

The social determinants of justice have also been recently included as part of the 2023 framework prepared by the external Steering Group for Canada’s Black Justice Strategy.<sup>20</sup> They state:

*“Available evidence suggests that Black people are overrepresented across a range of negative justice outcomes (Cotter, 2022; Owusu-Bempah and Gabbidon, 2020). It is important to note, however, that the CJS does not operate in a vacuum. Indeed, Black experiences in society more generally inform levels of contact with, and the nature of treatment by, the CJS (Owusu-Bempah and Jeffers, 2022). Working to prevent Black people from coming into contact with the CJS, by addressing the social determinants of justice, represents a key pillar of the Strategy.*

*...Where data are available, research demonstrates that Black people in Canada fare poorly across these dimensions, with lower-than-average incomes, higher rates of unemployment, decreased access to secure and stable housing, poorer educational outcomes in Canadian schools, and poorer health and mental health outcomes (Do, 2020; Dion, 2001; Teixeira, 2008; James and Turner, 2017; Robson et al., 2014; Public Health Agency of Canada, 2020). Anti-Black racism and systemic discrimination are often cited as a driver of these negative outcomes (Dryden and Nnorom, 2021; James and Turner, 2017; DasGupta et al, 2020; Public Health Agency, 2020).”*

On behalf of SLSC, thank you for taking the time to consider the concerns and recommendations detailed in this letter. We appreciate and welcome your input on the concerns and questions raised by our members. If you would like any additional information or resources on any of the topics raised, please do not hesitate to contact me directly at 613-612-1127 or [anita@stleonards.ca](mailto:anita@stleonards.ca).

Yours Sincerely,



Anita Desai, Executive Director

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<sup>18</sup> Victoria St Michael. (2022). *Fighting the Literacy Epidemic Inside Canada’s Correctional Facilities*. Available: <https://theshieldjournal.ca/fighting-the-literacy-epidemic-inside-canadas-correctional-facilities/>

<sup>19</sup> Senate of Canada (2020). Guaranteed Liveable Income. *Debates of the Senate*, 151(11), 299-302.

<sup>20</sup> Akwasi Owusu-Bempah & Zilla Jones. (2023) *Canada’s Black Justice Strategy: Framework*. Available: [https://www.justice.gc.ca/eng/cj-jp/cbis-scjn/framework-cadre/pdf/Framework\\_for\\_Canadas\\_Black\\_Justice\\_Strategy.pdf](https://www.justice.gc.ca/eng/cj-jp/cbis-scjn/framework-cadre/pdf/Framework_for_Canadas_Black_Justice_Strategy.pdf)