

Ministry of Community Safety
and Correctional Services

Ministère de la Sécurité communautaire
et des Services correctionnels

Office of the Minister

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MC-2012-729

February 21, 2012

Senate Standing Committee on Legal and Constitutional Affairs
Senator John D. Wallace, Chair
Senate Committee on Legal and Constitutional Affairs
The Senate of Canada
Ottawa ON K1A 0A4

Dear Senator Wallace:

As you consider the *Safe Streets and Communities Act*, I am writing to reiterate the McGuinty government's position regarding the impact of Bill C-10.

Ontario supports programs and initiatives designed to make our communities safer and to protect our children and families from violent crime. We have demonstrated this commitment by implementing initiatives and funding efforts to fight gun and gang violence, to enhance the province's sex offender registry, and to invest in policing services and infrastructure. However, a commitment to safer communities and to crime prevention also requires a sound correctional infrastructure.

To that end, Ontario has been investing in creating a modern, efficient and effective correctional system. Currently, there are about 8,500 inmates in provincial correctional facilities in Ontario. Through our modernization strategy, Ontario is in the process of building two new facilities – one in Toronto and the other in Windsor – that will become operational by 2014. Modernizing the correctional system will allow the province to close smaller, older and inefficient facilities that have high operating costs and would require significant capital investments to repair and modernize. It also allows the province to consolidate capacity into more efficient regional institutions.

We have determined that Bill C-10 will have serious implications for Ontario's justice system and will create significant new costs for the province. Bill C-10 could cost Ontario's taxpayers more than \$1 billion in increased provincial correctional and police service costs. The impact of the bill is a priority issue for the justice sector and, at the recent meeting of federal, provincial and territorial justice ministers, held in Prince Edward Island, all provinces and territories called on the federal government to enter into discussions on the impact this bill will have. At this time, we have received no response from the federal government to this request. Provinces and territories should not be expected to bear the costs of federal anti-crime initiatives.

By 2015/16, changes resulting from Bill C-10 could increase the inmate population at Ontario correctional facilities by as much as 1,500 inmates. Provincial correctional facilities are currently at approximately 95 per cent of their capacity. The result will be increased operating costs and a significant strain on capacity. On average, provincial facilities would be operating at 104 per cent, up to 150 per cent in some institutions. Added pressure would lead to overcrowding in many institutions. The impact will undermine Ontario's strategy to modernize its correctional system, as well as the gains made to ensure current and future capacity is met.

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Ontario may need to build a new 1,000-bed facility to house the additional inmates resulting from Bill C-10. The estimated cost of building a new facility is \$900 million and operating costs would be \$60 million a year.

Bill C-10 would also place a heavier caseload burden on Ontario's Probation and Parole Offices. On average, the province supervises more than 50,000 individuals each day in the community, including those on probation, parole or serving conditional sentences. We estimate that this daily average will increase by 1,000 individuals who will need to be supervised in the community, increasing the caseload burden for probation and parole officers.

The impacts are not limited to the correctional system and will be felt also by our police services, increasing policing costs. The legislation would entail more investigations, more time conducting investigations, and police officers spending more time in court instead of in our communities.

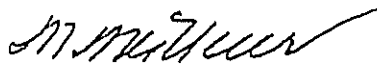
Ontario's position is that any initiative aimed at improving community safety must also include strategies to prevent crime and to rehabilitate offenders. Effective prevention and rehabilitation programs are fundamental to any strategy to ensure safer communities.

The total cost to Ontario of more than \$1 billion has not been accounted for at this time. If Ontario is unable to reach an acceptable agreement with the federal government to defray the costs of Bill C-10, we will have to consider other options to create capacity in its facilities. This could include reviewing current custodial service agreements with the Government of Canada.

Ontario would like to work with the federal government to address these concerns. We recommend creating a joint federal-provincial-territorial committee or joint task force to discuss solutions to the impact of Bill C-10 on the provinces and territories. In our view, it is not appropriate for one level of government to create financial burdens for another without discussion and an appropriate financial offset.

As always, the Government of Ontario welcomes the opportunity to work closely with our jurisdictional counterparts to ensure a just, effective, and fiscally responsible justice system.

Sincerely,



Madeleine Meilleur
Minister

c: The Honourable Vic Towes
Minister of Public Safety Canada

The Honourable Robert Douglas Nicholson
Minister of Justice and Attorney General

The Honourable John Gerretsen
Attorney General

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Mr. Bob Bailey, MPP
Samia-Lambton
PC Corrections Critic

Mr. John Yakabuski, MPP
Renfrew-Nipissing-Pembroke
PC Community Safety Critic

Mr. Taras Natyshak, MPP
Essex
NDP Corrections and Community Safety Critic