“Exactly what I needed when I wanted to change”:

The Use of Community Bail Supervision Programs to Reduce the Number of Women in Custody

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Coming into this program helped me heal and get my life back.
- Program resident, May 2025

Since 2009, Elizabeth Fry Society of Manitoba (EFSM) has offered the Bail Verification and Reintegration Program (EFSM Bail Program), a community supervision and support program for women, trans, two-spirit and non-binary (2SWTN) people on bail who are charged with one or more crimes and awaiting trial. Without this program, the people it supports would most likely remain in custody until their trial. In this sense, the program offers an immediate reduction in the number of 2SWTN people who are held in custody.[1]

Today, the program can house up to thirteen people at any given time. The demand for this program is far beyond the program's current capacity: the program receives on average twenty referrals per month and only a fifth of applicants are accepted into the program. Expansions to this program would allow an increase in the number of people served without compromising on the supports available to them.

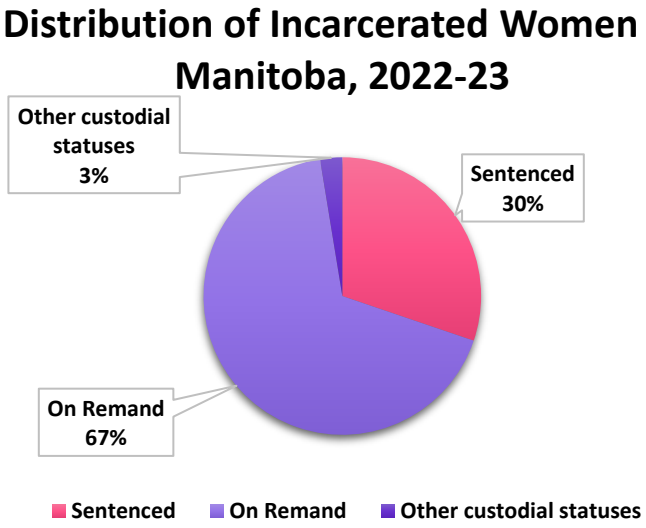
This report includes an overview of the academic literature on bail and incarceration and information collected through conversations with EFSM staff and current and past residents in the program. As part of this research, we held two community conversations: one with the current residents in May 2025 and a second conversation with program graduates in August 2025. Those conversations highlight the depth of the human and social impacts the program has on its participants and offer testimonial validation to the academic research on the harms of incarceration. All the quotes included in the report are direct quotes shared with us by residents and graduates, as it is their words that allowed us to best understand the value and impact of the program. We are deeply grateful for the honesty, vulnerability, and trust they shared with us during both conversations that made this research possible.

People graduate from the program once their charges have been resolved. For many, life after graduation includes reuniting with their children, pursuing education, work and volunteer opportunities, and continuing to live in community while still receiving support from EFSM as they navigate a new transitional phase. Residents and graduates alike described the program as life-changing, with one resident saying that the program was "***exactly what I needed when I wanted to change***".[2]

[1] Jails and prisons are sex-segregated institutions, however, EFSM works with women, trans, two-spirit, and non-binary people. The research on incarceration typically uses the language of "women" and data from correctional services used "female" and "male" designations. In this report, we use the acronym 2SWTN to designate the demographics EFSM serves and use women in other instances to be consistent with previous research.
[2] EFSM Bail Verification and Supervision Program participant, interview 2025.

In Manitoba, two-thirds of incarcerated women are in pre-trial detention.[3] This means that as of 2022-23, the latest year for which data is available, 1,357 women were held in jail while legally innocent. When someone is denied bail, they are incarcerated until their sentencing hearing or until their charges are dropped. The wait times until trial are unpredictable and deeply impact a person's health, livelihood, and family and community ties.[4]

Data on releases from correctional services illustrates that in 2022-23, women who were released from remand in Manitoba spent a median of 12 days in remand, a shocking increase from the median stay of 4 days in 2000-21.[5] Many women stayed much longer than 12 days, with 37% of all women spending over a month in remand. Alarmingly, the number of women who spent more than a year on remand was the highest it has ever been based on the past 22 years for which data is available.



Source: Statistics Canada, Table 35-10-0015-01 Adult custody admissions to correctional services by sex, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510001501

[3] Statistics Canada, 'Adult custody admissions to correctional services by sex', Government of Canada, 19 March 2024, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510001501.
[4] Abby Deshman et al., *Still Failing: The Deepening Crisis of Bail and Pre-Trial Detention in Canada* (Canadian Civil Liberties Association and Education Trust, 2024), https://ccla.org/wp-content/uploads/2024/02/CCLA_Bail-Reform-Report-2024.pdf.
[5] Statistics Canada, 'Adult Releases from Correctional Services by Sex and Aggregate Time Served', Government of Canada, 19 March 2024, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002401.

There is a significant and worsening overrepresentation of Indigenous women at all levels of the criminal justice system, including on remand.[6] In 2020-21, the incarceration rate for Indigenous women was 15.4 times than for non-Indigenous women. By 2022-23, 77% of incarcerated people on remand were Indigenous, up from 61% in 2000-01.[7] While Indigenous men are incarcerated at higher rates than Indigenous women, the overrepresentation of Indigenous women is greater than the overrepresentation of Indigenous men.

The proportion of incarcerated Indigenous women is a direct reflection of the layered oppression that Indigenous women face under colonialism, where their risk of criminalization and victimization are constructed by the criminal legal system.[8] **Indigenous women are discriminated against in every stage of the legal system as they are more likely to be criminalized, less likely to be granted bail, given harsher bail restrictions, and more likely to be convicted than non-Indigenous women**.[9]

The bail process itself is a driver of the overrepresentation of Indigenous women in custody as it interprets unmet needs and structural vulnerability as risk factors.[10] In order for an individual to get bail, they have to meet a number of strict release conditions, including having a surety or fixed address, and complying with curfews, check-in, and no-contact conditions.[11] For people who experience significant precarity and instability in their lives, including people who are unhoused, people with addictions, and people with disabilities or mental health conditions, meeting bail conditions can be difficult if not impossible.[12]

At a bail hearing, houselessness is reframed not as a need for housing but as evidence of a heightened risk that the person will not comply with bail conditions, greatly increasing the

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[6] Scott Clark, 'Overrepresentation of Indigenous People in the Canadian Criminal Justice System', *Department of Justice Canada*, 2019, https://www.justice.gc.ca/eng/rp-pr/jr/oip-cjs/oip-cjs-en.pdf.
[7] Statistics Canada, 'Adult Custody Admissions to Correctional Services by Indigenous Identity', Government of Canada, 19 March 2024, https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=3510001601.
[8] Michaela M McGuire and Danielle J Murdoch, '(In)-Justice: An Exploration of the Dehumanization, Victimization, Criminalization, and over-Incarceration of Indigenous Women in Canada', *Punishment and Society* 24, no. 4 (2022): 529–50.
[9] Clark, 'Overrepresentation of Indigenous People in the Canadian Criminal Justice System':
[10] Cordelia Jamieson, 'Over-Criminalization of Indigenous Women in Canada: Systemic Distrust, Marginalization, And Intergenerational Colonially-Inflicted Trauma', *Politicus Journal* 9 (2023), https://static1.squarespace.com/static/5da3504b01106247e501277f/t/642f37ad49a22e7b1ebc46cb/1680816046424/Politicus+General+Volume+9+FINAL+FINAL.pdf.
[11] Deshman et al., *Still Failing: The Deepening Crisis of Bail and Pre-Trial Detention in Canada*.
[12] Deshman et al., *Still Failing: The Deepening Crisis of Bail and Pre-Trial Detention in Canada*.

likelihood they will be held in custody until trial.[13] Similarly, a survivor of domestic violence who cannot prove she has access to safe housing is likely to have her bail denied; therefore, rather than accessing support, she will experience incarceration.[14] For Indigenous people, this interpretation is compounded by racism and settler logics in the court process, which conflate Indigeneity and criminality.[15] One graduate observed that since coming into the program, she felt there was "nothing to be scared of anymore".[16] This reported sense of safety is a significant social impact of the program, as research shows that environments where people feel safe are essential for delivering services through a harm-reduction lens.[17]

The provincial government spent nearly 10 times more on custodial services compared to community supervision services, despite there being twice as many people in community supervision.[18] On any given day, there are 1,763 people in custody in provincial prisons in Manitoba, and 3,696 people in community supervision including people serving conditional sentence orders, on probation, and on parole.[19] In 2022-23, Manitoba spent $203.6 million on custodial services and $20.7 million on community supervision services. Assuming comparable costs for remanded and sentenced individuals, we estimate that $129.4 million is spent on remand. This simultaneously reflects the significantly higher costs associated with custodial sentences and the underinvestment in community supervision, showing a clear preference for more punitive options without evidence of their effectiveness.

It is expensive, increasingly so, to keep people in prison. Provincial incarceration costs are not reported by gender, but federal cost patterns are available and reveal shocking disparities in the cost of custodial sentences compared to community sentences. The cost of incarcerating people continues to rise. Since 2016-17, the cost per woman in federal custody has increased from

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[13] Megan Mitchell and Cheryl Marie Webster, 'Swimming Upstream in the Criminal Justice System: The Role of the Bail System in the Over-Representation of Indigenous Peoples in Canadian Correctional Facilities', in *Justice, Indigenous Peoples, and Canada* (Routledge, 2023).

[14] Emma K Russell et al., '"It's a Gendered Issue, 100 per Cent": How Tough Bail Laws Entrench Gender and Racial Inequality and Social Disadvantage', *International Journal for Crime Justice and Social Democracy* 11, no. 3 (2022): 107–21, https://doi.org/10.5204/ijcjsd.1882.

[15] Siobhan O'Connell and Ayobami Laniyonu, 'Race, Gender, and Risk Assessments in Canadian Federal Prison', *Race and Justice* 15, no. 3 (2025): 428–53, https://doi.org/10.1177/21533687231153993.

[16] EFSM Bail Verification and Supervision Program participant, interview, 2025

[17] Kruk, Edward, and Kathryn Sandberg. 'A Home for Body and Soul: Substance Using Women in Recovery'. Harm Reduction Journal 10, no. 1 (2013): 39. https://doi.org/10.1186/1477-7517-10-39.

[18] Statistics Canada, 'Operating Expenditures for Adult Correctional Services', Government of Canada, 11 September 2024, https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=3510001301

[19] Statistics Canada, 'Average Counts of Adults in Provincial and Territorial Correctional Programs'.

$230 per day to $711 per day, an increase of over 300%.[20] In 2020-21, the average annual cost to incarcerate a person in a federal women's facility was $260,000, compared to $38,400 to keep that same person in the community. In other words, **at a federal level it costs $711 per day to keep a woman in jail, nearly 7 times more expensive than the $105 per day it costs to keep someone in the community.[21]**

Although the average daily cost of incarcerating a woman in a provincial facility is not publicly available, it is an important figure to understand. Federal incarceration costs are higher than provincial costs because federal institutions house individuals sentenced to two years or more, resulting in greater staffing expenses, increased security and surveillance requirements, and higher healthcare spending. Furthermore, provincial estimates that do not distinguish by gender report much lower average costs. This is because it is significantly more expensive to incarcerate women than men, but since men make up the majority of the incarcerated population, overall averages tend to reflect the lower cost associated with incarcerating men.

In Manitoba, the average daily cost of incarcerating a person is $316 per day as of 2022-23, or $115,340 per year.[22] Women make up on average 12% of the custodial population on any given day.[23] **Using those figures, we can estimate that it costs $187,733 to keep a woman in provincial custody annually, equivalent to $514.34 per day.** The full demonstration of how these costs were calculated is presented in Appendix 1 at the end of this report.

The cost of keeping a woman incarcerated are even more concerning when we consider the costs of keeping a person in community, especially when the outcomes of both approaches are considered. While costs differ between programs, it is always more cost-effective to keep someone in the community. The successes that the EFSM Bail Program achieves with its modest budget are impressive, and the program would benefit from increased funding to ensure its enduring impact. The unfortunate reality is that community-based and cultural programming is undervalued, and workers bear the cost of doing difficult and highly skilled frontline work at lower wages. Ideally, funding for this program would lead not only to additional programming and support for residents and graduates, but higher wages that better reflect the value of the work. With this aspirational funding allocation at the forefront of this analysis, we estimate the average daily cost of the program at $160 per person. Based on this estimate, the daily cost of the EFSM Bail Program is $354 less than a day spent in custody. The full breakdown of the cost estimate is available in Appendix 2.

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[20] Ben Segel-Brown, *Update on Costs of Incarceration* (Office of the Parliamentary Budget Officer, 2018), https://publications.gc.ca/collections/collection_2018/dpb-pbo/YN5-152-2018-eng.pdf.
[21] Public Safety Canada Portfolio Corrections Statistics Committee. *2022 Annual Report: Corrections and Conditional Release Statistical Overview*. Government of Canada, 2022.
[22] Statistics Canada, 'Operating Expenditures for Adult Correctional Services'.
[23] Statistics Canada, 'Average Counts of Adults in Provincial and Territorial Correctional Programs'.

Tough on bail for whom?

Over the past few years, there has been an increase in media attention to politicians and communities calling for stricter bail practices.[24] In these demands for reform, the bail system is characterized as "too lenient" and significant attention is placed on so-called repeat offenders who reoffend while on bail.[25] Experts have warned that tougher bail conditions will not only increase the number of people (and therefore also the financial cost) held in custody but will disproportionally affect women, particularly Black and Indigenous women.[26]

In reality, the bail system is far from lenient.[27] Many people are denied bail because of racist, classist, and ableist perceptions of risk or for reasons outside of their control like experiencing houselessness or domestic violence. Labelling individuals as 'repeat offenders' suggests a personal failing, rather than acknowledging how people become trapped in cycles of criminalization that are socially and institutionally constructed.

Even solutions that are hailed as innovative and humane, like the use of electronic monitoring (commonly known as ankle monitors), have been proven to be ineffective and are known to cause significant harm to the wearer.[28] Despite the lack of evidence to support these interventions, these reforms have gained significant traction with the Government of Manitoba spending an additional $1.2 million to purchase ankle monitors for people on bail as recently as July 2025.[29] The current Government of Manitoba has now spent $2.7 million on 200 devices, equivalent to spending $10,000 per device.[30] These types of reforms subject people to additional surveillance and increase the likelihood of someone being reconvicted for an administrative offence, without making communities safer.[31] They can also act as a barrier to reintegration by imposing additional stigma and limiting education, volunteer, and employment opportunities.[32]

Tough-on-bail narratives perpetuate the myth that keeping a person in custody is an interruption of violence. These narratives obscure the structural and institutional forms of violence that take place against people who themselves have nearly always also experienced violent victimization in their lives.[33] Additionally, individuals can continue to pose a risk to their incarcerated peers despite being incarcerated. While incarceration displaces the location where violence can occur, it is important to note that it does not eliminate the risk, nor does it act as a protective space for people likely to experience violence while incarcerated.

The currently proposed bail reforms do not offer a significant departure from the status quo that its proponents claim to recognize is failing entire communities. Bail and remand are challenging, carceral experiences. Rejecting status quo approaches creates space to explore compassionate, cost-effective alternative responses.

The Supreme Court of Canada has recognized that pre-trial detention imposes significant costs, including the loss of liberty, negative effects on mental and physical well-being of the individuals and their families, and the loss of livelihoods.[34] Most women in prison are charged with what are commonly referred to as "crimes of survival", usually related to accessing food and shelter.[35] Keeping women in remand (and prison) does not address the material and structural conditions that led to their alleged crimes and instead exacerbates those conditions, particularly if their health, housing, income, or family ties are at risk due to their detainment. Criminalized women often have histories of trauma, poverty, and violence, which are intensified by exposure to the criminal legal system. Being able to stay in the community, access healthcare, and remain connected to family are all important lifelines that are revoked when women are held in remand.

Bail supervision programs can help offset some of these harms or avoid them entirely. For example, evidence shows that experiencing incarceration increases someone's risk of houselessness.[36] The relationship between incarceration and houselessness is bidirectional, meaning that being unhoused puts someone at a heightened risk of being criminalized and

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[24] Ian Froese, 'Manitoba Municipalities Demand Bail Reform from next Federal Government', CBC News, 15 April 2025, https://www.cbc.ca/news/canada/manitoba/manitoba-municipalities-demand-bail-reform-1.7510743.
[25] Bryce Hoye, 'Manitoba Prosecutors to Have More Oversight of Release, Bail Opportunities for Repeat Offenders, Premier Says', *CBC News*, 29 February 2024, https://www.cbc.ca/news/canada/manitoba/manitoba-bail-reform-announcement-february-28-2024-1.7129476.
[26] Deshman et al., *Still Failing: The Deepening Crisis of Bail and Pre-Trial Detention in Canada*.
[27] Deshman et al., *Still Failing: The Deepening Crisis of Bail and Pre-Trial Detention in Canada*.
[28] *Rethinking Electronic Monitoring: A Harm Reduction Guide* (ACLU, 2022), https://assets.aclu.org/live/uploads/publications/2022-09-22-electronicmonitoring.pdf.
[29] Province of Manitoba, 'Manitoba Government Expands Electronic Monitoring Program to Help Keep Communities Safe', 17 July 2025, https://news.gov.mb.ca/news/?archive=&item=69977.
[30] Province of Manitoba, 'Manitoba Government Expands Electronic Monitoring Program to Help Keep Communities Safe'.
[31] *Rethinking Electronic Monitoring: A Harm Reduction Guide*.
[32] *Rethinking Electronic Monitoring: A Harm Reduction Guide*.
[33] Sarah Anderson, 'The Trouble with Trauma: Interconnected Forms of Violence in the Lives of Repeatedly Criminalised Men', *The Howard Journal of Crime and Justice* 64, no. 1 (2025): 24–43, https://doi.org/10.1111/hojo.12578.
[34] R. *v*. Myers, 2019 SCC 18, [2019] 2 S.C.R. 105, https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/17634/index.do
[35] Deshman, A., Berger, L., & Myers, N. (2024). *Still Failing: The Deepening Crisis of Bail and Pre-Trial Detention in Canada*. Canadian Civil Liberties Association and Education Trust. https://ccla.org/wp-content/uploads/2024/02/CCLA_Bail-Reform-Report-2024.pdf
[36] Gaetz, Stephen, and Bill O'Grady. 'Homelessness, Incarceration, and the Challenge of Effective Discharge Planning: A Canadian Case'. In Finding Home: Policy Options for Addressing Homelessness in Canada. The Homeless Hub, 2009. https://homelesshub.ca/sites/default/files/7.3%20Gaetz%20and%20O'Grady%20-%20Homelessness%20%20and%20Discharge%20Planning.pdf.

being criminalized puts someone at a heightened risk of being unhoused.[37] Houselessness can follow a period of incarceration for several reasons, including being released without stable housing, a lack of support combined with the trauma of incarceration making it difficult to retain housing, or disruptions to employment or social assistance income leading to an inability to pay rent.[38]

Once someone is released into the EFSM Bail Program, they are put into contact with the EIA office to ensure that their benefits can be reinstated. While wait times can be long, established partnerships between EIA and EFSM can accelerate the process, a process that would otherwise be a significant hurdle without support. Furthermore, residents are not forced to move out from the program as soon as they graduate and can instead continue to access support as they build up the necessary networks and skills for success. If charges are dropped abruptly, or a person receives a Conditional Sentence Order (CSO) at their trial, their progress will not be jeopardized due to rigid institutional rules that do not consider the person's wellbeing first and foremost.

"After doing this program, you have support for life"

- Program graduate, August 2025

Evidence also suggests that women who have been incarcerated are more likely to be excluded from the labour market upon their release because the employment opportunities that are feminized are more likely to care about the person having a criminal record.[39] A number of the graduates we spoke with now either work or volunteer at EFSM, and current residents highlighted that they were motivated to succeed in the program with the intention of giving back to the program in the future**. Nearly all the residents and graduates we spoke with were either in school or employed**. One graduate shared about her experience going back to trade school, crediting the support she received at EFSM as having guided her in the right direction.

Being held in jail also worsens existing physical and mental health conditions, particularly for people with disabilities and people who use drugs, who may be unable to access medications or treatments that they require and are placed in overcrowded, unsanitary, and volatile

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[37] Husein, Safiyah, and Capryce Taylor. From Incarceration to Encampment. Rethinking Justice. John Howard Society, 2025. https://johnhoward.on.ca/wp-content/uploads/2025/07/Rethinking-Justice-Housing-Report-From-Incarceration-to-Encampment.pdf.

[38] Husein, Safiyah, and Capryce Taylor. From Incarceration to Encampment

[39] Michel, C.L. 'Prison: A Homelessness Factory'. Homeless Hub, 2023. https://homelesshub.ca/blog/2023/prison-homelessness-factory/.

conditions.[40] Access to medication is often disrupted after arrest, with numerous reports of individuals being denied medication while in remand or having their prescriptions changed by facility doctors, typically due to concerns about drug diversion taking precedence over the person's health and well-being.

In the EFSM Bail Program, residents shared about accessing appropriate mental health supports, sometimes for the first time in their lives. Residents shared about receiving diagnoses and accessing the necessary medications, as well as being able to speak with psychiatrists and other mental health professionals. Residents also highlighted the impact of Indigenous cultural programming on their mental and spiritual well-being. Through the program, some residents were able to attend their first sweat, and multiple residents shared positively about cultural programming where they got to make ribbon skirts and gauntlets.

Maternal incarceration brings compounding negative effects to the mothers, their children, and other family members. Even short periods of incarceration have been found to damage mothers' relationship with their children and is traumatizing to the children and parents.[41] While phone calls and visits can be possible at times, they are logistically challenging and can be traumatic experiences as well. The negative health impacts on the children themselves are well documented, particularly in instances where mothers lose custody and the children are placed in foster care.[42] Once released, the challenges that women face in accessing housing, employment, and support are also barriers to parenting and regaining custody of their children.[43]

Bail programs can mitigate some of the negative impacts of incarceration for parents and their children, primarily by supporting parents in building the necessary supports and stability to reunite with their children. While in the EFSM Bail Program, residents were able to visit with their kids and speak on the phone. Even so, both residents and graduates expressed a desire for more opportunities to spend time with their children while in the program, describing the inability to live with them as a painful and difficult experience. Residents and graduates alike spoke about healing their relationships with their children and families and expressed pride and

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[40] McLeod, Katherine E., Kevin A. Wong, Sumner Rajaratnam, et al. 'Health Conditions among Women in Prisons: A Systematic Review'. The Lancet Public Health 10, no. 7 (2025): e609–24. https://doi.org/10.1016/S2468-2667(25)00092-1.

[41] Paynter, Martha, Clare Heggie, Lauren Matheson, Claire Rillie, Dominica Beals, and Mirinda Bray. 'Maternal Incarceration in a Provincial Prison in Canada: A Qualitative Study'. Journal of Advanced Nursing 78, no. 7 (2022): 2123–38. https://doi.org/10.1111/jan.15154.

[42] Luk, Martha Sin Ki, Christy Hui, Sandra Kit Man Tsang, Yat Lui Fung, and Celia Hoi Yan Chan. 'Physical and Psychosocial Impacts of Parental Incarceration on Children and Adolescents: A Systematic Review Differentiating Age of Exposure'. *Adolescent Research Review* 8, no. 2 (2023): 159–78. https://doi.org/10.1007/s40894-022-00182-9.

[43] Paynter, Martha, Clare Heggie, Lauren Matheson, Claire Rillie, Dominica Beals, and Mirinda Bray. 'Maternal Incarceration in a Provincial Prison in Canada: A Qualitative Study'.

gratitude at their ability to show up for their children now, while still feeling the hurt caused by separation.

Me becoming sober helped me get my family back and reconnect with them. I want to basically be the girl who got away and got her life together.
- Program resident, May 2025

A direct and concerning consequence of being denied bail and awaiting sentencing while in remand is the impact of pre-trial detention on sentencing outcomes.

People who are denied bail are more likely to serve their sentence in custody, extending the period of time that they are separated from their loved ones and community, and prolonging the negative health and social impacts of prison.[44] This is found to occur because at the time of sentencing, having been denied bail can influence the perception of risk and carries the overt and even subconscious assumption that the person "deserves" additional prison time when they are sentenced.[45] This type of institutional discrimination is prevalent, and having established community-based alternatives for people who need additional support before trial is critical to reducing not only the number of people in remand, but the number of people in custody who have been sentenced.

Women who are granted bail are more likely to receive a CSO, which is commonly referred to as house arrest. While still a form of incarceration and a loss of certain freedoms, CSOs are served in the community and reflect a considerable improvement over the alternative of being kept in custody. All the graduates we spoke to either reported receiving a CSO or having their charges dropped. This demonstrates the impact of the EFSM Bail Program, which gives 2SWTN people who might otherwise be unable to meet bail conditions the opportunity to be released from remand. The program then serves as a protective factor against institutional discrimination faced by those denied bail, while providing supports and positive referrals that increase the resident's chances of success.[46]

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[44] Clark, 'Overrepresentation of Indigenous People in the Canadian Criminal Justice System':
[45] Clark, 'Overrepresentation of Indigenous People in the Canadian Criminal Justice System':
[46] Millar, Hayli, Megan Capp, and O'Hara, Raelyn. Opportunities for Equitable and Effective Bail Reform. International Centre for Criminal Law Reform and Criminal Justice Policy, 2025. https://icclr.org/wp-content/uploads/2025/03/Millar-Capp-OHara-Women-and-Bail-Annotated-Bibliography-2025.pdf?x29512&x56932.

People held in remand are more likely to make a false guilty plea.[47] This phenomenon is well documented, with data reaching back to the early 2000s finding that people held in remand are twice as likely to plead guilty than those released on bail to escape the conditions of being held on remand.[48] The conditions of remand – often violent, overcrowded, with little to no accessible programming compared to sentenced individuals, create the preconditions for false guilty pleas.[49] While scholarship and attention to wrongful convictions has mainly focused on sensationalized instances of crime where the conviction resulted in lengthy prison sentences, there remains an understudied relationship of wrongful convictions for less severe offenses as a result of false guilty pleas. Here, the very conditions that people are exposed to in remand, is in and of itself a systemic factor that contributes to the number of wrongful convictions.[50]

Individuals who served a custodial sentence were more likely to have a new conviction and were reconvicted more quickly than those serving a community sentence.[51] This shows the continued effects - being denied bail increases the chance of a custodial sentence, which increases the chance and rate of recidivism. It is important to note that administration of justice offences are the most common recidivism offence, showing how the system itself can create the conditions that lead to incarceration.

The EFSM Bail Program costs 3 times less than custodial pre-trial detention and leads to significantly greater social outcomes.

The money spent on custodial sentences does not reach or tangibly improve the lives and living conditions of the women in the facilities. **It is crucial to highlight that the high cost of custodial sentences is not a reflection of the scope of programming and resources made available to the women, but the cost of punishment**. For $514 per day, women still cannot expect to receive high-quality, non-stigmatizing, and culturally-responsive care, opportunities and pathways to reconnect with children and loved ones, or nutritious food.

Those life-saving essentials are available, however, through community supervision programming. Community programs can provide better, more effective support than the criminal legal system for a fraction of the cost because the intended outcomes are different. The EFSM Bail Program is successful for many of the 2SWTN people it serves because it takes a

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[47] Cheryl Marie Webster, 'Remanding Justice for the Innocent: Systemic Pressures in Pretrial Detention to Falsely Plead Guilty in Canada', *Wrongful Conviction Law Review (WCLR)* 3 (2022): 128.
[48] Angela Bressan and Kyle Coady, *Guilty Pleas Amon Indigenous Peoples in Canada* (Department of Justice Canada, 2017), https://www.justice.gc.ca/eng/rp-pr/jr/gp-pc/gp-pc.pdf.
[49] Kent Roach, 'Canada's False Guilty Pleas: Lessons from The Canadian Registry of Wrongful Convictions', *The Wrongful Conviction Law Review* 4, no. 1 (2023): 16–47, https://doi.org/10.29173/wclawr92.
[50] Webster, 'Remanding Justice for the Innocent'.
[51] Pedneault, Chloe, Seung C. Lee, and Natalie J. Jones. 'Reconvictions among Adults Sentenced to Custody or Community Supervision across Five Provincial Correctional Programs, 2015/2016 to 2018/2019'. Juristat. *Juristat: Canadian Centre for Justice Statistics* (Ottawa, Canada), Statistics Canada, 23 February 2024, 1–43.

fundamentally different approach to rehabilitation. Over the years, the program has evolved to better incorporate the existing evidence on effective rehabilitation and reintegration strategies, and to offer types of support that can be life-changing for the people who participate in the program. The program emphasizes support over control and punishment.

From their first day in the program, residents are not restrained or surveilled while at Elizabeth Fry. The program does not offer 24-hour supervision, meaning that residents have to make the choice to remain in the program and comply with their bail conditions. By creating an environment where residents are trusted to make choices that align with their personal goals, they are encouraged to consistently demonstrate a willingness to work toward breaking cycles of criminalization. When sharing about her success completing a training program and later accessing employment as a result, one graduate stated, "I've become a positive member of society. I've never been that before."[52]

Community programs also benefit, as the name suggests, from being in the community. Not all services need to be provided in-house; instead, individuals can build networks of support that include multiple organizations. This was demonstrated repeatedly in our conversations with residents and graduates, who described the programs and resources offered within walking distance of their housing, and many graduates shared that they still access those services as well as supports through EFSM.

Many residents shared that since starting the program they felt more self-confident, felt they were better equipped to handle challenges and break out of old habits, and felt motivated to stick to their goals to achieve what they want out of life.

The community volunteer work gave me purpose and helped me to start feeling like a positive member of the community.
- Program graduate, August 2025

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[52] EFSM Bail Verification and Supervision Program participant, interview, 2025.

When the success of the program is layered against EFSM's modest budget, it becomes abundantly clear the value of moving towards these types of community-based alternatives. In part, that success is due to its small size, as residents can build community by getting to know the other participants and the bail workers. The one-on-one support that is offered through the program was consistently highlighted in our conversations with residents, many of whom shared that the best part of the program was the relationships they built with their cohort and the workers.

Residents and graduates alike saw the value of the program and recognized how transformative it could be for other incarcerated people who might not have the financial and social support to meet bail requirements. With additional funding, the program could bring on more staff, ensure livable wages, and provide critical in-house mental health services. It could also expand housing search support so residents can transition successfully into independent living. When asked what they felt could have benefited them during the program, graduates agreed that having the space to foster deeper familial connections, including overnight visits with children, would help residents sustain those vital relationships.

Unlike funding that sustains costly pre-trial detention, investments in this program have an immediate positive impact on the lives of the residents and others who continue to rely on EFSM for support. While the economic advantage of spending $160 per day compared to $514 is significant, it is critical to remember that this program does not only reduce the length of time someone would remain in custody before their sentencing. This program effectively disrupts cycles of criminalization by lowering the odds of someone serving a custodial sentence, and consequently also reduces their likelihood of recidivism.

In the current political context where tough-on-bail narratives are gaining traction despite being demonstrably harmful, programs like the EFSM Bail Program remain important lifelines for criminalized 2SWTN people and their loved ones. It is through this challenging work of disrupting cycles that responsive programs such as this one double as prevention for the next generation.

Keep moving forward, but don't forget to look back in order to remember where you were and how far you've come. You have so much further to go.

- Program graduate on advice for current residents, August 2025

Appendix 1

In order to calculate provincial custodial spending by gender, we must make two assumptions. First, we assume that the cost ratio between men and women is equal in federal and provincial spending. Second, we assume that the ratio is held constant over time.

We know that in 2020-21, the average annual cost of keeping a person incarcerated in a federal prison was $150,505.[53] For men, the cost was slightly lower at $145,542 and for women the cost was higher, at $259,654.

To find the cost per day, we divide those annual totals by 365, which reveals that the daily cost of incarceration in federal prisons was $412.34. For men, the average daily cost was $398.74 and for women the average daily cost was $711.38.

We define the variable r as the relative spending on women's custodial sentences relative to men.

In 2020-21, in federal institutions, $r = \frac{259{,}654}{145{,}542} = 1.78$. We assume that this ratio holds in subsequent years as well and use it to estimate provincial spending in 2022-23.

We know that the average daily cost of women's custodial sentences can be represented by its relation to men's costs.

$$Cost_{WOMEN} = r * Cost_{MEN}$$

The average daily cost of provincial custodial sentences is made public in Statistics Canada, Table 35-10-0013-01.

$$Cost_{total} = 316$$

We then define a new variable which accounts for the proportion of incarcerated people who are women on any given day. Custodial supervision counts by gender are shared monthly, so we average the proportion of women in custody between April 2022 and March 2023.[54]

On average, 12% of the custodial population was women in provincial custody in 2022-23.

$$p = 0.12$$

From here, we are able to estimate the average daily spending on men's provincial custodial sentences.

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[53] Public Safety Canada Portfolio Corrections Statistics Committee. *2022 Annual Report: Corrections and Conditional Release Statistical Overview*. Government of Canada, 2022.

[54] Statistics Canada, 'Average Counts of Adults in Provincial and Territorial Correctional Programs'.

$$Cost_{total} = (1 - p) * Cost_{MEN} + p * Cost_{WOMEN}$$

$$Cost_{total} = (1 - p) * Cost_{MEN} + p(r * Cost_{MEN})$$

$$316 = 0.88 * Cost_{MEN} + 0.12(1.78 * Cost_{MEN})$$

$$316 = 1.09 Cost_{MEN}$$

$$Cost_{MEN} = \$288.95$$

Consequently, we can estimate the following:

$$Cost_{WOMEN} = r * Cost_{MEN}$$

$$Cost_{WOMEN} = 1.78 * 288.95$$

$$\boldsymbol{Cost_{WOMEN} = \$514.34}$$

The estimated total cost of keeping a woman incarcerated in provincial custody is $514/day.

Appendix 2

In order to calculate the cost per day of the bail program, we use EFSM financial information from 2023-2024, the last year for which audited financial statements were available at the time of writing. Projected estimates are based on our own calculations.

The estimated total cost of the EFSM bail program is $160/day per participant. The main costs are attributed to staffing and programing costs. For staffing, we estimated that there are 3.5 program participants per designated bail staff member. Current residents and graduates alike heavily stressed the importance of having adequate staffing levels to ensure that workers weren't burnt out. Furthermore, residents and graduates shared that they appreciated that staff could be reached in situations where they felt they required additional support, particularly as the program doesn't offer 24/7 supervision. We project EFSM bail workers earning $35/hour.

The total estimated staffing cost is $57/day per participant.

The EFSM bail program is unique because it includes cultural programming in addition to the provincial justice department's mandated programming. It is not uncommon for the costs of Indigenous cultural programming to be underestimated. In reality, the skillsets and knowledge required to deliver such programming make it a valuable and essential expense. By budgeting appropriately to offer programing that is proven to drastically support participants' healing, EFSM demonstrates their commitment to working towards reducing the number of incarcerated Indigenous women and interrupting cycles of criminalization.

The total estimated cost of programming, including life-saving cultural programming is $61/day per participant.

With the support of the bail workers, people enrolled in the bail program are able to access income supports that cover their rent while in the program. However, given the abrupt nature in which people can be released from remand and the subsequent delays people face in receiving income assistance, EFSM always covers the first month's rent for the people discharged into their program. We include those expenses as emergency rent expenditures.

The total estimated cost of emergency rent expenditures is $7/day per participant.

EFSM incurs general housing related expenses which include but are not limited to internet, utilities, property taxes, furniture, and building repairs and maintenance. These costs enable EFSM to provide high-quality, safe housing that gives program participants the stability they need to support their healing.

The total cost of housing-related expenses is $20/day per participant.

Administrative overhead includes the administrative costs required to operate both the program and EFSM broadly, as participants in the bail program also benefit from the other programming and supports available at EFSM. This includes the food hampers and other essential supports, and includes the costs associated with fostering a welcoming space where participants can engage with other people in the community, further distancing this program from the isolating and stigmatizing experience of custodial detention.

The total cost of administrative overhead is $10/day per participant.