

Other alternatives are aimed at helping people from particular communities, including young people, women, Aboriginal people, people with mental health issues, and people struggling with addictions.

While the Crown Attorney will have to approve your participation in an alternative program, you can be referred to one by the following people:

- yourself;
- your lawyer;
- duty counsel;
- a judge;
- a crown attorney;

- a police officer;
- a community organization; or
- a doctor.

Remember to ask whether you are eligible for an alternative to jail.

What are some requirements for alternatives to jail?

Alternatives to jail is generally available for people who commit non-violent offences, commit low risk offences, and do not have a history of violence.

What happens if you are accepted for an alternative program?

You will have to sign a form

agreeing to follow the terms of the program, plead guilty to the offence, and begin participation in the program immediately.

Important things to consider:

pleading guilty may affect areas of your life, including custody of your children and your immigration status. It is important to talk to your lawyer before pleading guilty to be accepted into an alternative program. Also, it is important to find out what happens if you are unable to complete the program. In some cases, people who do not complete alternative programs will have to serve their sentence in jail.

Resources

Operation Springboard, Justice Services
2 Carlton Street, Suite 800
Toronto, ON, M5B 1J3
416-977-0089

Elizabeth Fry Society of Toronto
215 Wellesley Street East
Toronto, ON, M4X 1G1
416-924-3708

Elizabeth Fry Society of Ottawa
701-151 Slater Street/211
Bronson Avenue
Ottawa, ON, K1P 5H3
613-237-7427

Aboriginal Legal Services, Gladue (Aboriginal Persons) Court
803-415 Yonge Street
Toronto, ON, M5B 2E7
416-408-3967

Centre for Addition and Mental Health, Toronto Drug Treatment Court
1001 Queen Street West/60
White Squirrel Way
Toronto, ON, M6J 1H4
416-535-8501

Community Resource Connections of Toronto, Mental Health Court Support Services
366 Adelaide Street East,
Suite 230

Toronto, ON, M5A 3X9
416-482-4103

Sound Times Support Services (mental health)
280 Parliament Street
Toronto, ON, M4A 3A4
416-979-1700

Breakaway
(substance use/addictions)
2 Billingham Road, 4th Floor
Toronto, ON, M9B 6E1
416-234-1942

Stonehenge Therapeutic Community
(substance use/addictions)
60 Westwood Road
Guelph, ON, N1H 7X3
519-837-1470

North York General Hospital, Outpatient Court Support Program
555 Finch Avenue West
Toronto, ON, M2K 1N5
416-632-8708

Notes

Prison is not the only way: alternatives to jail



Although the overall number of violent crimes committed by women is low, the number of women who are being criminalized and put in jail is increasing. In Canada, most female prisoners are in provincial jails. The majority of these women are sentenced for crimes of necessity, such as theft, fraud, shoplifting, sex-work related offences, and other non-violent offences. The continuing cuts to welfare and reduction in the number and quality of programs for women means that women are increasingly forced to survive and care for themselves and their children with less money and resources.

1

It is these survival skills that are often criminalized.

Many women are at greater risk of getting in trouble with the law and are not always treated as equals before the law. Women who are Aboriginal, immigrant, LGBT, single mothers, racialized, poor, or dealing with mental health or addiction problems are more at risk of coming in contact with the law due to the way they are often viewed and mistreated.

Sometimes women are offered a lesser or shorter sentence if they plead guilty. Shorter prison sentences (2 years less a day) are served in provincial institutions. But

2

shorter sentences can disrupt women's lives in many of the same ways that longer sentences served in federal prisons do. For example, women may lose jobs, housing, and custody of their children. While a shorter sentence may seem better, provincial prisons receive less funding than federal prisons, so women in provincial prisons may have limited access to programs and services.

Prison does not have to be the solution

The purpose of the federal correctional system is to help maintain a just, peaceful, and safe society by:

3

(a) carrying out sentences imposed by courts through safe and humane custody and supervision of offenders, and
(b) helping with the rehabilitation of offenders and preparing them to rejoin their community as law-abiding citizens through the provision of programs in jails and in their community.

Although rehabilitation and reintegration of offenders are goals of the prison system, they have not always helped women rehabilitate, become self-sufficient, and address the reasons they commit crimes. Prisons are often overcrowded and lack funds,

4

and prison officials are rarely able to provide the services and programs that can help people rebuild their lives.

Women who commit minor and non-violent offences, including theft, fraud, shoplifting, and sex-work related offences, tend to commit these crimes because of poverty, addiction, or mental health issues. Without the right programs and services, women cannot address the economic and social reasons that lead them to commit these crimes. As a result, many women leave prison more worse off than when they entered.

5

What programs are available for women in jail?

Although there are fewer programs for women, some of the programs that do exist in prisons address issues such as:

- substance abuse;
- education and employment;
- surviving abuse and trauma;
- parenting skills; and
- integration back into community.

What are alternatives to jail?

There is growing recognition that non-violent offences,

6

especially those committed because of addiction, mental health problems, age, or poverty, are better addressed when people stay in their communities and can get support and access to programs.

Alternatives to jail are meant to help people serve time in their communities while working to improve their lives and helping them make amends for the harms they may have caused to others. There is a range of alternatives, including victim-offender mediation, diversion, community services, and fines.

7

How can I get an alternative to jail?

In Ontario, there are many different types of alternatives to prison. A woman's eligibility depends on whether an alternative can help address the reasons they committed an offence, such as:

- drug or alcohol addiction;
- mental health issues;
- unemployment or underemployment;
- past experiences of physical and sexual abuse;
- shoplifting;
- anger management issues; and
- parenting issues.

8

The information in this pamphlet is general legal information only. You should get legal advice about your own situation.



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