



**CANADIAN CRIMINAL JUSTICE ASSOCIATION**  
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February 23, 2026

The Honourable David Arnot, Chair,  
Standing Senate Committee on Legal and Constitutional Affairs,  
Senate of Canada,  
Ottawa, K1A 0A6

By e-mail: [lcjc@sen.parl.gc.ca](mailto:lcjc@sen.parl.gc.ca)

**Re: Bill S-205, An Act to amend the Corrections and Conditional Release Act**

Dear Senator Arnot,

I am writing on behalf of the Canadian Criminal Justice Association regarding Bill S-205, an Act to amend the Corrections and Conditional Release Act.

The Canadian Criminal Justice Association (CCJA), founded in 1919, is one of Canada's longest-serving non-governmental organizations bringing together professionals and lay-persons to promote rational, informed, and responsible public policy for a more humane, equitable, and effective justice system. Our Association consists of approximately 300 members from across Canada. We have testified before various Parliamentary committees on numerous occasions; we publish the peer-reviewed Canadian Journal of Criminology and Criminal Justice as well as our quarterly Justice Report. We also organize and host the Canadian Congress on Criminal Justice, most recently hosting our 39th edition in Banff, Alberta.

While we strongly support Bill S-205, we wish to provide a balanced assessment of specific provisions of Bill S-205 considering operational, legal, and policy considerations.

**1. General Position**

The Canadian Criminal Justice Association (CCJA) supports the intent of key provisions of Bill S-205, particularly those that reinforce rule-of-law safeguards and improve mental health responses in federal corrections. However, certain provisions raise practical and structural concerns regarding implementation and institutional management.

## **2. Structured Intervention Units and Judicial Oversight**

CCJA supports the principle that prolonged deprivation of liberty should be subject to independent judicial scrutiny. This provision restores a fundamental rule-of-law safeguard by ensuring that prolonged deprivation of liberty is subject to independent judicial scrutiny.

Caution is however warranted to ensure that courts are not drawn into routine operational management of correctional institutions. Experiences in several U.S. jurisdictions demonstrate that prolonged judicial involvement in day-to-day correctional decision-making can create unintended operational difficulties without necessarily improving institutional outcomes.

## **3. Mental Health Transfers to Hospital Facilities**

CCJA fully supports provisions that treat serious mental illness as a health issue rather than a security or disciplinary matter. The Bill appropriately treats serious mental illness as a health issue, not a security or disciplinary matter, aligning correctional practice with constitutional and human-rights obligations.

## **4. Unfairness in the Administration of a Sentence (Proposed s.198.1)**

The proposed remedy allowing courts to reduce a sentence based on 'unfairness in the administration of a sentence' raises concerns. The concept of unfairness is broad and open to interpretation, potentially leading to uncertainty, increased litigation, and inconsistent application across jurisdictions.

While accountability mechanisms are essential, clarity in legislative drafting will be critical to avoid creating a framework that inadvertently expands judicial oversight into operational correctional matters beyond its intended scope.

## **5. Expansion of Community-Based Transfers (Sections 81 and 84)**

Expanding the transfer of correctional services to community groups and similar support services is aspirational but may face significant practical challenges. The Correctional Service Canada has encountered ongoing difficulties in expanding the use of sections 81 and 84, even within the Indigenous context.

Realistic implementation, adequate funding, and demonstrated community capacity would be essential prerequisites to meaningful expansion.

## **6. Older People in Conflict with the Law (OPCL)**

Older People in Conflict with the Law (OPCL) now constitute approximately 30% of the federal penitentiary population. Despite this, they are often not recognized as a disadvantaged or minority population within correctional policy frameworks.

There is a legitimate concern that ageism contributes to the relative invisibility of OPCL within policy discussions. Expansion of sections 81 and 84 to explicitly recognize OPCL as a population eligible for specialized community-based reintegration supports would represent a meaningful and evidence-based reform.

Addressing the distinct health, mobility, cognitive, and social reintegration needs of older incarcerated persons is increasingly urgent given demographic trends within federal institutions.

In conclusion, CCJA supports the rule-of-law and mental health provisions of Bill S-205. At the same time, careful attention should be given to avoiding judicial overreach into institutional management, ensuring clarity in the definition of unfairness under proposed section 198.1, and realistically assessing the capacity for community-based transfers. The recognition of Older People in Conflict with the Law as a distinct and disadvantaged population, should be explicitly considered as part of any expansion of sections 81 and 84.

Thank you for the opportunity to provide our views on Bill S-205. We would be pleased to testify in its support if called upon.

Sincerely,

**Irving Kulik**

Executive Director | Directeur général

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