Canadian Association of Chiefs of Police
Association canadienne des chefs de police

Written submission for the Senate Standing Committee on National Defence

Bill C-11 – Military Justice System Modernization Act

Presented by:

Canadian Association of Chiefs of Police

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The Canadian Association of Chiefs of Police (CACP) thanks the Senate Standing Committee on National Defence for the opportunity to provide a police perspective on Bill C-11. This submission is specifically focused on the CACP's opposition to proposed amendments that would remove the Canadian Armed Forces' (CAF) authority to investigate an offence under the *Criminal Code* that is alleged to have been committed in Canada and that is of a sexual nature or committed for a sexual purpose.

Thank you, Chair and Members of the Committee, for the opportunity to speak today.

I want to begin by acknowledging the important work that has been done across the Canadian Armed Forces, the Department of National Defence, by survivors, and by external reviewers to improve how allegations of sexual misconduct are addressed.

Survivors and stakeholders have raised serious concerns about independence, transparency, accountability and trust. The reports by Justices Deschamps, Fish and Arbour reflect a genuine effort to understand those concerns and to recommend reforms that better meet the needs of survivors.

I support the objective of strengthening independence, transparency, survivor confidence and trauma-informed practice. I also support civilian police leading these investigations where that is the most appropriate course.

Where I must be direct is on the operational implications of Bill C-11 for civilian police services, including VicPD, and on the importance of preserving flexibility, collaboration and discretion.
As drafted, Bill C-11 would remove Canadian Armed Forces jurisdiction to investigate Criminal Code offences alleged to have been committed in Canada that are of a sexual nature or committed for a sexual purpose. It would also remove the jurisdiction of the military justice system to try those offences.

The Canadian Association of Chiefs of Police has taken a clear position on this issue. The CACP strongly recommends maintaining concurrent jurisdiction. I am aligned with that position.
This is not because civilian police agencies are unable to investigate serious sexual offences. We are. These are critically important investigations, and they must be handled professionally, independently and with the highest degree of care for survivors.

The concern is that a mandatory transfer model removes discretion, limits collaboration, and assumes that every civilian police service is automatically the most appropriate agency to conduct every investigation. In practice, policing does not work that way.
Across Canada, police agencies regularly refer investigations to one another when specialized expertise, resources, geography, conflicts of interest, or public confidence require it.

That flexibility improves outcomes and allows police leaders to determine which agency is best positioned to conduct a timely, thorough and trauma-informed investigation.
The same flexibility should exist between civilian police services and the Canadian Armed Forces Military Police.

VicPD's involvement with this issue began in 2021, when local military police commanders were directed to transfer current and new sexual-offence files to civilian agencies. In Victoria, that request arrived with little notice, limited consultation and very limited data, primarily that we might expect approximately eleven files per year.

From the outset, we advised that VicPD could not assume responsibility for these investigations without additional resources. File counts significantly understate the real workload. A single sexual-offence investigation can require hundreds of investigative hours, trauma-informed support for survivors, digital and forensic analysis, and coordination across multiple jurisdictions.
CAF-related files can be particularly complex. Witnesses and evidence may be located in different provinces or countries. Relevant information may sit within military systems. Service records, disciplinary history, prior conduct, deployment information and workplace context may all be relevant to the investigation. If civilian police are expected to investigate these matters, they must have timely and complete access to all relevant information.

A multi-agency working session in May 2022, which included Public Safety, the RCMP, VPD and VicPD, confirmed these concerns. Agencies identified the complexity of these investigations and the absence of a coordinated framework to support a transfer of this magnitude. At that time, VicPD was already operating beyond sustainable capacity. Taking on these files without additional resources would have required diverting investigatorssexual-assault cases and other critical public-safety responsibilities. We were, and remain, clear that this would not be responsible policing.

To ensure Bill C-11 succeeds, I would offer four recommendations.
First, Parliament should maintain concurrent jurisdiction. Civilian police must be able to investigate these files where appropriate, but CAF Military Police should not be categorically prohibited from doing so. The decision should be guided by independence, survivor preference, investigative complexity, public confidence, conflicts of interest and the agency best positioned to conduct the investigation.

Second, there must be a coordinated national framework. Consistent MOUs, information-sharing protocols, file-transfer standards, victim-support pathways, procedures for warrants on DND property, and clear expectations for cooperation between civilian police and CAF Military Police are essential.

Third, a dedicated federal funding stream is required. This must support additional investigators, analysts and victim-service resources in communities with significant CAF presence, as well as the specialized training and investigative expenses associated with national and international files.
Finally, civilian police must have timely access to all relevant military records and information. If responsibility is transferred, then the investigative tools, information and context required to conduct a complete investigation must transfer with it.

In closing, Bill C-11 is intended to strengthen trust and improve the response to sexual misconduct within the Canadian Armed Forces. I support that objective. Civilian police agencies are committed to working with survivors, with CAF Military Police, and with justice partners to ensure these investigations are handled properly. But I would urge the Committee not to replace one rigid system with another.

The strongest model is one that preserves independence, protects survivor choice, supports collaboration, ensures access to information, and provides the resources required to do the work properly. If Parliament intends civilian police to assume greater responsibility for these investigations, it must also ensure that police services have the authority, information, resources and framework required to meet that responsibility effectively.

-Chief Constable Fiona Wilson
Victoria Police Department