



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

Written submission for the House of Commons'
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 House of Commons' 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.

The CACP strongly recommends maintaining concurrent jurisdiction.

The proposed provisions in Bill C-11 would significantly hinder collaboration between civilian police agencies and the Canadian Armed Forces Military Police (CAFMP).

Currently, police agencies across Canada, including the CAFMP, collaborate regularly to prevent and investigate crimes. These partnerships strengthen public trust and confidence, including among CAF members and their families, and lead to better investigative and prosecutorial outcomes. Flexibility is essential, and legislation should encourage interagency cooperation rather than restrict it.

Removing the ability of the CAFMP to investigate sexual offences would complicate processes for civilian police agencies, which already refer cases to one another when specialized expertise or resources are needed, or when conflicts of interest arise. The same option should exist for CAFMP and civilian police agencies to refer cases to each other, ensuring investigations are handled by the most appropriate authority.

It is essential that CAFMP personnel retain the authority to support civilian police agencies with the collection/securing of information, including via onsite reviews and interviews with all relevant parties, to ensure all steps of an investigation are conducted in a timely manner. Doing so avoids any unnecessary delays and the potential loss of critical information and/or evidence.

It is unclear to the CACP why the CAFMP would continue to retain the authority to investigate similar criminal incidents committed by CAF members overseas but not have the competencies to exercise the same authority here in Canada.

Permissive language granting the Provost Marshal discretion to refer investigations to external agencies aligns with current Canadian policing practices and ensures flexibility in responding to complex cases.

The proposed provisions in Bill C-11 would deny victims' rights.

The proposed provisions in Bill C-11 would deny victims and survivors the ability to express a preference as to how their complaint might be investigated. This approach departs from the victim-centered and trauma-informed principles that underpin best practices in policing.

Discretionary language also allows consideration of victims' preferences, supporting a trauma-informed approach. Mandatory language would prevent military authorities from respecting a victim's request for an CAFMP-led investigation.

The CACP is recommending the implementation of a police oversight model to the CAFMP

The CACP opposes that all *Criminal Code* offences of a sexual nature committed by CAF members be referred to civilian police services as not all police agencies have the personnel with the specialized expertise to conduct sexual assault investigations.

It is also our understanding that information regarding CAF members accused of a sexual offence would be restricted to that specific case, and that the individual's service file would not be made available to civilian police agencies. This would be unacceptable. The details contained in the service file, including any service offences, could and are likely to be relevant to the case. This approach would ensure accountability and transparency to Canadians.

The CACP also supports legislation that ensures that sex-offender registration orders issued by courts martial follow the same rules as the *Criminal Code* so that CAF members charged with criminal offences related to sexual assault are not exempt from being included in Canada's *Sex Offender Registry*.

Effective transparency through oversight is crucial for ensuring police accountability. Any changes to the investigation and prosecution of sexual misconduct complaints must be accompanied by transparency and oversight, including public reporting. For most police agencies, this means providing statistics and outcomes to a Commission or Board. The CACP is recommending that a comparable transparency requirement for the Provost Marshal be implemented.

Conclusion

The CACP is confident in the professionalism and integrity of the CAFMP and values their critical role in safeguarding justice. Civilian police services remain committed to working collaboratively with the CAFMP to ensure the safety and security of all Canadians.