



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

Written submission to the House of Commons'
Standing Committee on Justice and Human Rights

Bill C-16: Protecting Victims Act

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On behalf of:

Canadian Association of Chiefs of Police

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The Canadian Association of Chiefs of Police (CACP) appreciates the opportunity to provide the House of Commons Standing Committee on Justice and Human Rights with a written submission containing the perspective of police leaders across Canada on Bill C-16: *Protecting Victims Act*. The CACP's written submission addresses the following topics: coercive control, mandatory minimum sentencing, femicide, lawful sharing of risk-related information, and proposed changes to section 278 of the *Criminal Code* that would protect certain therapeutic and personal records from disclosure in criminal proceedings involving sexual offences and other crimes against the person.

Coercive Control

During the oral submissions presented to the Committee on April 22, the CACP expressed its support for provisions criminalizing coercive control, highlighted that such behaviours are often perpetrated by repeat and often violent offenders, and recommended that the legislation explicitly reference former intimate partners, regardless of living arrangements, to reflect the reality that control and abuse frequently continue after separation, often amplified and facilitated by technology.

The CACP also emphasized that the experience of countries where coercive control legislation has been introduced has led to the important conclusion that careful implementation, strong training, and clear investigative guidance are required.

Mandatory Minimum Sentencing

The confidence victims have in the justice system is not only influenced by their experience with the process but also by its outcomes. Lenient or inconsistent sentencing can undermine deterrence and public confidence. It can also significantly affect a victim's willingness to engage in what is often a long and difficult process.¹ From a policing perspective, the effectiveness of the justice system depends on both flexibility and consistency in sentencing. Courts must have the discretion to consider the unique facts before them, while ensuring that penalties meaningfully reflect the severity of the crime. Recognizing the rights and lived experiences of victims is central to this balance. Sentences that are proportionate and clearly connected to the harm caused support accountability and reinforce trust in the system.

Police perspectives on this issue are not uniform. While empirical evidence about the effectiveness of mandatory minimum sentences may be mixed, they can create a baseline level of certainty about the consequences of specific offences and provide for a more predictable framework when laying charges, particularly for serious crimes involving violence, exploitation, or repeat harm. Mandatory minimums can also reduce variability in sentencing outcomes for similar offences.

¹ Report of the Mission to Great Britain on criminalization of coercive control, Canadian Association of Chiefs of Police, page 21

Femicide

The inclusion of femicide in Bill C-16 reflects the serious and often fatal consequences of gender-based violence. Police services are committed to ensuring that victims' experiences remain central to all responses, including risk assessment, safety planning, and investigative decision-making. Recognizing femicide within the legislative framework reinforces the importance of thorough investigations, evidence-based enforcement, and coordinated system responses to prevent escalation and improve outcomes for those at risk.

Lawful sharing of risk-related information

Police services note that Bill C-16 presents an opportunity to clarify the lawful sharing of risk-related information between health, social services, and law enforcement agencies. In practice, critical information about escalating risk is often held across separate systems, which can limit a complete understanding of an individual's circumstances. Establishing clear, proportionate thresholds for when and how information can be shared, while maintaining appropriate privacy safeguards, would support earlier intervention and help prevent serious harm. Effective prevention depends on ensuring that relevant partners have timely access to the information necessary to assess and manage risk.

Section 278 of the *Criminal Code*

The CACP also supports proposed amendments to section 278 of the *Criminal Code* that would protect certain therapeutic and personal records from disclosure in criminal proceedings involving sexual offences and other crimes against the person.

The CACP supports a clear and consistently applied framework governing disclosure of counselling, mental health or therapeutic records that balances an accused's right to full answer and defence, while safeguarding a survivor's privacy and dignity. We support a process that promotes efficient, evidence-based decision making by the court and ensures that applications for disclosure are grounded in demonstrated relevance rather than on stereotypes and myths. We support a process that supports effective investigations and enhances access to justice by fostering greater public confidence and participation in the criminal justice system.

a) Victim cooperation is essential to public safety

From a policing perspective, **the successful investigation and prosecution of sexual offences and intimate partner violence rely fundamentally on the willingness of victims to report and participate in the justice process.** Police leaders across jurisdictions consistently observe that fears about loss of privacy—particularly the potential disclosure of counselling, mental health, or therapeutic records—remain a significant barrier to reporting and cooperation.

Evidence before Parliament, including findings from the Office of the Federal Ombudsperson for Victims of Crime, demonstrates that survivors may delay reporting, disengage from investigations, or avoid accessing mental health supports altogether due to concern that deeply personal records could later be compelled and scrutinized in court. This dynamic undermines not only survivor well-being, but also the ability of police services to gather timely, accurate evidence and to hold offenders accountable.

b) Therapeutic records and personal journals are not investigative evidence

The CACP recognizes the importance of the accused's right to make full answer and defence. However, **therapeutic and counselling records, and personal journals are not created for investigative or evidentiary purposes**. They are records of healing, often reflecting trauma-related perceptions, fragmented recollections, or a clinician's subjective impressions rather than verified facts.

In practice, the use—or threat of use—of these records rarely advances truth-seeking. Instead, such applications frequently prolong proceedings, divert court resources, and introduce material that is susceptible to misinterpretation and reinforcing myths and stereotypes rather than probative analysis. Police services observe that this dynamic can distort credibility assessments and contribute to re-traumatization without materially improving trial fairness.

c) Impact on Reporting, Investigations, and Court Efficiency

From an operational standpoint, the current composition of section 278 has broad system impacts:

- **Reduced reporting and participation** limits police capacity to intervene early, identify serial offenders, and prevent further harm.
- **Pre-trial litigation over third-party records** increases delays and complexity in already resource-constrained court systems, with downstream impacts on Jordan timelines.
- **Strain on community partners**, including sexual assault centres and mental health providers, who are repeatedly drawn into subpoena and disclosure processes, affecting service availability.

Clear legislative direction that excludes specified therapeutic records from compelled disclosure, except with the informed consent of the victim, would enhance predictability, reduce unnecessary litigation, and allow police, prosecutors, and courts to focus on evidence of genuine probative value.

d) Advancing Trauma-Informed and Charter-Consistent Justice

The CACP supports amendments that explicitly recognize the **primacy of victims' dignity, privacy, and personal security**, consistent with the Canadian Victims Bill of Rights and the Charter of Rights and Freedoms. Police leaders increasingly emphasize trauma-informed, victim-centred approaches, recognizing that justice processes themselves must not replicate the harms they are meant to address.

When victims are forced to choose between accessing therapeutic support and participating in criminal proceedings, the justice system risks eroding public confidence and legitimacy. Legislative clarification that certain categories of highly personal records are presumptively protected would align the law with contemporary understanding of trauma, public safety, and effective justice administration.

e) **Recommendations**

The CACP recommends that Parliament:

1. **Strengthen public safety and justice system effectiveness** by amending section 278 of the *Criminal Code* to exclude specified therapeutic and counselling records from compelled disclosure, except where the victim provides express, informed consent.
2. **Improve efficiency and reduce delay in the criminal justice system** by affirming that such records are not presumptively relevant evidence, thereby limiting unnecessary pre-trial litigation and misuse of third-party records applications.
3. **Advance trauma-informed, Charter-consistent justice practices** that protect victim dignity and privacy while promoting reporting, sustained victim participation, and effective policing responses to sexual violence and other crimes against the person.

The foregoing recommendations are consistent with trial fairness and public safety. They promote a justice system that is both **effective and credible**, grounded in evidence, and responsive to the realities faced by victims, police, accused, and courts alike.

Conclusion

The CACP thanks the Committee for its consideration and would be pleased to provide any further assistance in its study of Bill C-16.