

**MEMORANDUM TO:** Kenneth Weatherill  
Assistant Deputy Minister  
Public Safety Division

**FROM:** Sarah Caldwell  
Assistant Deputy Minister  
Strategic Policy Division

**SUBJECT:** **Memorandum of Understanding between the Department of National Defence, the Ontario Ministry of the Attorney General and the Ontario Ministry of the Solicitor General relating to the transfer of military investigations of alleged sexual offenses to civilian authorities**

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I am writing to inform you that effective May 17, 2024 a Memorandum of Understanding (MOU) came into effect between the Ministries of the Solicitor General and Attorney General and the Department of National Defence on the interim transfer of jurisdiction over *Criminal Code* sexual offenses from the military justice system to the civilian justice system.

#### Notification of MOU

In April 2021, the Department of National Defence announced that former Supreme Court Justice Louise Arbour would conduct an Independent External Comprehensive Review (IECR) of policies, procedures, programs and culture within the Department of National Defence (DND) and the Canadian Armed Forces (CAF).

In her May 2022 Final Report, Justice Arbour recommended the complete removal of *Criminal Code* sexual offenses from the jurisdiction of the CAF. In Ontario, the interim transfer of cases began in October 2021, following Canada's adoption of Justice Arbour's interim recommendation.

The MOU sets out a framework for continued cooperation and coordination, including with CAF, to support the implementation of the IECR interim recommendation to remove *Criminal Code* sexual offenses from the jurisdiction of the CAF. It outlines principles related to ongoing, transparent, and timely coordination, as well as information sharing related to the manner in which transfers occur, investigations and prosecutions are

conducted, and victim support is provided. The MOU was informed by input received from both municipal police services and the Ontario Provincial Police.

### Information on Bill C-66

On March 21, 2024, Canada introduced [Bill C-66, the \*Military Justice System Modernization Act\*](#). The bill proposes to permanently remove CAF jurisdiction to investigate and prosecute *Criminal Code* sexual offences that were committed in Canada. Once in force, civilian police services will not be able to decline any transfer of cases and investigations. The proposed legislation would provide exclusive jurisdiction to civilian authorities to investigate and try sexual offences committed in Canada, while allowing for military police to retain authority to secure and preserve evidence and perform certain necessary investigative measures (e.g., make an arrest, conduct a search incident to arrest) prior to the arrival of civilian authorities.

### Next Steps regarding the MOU and Bill C-66

Currently, the ministry's focus is on the operational protocols under the MOU to ensure the efficient and effective transfer of cases to civilian authorities, in response to both the interim recommendations and Bill C-66. The Ministry of the Solicitor General will continue to work with the Ontario Association of Chiefs of Police Working Group and the Ontario Provincial Police to finalize the details and operational needs associated with the case transfer process, both for the interim period and going forward.

If you have any questions regarding the transfer of cases, please contact Sheela Subramanian, Director, Community Safety and Intergovernmental Policy Branch at (416) 710-9401 or [Sheela.Subramanian@ontario.ca](mailto:Sheela.Subramanian@ontario.ca).

Thank you for your assistance in communicating this.

Sincerely,



Sarah Caldwell  
Assistant Deputy Minister  
Strategic Policy Division