



**NATIONAL
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220 LAURIER AVENUE WEST
8TH FLOOR
OTTAWA ON K1P 5Z9
www.npf-fpn.com

March 18, 2026

The Hon. Sean Fraser, P.C., M.P.
Minister of Justice & Attorney General of Canada
Email: mcu@justice.gc.ca

The Hon. Niki Sharma, M.L.A.
Attorney General of British Columbia
Email: AG.Minister@gov.bc.ca

Re: Urgent need to recognize victims' voices in "Unfit to Stand Trial" proceedings - Cst. Shaelyn Yang case

Dear Ministers,

I am writing on behalf of the National Police Federation (NPF), representing Members of the Royal Canadian Mounted Police (RCMP), to raise an urgent concern arising from the criminal proceedings related to the killing of Cst. Shaelyn (Shae) Yang in Burnaby, British Columbia in October 2022.

Cst. Yang was killed in the line of duty, protecting the public and upholding Canadian law. Her family, including her father and her aunt Ms. Shiling Yang, have suffered profound and ongoing trauma as a result of her death. They have engaged with the criminal process in good faith, relying on the advice of Victim Services and the Crown that their voices would be heard.

In January 2026, Victim Services, after consultation with the Crown, encouraged the family to prepare and submit a Victim Impact Statement (VIS) in advance of the upcoming "Unfit to Stand Trial" (UST) hearing. The family understood this might be the only opportunity to share their loss experience on the court record, particularly given the real possibility that the accused could be found permanently unfit and the matter remain in legal limbo indefinitely.

The family submitted a detailed VIS on January 30, 2026. Shortly thereafter, they were informed by the Crown that, because a UST hearing involves neither a trial nor a verdict, there was "no process" to receive a VIS and that, until sentencing, "there is no victim here." In a subsequent meeting, this position was confirmed in principle: the family was told that in the absence of a verdict, "there are only the innocent and no victims".

For the family of a murdered officer to be told that there is "no procedural space" for their voice and that their daughter, who paid the ultimate price in the service of this country, is a legal nonentity at this stage, is not acceptable or consistent with her RCMP colleagues' or Canadians' expectations.

This situation exposes a serious gap in both law and practice:

- The Criminal Code provisions on victim impact statements are drafted around sentencing and dispositions following a finding of guilt, and do not explicitly address UST hearings.
- The *Canadian Victims Bill of Rights* (CVBR) affirms victims' rights to information and participation while an accused is under the jurisdiction of a court or review board, including in unfit to stand trial contexts, but it does not clearly set out how victims can put their experience on the legal record where an accused may never be tried.
- British Columbia Crown, Victim Services, and Review Board practices have not provided a clear, reliable mechanism for victims' statements to be received and preserved in UST cases, even in a written form that does not require a finding of guilt and does not seek to influence the outcome.

The result is that, in a case of a murdered police officer, the accused's rights and interests are fully represented, but the victim's family has no structured means to have their harm formally recognized in the court or Review Board record if a UST finding is made. This undermines public confidence in the administration of justice and imposes a unique moral injury on families who have already endured the worst imaginable loss.

We recognize and respect the importance of fair trial rights and the protections afforded to accused persons who are mentally unfit to stand trial. Our concern is not with weakening those protections, but with ensuring that the justice system provides a dignified, predictable place for victims' voices, particularly where a case may never progress to trial or sentencing.

Accordingly, we are asking for coordinated action at both the provincial and federal levels.

1. Immediate provincial action in British Columbia

We respectfully request that the Attorney General of British Columbia:

- Direct the BC Prosecution Service, in consultation with Victim Services and the British Columbia Review Board, to immediately establish and implement a clear practice that allows victims or their families to submit written victim statements in UST matters, and to have those statements:
 - Filed as part of the official court record; and
 - Made available to the Review Board for consideration in any subsequent disposition hearings involving the accused.
- Clarify, before a UST decision is rendered in the case of Cst. Yang, that the family's existing Victim Impact Statement (as already received by the Crown) can be placed on the record in an appropriate form, without any requirement that it be read aloud in open court, and without prejudice to the presumption of innocence.
- Develop and publish clear provincial guidance so that victims in future UST cases are not invited to prepare VIS only to be told there is "no process," and so that they understand from the outset how their statements can be used and preserved.

We believe British Columbia has the authority, within the existing *Criminal Code* and CVBR framework, to adopt such practices immediately. Doing so would ensure that in this case, and in all similar cases going forward, victims' voices are not lost in a procedural void.

2. Federal legislative clarification and reform

We also request that the Attorney General of Canada:

- Initiate a review of the *Criminal Code* and the *Canadian Victims Bill of Rights* as they relate to unfit to stand trial determinations and Review Board proceedings, with a view to:
 - Clarifying that courts and Review Boards may receive and retain victim statements in UST matters, in written form, even in the absence of a verdict; and
 - Ensuring that victims' rights to participation under the CVBR are given concrete, enforceable expression in UST contexts, comparable to the mechanisms that exist at sentencing and in Not Criminally Responsible (NCR) matters.
- Bring forward targeted amendments to the *Criminal Code* and/or CVBR, if necessary, to:
 - Explicitly authorize the receipt and preservation of victim statements in UST proceedings;
 - Provide that such statements can form part of the permanent record available to Review Boards and future courts; and
 - Confirm that accepting a written victim statement in this context does not constitute a finding of guilt or improperly prejudice the accused.

For our Members and their families, this goes to the heart of whether the justice system they serve will, in turn, recognize their sacrifice in law as well as in ceremony. When an officer is killed in the line of duty, and the case is diverted into UST and mental disorder processes, their family should not discover that their loved one has become invisible in the very system they died to uphold.

We are committed to working constructively with your offices to close this gap so that no other family, police or civilian, is told there is “no victim” and “no process” at the very moment when they seek only to have their loss acknowledged on the record.

We welcome the opportunity to meet with your offices to discuss these concerns and potential solutions in greater detail.

Sincerely,



Brian Sauvé
President & CEO

CC: The Hon. Gary Anandasangaree, Minister of Public Safety Canada
The Hon. Nina Krieger, Minister of Public Safety and Solicitor General of British Columbia
Deputy Commissioner Dwayne McDonald, BC RCMP
Mr. Mike Hurley, Mayor of Burnaby
Ms. Shiling Yang