

DRAFT-1 - 85-08-19

DISCHARGE FOR HOMOSEXUALITY

1. Policy

Regular members who are or have been involved in homosexual activities are unsuitable as members of the Force and shall be discharged in accordance with RCMP Regulation 74.

2. General

- a. Any investigation by the Force into the homosexual behaviour of a regular member must be carefully managed to ensure that the rights of the individual are fully respected. Those conducting such investigations should be sensitive to the personal and confidential nature of the matters being investigated.
- b. This bulletin shall be a Commissioner's Standing Order made pursuant to the RCMP Act, Section 21(2), notwithstanding that it is not in the usual format for a CSO. No changes, amendments or revisions shall be made in any manner whatsoever to this bulletin without the express approval of the Commissioner.

3. Definition

"Homosexual Activity" - means the involvement of a regular member in sexual behaviour with a person of the same sex

4. C.O.

- a. On being advised that a regular member has engaged in or is engaging in homosexual behaviour, discreetly inquire into the facts of the situation using, when necessary, the offices of the Health Services officer for your division.
- b. If your inquiry tends to substantiate the initial report, have an investigation conducted of the circumstances by a member senior in rank to the member being investigated.

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4. c. If you believe it necessary or the member so requests and the Health Services officer so recommends refer the subject for psychiatric examination.

5. Investigator

Conduct a thorough and discreet investigation into the situation and submit a complete report directly to the C.O.

6. C.O.

- a. If the investigation indicates that there are reasonable grounds to believe that a member has engaged in or is engaging in homosexual behaviour, serve the member with a "Notice of Intent to Recommend Discharge".

- b. Include in the Notice:

1. a statement of the basis upon which you are making your recommendation for discharge. Attach copies of all documents you intend to use in support of your recommendation.
2. advice that the member has seven days in which to request a review of your recommendation by an officer appointed by the D.O.P.
3. advice that failure to request a review within the specified time period will be construed to mean that no review is desired and the recommendation will be forwarded to the Commissioner for final determination.

- c. Send a copy of the Notice to Headquarters Att: O i/c IAB.

7. Member

- a. On being served a "Notice of Intent to Recommend Discharge", you have seven days to request a review of the C.O.'s recommendation by an officer appointed by the D.O.P. Forward your request direct to your C.O. who will forward it to the D.O.P.

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7. a. 1. Failure to request a review will be construed to mean that no review is desired and the recommendation will be forwarded to the Commissioner for final determination.
 - b. Should you request a review, as outlined in "a" above, you may make written representation to the appointed officer prior to the review and at the review you may make oral representation in your defence.
 1. You may seek advice and guidance from counsel prior to your requested review but at the review you may not be assisted or represented.
8. D.O.P.
- a. When a member requests a review, appoint an officer to review the matter.
 - b. On appointment of an officer, advise the member and the C.O. of the appointment.
 - c. Have IAB forward copies of the Notice and supporting documents to the appointed officer a.s.a.p.
9. Appointed Officer
- a. Review all materials submitted to you for review.
 - b. Give the member an opportunity to appear before you, without counsel, to orally present his defence to you.
 - c. After considering all the materials before you and any oral representation the member may have made, decide whether or not the C.O.'s recommendation has or has not, on a balance of probabilities, been supported by the evidence.
 - d. If you are satisfied the C.O.'s recommendation is supported by the evidence, recommend to the Commissioner the member be discharged.
 - e. If you are satisfied the C.O.'s recommendation is not supported by the evidence, direct the member be retained in the Force.

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9. f. In your written decision include the following:
1. reason for your decision, and
 2. your recommendation or direction.

10. Commissioner

Consider the recommendation of the appointed officer, or if no review was requested by the member, the recommendation of the Commanding Officer and make a final determination on the matter.

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