

CONFIDENTIAL
G34.00/02

MEDICAL SERVICES

G34.00/02 - HOMOSEXUALITY AND GROSS INDECENCY -
MEDICAL EXAMINATION AND DISPOSAL

General

(1) All persons who are convicted of an offence under Sections 147 (Buggery), 148 (Indecent Assault on Male or attempts to Commit Buggery), and 149 (Gross Indecency) of the Criminal Code of Canada shall be released from the RCAF under the provisions of the table to QR(Air) art 15.01 and normally under item 2(c) "Unsatisfactory Conduct", but in some cases may be released under item 1 (a) or (b).

(2) All persons not convicted of an offence referred to in para (1) who have been diagnosed by either a MD or a psychiatrist as a "psychopathic personality - homosexual type", and whose release has been recommended by a medical board composed of two medical officers, shall be released under the provisions of the table to QR(Air) art 15.01 item 5 (b)(ii), "Being considered unsuitable for reasons other than misconduct, inefficiency or medical unfitness".

(3) When any release is effected under this policy, consideration shall be given by the Area Social Welfare Officer to the counselling and rehabilitation of the person affected. Further, so that the civil police and welfare authorities may be advised when considered appropriate by AFHQ, a detailed report of the reasons for release shall be submitted to AFHQ/AMP/GPS/DPA by confidential letter.

Homosexual Acts by Women

(4) The CO, on receiving a report referred to in _____ shall consult with the SMO and order an investigation if he deems it warranted. The SMO will conduct the investigation and he may call on the Area Social Welfare Officer to assist. In some cases the SMO and the AWelO may wish to call in an officer or warrant officer of the Personnel Security List(see para (6)). Any questioning of women by male officers

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other than the SMO shall be done in the presence of a woman officer or woman NCO and shall be conducted in such a manner that the alleged offender will be caused the minimum embarrassment. If there is no MO where such a situation arises, the CO shall at once inform the Command SMO who shall provide one.

(5) When the investigation, if any, is completed the report shall be given to the CO who shall, if it indicates that a homosexual problem exists, take the following action as required:

- (a) if a civilian, who is not a dependent, who is a juvenile as defined in the relevant Provincial Children's Protection Legislation is involved, it will be in the discretion of the CO to inform the nearest child welfare authorities or the parents of the child involved;
- (b) if a juvenile dependent is involved the parents or guardian shall be informed and advice and assistance as required shall be given by Service authorities;
- (c) if a service person is involved the CO shall refer the matter to the SMO who shall make a psychiatric diagnosis if possible or refer the case, together with the report of the investigation to a psychiatrist for a diagnosis;
- (d) disciplinary action shall not be instituted in any event; and
- (e) release action as indicated in para (2) shall be taken if the person involved is diagnosed as a "psychopathic personality - homosexual type" by either a MO or a psychiatrist, and whose release is recommended by the medical board.

Homosexual and Grossly Indecent Acts
of a Criminal Nature by Male Personnel

(6) The CO, on receiving a report ~~referred to in para (1)~~^{SMO}, shall call in the SMO and when necessary, an officer of the Personnel Security List and the Area Social Welfare Officer. Having discussed the matter with them, the CO shall, if he deems it warranted, order an investigation

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by an officer or a warrant officer of the Personnel Security List, who shall act under the direction of the SMO, and who shall conduct the investigation personally. Similarly, if a social welfare aspect requires investigation the Area Social Welfare Officer shall act under the direction of the SMO. If there is no MD where such a situation arises, the CO shall at once inform the Command SOWS who shall provide a MD.

(7) As soon as the reports of the investigation have reached the SMO, he shall at once take them to the CO. The CO shall, if the reports indicate that an offence against the Criminal Code has been committed, take the following action as required:

- (a) if a civilian is involved, it shall be in the discretion of the CO, and subject to local arrangements with the civil police, to report the matter to them; and
- (b) decide if disciplinary action is to be taken. If the alleged offender is to be disciplined he shall not be psychiatrically examined before trial, except on the request of the accused, his defending officer or counsel.

(8) If the accused is convicted by a civil court or service tribunal, release action as indicated in para (1) shall be taken.

(9) If the alleged offender is found not guilty by a civil court or service tribunal, or is not charged with any offence, but where it is evident that a homosexual problem exists, the CO shall refer the matter to the SMO or MD to make a psychiatric diagnosis if possible or to refer the case together with the reports of any investigation, to a psychiatrist for diagnosis.

(10) When the report of the investigation referred to in para (6) indicates that a homosexual problem exists, which does not involve an offence against the Criminal Code, the CO shall take the following action as required:

- (a) if a civilian who is not a dependent and who is a juvenile as defined in the relevant Provincial Children's protection

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Legislation is involved, it will be in the discretion of the CO to inform the nearest child welfare authorities or the parents of the child involved; and

- (b) refer the case to the SMO or MD to make a psychiatric diagnosis, if possible, or to refer the case, together with the reports of any investigation to a psychiatrist for a diagnosis;
- (c) if a juvenile dependent is involved the parents or guardian shall be informed and advice and assistance as required shall be given by service authorities.

(11) Release action as indicated in para (2) shall be taken if a person referred to in para (9) or (10) is diagnosed as a "psychiatric personality - homosexual type" by either a MO or psychiatrist and whose release action is recommended by the medical board.

(12) If, under the terms of CAFAO C34.00/03 the SMO recommends the release of a man or woman, who voluntarily admits to homosexual behaviour or tendencies, release action as indicated in para (3) of that Order shall be taken.

(13) The Area Social Welfare Officers referred to in this order and in CAFAO 34.00/01 must be graduates of an accredited School of Social Work, and must hold a commission as Social Welfare Officers in the RCAF.

(HQ 871-101-34.00/02) (DG'S(Air))

(date)

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