HCC/2651-1
ADJAC 5-4-1

xx

Headquarters, Calgary Garrison
Currie Barracks
Calgary, Alberta

14 May 57

Headquarters, Western Command
Edmonton, Alberta

Attn: Col i/c Adm

Policy re Sexual Offenders

1. It has become all too evident recently that there is no single firm policy directive or uniform rule to be applied throughout the services when considering cases under this heading, especially in regard to the more serious offences of gross indecencies committed between men.

2. The policy regarding offences against women has been firmly determined by NDA Sec 61, simply stating that rape is not triable in Canada. As a general practice any other of these offences are normally dealt with by the civil courts.

3. The question of sexual offences between males, however, poses several complex problems. As an example, in this garrison within the last few weeks there have been three separate cases where indecent offences have been committed. The first case involved an officer making an indecent assault on a soldier. The second case concerned five different men, all NCOs, who had been indulging in homosexual practices of the most serious kind. In some cases buggery had been committed. The third case involved a rifleman who made two indecent assaults upon other recruits in his barrack block.

4. I appreciate that ample power exists under the National Defence Act to try people for these offences, but the question must be asked as to whether it is in fact desirable to do so. In the one case the assault was committed on a man who was unwilling and it also involved the disciplinary question of the different ranks of the people involved. The second case, although admittedly more serious, was nevertheless carried out with the full co-operation of all parties concerned, all of whom in my opinion are homosexual psychopaths. There was no suggestion at any time that these men had abused their rank to the extent of trying to impose their will upon any of their subordinates but, as mentioned above, the offences were committed mutually between people of like nature. The third case likewise involved an assault upon unwilling participants but here they were all private soldiers.

.../2

36

5. If disciplinary action is taken in cases like these, there is a strong possibility that rumours of the trial and charges will get out to the general public and to the press, who, for their own purposes, in many cases would be delighted to play up a story of that nature, thus showing the services up in an undesirable light. It would appear that by far the most efficient method of dealing with this type of case is simply by an administrative release as soon as the offence has been discovered. In any case legal authorities hold divergent views as to the use of punishment in cases of this nature, since in the opinion of many thinking people imprisonment sentences are valueless and the only corrective action that can be taken is by medical treatment.

6. As mentioned above, however, no uniform rule exists for treatment of such offences within the Army. In some cases men have been tried by court martial, in others they have been tried summarily and encouraged to take their release. In some cases, and there is an actual case of this at the moment, an NCO was convicted in Europe and reduced to the ranks but is still serving in this Garrison. In other cases, the people concerned are administratively released as quickly and simply as possible. In view of the above I suggest that a policy ruling in this type of case might be obtained from Ottawa and this would solve any problem or discussion in the event that a similar case occurs in the future. In my opinion the only time that punishment is effective or should be meted out in these cases, is where one of the participants in the act complained of is unwilling, or is an infant, or is forced into the act in some manner by virtue of the rank of the other participant. For the reasons stated above I consider that normally the most efficient way of dealing with this type of case is by a simple administrative release.

7. I feel it necessary to have a firm policy directive in this matter, because as a result of the lack of one, two of the NCOs referred to above had to be kept in close custody for periods of 24 and 26 days respectively. A considered policy in these matters would ensure that any further cases were dealt with quickly and without undue prejudice to the men themselves.

(J S Ross) Colonel
Commander Calgary Garrison

KLGL/00/vmd

cc: JAG

500/3