

LETTER TO ALL COMMANDS

The Disposal of Airmen or Male Officers
Who Have Committed Offences Against
The Criminal Code, Commonly Referred to
As Homosexual Acts or Acts of Gross Indecency

- 1 AFHQ policy letter S370-112 TD188 (AMP) dated 11 Aug 53 is hereby cancelled and replaced by the Instruction herein.
- 2 Certain specific acts between males are criminal offences under sections 202, 203, 206 and 293 of The Criminal Code of Canada. Such acts are commonly referred to as being of a homosexual nature, or acts of gross indecency.
- 3 In all cases, all the facts are to be laid before the unit SMO, who may call in the Area Social Welfare Officer to make further inquiry. It is the responsibility of the SMO to keep the CO informed at all times, so that he will be aware of the situation and will know if the Area Social Welfare Officer has been called in.
- 4 If the first evidence of homosexual behaviour is discovered by the Air Police, all the information in the possession of the AP is to be laid before the unit SMO immediately. All inquiry and investigation is to be under the direction of the SMO at all times. If the Area Social Welfare Officer is called in, he may discover other factors in the situation which would require AP investigation. In such cases, the Social Welfare Officer and the AP will work co-operatively and the AP must keep the Area Social Welfare Officer informed. If the Area Social Welfare Officer has first knowledge of a homosexual situation, he will inform the SMO. He may then call in the AP to handle any aspect of the case which may lead to service disciplinary or civil action.
- 5 If the facts are such as to establish a prima facie case, indicating that a homosexual act or other act of indecency has been committed, and no civilians are involved, normal disciplinary action is to be taken.
- 6 When a civilian or civilians are involved, the CO is to notify the civil authorities of all the facts.
- 7 If the civil authorities indicate that they do not

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propose to proceed against the service personnel and a prima facie case exists, normal disciplinary action is to be taken.

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8 If civil action or action under the Code of Service Discipline is to be taken, the suspected person is not to be psychiatrically examined by a medical officer at this stage. If it develops that the suspect is accused of homosexuality, he is not to be psychiatrically examined before the trial except on the request of the accused, his defending officer or counsel. If such request is made, the services of a qualified medical officer will be made available if the exigencies of the Service permit. A medical officer is, however, to conduct the normal examination required prior to issuing a certificate as to fitness to undergo trial by court martial.

9 If service personnel are convicted by the Civil power of any acts under the sections of The Criminal Code quoted in para 2; or, if they are convicted by a service tribunal of such acts and the sentence of the service tribunal does not include the punishment of dismissal, the CO is to refer the convicted person to the SMO. If the facts are such that the SMO can make a diagnosis of "psychopathic personality - homosexual type", he is to do so. If not, he is to refer the convicted person to a certified psychiatrist for an opinion as to whether that person is a homosexual. If such a diagnosis is made, the documents of the convicted person are to be annotated "psychopathic personality - homosexual type" and he is to be released from the RCAF. When such a release is effected, it may be, and normally will be, under the provisions of QR(Air) art 15.01(2)(c) - "Unsatisfactory conduct".

10 If there is no medical officer at a unit where such a situation arises, the information obtained by the Area Social Welfare Officer, AP or other source that a homosexual act has been committed, is to be laid before the CO immediately. He will contact the Command SOMS immediately for his advice as to how to proceed.

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11 Any Area Social Welfare Officer who is consulted about cases on units of Commands, other than the one to which he is attached, is to maintain a liaison with the Area Social Welfare Officer of the Command concerned, and with the Senior Social Welfare Officer. Full reports of all such cases should be forwarded to AFHQ for more complete co-ordination.

12 Only Area Social Welfare Officers who are graduate social workers may conduct inquiries as outlined in this order.