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MEDICAL SERVICES

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

General

- (1) Certain homosexual acts and grossly indecent acts are offences against the Criminal Code of Canada.
- (2) 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)).
- (3) All persons not convicted of an offence referred to in para (2), who have been diagnosed by either a SMO or a psychiatrist as a "Psychopathic personality - homosexual type", 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".
- (4) Immediately any person is informed or becomes aware that an act of a homosexual nature (or an act of gross indecency) has taken place, a report, without any investigation, shall be made to the CO. The CO shall then act in accordance with this order.
- (5) When any investigation into homosexual or grossly indecent behaviour at a unit discloses that a serviceman or servicewoman from another unit may be involved such information shall be reported only to the CO who has ordered the investigation. The CO shall then forward this information to CHQ. The CHQ, if the parent unit of the alleged offender is in another command, shall pass the information to AFHQ/AMP/CPS/DPA. If the parent unit of the alleged offender is under the command of the CHQ, the CHQ may report the matter to the CO concerned for his action. If a man or woman of another service (Army - Navy) is

involved the CO shall forward the information to AFHQ so that the other service may be informed.

(6) 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/CPS/DPA by confidential letter.

Homosexual Acts by Women

(7) The CO, on receiving a report referred to in para (4), 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 on the officers of the Personnel Security List (see para(9)). Any questioning of women by male officers 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 SOMS who shall provide one.

(8) 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;

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- (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 (3) shall be taken if the person involved is diagnosed as a "psychopathic personality - homosexual type" by either an MO or a psychiatrist.

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

(9) The CO, on receiving a report referred to in para (4), 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 by the 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 MO where such a situation arises, the CO shall at once inform the Command SOMS who shall provide a MO.

(10) 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) if disciplinary action is to be taken the alleged offender shall not be psychiatrically examined before trial, except on the request of the accused, his defending officer or counsel.

(11) If the accused is convicted by a civil court or service tribunal, release action as indicated in para (2) shall be taken.

(12) 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 MO 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.

(13) When the report of the investigation referred to in para (9) 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 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 MO 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.

(14) If a person referred to in para (12) or (13) is diagnosed as a "psychopathic personality - homosexual type" release action as indicated in para (3) shall be taken.

(15) 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.

(16) The Area Social Welfare Officers referred to in this order and in CAFAO C34.00/01 must be graduates of an accredited School of Social Work, and must hold a commission as Social Welfare Officers in the RCAF.

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