

**CONFIDENTIAL**

Ottawa, Ontario, 4th May, 1948.

To All Commands (Maritime Group)

Personnel Alleged to have Committed Homosexual and Indecent Acts or Suspected of Homosexual Tendencies

1. In view of the fact that queries have been received recently with respect to the policy to be followed concerning the above subject, it is considered desirable to re-issue this Headquarters' policy letter of December 23, 1944, with minor changes necessitated by the present policy concerning the phraseology to be used on discharge certificates.
2. In all cases whether disciplinary action is indicated or not, all the facts are to be laid before the unit SMO immediately, due regard being had for the provisions of para 5 hereunder.
3. (a) If the facts are such as to establish a strong prima facie case indicating an act of indecency or that a homosexual act has been committed and no civilians are involved, normal disciplinary action is to be taken.  
(b) If a civilian or civilians are involved, all the facts are to be laid by the Commanding Officer before the appropriate civil authorities. If the civil authorities indicate that they are not going to proceed against the Service personnel, and a strong prima facie case exists, the normal disciplinary action is to be taken. If the civil authorities prosecute the Service personnel and conviction results, the advisability of discharging the Service personnel so convicted is to be considered as in any other case.
4. In all cases not coming within the purview of para 3 where homosexual behaviour or tendencies are suspected, and in cases coming within para 3 where conviction does not result from the disciplinary action either by Service or civil courts, the individual is to be referred immediately to the SMO and Command neuropsychiatrist for an opinion as to whether homosexuality is present. If the subject individual is considered to be homosexual, the diagnosis of "psychopathic personality - homosexual type" is to be made. It is to be clearly understood that this diagnosis is of itself not to be considered adequate reason for disciplinary action. When the person is an airman whom the Air Officer Commanding has power to discharge and he is satisfied that the facts warrant such action, he is to authorize his discharge under KR(Air), para 195(17) "His services being no longer required". The reason to be specified on the discharge certificate is to be "Services Terminated". The diagnosis of "psychopathic personality - homosexual type" will appear on his medical record. When the person concerned is an officer and the Air Officer Commanding considers the facts warrant such action, the usual retirement action pursuant to KR(Air), paras 153 and 151(1)(c) is to be taken. On the officer's Certificate of Service the reason for retirement will show merely "Services Terminated", but his other relevant documents will show "Because the exigencies of the Service make it inexpedient to retain him", and his medical records will show "psychopathic personality - homosexual type".
5. In all cases which are to be tried either by the civil power or by the Service Courts, the accused officer or airman is not to be psychiatrically examined before trial by a medical officer, unless the accused or his defending officer indicate that the accused wishes the services of such medical



officer, in which event these services will be made available to the accused, if the exigencies of the Service permit. This of course does not apply to the usual examination that is made by the unit medical officer prior to his issuing a certificate as to fitness to undergo trial by court-martial.

6. If there is to be a trial, the SMO is to be notified of the date and place of trial for the following reasons:

- (i) so that he may advise the defence (in advance of the trial) if, in his opinion, there exist medical facts relevant to the case;
- (ii) as he or some other suitable medical officer should attend the trial for the purpose of gaining a first hand knowledge of the facts.

7. Moreover, it is to be the responsibility of the SMO to see that proper medical action is taken in those cases in which there is no disciplinary action contemplated, or where the subject officer or airman has been acquitted after trial.

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for CAS