

C 3/4.00/02

DRAFT
MEDICAL SERVICES
AIR FORCE ADMINISTRATIVE ORDER

Mental Disorders - **Homosexuality and Gross Indecency --** *Medical Examination and Disposal*
Disposition of Offenders

Part IV - 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". Persons who have been sentenced by service tribunal to be dismissed from the Service shall be released under QR(Air) art 15.01 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 psychiatrist or a JMO 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 the relevant instructions contained in Parts II and III of 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 ~~treated as confidential~~ and 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, will pass the information to AFHQ/~~AFHQ/AFHQ~~. 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

6 When any release is effected under this policy, consideration is to be given by the Area Social Welfare Officer to the counselling and rehabilitation of the person affected. Further, in order that the civil authorities may be advised when considered appropriate by AFHQ, a detailed report of the reasons for release is to be submitted to AFHQ/~~AFHQ/AFHQ~~ by confidential letter. *shall*

involved The CO shall inform the CO of the nearest unit of the other service so that they ~~can~~ take appropriate action. 2 under their own regulations.

Part VII - Homosexual Acts by Women

(7) The CO, on receiving a report referred to in para (4), shall call in the SMO and having discussed the matter, 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 AWO may wish to call on the officers of the Personnel Security List (see para (9)). Any ~~shall~~ ^{women} questioning of women by male officers other than the SMO ~~is to be~~ done in the presence of a woman officer or NCO and will be conducted in such a manner that the alleged offender will not be embarrassed. If there is no medical officer where such a situation arises, the CO shall at once inform the Command SONS 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 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.
- If a service person is involved.*
(b) The CO shall refer the matter to the SMO or MO to make a psychiatric diagnosis, if possible, or refer the case, together with the report of the investigation to a psychiatrist for a diagnosis.
- (c) Disciplinary action ^{shall} ~~is not to be~~ instituted in any event.
- (d) 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.

Part VIII - 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, the Area Social Welfare Officer, ~~if necessary~~ and an officer of the Personnel Security List. 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 medical officer where such a situation arises, the CO shall at once inform the Command SONS who shall provide a medical officer.

(10) As soon as the reports of the investigation have reached the SMO, he shall at once take the reports to the CO. The CO shall consider disciplinary action if the reports indicate an offence against the Criminal Code has been committed as follows:

- (a) If a civilian is involved, it shall be in the discretion of the CO, and subject to local arrangements with the civil authorities, to report the matter to the civil authorities.
- (b) If disciplinary action is to be taken the alleged offender ~~is not to~~ 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} 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.

(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 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) 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.

(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 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 must be graduates of an accredited School of Social Work, and must hold a commission as Social Welfare Officers in the RCAF.