

Disposal of Personnel, other than Airwomen and Women Officers, Who Have Committed Homosexual or Indecent Acts, or Are Suspected of Having Homosexual Tendencies

CONFIDENTIAL

1 AFHQ policy letter S45-4-57 (DPA) dated 4 May 48 is hereby cancelled and replaced by the instructions herein.

2 Full particulars of all cases, whether disciplinary action is being taken or not, are to be notified to the unit SMD immediately; but, when the person is to be tried either by a civil court or a service tribunal, the accused person is not to be psychiatrically examined before the trial by a medical officer, except on the request of the accused, his defending officer, or counsel, and, if such request is made, the services of a medical officer will be made available if the exigencies of the Service permit. This of course does not apply to the normal examination that is made by the unit medical officer prior to issuing a certificate as to fitness to undergo trial by court martial.

Cases in Which Disciplinary Action is Taken

3 If the facts establish a strong prima facie case of the commission of a homosexual act or other act of indecency, and no civilians are involved, normal disciplinary action is to be taken.

4 ^{When?} If a civilian or civilians are involved, all of the facts are to be notified by the commanding officer to 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, normal disciplinary action is to be taken.

5 If service personnel are convicted by the civil power or are convicted by a service tribunal, but the sentence of the service tribunal does not include a punishment of dismissal, the CO is to refer the matter to the AOC with recommendations as to the release or retention. Where the person convicted is an officer, the AOC will include his recommendations as to release or retention and forward the matter to AFHQ. Where release is effected following a conviction referred to in this paragraph, it may be,

and normally will be, under the provisions of QR(Air) art 15.01 "Unsatisfactory Conduct".

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Suspected Cases

6 In all cases where homosexual behavior or tendencies are suspected, including cases where disciplinary action is taken, whether or not conviction results, the person is to be referred immediately to the SMO and Command Neuropsychiatrist for an opinion as to whether homosexuality is present. If the person is considered to be a homosexual, the diagnosis of "psychopathic personality - homosexual type" is to be made. Persons in respect of whom this diagnosis is made are to be released, provided that, unless there has been a conviction pursuant to para 5, the release shall be under the provision of QR(Air) art 15.01, item 5(b)(ii). *"Being considered unsuitable for reasons other than medical ones"*

Admitted Cases

in the case of
7 When an officer or airman admits the commission of a homosexual act or act of indecency *or tendency to such acts* to a medical officer, and this admission is the *or social welfare officer* only evidence available, full details of such admission are to be notified to AFHQ, and no disciplinary or release action is to be taken or report to the civil authorities made until advice is received from AFHQ.

General

8 The medical records of all personnel released because of proven, admitted or suspected homosexual tendencies are to be annotated "psychopathic personality - homosexual type".

9 If there is to be a trial, the SMO is to be notified of the date and place of the trial in order that he may:

- (a) advise the defending officer or defence counsel before the trial if, in his opinion, there exist medical facts relevant to the case,
- (b) attend the trial for the purpose of gaining first-hand knowledge of the facts of the case.

10 It is the responsibility of the SMO to institute appropriate medical action in cases in which no disciplinary action is taken or where acquittal has resulted.

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who { 11 When release is effected under this policy, consideration is to be given ^{by the Special Affairs Office} to the counselling and rehabilitation of persons affected. ~~by the Special Affairs Office~~ 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 by confidential letter. ~~the letter to be marked "attention-DARS".~~

12 The contents of this letter are to be notified by confidential letter to the CO of all units within your Command.

(F.G. Wait) A/V/M
for CAS