



Government
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MEMORANDUM

NOTE DE SERVICE

cc: file

TO
A

SOLICITOR GENERAL
FOR APPROVAL

FROM
DE

DEPUTY SOLICITOR GENERAL

SUBJECT
OBJET

EMPLOYMENT OF HOMOSEXUALS IN THE RCMP

SECURITY - CLASSIFICATION - DE SÉCURITÉ CONFIDENTIAL
OUR FILE / NOTRE RÉFÉRENCE 7196-22; P4300-K
YOUR FILE / VOTRE RÉFÉRENCE
DATE DEC - 5 1984

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S.F. A.R.	28-12-84

ISSUE

The Commissioner of the RCMP has proposed the promulgation of a formal Commissioner's Standing Order (Tab A) providing for the discharge of any member of the Force found to be a homosexual. The Force currently maintains a tacit policy of not recruiting or retaining homosexuals. Justification for this policy has been outlined by the Commissioner in an Aide-Mémoire (Tab B).

The Secretariat has reservations about the proposed Commissioner's Standing Order. A detailed analysis of the implications of adopting such a policy is attached as an Annex to this memorandum which is summarized below in point form.

BACKGROUND

- . Tacit but active policy of non-recruitment.
- . Public statement by Commissioner included non-retention (Tab C).
- . Recent identification of a homosexual precipitated RCMP to prepare draft Commissioner Standing Order (CSO).
- . Solicitor General's response required.

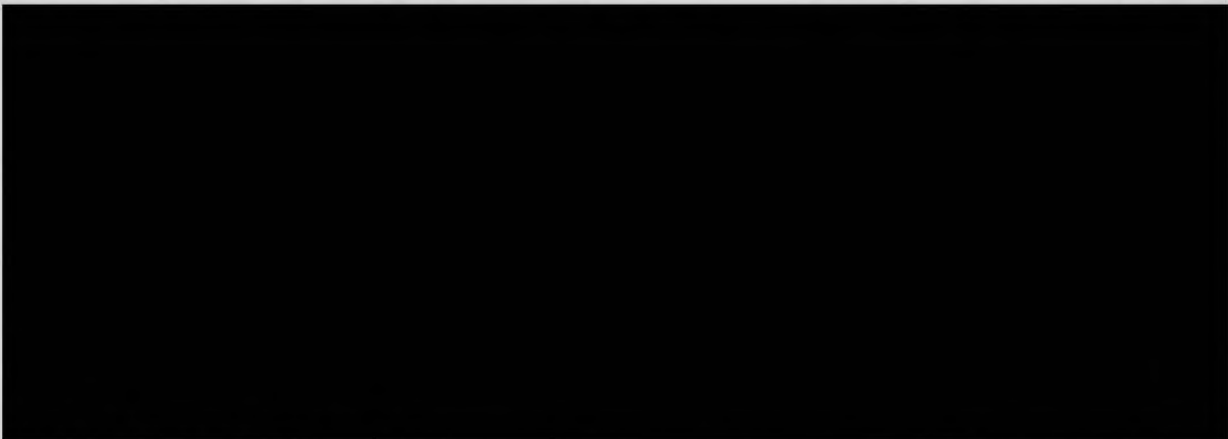
RCMP RATIONALE

General

- . Homosexual orientation incompatible with:
 - . peace officer status
 - . RCMP values
 - . values of communities served.

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Intangible Factors

- . Homosexuals in Force would create discipline, morale, and public image problems.
- . Potential for violence amongst members.
- . Impact on recruiting.
- . Highly subjective and emotional.
- . Personal suitability
 - . Members and public would not cooperate with a known homosexual.
 - . Intra-Force relationships.
 - . Lack of acceptance fatal to effectiveness.
 - . Reliability and loyalty risks.
 - . Abuse of authority in seeking sexual advantage.
- . Duty conditions
 - . Communal life and shared facilities (isolated postings, barracks, ships).
 - . Draws on long-standing Canadian Forces policy.
 - . Conduct of body searches.

CONCLUSIONS

- . A problem of values in transition - difficult for Force.
- . Central problem is attitudes.
- . Consequences of homosexuals on RCMP operations and administration exaggerated.



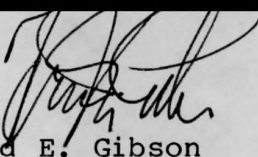
- [REDACTED]
- Given continuum of sexual orientation, at what point would behaviour be deemed "homosexual"?
- Policy would be impractical to administer - create more problems than those solved.

RECOMMENDATIONS

It is recommended that you discourage the Commissioner from formally articulating any policy of discrimination based on sexual orientation but encourage him to develop a broadly based policy that focuses on inappropriate personal behaviour that either interferes with job performance or contravenes conduct provisions. A clear distinction should be made between the policy on recruitment and the grounds for dismissal. Existing recruitment policy identifies general personal suitability factors which serve to exclude individuals who display overt abnormal behaviour. Once a serving member, however, a homosexual should enjoy the same rights and privileges of job security and due process as other members of the Force. It would be unfair to allow the chance discovery of a member's homosexuality to erase an otherwise satisfactory or exemplary performance record. RCMP administrative policy currently deals in great detail with conduct unbecoming a member and it is in this context that overt objectionable sexual behaviour, homosexual or heterosexual, should be dealt with.

A letter to the Commissioner which acknowledges his concerns but expresses your reservations is attached for your consideration.

Finally it is recommended that you reaffirm the main thrust of this Memorandum to the Commissioner in future discussions with him on this matter. [REDACTED]


Fred E. Gibson

Attachments

Annex - Employment of Homosexuals in the RCMP
Proposed letter to Commissioner of the RCMP
Tab A - Draft Commissioner's Standing Order
Tab B - RCMP Aide-Mémoire
Tab C - Commissioner's Statement before Justice and Legal Affairs