

CFAO 19.

HOMOSEXUALITY

Policy

1. Persons who ~~declare them-~~
~~selves to~~ have committed homosexual
acts will not be enrolled in the CF,
and members of the CF who perform
homosexual acts will not be
retained.

- see para 7 of 1A-20
add Note

*gentle - what do
you
what if they are able to
contribute effectively to
the operational capability of the CF?
What about retention also retained
- not used as release
reason*

Definitions

2. For the purposes of this
order: In this order, "homosexual act" means: ✓

§ "Homosexual Act" - A
~~homosexual act is an~~
intentional or ~~willing~~ *wilful*
act of stimulation or
response of a sexual
nature with a person of
the same sex, including
but not limited to

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fondling or caressing,
kissing, masturbation,
fellatio, cunnilingus and
buggery.

Deliberate (big)
Big

Same problem
is diff.
scare
abnormal?

Investigation

3. If a ^(CO) Commanding Officer has reason to believe that a member of the Canadian Forces has committed a homosexual act, he ^{shall initiate an} ~~shall~~ investigation ^{to} ~~and~~ determine the facts of the matter.

no requirement for person to report as in paras 2 & 19-20

4. Preliminary investigation may ^{be} ~~be~~ conducted in any manner deemed appropriate by the ^(referred to in para 3) CO, using resources at his disposal, including ^(Surs 6m) ~~including~~ medical authorities, ^{but} ~~provided~~ such investigation is carefully managed to ensure maximum confidentiality and to protect the privacy of personnel involved. Female

personnel shall not be questioned on matters of sexual activity other than in the presence of a female officer, preferably a nurse, a military police woman, or a female

see para 3 of 15-20 - similar

Any action taken in order to ensure that the investigation will be handled as

General.

Any action taken in invest. conducted pursuant to this order shall be handled so as to ensure...

A member shall not be questioned on sexual activity other than in the presence of a member of the same sex, preferably a nurse, a military police woman or NCO.

CO. Corresponding procedures will be adopted when male personnel are questioned by female personnel.

5. When preliminary investigation ~~leads to~~ ^{indicates that there are rough grounds to believe} that a homosexual act has been committed, the CO shall request that the nearest Special Investigation Unit (SIU) complete the investigation, and prepare a report.

Disposal

6. When, ~~in the opinion of the CO,~~ ^{the completed} an investigation fails to ~~indicate~~ ^{substantiate} that a member has performed a homosexual act, unit personnel records of such investigation and any reference to the circumstances surrounding it shall be destroyed.

7. When, ~~in the opinion of the CO,~~ an investigation indicates that a member has committed a homosexual act, the CO shall forward a report of all relevant details to NDHQ/DGPCO or DGPCOR as appropriate,

after the plan is completed the CO has been to believe the further investigation

para 4, 19-20

- 4 - Prelim
- 5. if prob -> SIU ->
- 6. ~~substantive~~ investigation

with the preliminary report to the SIU... SIU report to report the member has reported...

New

the duty & cover of it and I plan since he does not have enough to believe...

2 stacks - prelim cases... - SIU - R-5. to handle

para 6, 19-20

or if, full SIU report, there are not enough grounds to believe the member.

through normal channels, with his career recommendation. He shall also consider initiating a Change of Circumstances report in accordance with A-SJ-100-001/AS-000.

?

8. When the CO determines in accordance with para 7 that a report is to be forwarded to NDHQ, he shall ensure that the member involved is afforded the opportunity to receive psychiatric counselling and assistance. However, the member shall be advised that psychiatric evaluation is not mandatory and cannot be ordered against the members wishes. The CO shall indicate in his report whether or not the member has agreed to receive such assistance, and in cases where the member has so agreed, he shall include any medical or psychiatric report with his submission.

new (see para 10, 14-20)

[Handwritten signature]

assess report send at time of report

(or when becomes available)

Discipline

have decision should not form basis of disc

9.8 Normally, disciplinary action should not be taken. However, the CO shall consider such action when:

a. the member's conduct is clearly prejudicial to good order and discipline; for example, if a superior officer or NCO used rank or supervisory position to gain or coerce ~~sexual~~ ~~cooperation~~; or

changed from para 5 of 19-20 to P.S.-0 + d from accountability / discipline

part in - how sexual act

b. an offence under the Criminal Code of Canada has been committed.

Release
~~Career~~ Action -

10. When, ^{there} with reasonable certainty, it has been determined by NDHQ that ~~a member has performed a homosexual act~~, the member will normally be released in accordance with QR and O 15.01 Item 5(d). However, when the member is to be released as a result of a conviction by a civil court or service tribunal, NDHQ may authorize release in accordance with QR and O 15.01 Item 2(a). Further, when the

Unit should not allow

see shift

para 8, 19-20

with release

*is not
except as provided in para*

not advantageously employable

Unsatisfactory conduct

~~homosexual act is determined to be a
single isolated incident which
occurred under unusual circumstances
and is out of character with the
members otherwise heterosexual
behaviour, consideration may be
given to retaining the member.~~

*considering context, relevant;
new*

10. When a ~~determination in
accordance with para 10 cannot be
made and NDHQ has directed that no
career action is to be taken, the
member's CO shall destroy all
documentation on unit personnel
files which refers to the
investigation.~~

*Approp authorities
NDHQ has not auth
release public*

new

*→ when release are 5200-14-0 (DPCAOR)
(from para 8) but, we still have that he is possible
not to say for unit in the
community*

Issued

Supersedes order in AL 28/76

Indexing

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CONCUR

_____ JAG _____

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