

C O N F I D E N T I A L

C871-3400/02⁰⁴ (DAFS)

M E M O R A N D U M

25 Jun 57

DPA/PA2

AFAO's 3400/46 and C3400/02

- 1 Reference your memo of even file dated 27 May 57.
- 2 Reference your para 3; it is agreed that the specific offences mentioned are possibly academic. We have in mind, however, other offences committed by these people in the pursuit of their deviation such as assault, indecent assault and contributing to juvenile delinquency. These are far from academic.
- 3 We agree with your para 4 but in the few cases which may arise, as they have in the past, where there are criminal implications we feel that it is improper that the police should act under the direction of the SMO.
- 4 Reference your para 6; it does not seem to be generally known that the police function is confined to prevention and detection of crime. Once the facts are ascertained and turned over to superior authority the findings, sentencing and subsequent disposition of the matter do not concern ~~the~~ the police. If these items result in an embarrassing situation or unfavourable public reaction the police are not in any way involved. We would however, be remiss in our responsibility to the service if we did not point out possible sources of difficulty. Since you do not agree with our view we have ~~no~~ further discussion on this point.
- 5 Reference your para 7; we agree with your comment however it will be agreed that judicial action (disciplinary action) is discretionary in any criminal case however discretion is limited in many cases by an overriding moral obligation. It is suggested that writing in the words "discretionary" is somewhat superfluous and tends to provide a justification for ignoring the moral responsibility which is inherent in many cases.
- 6 Our major interests in this AFAO are as follows:
 - (a) that a distinction should be drawn between criminal }
acts and non criminal acts.
 - (b) that Air Force Police should proceed at the direction of the CO in criminal cases and that they should not be subject to direction by the SMO but should work in cooperation with him.

F. C. Oswin
(F.C. Oswin) S/L
AFS 3-2
6-8995

000194