

s.19(1)

CONFIDENTIAL

MEMORANDUM

[Redacted]

28 Jan 83

Associate ADM(Fin)

RECOMMENDATION FOR RELEASE

[Redacted]

- Refs: A. FMC DCOS Conf OPS 8221 131910Z Dec 82 (attached)
- B. CF 115-2-82/SQ 115-3-82 (DIO) 17 Nov 82 (attached)
- C. C5200-1 (DLaw/FPDA) 21 Jan 83 (attached)
- D. C210 547 063 (DCSEM) 26 Jan 83 (attached)
- E. CFAO 15-2, Annex A, Appendix 5
- F. CFAO 19-20, para 5

1. [Redacted] is a [Redacted] establishment and currently employed on Class "C" Service with [Redacted].
2. In Ref A, NDHQ/DCSEM was informed by FMCHQ of homosexual activities and sexual advances involving the subject officer while [Redacted] held that position while on Class C service in [Redacted] until removed from it by FMCHQ. The attached SIU investigation of the case, Ref B, provides further detailed information.
3. I agree fully with Col W.H. Sheridan, DCSEM, Ref D, that the evidence presented in Ref B justifies the release of [Redacted]. DMMD has confirmed that in these circumstances Class "C" service could very quickly be terminated upon my request. That, however, would not suffice since he would remain on the Supplementary Reserve List by virtue of being on the [Redacted]. A documented release under the appropriate item of QR&O Art 15.01 is required therefore to preclude the possibility of his being associated with the CF again.
4. To this effect and as per Ref E, find attached a proposed notice of intent to recommend the release of [Redacted]. Subject to your approval, it will be forwarded to DPCAO with the recommendation that action be taken with regard to [Redacted] so as to:
 - a. terminate his Class C callout employment;
 - b. release him from the Supplementary Reserve under Item 5(d) of QR&O, Chapter 15; and
 - c. terminate his service with the [Redacted]

.../2

CONFIDENTIAL

*Revised
21/1/83
JL*

006013

AGC-1636_0001

CONFIDENTIAL

- 2 -

With respect to possible disciplinary action against [REDACTED] I believe that all things considered it is best not to press charges. My assessment is based on the guidance offered by DLaw/FPDA at Ref C, on para 5 of CFAO 19-20 and other considerations noted. In essence the entire investigation boils down to the events involving [REDACTED] and [REDACTED], since as LCol Champagne states in para 1 of Ref C, none of the acts with the other participants could amount to a criminal offence under the Criminal Code, or disgraceful conduct under the NDA.

6. Concerning [REDACTED] it is noted that:

- a. Jurisdiction would appear to belong to civilian authorities.
- b. Although all participants are from the Montreal area, the case would have to be investigated by the Ottawa Police and heard by an Ontario Court of Justice since the events took place in Ottawa.
- c. Given the number of more serious cases pending, there is doubt that this one would draw much attention.
- d. While the acts in question amount to gross indecency and that Age 21 and not 18 distinguishes a minor from an adult in such matters, [REDACTED] (then [REDACTED]) and [REDACTED] (then [REDACTED]) both displayed a certain degree of willingness. They did not seriously attempt to avoid the situation and they are not pressing charges themselves.
- e. [REDACTED] in his statement at para 13(p) of Ref B strongly expressed the wish that his mother not be informed of the incident and [REDACTED] in his statement at para 24 of Ref B mentions the experimental nature of his sexual relationship with [REDACTED]. The importance to be given to these remarks can of course be debated. Nonetheless pursuing the [REDACTED] case would necessarily involve these two young men more publicly and I submit that it would not be in their best interests.
- f. [REDACTED] likely needs psychiatric help more than anything else at this time; and he is currently getting such assistance.
- g. Finally, it seems that the parents of [REDACTED] and [REDACTED] are not aware of what has taken place although the events occurred as far back as 10 months ago. Is it in their best interest to be told now, at a time when their sons may have, through the SIU investigation and the experience itself, found their true sexual identity. My intuition in this regard is to let matters stand.

CONFIDENTIAL

.../3

006014

AGC-1636_0002


CONFIDENTIAL

- 3 -

7. In summary therefore, I recommend the release of [REDACTED] under Item 5(d) so as to:

- a. Terminate his Class "C" Service;
- b. remove him from the Supplementary Reserve List; and thus
- c. ensure he is formally removed from the Cadet Instructor List and precluded from being placed on it again.

8. As far as disciplinary action is concerned, my assessment is that no case exists for action under the Service Code of Discipline and, that there is doubt that the matter should be handed over to and that it would be taken over by civilian authorities. Accordingly, I recommend that such action not be pursued.


C.D. Dumont
Colonel
Cmdt NDHQ/AU
5-6756

Enclosures: 4

CONFIDENTIAL

006015

AGC-1636_0003