

FAACZYUW RCESGA0121 0141857  
ZNY CCCCC  
R 141300Z JAN 87  
FM FMCHQ ST HUBERT  
TO NDHQ OTTAWA//ADM(PER)//



*Aombr*  
*CONFIDENTIAL ORm3*



BT

C O N F I D E N T I A L COMD 8004

SUBJ: DRAFT CFAO 19-20

REF: NDHQ SEC 109 102145Z DEC 86

1. THE DRAFT OF CFAO 19-20 HAS BEEN REVIEWED AT A SENIOR LEVEL IN FMC HQ ONLY. FURTHER REVIEW MAY BE REQUIRED ONCE THE POLICY BASIS HAS BEEN CONFIRMED BY THE MINISTER. FROM A LEGAL PT OF VIEW WE MUST BE ABSOLUTELY SURE THAT THE DEFINITION STATEMENT IS IN ACCORD WITH THE CHARTER

2. IN GEN TERMS THE CFAO PROVIDES ADEQUATE GUIDANCE FOR NDHQ REVIEW OF CASE FILES BUT DOES NOT PROVIDE A COMPLETE A GUIDE FOR THE CO AS THE CURRENT CFAO

3. THE WORD QUOTE CONDUCT UNQUOTE HAS A TRADITIONAL MILITARY CONTEXT THAT IS SERIOUSLY DEGRADED WHEN USED IN THE SENSE OF SEXUAL CONDUCT. WE LIKE TO THINK OF CONDUCT IN BOTH A POSITIVE AND REGIMENTAL MANNER. PERHAPS CONDUCT COULD BE REPLACED BY QUOTE BEHAVIOUR UNQUOTE THROUGHOUT THE CFAO. THE DEFINITION

*Dellcharter*  
*DPLS also*  
*less copy, sic*  
*AM Brown Col*  
*EA/16ja*

② CDS

*Info. we will review our draft in light of Min ① since we have the reply from MAMECOM.*

**CONFIDENTIAL**

*MGD.*  
*16 Jan*

000349

2 RCESCGA0121 C O N F I D E N T I A L

SEEMS TO FIT WELL AND TRANSLATION INTO FRENCH MAY BE MORE PRECISE.  
IT MAY ALSO AVOID A TENDENCY TO USE DISCIPLINARY PROCEDURES UNDER  
QR AND O 119 CHARGES QUOTE CONDUCT TO THE PREJUDICE UNQUOTE WHEN THE  
PROPER PROCEDURES ARE ADM

4. THE DRAFT DOES NOT PROVIDE A CONCISE STATEMENT OF POLICY AS  
CONTAINED AT PARA 7 OF CURRENT CFAO. A CONFLICT BETWEEN GEN AND  
SPECIFIC GUIDANCE WHICH IS NECESSARY FOR THE CO IS EVIDENT. SINCE  
REFERRAL TO AN NDHQ CTTE IS GENERALLY COUNTER TO OUR NORMAL  
STAFFING PROCESS MORE THOUGHT SHOULD BE GIVEN TO PROVIDING SOME  
PRECISION FOR THE CO

5. THE DRAFT HAS REMOVED ALL REF TO SEXUAL ABNORMALITY. ALTHOUGH  
IT COULD BE SAID THAT THE CCC COVERS THIS AREA, THE CO REQUIRES  
GUIDANCE ON THE PROCEDURES TO FOLLOW IN SUCH CASES. THEREFORE  
THERE MAY BE REQR TO HAVE A SEPARATE CFAO TO COVER THIS AREA.  
PROVISION FOR PSYCHIATRIC HELP SHOULD BE INCLUDED WITH POLICY ON  
SEXUAL ABNORMALITY

6. ALTHOUGH PARA ONE STATES APPLICABILITY TO ENROLMENT THERE  
IS NO DETAIL IN THE CFAO THAT PROVIDES GUIDANCE OR POLICY IN  
THIS AREA. THERE ARE SPECIAL RULES THAT APPLY TO OUR DEALINGS  
WITH APPLICANTS. SINCE WE CANNOT LEGALLY INVESTIGATE AN

CONFIDENTIAL

000350

AGC-1793\_0002

CONFIDENTIAL

PAGE 3 RCESCGA0121 C O N F I D E N T I A L

APPLICANT S STATEMENT WE MUST DEVELOP SPECIFIC PROCEDURES TO DEAL WITH THE RECRUITING PROCESS. IT MAY BE WISE TO REMOVE ENROLMENT FROM THE CFAO SO THAT THE CFAO DEALS ONLY WITH SERVING MEMBERS OF THE CF AND DEVELOP A SEPARATE RECRUITING DIRECTIVE THAT WOULD DEAL WITH ADMISSION OF INAPPROPRIATE SEXUAL BEHAVIOUS BY APPLICANTS

7. PARA 3 SHOULD BE REWORDED TO REMOVE THE WORD QUOTE EXPERIENCE UNQUOTE AS THIS IMPLIES WE HAVE EMPIRICAL EVIDENCE TO THIS EFFECT RELATED TO HOMOSEXUAL BEHAVIOUS WHICH I DOUBT WE HAVE. ALSO WE CANNOT ADEQUATELY DEFINE THE EXACT NATURE OF AN UNACCEPTABLE DEGREE OF OP CAPABILITY. TO AVOID THIS PARA 3 COULD SIMPLY STATE QUOTE IN CRDER TO PRESERVE A HIGH STANDARD OF MORALE AND COHESION ESSENTIAL FOR OPERATIONAL CAPABILITIES, SERVICE POLICY IS THAT BEHAVICUR AS DESCRIBED ABOVE WOULD BE DETRIMENTAL AND WILL NOT BE TOLERATED UNQUOTE OR WORDS TO THAT EFFECT

8. IN PARA 4 THE WORD WUOTE MEMBERS UNQUOTE SHOULD BE REPLACED BY PERSONS AS WE HAVE RESP TO PROTECT ALL INDIVS INVOLVED

9. PARA 6 SHOULD CONTAIN GUIDANCE TO THE CO ON INVESTIGATION PROCEDURES. CURRENT CFAO IS MORE SPECIFIC IN THIS REGARD. THE MO IS A GOOD PLACE TO START FOR PRELIMINARY INVESTIGATION. WHEN REASONABLE GROUNDS HAVE BEEN ESTABLISHED THE SIU IS WELL SUITED

CONFIDENTIAL

000351



CONFIDENTIAL

PAGE 4 RCESCGA0121 C O N F I D E N T I A L

FOR CONFIDENTIAL INVESTIGATIONS OF THIS TYPE. IT IS RECOGNIZED THAT DRAFT IOES NOT PRECLUDE EMP OF SIU

10. THE MOST SERIOUS GAP IN THE DRAFT IS THE OMISSION OF THE REQUIREMENT FOR RECOMMENDATIONS AND REVIEW AT EACH LEVEL IN THE CHAIN OF COMD TO NDHQ. BASE COMD/FMN COMD AND COMD HQ MUST BE INCLUDED IN THE STAFFING PROCESS BASED ON A REVIEW OF FINDINGS AND RECOMMENDATIONS MADE BY THE CO

11. SINCE WE ALREADY HAVE CRB AND CMRB THE ADVISORY COMMITTEE IS REALLY A REVIEW BOARD WHOSE TERMS OF REF WILL DETERMINE ITS AUTHORITY. THE TERM COMMITTEE WILL BE RECEIVED WITH SOME SCEPTICISM IN THE FIELD. SUGGEST THAT THE REVIEW BOARD BE MENTIONED, HOWEVER FULL DETAILS OF ITS OPERATION ARE NOT REQD IN THE CFAO AND IN FACT IS PLACING DISPROPORTIONATE EMPHASIS ON NDHQ VIS A VIS CO

12. WHILE IT IS UNDERSTOOD WHY INVESTIGATIONS WOULD BE DESTROYED WE DO NOT DESTROY INVESTIGATIONS IN OTHER AREAS THAT DO NOT RESULT IN FORMAL DISCIPLINARY OR RELEASE ACTIONS AND DESTRUCTION COULD PLACE THE CO AT A DISADVANTAGE IN DEALING WITH SUBSEQUENT OCCURRENCES. AS AN ALTN FILES COULD BE ADEQUATELY CONTROLLED USING CURRENT SECURITY PROCEDURES USED FOR GRIEVANCES AND MP REPORTS

13. APPLICATION TO THE RESERVES SHOULD BE SPECIFIED. BASED ON

CONFIDENTIAL

000352

CONFIDENTIAL

AGE 5 RCESCGA0121 C O N F I D E N T I A L

CURRENT PROCEDURES IT APPEARS THAT COMMAND HQ SHOULD BE DELEGATED RESPONSIBILITY FOR MEMBERS OF THE RESERVES SIMILAR TO EXISTING POLICIES FOR CAREER DECISION ALTHOUGH CAREFUL ATTENTION WOULD BE REQUIRED TO ENSURE CONSISTENCY OF APPROACH. PROCEDURES WOULD PARALLEL THOSE FOR RF WITH A REVIEW BOARD FORMED AT COMMAND LEVEL, SIMILAR TO THE ADM(PER) ADVISORY COMMITTEE. THIS ALSO BRINGS UP THE DIFFICULT PROBLEM OF HANDLING COMPLEX PROCEDURES SUCH AS THIS ON MCBILIZATION

14. IN CONCLUSION, THE CFAO IS GOOD IN THAT IT AVOIDS THE TERMS SEXUAL ORIENTATION AND HOMOSEXUALITY WHICH IMPLY A CONDITION AND NOT AN ACTION. CERTAIN ASPECTS OF OCURRENT CFAO SHOULD BE RETAINED AS STATED ABOVE. IT HAS A REASONABLY NARROW FOCUS BUT WILL STILL REQUIRE A GOOD DEAL OF SOUND JUDGEMENT BY A CO IN DETERMINING WHAT COMPRISES SEXUAL CONDUCT. THIS WE CANNOT AVOID

BT

#0121

JAP018 DELIVERED 0142235 724718

CONFIDENTIAL

000353