



National Defence

Défense nationale

JUDGE
ADVOCATE GENERAL

National Defence Headquarters
Ottawa, Canada
K1A 0K2

Quartier général de la Défense nationale
Ottawa, Canada
K1A 0K2

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Debra M. McAllister
Counsel, Civil Litigation
Department of Justice
The Exchange Tower
Suite 3400
2 First Canadian Place
Toronto, Ontario
M5X 1K6

MICHELLE DOUGLAS AND HER MAJESTY THE QUEEN

General

Further to my letter of 24 January 1991, I am now able to provide additional responses to the undertakings made during discovery of Brigadier-General Munro on 26 October 1990. The serial numbers applied to the enclosed documents (listed at Annex A) are a continuation of the numbers used in my January letter.

Page 12, Question 37

Rather than say that the Special Investigation Unit is part of the Military Police, it would be more correct to say that the Special Investigation Unit is a unit of the Canadian Forces and is staffed primarily by members of the Security and Military Police occupations.

Page 16, Question 49

The question is: In 1988 or 1989 would a person who did not declare himself/herself to be a homosexual but was suspected of being a homosexual necessarily be the object of a SIU investigation? The answer is: Not necessarily. Canadian Forces Administrative Order 19-20 (Defendant's Book of Documents Tab 46) required a commanding officer to investigate any report that a member of the Canadian Forces is a homosexual. That investigation would not necessarily involve the Special Investigation Unit. However, if the investigation tended to substantiate the report, the commanding officer was obliged to call in the Special Investigation Unit to investigate further.

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Page 16, Question 51

Canadian Forces Administrative Order 22-3 (CFAO 22-3) was amended in 1989. The version that was in effect in 1988 and the revised version, issued on 28 April 1989, are enclosed as Serials 6 and 7 respectively. CFAO 22-4 is enclosed as Serial 8.

Page 17, Question 52

The estimated time allocation of SIU personnel resources for activities in 1988 was as follows:

- | | |
|--|------|
| a) Security Clearance Field Investigations | 69%; |
| b) Security Intelligence Liaison | 9%; |
| c) Surveillance Operations | 6%; |
| d) Mandatory Security Investigations | 5%; |
| e) Polygraph Examinations | 4%; |
| f) Criminal Investigations | 3%; |
| g) Investigations into Sexual Behaviour | 2%; |
| h) Counter Human Intelligence Support | 1%; |
| j) Briefings and Debriefings
and | 1%; |
| k) Close Personal Protection | 1%. |

Total (some activities reported under more than one heading. Administrative activity is not included in the above.) 101%

Page 18, Questions 57 and 58

Page 46 of the report of the External Review of the Canadian Forces Special Investigation Unit contains the statement that "Homosexuality and sexual deviation cases constituted the largest category of investigations." That statement is misleading if taken out of context. To provide greater clarity, it would be better to say:

"In 1988 and 1989 homosexuality and sexual deviation cases constituted the largest category of investigations reported under the military police investigation case file index. That index includes, as a general rule, all specifically assigned investigations (see CFAO 22-3) but does not include security clearance investigations which by far account for the largest commitment of SIU personnel resources."

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Page 23, Question 73

A photocopy of 42 pages of notes and forms, marked as Exhibit 8, accompanied the transcript. Pages 2 to 7 inclusive are confirmed as notes made by Master Warrant Officer Mossman in December 1988. The remaining pages were completed by an individual or individuals other than Master Warrant Officer Mossman.

Page 24, Questions 75 and 76

The Defendant admits that Ms Douglas was taken to the Constellation Hotel on 27 June 1988 but does not admit that she was told that she was going to be going to Ottawa.

Page 24, Questions 77 and 78

The Detachment Commander, Central Detachment of the SIU, accompanied Ms Douglas to the Constellation Hotel. He denies that he told Ms Douglas that they were going to Ottawa. Notwithstanding, the Defendant does not have any basis to believe that Ms Douglas knew that she was going to be taken for an SIU examination on 27 June 1988.

Page 25, Questions 79 and 80

The defendant does not dispute the allegation that Ms Douglas asked whether or not the interview was being taped and was told that it was not but, in fact, it was taped.

Pages 28 and 29, Questions 91 to 95

The SIU does not formally distinguish between interviews and interrogations. The terms are not defined in the SIU standing operating procedures. Nevertheless, there is an understanding that there is a difference between the two. Although there is no SIU doctrine on the subject, interviews are seen as being non-confrontational, fact gathering activities while an interrogation is viewed as confrontational and may involve challenging an individual about the accuracy of statements, the completeness of responses, etc. It is noted that Annex E to CFAO 22-4 (enclosed as Serial 8), which applies to specified military police but does not apply to members of the SIU, appears to distinguish between interviews and interrogations (sub-paras 1c and 1d) although the terms are not defined.

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Pages 30 to 33, Questions 100 to 107

The enclosed extract (Serial 9) from Security Orders for the Canadian Forces, Military Police and Security Procedures, prescribes the policy for the issue, control and withdrawal of specified military police credentials. In particular, attention is drawn to sub-para 2a, para 3 and sub-para 10d of that policy. Ms Douglas' military police credentials were withdrawn as a result of her posting to the position of Base Protocol Officer, a non-police position, at CFB Toronto. As a result of that posting, she no longer qualified for their retention within the intent of sub-para 2a. However, the withdrawal of these credentials had no bearing on her occupation assignment and she remained a member of the Security occupation until her release from the Canadian Forces.

Page 40, Question 142

While a Career Manager is not necessarily required to make a recommendation to a Special Career Review Board, it is not abnormal or unusual for a Career Manager to do so.

Page 43, Question 159

The proper spelling/capitalization for Lieutenant-Colonel Maclaren's last name is Maclaren vice MacLaren.

Pages 43 and 47, Question 160 and Response 168

No additional factors have been identified.

Page 50, Question 178 / Page 51, Question 186

Rates of pay for members of the Canadian Forces are contained in Queen's Regulations and Orders for the Canadian Forces (QR&O). The three enclosed QR&O articles (Serial 10 - QR&O 204.1114; Serial 11 - QR&O 204.21; Serial 12 - QR&O 204.205) provide the rates of pay, at various rank levels, applicable to direct entry officers (as Ms Douglas was) including those employed in the Security occupation.

Page 50, Question 180

Accommodation assistance allowance (AAA) is payable to members of the Canadian Forces in some locations under specified conditions. The rate varies by location depending on the cost of accommodation in that area. In

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the case of Toronto, effective 25 August 1988, the rate for a single officer without dependants was \$188 per month. On 1 September 1989 the rate was increased to \$337 per month and remains at that level today. AAA is a taxable benefit.

Page 52, Question 188

All Regular Force members (as Ms Douglas was) of the Canadian Forces receive a monthly clothing upkeep allowance for the purpose of maintaining basic permanent kit clothing. The rates in effect during October 1990 were \$18.15/month for females and \$15.20/month for males.

Provision is also made in regulations that a member posted to a position designated by the Minister of National Defence may be paid civilian clothing allowance in lieu of clothing upkeep allowance. A number of SIU positions are so designated. In October 1990 civilian clothing allowance was provided to eligible members at the rate of \$43.90/month.

Page 53, Question 191

There is a variety of leave provisions that apply to members of the Canadian Forces (annual leave, sick leave, maternity leave, retirement leave, etc). The annual leave provisions provide what amount to vacation entitlements. The annual leave entitlement is 20 working days for a member who has less than five years of service in the Regular Force (as in the case of Ms Douglas) and 25 working days for those with more than five years service.

Page 55, Question 201

Some entertainment is available on most military bases. The size, location and role of the base all have an impact on the amount, its quality and the cost to the member. Much of this entertainment is on a "user pay" system. In the case of CFB Toronto, there is no base theatre (it was closed in 1988) and virtually all of the entertainment available to members is provided by the messes (see following response).

Page 56, Question 209

In July 1989 the mess dues for an officer at CFB Toronto were \$18.00/month. In March 1990 those dues were increased to \$20.00/month. The components of those dues are as follows:

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a. General assessment (contributes to the general operation and maintenance of the club)	\$10.25
b. Entertainment (subsidizes the cost of mess-provided entertainment);	8.75
c. Sports (maintenance of mess-owned equipment); and	0.50
d. Testimonial (purchase of mess gifts)	<u>0.50</u>
	Total \$20.00

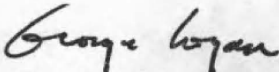
These monthly mess dues are compulsory and must be paid whether or not the member uses the facility.

Conclusion

I believe that the only outstanding undertaking from this portion of the discovery proceedings is the response to question 156 at page 42 of the transcript. Some difficulty has been encountered in locating copies of all the flagged documents but I hope to conclude this within the next week.

Please advise me if additional information or explanation is required.

Yours truly,


George L. Logan
Director Personnel
Policy 2

Attachment:

Annex A - List of Documents

cc: Barbara McIsaac
Senior Counsel, Civil Litigation
Department of Justice
Justice Building, Room 536
Kent and Wellington Streets
Ottawa, Ontario
K1A 0H8

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