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All Commands and Groups

Personnel alleged to have Committed Homosexual
and Indecent Acts or Suspected of Homosexual Tendencies

1 The adoption of the new QR(Air) has necessitated a restatement of policy in respect to the above subject.

2 In all cases, whether disciplinary action is indicated or not, all the facts are to be laid before the Unit SMO immediately, due regard being had for the provisions of para 5 hereunder.

- 3 (a) If the facts are such as to establish a strong prima facie case indicating an act of indecency, or that a homosexual act has been committed, and no civilians are involved, normal disciplinary action is to be taken and the advisability of taking discharge action is to be considered.
- (b) If a civilian or civilians are involved all the facts are to be laid by the Commanding Officer before the appropriate civil authorities. If the civil authorities indicate that they are not going to proceed against the service personnel, and a strong prima facie case exists, the normal disciplinary action is to be taken. If the civil authorities prosecute the service personnel and conviction results, the advisability of discharging the service personnel so convicted is to be considered as in any other case.

4 In all cases not coming within the purview of para 3 where there are reasonable grounds for the belief that an individual is a homosexual or has homosexual tendencies, and in cases coming within para 3 where conviction does not result from the institution of disciplinary proceedings either by service or civil courts, the individual is to be referred immediately to the SMO and Command Neuro-psychiatrist for an opinion as to whether homosexuality is present. If the subject individual is considered to be a homosexual, the diagnosis of "psychopathic personality - homosexual type" is to be made. It is to be understood that this diagnosis in itself is not to be considered

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adequate reason for disciplinary action. When the Commanding Officer is satisfied that the facts warrant release, he is to make application to CHQ or Group Headquarters as applicable for release under QR(Air) article 15.01(2)(c). The diagnosis of "psychopathic personality - homosexual type" is to appear on the records of the individual.

5 In all cases which are to be tried either by the civil power or by a Service Tribunal, the accused is not to be psychiatrically examined before trial by a medical officer, unless the accused or his defending officer or counsel indicate that the accused wishes the services of such medical officer, in which event these services will be made available to the accused, if the exigencies of the Service permit.

6 If there is to be a trial either by the Civil Power or by a Service Tribunal, the SMO is to be notified of the date and place of the trial for the following reasons:

- (a) so that he may advise the defence (in advance of the trial) if, in his opinion, there exist medical facts relevant to the case, and
- (b) so that he or some other suitable medical officer may attend the trial for the purpose of gaining a first hand knowledge of the facts.

7 It is the responsibility of the SMO to see that proper medical action is taken in those cases in which there is no disciplinary action contemplated, or where the individual has been acquitted after trial.

(L.E. Wray) A/C
for CAS

S/L SA Bascom/5349/JGM