

CONFIDENTIAL

ATTACHMENT TO ANNEX

Commentary on RCMP Commissioner's Aide-Mémoire in Respect of
the Engagement or Retention of Regular Members with
Homosexual Orientation

The Commissioner of the RCMP has stated that, because of their sexual orientation, homosexuals create a number of serious problems for the RCMP which militate against their employment. Consequently, RCMP policy in respect of homosexuals is that they are not knowingly engaged or retained in the RCMP as peace officers.

The rationale for the position is presented in the Commissioner's Aide-Mémoire sent to the Solicitor General on August 7, 1984 (attached) under 12 separated headings which have been regrouped as follows:

- 1) Operational/occupational impediments which includes duty-related, and personal suitability factors such as the requirement to conduct body searches, work with youth groups, the conditions of communal life, micro-environment, security and rank structure;

2)



- 3) Intangible Factors, which refer to the majority of the arguments put forward by the Commissioner including: discipline, morale, public acceptance, self-image and cohesiveness within the Force.

The Commissioner's position on each of the general areas is briefly set out and then discussed below.

- 1) OPERATIONAL/OCCUPATIONAL IMPEDIMENT

Body searches: The frequent need to control and search prisoners in police custody provides an intimidating atmosphere where the employment of homosexuals would not be accepted.

- . The Commissioner has stated males do not search females or vice versa as such practice could be intimidating. However, as sexual orientation is not visible as is sex, the consequences of homosexuals having to carry out searches is not the same. It must be recognized, however, that the potential impact of this and a number of other factors discussed below is markedly different, if the

A0050457_1-002504

member is recognized by the public he is dealing with as a homosexual and if that particular individual or group harbours significant anti-homosexual sentiments.

- . The operational aspect of a body search is not a sexual or sexually stimulating experience which, in itself, would foster unprofessional behaviour.
- . The Commissioner has implied that all homosexuals have a compulsive approach towards their sexuality which is incompatible with professional conduct. This stereotypical view is patently inaccurate and prejudiced.

Work with Community (Youth) Groups:

- . The Commissioner does not explain why a homosexual member would be unable to effectively carry out a teaching or liaison role with community groups.

Communal Life: The presence of homosexuals in situations where personal privacy is most difficult or impossible (e.g. isolated postings, barracks and on board ship) has the potential of leading to physical confrontation should the homosexual attempt to force his tendencies on other members.

- . Members are now required to work closely with members of the opposite sex.
- . There is a greater respect for personal privacy in the Force now than was present in the past (i.e. less barrack life).
- . The Commissioner correctly qualifies his remarks by referring to the "potential" of conflict. Difficulty would only arise if a homosexual chose to express or attempt to exercise his sexual orientation. The same applies to a heterosexual member who makes sexual approaches to a member of the opposite sex.

Micro-Environment: Members of the RCMP have little or no choice as to either the environment, the company they keep or where they will serve. Consequently the RCMP has an obligation to provide a milieu that is acceptable to the majority and to preserve cohesiveness and harmony in the organization. Because of such a milieu, persons having unusual behaviour traits may attempt to inflict their views on others. In the case of homosexual behaviour such practices could lead to incidents of violence.

- . The Commissioner again makes reference to his perceived will of the majority as a basis for denying individual rights to a minority. This goes against current trends in human rights and civil liberties.

- . There is no basis for the assertion that the milieu of the RCMP is conducive towards one member inflicting his unusual sexual behaviour on another.
- . The assumption is made again that homosexuals are primarily sexual creatures and that this sexual orientation intrudes into all aspects of their lives serving as a serious impediment to professional conduct. This prejudicial and inaccurate view completely ignores the fact that the majority of homosexuals lead dignified, productive lives in almost all other areas of Canadian life.

Security: Homosexuals are considered a greater security risk because they may be subject to direct, or indirect, blackmail. Even if the member is open about his sexual orientation, his partner may not be. Homosexual propensities may also be exploited.

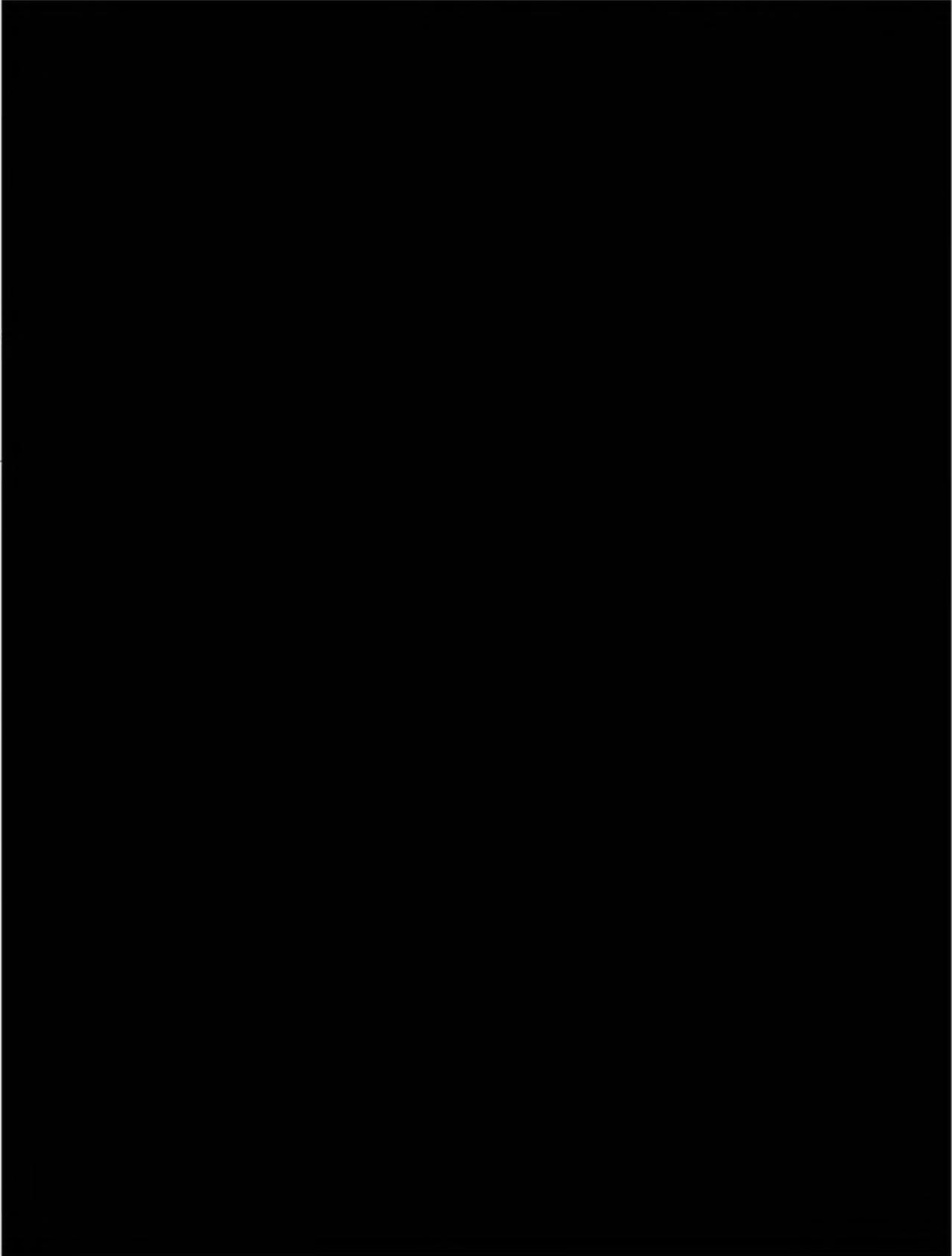
- . The Security Service no longer resides with the RCMP and the policy of the new CSIS agency is to not exclude members because of sexual orientation (i.e. homosexuality in itself is not considered a security risk).
- . An RCMP policy of terminating the service of a homosexual member would greatly increase the potential for blackmail for such a member.
- . "Propensities" which are compulsive in nature, whether they are sexual (homo- or hetero-) or of another variety (eg. drink, gambling, carousing etc.) are equally open to exploitation.

But they do require declaration

Hierarchical Rank Structure: The Commissioner states that the superior-subordinate relationship in the Force could be exploited by a homosexual member enforcing his/her sexual advances on another member.

- . This concern applies equally to heterosexual supervisors in a mixed Force.
- . Sexual advances, between members of the same or different sex, is conduct unbecoming of a member if it is exercised while in a professional capacity.





3) Intangible Factors

Discipline: The Force is a highly structured and closed society and the maintenance of a lifestyle acceptable to the majority is necessary to maintain discipline.

- . No evidence is presented to conclude that discipline, in terms of obedience to orders, is affected by the sexual orientation of the member.

Morale: The Force has historically seen morale, a function of self-image, group cohesion, spirit and other intangible factors, as necessary to accomplish its duties. Morale is easy to destroy and hard to build. The employment of homosexuals would do grave damage to morale.

- . The Commissioner provides no evidence that morale would be harmed by the hiring of homosexuals.
- . From another perspective, the assertion could be made that the arbitrary and capricious discharge of a homosexual could have a harmful effect on morale and the vigorous protection of individual rights could be viewed as beneficial to morale.

Police Acceptance and Recruitment: The public image of the RCMP is of concern, since the engagement of qualified personnel depends on this image. A homosexual member whose sexual orientation is common knowledge would place additional constraints upon the Force. Public acceptance of the police is a difficult task.

- . The Force's reputation is not based on the sexual orientation of its members but on fairness, justice, honesty and a sense of fair play as evidenced by its motto "Maintien le Droit".
- . No evidence exists to support his assumption that the public would react to the presence of homosexuality in the RCMP or that it could be an issue in the forefront of a person's mind in his dealings with the Force.
- . It is clear that, historically, homosexuality has been viewed unsympathetically and that pockets of society continue to maintain prejudicial views towards homosexuals; however, social attitudes are changing with

respect to homosexuals and the ongoing tendency is towards increased acceptance of this orientation.

Self-Image: The RCMP's image of itself and its "esprit de corps" is dependent upon the public's image of the Force. Self-image is important in crisis situations. To engage or retain homosexuals would damage self-image.

- . The observations on the Commissioner's views on morale and public acceptance apply equally to the views expressed with regard to self-image.

Cohesiveness: Cohesiveness is important for the operational efficiency of day-to-day tasking and deployment. The employment of homosexuals would divide the cohesiveness of the Force.

- . In the arguments put forward by the Commissioner, the Force is portrayed as a homogenous, undifferentiated mass where individual differences are not tolerated and a consistent world view is necessary for effective policing. This is simply not the case. The differences of culture, race, religion, language and creed that make up the Canadian mosaic are, and must be, included in the make-up of the Force.
- . It must be acknowledged that while the effects of the sexual orientation of a small minority of RCMP members on the intangible factors such as cohesiveness would be difficult if not impossible to measure, it does not necessarily mean that they would be inconsequential.
- . The fact that most members might find it uncomfortable to work with homosexuals is not in itself a reasonable cause for discriminating against them.
- . The concerns which have been grouped under the heading "intangibles" and to a lesser extent those concerns grouped under the other two headings refer, to a large extent, to events purported to be taking place in the minds of members or the populations they serve. The current tendency in labour relations and management practices is to refer only to the abilities and objective behaviour of individuals and to judge their conduct and/or potential in light of specific job-related duties.