AIDE-MEMOIRE

SUBJECT:

R.C.M.P. POLICY IN RESPECT OF HOMOSEXUAL CONDUCT

Commissioner's Standing Orders

1. C.S.O. ( ) (Unsuitability and Homosexuality - Discharge)

Policy

2. The R.C.M.P. engage, and retain, only such persons as are capable of performing all peace officer tasks that are assigned to them, and whose lifestyles are compatible with a police environment. In the case of homosexuals, it is the considered view of the Commissioner and authorities in the R.C.M.P., that such persons, because of their sexual orientation, create a number of serious problems for the R.C.M.P. which militate against their employment. R.C.M.P. policy in respect of homosexuals is, and remains, that they are not knowingly engaged or retained in the R.C.M.P. as peace officers. This policy, in respect of serving members, is set out in ( ). A member who is to be released from the R.C.M.P. as a result of the application of this Commissioner's Standing Order will normally be honourably discharged under Regulation 74 of the R.C.M.P. Regulations and Section 10(3) of the R.C.M.P. Superannuation Act.

Reasons for Policy

3. Bona fide operational/occupational impediment - Homosexuality presents a bona fide operational impediment in that it is not possible to fully utilize homosexuals to meet the exigencies of the R.C.M.P. The Force has always had a strict policy that except for certain emergencies a male member will not search a female and vice versa. The frequent need to control and search prisoners in police custody provides an intimidating atmosphere where the employment of homosexuals would not be accepted. Force members spend

on how the Force is viewed by potential recruits, and by their relatives and friends. The majority of Canadians are not prepared to accept the idea of homosexuals in the R.C.M.P. and they would not see such an organization as an acceptable or suitable environment for their sons and daughters. The police are a reflection of the community's mores. The public has come to expect a high standard of comportment of the members of its police service. Loss of faith and trust, public repugnance, unwillingness to co-operate and/or associate with members, whose sexual orientation is common knowledge, will more than likely result in placing additional constraints upon the Force to fulfill its already difficult mandate. Public acceptance of the police is undoubtedly one of the most difficult tasks of our profession.

7. Self-Image - The R.C.M.P. has an image of itself which has been determined by how it is viewed in the eyes of the nation, other police forces, and particularly the citizens it serves on a day to day basis. The Force has historically found self-image to be of extreme importance in crisis situations. This "espirt de corps" depends upon self-image and a number of intangible factors. It can be easily destroyed and is extremely difficult to rebuild. To engage or retain homosexuals would do grave damage to the self-image of the R.C.M.P.

8. Security - Experience has shown that homosexuals are at greater risk of being subverted by authorities of foreign countries whose interests are inimical to those of Canada and her allies. Such persons are, either directly or indirectly, subject to blackmail. Even if a homosexual is entirely open about the matter and thereby reducing the risk of direct blackmail, he is still a security risk indirectly because of the involvement of a partner "who may not have come out of the closet" or because the member's propensity may be exploited. Experience, over the years, has demonstrated a degree of vulnerability to blackmail. Prevailing social attitudes make it imprudent to place homosexuals in security sensitive positions.

many hours working with community groups, particularly youth groups, in an effort to engender public support and prevent crime. In addition the presence of homosexuals at isolated postings, in communal life in barracks, on board ship, in the field and other situations where personal privacy is most difficult or impossible, unfortunately always has the potential of leading to physical confrontation toward the homosexual if he should in any way attempt to thrust his tendencies on other members. To permit homosexuals in the Force would adversely affect the operational efficiency of the R.C.M.P.

4. Discipline - Discipline is essential in a police force and a hierarchial rank structure is essential to the maintenance of discipline in an organization required to respond without question on occasions. This requirement for a highly disciplined and structured Force, and for the maintenance within a closed society of a lifestyle acceptable to the vast majority of its members inevitably results in some restriction of personal freedoms. Certain practices which may be tolerated in civilian society may have to be barred in order to meet police requirements. Homosexuality falls within this category and is one such practice.

5. Morale - Morale is seen to be an integral and necessary part of any police force. The R.C.M.P. has historically seen morale, a function of self-image, group cohesion, spirit and a host of intangible factors, as being necessary to accomplish its many duties. Morale can easily be destroyed, and is extremely difficult to rebuild. To engage or retain known homosexuals would do grave damage to morale in the R.C.M.P. and, for that reason alone, such a course of action is unacceptable.

6. Recruitment and Public Acceptance - A primary concern of the R.C.M.P. is, and must be to recruit and retain, disciplined members required to fulfill our policing commitments. The image of the R.C.M.P. in the eyes of the public is of direct concern, since the engagement of qualified personnel depends a great deal

the organization. Because of such a milieu persons having unusual behavioural traits may attempt to inflict their views upon others, and that this may be found offensive to the majority, there is only one method of assuring our members that these rights will be respected. It is possible to prevent the situation where behavioural patterns will cause additional stress, both social and work-related, only by avoiding the employment of homosexuals in the first place. Furthermore, the employment of homosexuals could be most disruptive and lead to incidents of violence against the homosexual. The effectiveness of police service is, more so than any other activity, predicated on strong group cohesion and morale. The employment of homosexuals would be subversive of both.

12. Cohesiveness - The cohesiveness of the R.C.M.P. is of paramount concern in the operational efficiency of day-to-day tasking and deployment. It is an age-old rule that a house divided cannot stand, and the employment of homosexuals would indeed divide the cohesiveness of the Force.

13. Majority Rights - Police forces of the nation have traditionally exhibited a strong abhorrence to homosexual behaviour to a far greater degree than some segments of their corresponding civilian population. The Force adopts a paternalistic relationship to its members and, as such, it endeavours to ensure that the majority are kept happy and that their individual rights will be respected to the greatest degree possible within the Force structure. This is done, in part, by avoiding the employment of homosexuals.

14. Moral Disapproval - The R.C.M.P. encourages and enforces a strict compliance to the accepted moral standards. The mere fact that homosexuality is not a criminal offence when committed in private between consenting adults (over 21) does not involve moral approval of that conduct, and conduct may be scandalous or disgraceful without committing a criminal offence. Consequently, the Force does not wish to employ or retain those males and females who engage in homosexuality.

AGC-4646

9. Hierarchial Rank Structure - Discipline requires a strict and hierarchial rank structure in the R.C.M.P., which places leaders in a dominant position vis-à-vis their subordinates. The operational effectiveness of the Force requires subordinates to obey orders first, unless they are manifestly unlawful, and to question the wisdom of such orders at a later time and through a prescribed procedure. This could create a unique problem pertaining to the use of rank or position to impose or solicit a homosexual relationship upon a subordinate. This is a particularly unwholesome situation where the subordinate is a youthful member of the R.C.M.P., an auxiliary or a summer student. Apart from being socially abhorrent, this would undermine leadership, authority and respect between the ranks, and adversely affect the Force's chain of command.

10. Illegality - Not only is homosexual activity illegal in some countries of the world where members of the R.C.M.P. may be required to serve, but is also illegal in Canada, when involving persons under the age of 21 with or without their consent or when committed in public places. Consequently, as a number of members of the R.C.M.P. at the recruit level, are under the age of 21 years, the Force has a duty to exercise great care so as not to unnecessarily expose them to dangers in this regard. There is also the problem of communal living in barracks, on ships or in patrol cabins. These are clearly not private places, and any homosexual acts committed in such places would in fact be criminal offences. Notwithstanding that certain homosexual activity is not a criminal offence, it may still constitute an offence in the R.C.M.P. under Sec. 25, disgraceful conduct, or Sec. 26, conduct unbecoming, of the R.C.M.P. Act. These offences are contained in the Code of Conduct which forms part of the R.C.M.P. Act, an Act of the Parliament of Canada.

11. Micro environment - The R.C.M.P., unlike most employers, provides, in many instances, a combined working and social milieu. Where employees, in this case members of the R.C.M.P., have little or no choice as to either the environment, the company they keep or where they will serve, the employer, the R.C.M.P., has an obligation to provide a milieu that is acceptable to the vast majority of its employees as well as doing all possible to preserve the cohesiveness and harmony of

dence of homosexuality is when a serving member is the subject of a routine security clearance investigation, which is conducted in accordance with Cabinet Directive #35.

Sexual Orientation - The Canadian Charter of Rights and Freedoms and The Canadian Human Rights Act

15. The Canadian Charter of Rights and Freedoms and The Canadian Human Rights Act do not proscribe sexual orientation as a prohibited ground of discrimination. Even if they prohibited discrimination on the ground of sexual orientation, it is the R.C.M.P. view that such prohibition would not apply to the R.C.M.P., in light of the bona fide occupational requirement which can be demonstrably justified in a free and democratic society.

Detection

16. The R.C.M.P. does not place undue or special emphasis in obtaining information on the sexual orientation of potential or serving members.

a. Potential members - In regard to potential members of the R.C.M.P., Staffing Branch, as part of the screening process, ask questions relating to social activities and social skills, with a view to determining whether there is in existence a personality factor that would hinder the working relationship of the applicant with peers of either sex. No questions are asked that directly relate to sexual orientation unless, in answer to questions posed during the interview, there is an indication that the candidate has shown homosexual tendencies. If the interviewing member believes that such an inclination exists, he may, in his discretion, ask the question directly.

b. Serving members - For serving members, this type of information may surface in the course of an investigation into the complaint of an alleged assault under the Criminal Code or unacceptable conduct under the R.C.M.P. Act. Another time that an investigation may turn up evi-