

**13 FEBRUARY 2004**



**Security Forces**

**ACCESS TO MALMSTROM AIR FORCE BASE:  
DEPENDENTS AND GUESTS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements AFD 31-2, *Law Enforcement*, and establishes policies governing control of dependents and guests of military members and sponsors. The provisions of this instruction apply to all military personnel assigned to 341 Space Wing and subordinate units, and personnel assigned or attached to Malmstrom Air Force Base (MAFB) who authorize family members, dependents and guests access to MAFB.

This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by Title 10 U.S.C. 8013; DoD Directive 7730.47; Air Force Instruction 31-203, and Executive Order 9397. System of Records notice F031 AF SP C, *Complaint/Incident Reports*; **D**, *Field Interview Card*; **E**, *Security Forces Management Information System (SFMIS)*; and **J**, *Serious Incident Reports*. *Privacy Act Request File*, applies. Maintain and dispose of records created as a result of processes prescribed by this instruction in accordance with AFI 37-139, *Records Disposition Schedule*.

**SUMMARY OF REVISIONS**

**This document is substantially revised and must be completely reviewed.**

This instruction now applies to more than just juveniles, it applies to all dependents and guests of military members, regardless of age. This instruction also simplifies the process by doing away with a multi-member board, giving all the duties to the 341 MSG/CD.

**1. SPONSOR RESPONSIBILITIES**

- 1.1. The military sponsor or host is responsible for control of dependents and guests while they are on the installation.
- 1.2. Sponsors are responsible for obtaining a visitor's pass for their guests/visitors. All guests/visitors will have a guest pass in their possession while on base.

1.3. Sponsors are responsible for providing guidance, control, and enforcement of behavior of their dependent(s) and guest(s). Sponsors are also responsible for ensuring that both dependents and guests are aware of the standards of conduct they are expected to maintain. A sponsor's responsibilities include participation in rehabilitative measures and compliance with the Control of Dependents and Guests Decision Authority's (Decision Authority) decisions. A sponsor's response to a dependent's or guest's misconduct can be considered in determining the appropriate disposition of the dependent's or guest's case.

1.4. The Chief, Security Forces is responsible for enforcing this instruction and reporting violations.

## **2. CURFEW**

2.1. Base curfew hours for those under age 18 are 2300-0600, Sunday through Thursday during the school year. Any other time will be 2400-0600. The installation commander may modify curfew hours without notice.

2.2. Parents may grant minor family members permission to exceed curfew hours for special events or employment. Permission to exceed curfew hours should be in writing and carried by the family member. The permission slip will include:

2.2.1. Name, rank, and unit of the sponsor; name and age of the family member; and home telephone number and address of the sponsor.

2.2.2. Date, specific event, extended time limit and any unique information to assist the family member to enter or transit the base after curfew hours.

## **3. LIMITATIONS**

3.1. Minor family members of guests may not use Club Malmstrom unless accompanied by a parent or guardian, or with a group under adult supervision.

3.2. Minor family members or guests may not be in or near dormitories, the flight line, storage, maintenance, or construction areas unless accompanied by their sponsor, an authorized adult, or on a sponsored tour. A parent or guardian must accompany dormitory visitors under the age of 18.

3.3. Family members under 16 years of age may not vouch any guests on to the base. During special events sponsored by a base organization, minors 14 or older may vouch one guest on base if the event calls for minors to attend; i.e., Youth Center dances.

## **4. UNATTENDED CHILDREN**

4.1. Parents and legal guardians, to include baby sitters, must provide children the degree of supervision reasonably prudent and necessary under the circumstances, taking into consideration the child's age, planned activities, and potential dangers.

## **5. VIOLATIONS**

5.1. Violations of this instruction will be documented by Security Forces and reported to the appropriate Malmstrom AFB agency.

5.2. Sponsors will be held responsible for the actions of their guests/visitors and could have their sponsorship privileges revoked if in violation of this instruction.

5.3. Guests or visitors who violate base policies may be barred from base.

## 6. CONTROL OF DEPENDENTS AND GUESTS DIVERSION PROGRAM

6.1. Authority. The authority for this program comes from the 341<sup>st</sup> Space Wing Commander's authority and responsibility for maintaining good order and discipline on Malmstrom Air Force Base.

6.2. Terms Explained:

6.2.1. Guests – Any person who is invited onto the base by a military member for purposes not relating to official military matters.

6.2.2. Military Dependents – The spouse, child, stepchild, ward, or adoptive child of an active duty, reserve, or retired military member.

6.2.3. Misconduct – Any violation of federal, state, or local statute, Air Force Instruction or Regulation, or other conduct prejudicial to good order and discipline on Malmstrom Air Force Base.

6.3. Purpose. The Control of Dependents and Guests Decision Authority (DA) will conduct hearings concerning cases of misconduct by dependents and guests of military members occurring on Malmstrom Air Force Base. Remedial actions resulting from the Board hearings are designed to preserve good order and discipline on Malmstrom Air Force Base, protect persons and property on the installation, and if possible, correct the behavior of the dependents and guests. Those dependents and guests determined to be more serious offenders may be referred to the appropriate civilian authorities.

6.4. Jurisdiction. Unless required by higher regulation or authority, the DA shall have jurisdiction over all misconduct occurring on Malmstrom AFB involving the dependents and guests of active duty or retired military personnel. As the remedies for misconduct set forth in this paragraph are administrative, actions taken in accordance with this paragraph shall not serve as a bar to the exercise of concurrent criminal prosecution of the offender.

6.5. Organization. The 341 MSG/CD shall serve as the Decision Authority in charge of the hearings and will be the final decision maker. As the DA, the 341 MSG/CD may consult with representatives from other agencies deemed appropriate for individual hearings. The purpose of including representatives from other agencies is solely to aid the DA in making his/her decisions. Agency representatives, if invited for consultation or input, will have no voting authority. The DA will be assisted by a Judge Advocate from the 341 SW/JA, as the situation requires, who shall attend hearings for the purpose of advising and assisting the DA with the various legal aspects of the decisions.

6.6. 341 SFS personnel will:

6.6.1. Prepare an AF Form 3545, Incident Report, for each dependent and guest suspected of misconduct and provide a copy of the report to the DA NLT the next business day following an incident.

6.7. 341 SW/JA personnel will:

6.7.1. Obtain additional case information, if required.

6.7.2. Attend the weekly proceedings as needed.

6.7.3. Prepare brief legal summaries and recommendations to the DA at his/her request.

6.7.3.1. These summaries will be maintained by 341 SW/JA personnel as Attorney-Work product and will not be released outside the USAF.

#### 6.8. The DA will:

6.8.1. Issue a letter to suspected offenders and their sponsors after receiving and reviewing and AF Form 3545 informing them of the diversion program and the location, date and time they will appear for a hearing. (See [Attachment 1](#))

6.8.2. Designate a regular weekly time and place for Board hearing as needed in order to provide swift resolution of misconduct cases.

6.8.3. Reschedule any dependent or guest and their sponsor who cannot attend a hearing for good cause. The DA will determine good cause.

6.8.4. Schedule weekly meetings to provide swift resolution of misconduct cases. The DA will publish the day and time of the weekly meeting, and thereafter publish any changes to the regular meeting time.

6.8.5. Conduct hearings in which he/she will review the evidence presented to him/her prior to the hearing, and any evidence offered in extenuation or mitigation by the offender or their sponsor at the hearing.

6.8.6. Present his/her findings and impose administrative actions(s):

6.8.6.1. The DA may make a decision concerning the imposition of administrative action either at the conclusion of the hearing, or by written notification within a reasonable time after the date of the hearing. Notice of the administrative action to be taken will be mailed to the party upon whom it will be imposed.

6.8.6.2. The DA may consult with any wing agency, any individual involved in the incident, any person in the command structure of the sponsor, or any other base personnel he/she feel necessary in coming to his/her decision.

6.8.7. Sign all documentation acknowledging the remedial action. In addition to the DA, the dependent(s), guest(s) and their sponsor will sign all documentation acknowledging the remedial action.

6.8.8. Ensure dependents and guests complete remedial actions.

6.8.9. Serve as liaison for base agencies, Malmstrom personnel and their dependents, and local authorities and agencies.

6.8.10. The DA may forward the file to the Staff Judge Advocate Office for a legal review/opinion.

#### 6.9. Hearing Procedures.

6.9.1. Formal rules of evidence shall not apply. Dependents or guests and their sponsor shall have the opportunity to present any evidence in mitigation or extenuation.

6.9.2. Findings of misconduct will be based on a preponderance of the evidence.

#### 6.10. Administrative sanctions.

6.10.1. When selecting administrative sanctions, the following apply:

6.10.1.1. The level of administrative sanctions should be evaluated in light of the offender's age, prior record (combination of offenses, series of offenses, character of other offenses, and

recency of other offenses), connection to the installation, the seriousness of the misconduct, deliberateness of the misconduct, defiance of authority, discourteous conduct, influencing others into misconduct, the presence or absence of parental guidance and discipline, the availability of community agencies to support any corrective actions, sanctions used in like cases, adverse impact upon the Air Force, circumstances and the effect the misconduct has had on victim(s), and corrective rehabilitative potential of a contemplated sanction. The following favorable factors may justify less severe administrative sanctions: possibility of genuine misunderstanding, enticements and provocations, personal reputation, past contributions, record of cooperativeness, actions already taken by the sponsor, and record of achievements. Failure to cooperate with the Board will be heavily weighed in determining the sanction to be imposed.

6.10.1.2. The selected sanction must bear a rational relationship to the misconduct. For example, a privately owned vehicle (POV) operator's license may be suspended or revoked for misconduct involving use of a motor vehicle. Such sanction should not be used for abuse of a Commissary or AAFES privilege, unless the use of the motor vehicle is directly related to the abuse/violation.

6.10.2. The following are examples of administrative sanctions the DA may take or direct in appropriate cases. The following list is not all inclusive or exhaustive, and is meant to serve only as an example of the types of actions that may be taken.

6.10.2.1. No action

6.10.2.2. Oral Counseling

6.10.2.3. Referral of offender or offender's family to an agency for counseling

6.10.2.4. Restriction of Freedom of Travel on Malmstrom Air Force Base

6.10.2.5. Community Service. Dependents and Guests may be given community service hours. Community Service will be coordinated through 341 SVS. It will be the responsibility of the individual or sponsor to be at the location designated for the completion of community service obligations. Community Service will be age-appropriate based on the underlying conduct of the dependent or guest.

6.10.2.6. Loss of Privileges. Dependents and Guests may lose privileges on Malmstrom Air Force Base such as use of and entry into recreation centers, youth activities, gyms, bowling alleys, theaters, etc., and any and all retail outlet facilities, to include snack bars, cafeterias. Extent of loss of privileges will be based on the circumstances of each case, and whenever possible, relate to the nature of the misconduct.

6.10.2.7. Barment or Termination of Military Housing Privileges. A recommendation of this type of sanction will be forwarded to the 341 SW/CC and 341 SW/JA. Recommendation of loss of military housing privileges will be additionally forwarded to the housing authority.

6.10.2.8. Suspension or revocation of driving privileges IAW AFI 31-204

6.10.2.9. Other appropriate action as the President may recommend.

6.11. Appeals Process. If the dependent or guest and their sponsor have new, relevant information indicating innocence, showing mitigating circumstances, or personal/family hardship not considered in the initial action, they may submit an appeal to the DA in writing for reconsideration. Appeals must

be submitted within 7 calendar days of the adverse action imposition. Exceptions to the 7-day deadline may be granted by the DA for good cause. Appeals involving barment or termination of military family housing privileges will be forwarded to the 341 SW/CC.

6.12. Records. The records will be maintained by the DA for a period of three years. Records will be kept confidential.

C. DONALD ALSTON, Colonel, USAF  
Commander

**Attachment 1****NOTIFICATION AND EXPLANATION OF DIVERSION, AGREEMENT TO PARTICIPATE**

It has come to my attention that (name of dependent or guest) has been involved with conduct prejudicial to good order and discipline on Malmstrom Air Force Base. (Name of Dependent or guest) did, on or about ( Date ) , (explanation of activity accused of doing).

As a result of this conduct, you, (name of sponsor), and (dependent or guest) will appear before me on (date, time and location) to participate in the Control of Dependents and Guests Diversion Program. Failure to appear may result in your case being referred to the appropriate civilian authorities for further action.

A diversion program is a different way of dealing with dependents and guests who have been accused of committing an offense. You do not go to Court and there is no trial before a judge. Diversion is a chance for you to show that you want to avoid future criminal acts.

To enter the program, you must sign this diversion agreement. A diversion agreement is a contract between you and the Decision Authority that may require you to do certain things, such as perform community service or make restitution. However, you cannot be placed in detention. You do not have to enter into the diversion program, but failure to do so may result in the case being referred to the appropriate civilian court for further action. The diversion agreement will be part of your record on base, but does not count as a criminal conviction.

You will be officially entered into the program when you and the Decision Authority sign this form during your initial appearance.

Failure to cooperate in this matter may be grounds for barment and/or termination of military family housing privileges.

**I agree to enter into the Control of Dependents and Guests Diversion Program and to abide by the decisions of the Decision Authority.**

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**Sponsor Signature**


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**Date**


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**Dependent/Guest Signature**


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**Date**

**I accept your decision to enter into the Control of Dependents and Guests Diversion Program.**

<hr/> <b>Decision Authority</b>	<hr/> <b>Date</b>
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cc. Sponsor's Group CC  
Sponsor's Squadron CC  
JA

**Attachment 2**

**SAMPLE DISCIPLINARY LETTER – FREEDOM OF TRAVEL**

MEMORANDUM FOR (Sponsor’s Organization)

ATTN: Dependent or Guest’s Name c/o Sponsor’s Name

From: Decision Authority

Subject: Dependent or Guest Misconduct

1. It has been reported to me, on (date of incident), you were detained by law enforcement officials for an incident concerning (name of offense). You (summarize who, what, when, where, how & why of incident and what regulation/statute/policy violated).
  
2. To ensure that positive action is taken in all cases of dependent and guest misconduct taking place on Malmstrom Air Force Base, as well as to ensure our military community is a pleasant place in which to live, I have been charged with the responsibility to review cases and to take appropriate corrective action.
  
3. As a result of your misconduct and poor judgment, I am limiting your access to Malmstrom AFB facilities for (# of day) following receipt of this letter. You will henceforth not be found in any of the base facilities unless you are in the company of your sponsor, except when proceeding directly to and from school, work, or when you must seek necessary medical treatment.
  
4. This letter will also serve to advise your sponsor that I will look to them personally to enforce the restriction that has been imposed on you. If there is a breach of the restriction or any involvement on your part in an incident of like nature, you will be dealt with by more stringent action. Continued misconduct could result in barment or prosecution
  
5. You and your sponsor will acknowledge receipt and understanding and return the original copy of this letter to my office.

Signature Block

Receipt and understanding acknowledged on \_\_\_\_\_.

\_\_\_\_\_  
 Sponsor’s Name, Rank, USAF  
 Signature

\_\_\_\_\_  
 Dependent or Guest’s Name  
 Signature

cc: Sponsor’s Commander

**Attachment 3****SAMPLE SHOPLIFTING LETTER**

MEMORANDUM FOR (Sponsor's Organization)

ATTN: Dependent or Guest's Name c/o Sponsor's Name

From: Decision Authority

Subject: Dependent or Guest Misconduct

1. On (date of incident) you (dependent/guest) was detained at (facility name) for shoplifting. Any incident of shoplifting is considered a serious matter and as such, will be dealt with appropriately.
  
2. As a result of this incident, I have deemed it appropriate to withdraw (name of dependent/guest)'s Exchange and Commissary privileges for (duration of sanction). If not already done, you will proceed to (applicable personnel office) to execute an application for a family member ID card, reflecting this withdrawal of privileges. You will accomplish this action within two weeks from the date of receipt of this letter. You will then return to this office with this letter properly indorsed by your local Pass and Registration Office.
  
3. You are hereby warned you (dependent/guest) is not to enter nor be found within the confines of any AAFES or commissary facility. This restriction includes all the exchanges, theaters and cafeterias in Malmstrom Air Force Base. Violation of this restriction could result in permanent revocation of your family member's privileges. I trust you will impress upon your (dependent/guest) the seriousness of (his/her) misconduct and that there will be no recurrences.
  
4. If you have new relevant information proving innocence, showing mitigating circumstances, or personal/family hardship not considered in the initial action, you may submit an appeal in accordance with 341 Space Wing Instruction 31-202.

Signature Block

Receipt and understanding acknowledged on \_\_\_\_\_.

\_\_\_\_\_  
Sponsor's Name, Rank, USAF

Signature

\_\_\_\_\_  
Dependent or Guest's Name

Signature

Pass and Registration Verification \_\_\_\_\_

cc: Sponsor's Military Commander, Servicing Personnel Unit/Records Section

**Attachment 4**

**SAMPLE RESTITUTION LETTER**

MEMORANDUM FOR (Sponsor's Organization)

ATTN: Dependent or Guest's Name c/o Sponsor's Name

From: Decision Authority

Subject: Dependent or Guest Misconduct

1. I have found that (name of dependent/guest) was involved in an incident on (date of incident) concerning (name of offense). (He/She) (describe the who, what, where, when, why, & how and regulation/statute/policy violated). As a result of this behavior, (describe property damaged), which cost \$ \_\_\_\_\_ to (repair/replace/clean up).

2. As a result of the above damage, you are to pay restitution in the amount of \$ \_\_\_\_\_ to (name of organization to which the restitution will be paid). You will have (number of weeks or months) to make a full restitution.

3. You will provide proof to me that the restitution has been completely paid, by returning this letter with the appropriate signatures.

Signature Block

Receipt and understanding acknowledged on \_\_\_\_\_.

\_\_\_\_\_  
Sponsor's Name, Rank USAF  
Signature

\_\_\_\_\_  
Dependent/Guest  
Signature

Restitution was made in the amount of \_\_\_\_\_.

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Agency Official's Name

Signature

cc: Sponsor's Commander

**Attachment 5**

**SAMPLE COMMUNITY SERVICE LETTER**

MEMORANDUM FOR (Sponsor's Organization)

ATTN: Dependent or Guest's Name c/o Sponsor's Name

From: Decision Authority

Subject: Dependent or Guest Misconduct

1. I have found that your (dependent/guest), (name of dependent/guest), was involved in an incident on (date of incident) concerning (name of offense). (He/She) (describe who, what, where, when, why & how of incident and regulation/statute/policy violated).

2. (Name of dependent or guest) is hereby assigned to perform community service for (number of community service hours/number of weeks). (He/She) will report to (name of community service supervisor and building # and room#), on (date to start), at (time to start). Be sure (name of dependent or guest) dresses appropriately for the work to be performed.

3. Upon completion of the required community service, you will return this letter with the signature of the person overseeing the community service and the actual hours completed.

Signature Block

Receipt and understanding acknowledged on \_\_\_\_\_.

\_\_\_\_\_  
Sponsor's Name, Rank USAF

Signature

\_\_\_\_\_  
Dependent/Guest

Signature

I verify that the required community service was completed.

_____ Supervisor and Organization Signature	_____ Date	_____ Hours Completed
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cc: Sponsor's Commander