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Security

**ARMED FORCES DISCIPLINARY
CONTROL BOARD**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements **Air Force Joint Instruction (AFJI) 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations***, and prescribes procedures for the establishment, operation, and coordination of the Armed Forces Disciplinary Control Board (AFDCB). This instruction does not address the use of off-installation liaison and operations. This instruction applies to all personnel assigned to the 45th Space Wing (45 SW) and subordinate units, and personnel assigned or attached to, or supported by, Patrick Air Force Base (PAFB), Cape Canaveral Air Force Station (CCAFS), and downrange annexes.

Military personnel who violate the specific prohibitions and requirements contained in paragraph **9**. and all of its subparagraphs can be prosecuted under Article 92 of the Uniform Code of Military Justice (UCMJ), or any other applicable article of the UCMJ, as appropriate.

This instruction is affected by the Privacy Act of 1974. It requires maintenance of a system of records under the authority of 10 U.S.C. § 8013. All forms contain a Privacy Act statement.

SUMMARY OF REVISIONS

This is the initial publication of this instruction. This publication aligns procedures with Air Force guidance.

1. Authority. The 45 SW Commander is responsible for maintaining the health, safety, morals, welfare, morale and discipline of 45 SW personnel and their families. To carry out this responsibility, the 45 SW commander is authorized under AFJI 31-213 to declare establishments, businesses and areas “off-limits” to 45 SW personnel where there exists sufficient cause to believe that service members may be exposed to or victimized by crime-conducive conditions.

2. Purpose. The AFDCB is a cross-service organization whose purpose is to assist the 45 SW Commander in eliminating undesirable conditions and situations that may adversely affect the health, safety,

morals, welfare, morale and discipline of 45 SW personnel and their families. The goal of the AFDCB is correction of the deficiency by the off-base establishment, business or area. However, when the deficiency is not or cannot be corrected, the AFDCB may recommend to the 45 SW Commander to place the establishment, business or area "off-limits" to military personnel.

3. Board Composition. The 45th Misson Support Group Deputy Commander (45 MSG/CD) is the AFDCB president. Duties of the president include scheduling and presiding at all AFDCB meetings. The following are designated as members of the board:

- 3.1. The 45 SFS/CC or designee.
- 3.2. AFOSI, Det 802.*
- 3.3. The 45 SW/IG.
- 3.4. The 45 SW/JA.
- 3.5. The 45 MDG/CC or designee.
- 3.6. The 45 CES/CC or designee.
- 3.7. The 45 SW/PA.
- 3.8. The 45 SW/ME.
- 3.9. The 45 SW/SE.
- 3.10. The 45 SW/HC.
- 3.11. First Sergeants Council President.

NOTE: An asterick (*) indicates non-voting member.

4. Responsibilities of the Board.

- 4.1. The AFDCB functions under the supervision of a president and serves all military personnel and family members at or near PAFB, CCAFS and downrange annexes.
- 4.2. The AFDCB studies and takes appropriate action on all reports of conditions considered detrimental to the health, safety, morals, welfare, morale and discipline of Armed Forces personnel and families. These activities include, but are not limited to, prostitution, sexually transmitted disease, liquor violations, racial and other discriminatory practices, alcohol and drug abuse, drug abuse paraphernalia, criminal or illegal activities involving cults or hate groups, illicit gambling and areas susceptible to terrorist activity.
- 4.3. The board meets as often as determined by the 45 SW Commander or AFDCB president. This may be quarterly or as situations dictate, such as an area or establishment being placed in a temporary off-limits status. The AFDCB president may specify whether the meetings will be open or closed. Normally proceedings are closed, but may be open to the public when circumstances warrant.
 - 4.3.1. Special meetings may be called by the president of the board.
 - 4.3.2. A majority of voting members constitutes a quorum for board proceedings.
 - 4.3.3. AFDCB proceedings are not adversarial in nature.

4.4. The AFDCB should coordinate with appropriate civil authorities on problems or adverse conditions in the board's area of jurisdiction.

4.4.1. Participation by civil agencies or individuals is highly encouraged. They may be invited as observers or witnesses in accordance with **paragraph 7**, when they are aware of problem areas within the board's jurisdiction.

5. Complaints.

5.1. All active duty military personnel and their family members are encouraged to file with the AFDCB suitable complaints they may have against off-base establishments and businesses. Persons with complaints about off-base establishments or businesses should put the complaint in writing and attach any relevant documents.

5.2. A complaint form is found at **Attachment 1**.

6. The Legal Advisor.

6.1. An Assistant Staff Judge Advocate will serve as Legal Advisor to the AFDCB. An enlisted member in the paralegal career field can assist with all duties of the Legal Advisor, except providing advise on legal matters.

6.2. The Legal Advisor will:

6.2.1. Provide an agenda and any relevant complaints to each voting member at least 72 hours prior to the meeting.

6.2.2. Ensure records, minutes, and correspondence are prepared and distributed to board members and others, as appropriate.

6.2.3. Maintain records of board proceedings as prescribed by applicable records management policies and procedures.

7. Attendance Of Observers Or Witnesses. The board may invite other military or civilian persons or organization representatives as witnesses or observers if they are necessary or appropriate to the board proceedings. These visitors may assist in addressing installation or command issues, but will not vote on any action or procedure. Invited witnesses and observers will be listed in the minutes of the meeting.

8. Minutes.

8.1. Minutes will be prepared in accordance with **Attachment 2**. The written minutes of AFDCB meetings will constitute the official record of the AFDCB proceedings. Verbatim transcripts of board meetings are not required. The reasons for approving or removing an off-limits restriction, to include a complete address of the establishment or area involved, should be indicated in the order of business. In addition, the AFDCB's action will be shown in the order of sequence of actions taken. A change in the name of an establishment or area in an off-limits restriction will also be included.

8.2. Distribution of the minutes of AFDCB meetings will be limited to the 45 SW Commander and each voting member. Civilian and military observers and witnesses, if deemed appropriate, may also receive a copy. Civilian and government agencies that have interest in the functions of the board may receive a copy if deemed appropriate.

8.3. AFDCB minutes are subject to release and disclosure in accordance with applicable regulations and directives.

8.4. Minutes and recommendations of the board will be forwarded to the 45 SW Commander for approval.

9. Off-Limits Establishments and Areas.

9.1. Service members are prohibited from entering establishments or areas declared off-limits in accordance with this instruction. Violations may subject the member to disciplinary action under Article 92 of the Uniform Code of Military Justice (UCMJ), or any other applicable article of the UCMJ, as appropriate. Family members of service members and others associated with the service or installation should be made aware of the off-limits restrictions.

9.2. Off-limits restrictions should be invoked only when there is substantive information indicating that an establishment or area frequented by Armed Forces personnel presents conditions that adversely affect their health, safety, morals, welfare, morale and discipline. It is essential the board does not act arbitrarily. Actions must not be of a punitive nature. The board should work in close cooperation with local officials and proprietors of business establishments and seek to accomplish their mission through mutually cooperative efforts.

9.3. When the board concludes that conditions adverse to Armed Forces personnel do exist, the AFDCB will send a written notice (**Attachment 3**), via certified mail-return receipt requested, to the individual or business responsible for the alleged condition or situation. The AFDCB will specify a reasonable amount of time for the condition or situation to be corrected, along with the opportunity for the individual or business to present any relevant information to the board. If subsequent investigation reveals the responsible individual or business has failed to take corrective action, the board will recommend the imposition of the off-limits restriction.

9.4. If the proprietor takes remedial action to correct undesirable conditions previously noted, the board should send a letter of appreciation (**Attachment 4**) recognizing this cooperation.

9.5. If undesirable conditions are not corrected, the proprietor will be invited to appear before the AFDCB to explain why the establishment should not be placed off-limits (**Attachment 5**). Any proprietor may designate in writing a representative to appear before the board on his or her behalf.

9.6. In cases where proprietors have been invited to appear before the board, the president of the board may perform the following:

9.6.1. Prior to calling the proprietor, review the findings and decision of the previous meeting, call for inspection reports, and allow those present to ask questions and discuss the case.

9.6.2. When the proprietor or the representative is called before the board, the proprietor will be presented a brief summary of the complaint concerning the establishment. Afford the proprietor an opportunity to present matters in defense. Invite those present to question the proprietor. After the questioning period, allow the proprietor the opportunity to make a final statement before being dismissed.

9.7. Deliberations on recommended actions will be in closed session, attended only by board members and other persons as determined by the 45 SW Commander or the AFDCB president.

9.8. The board should recommend an off-limits restriction only after the following:

- 9.8.1. The letter of notification has been sent.
- 9.8.2. An opportunity for the proprietor to appear before the board has been extended.
- 9.8.3. Further investigation indicates improvements have not been made.
- 9.9. The minutes will indicate the AFDCB's action in each case. When a recommendation is made to place an establishment off-limits, the minutes will show the procedural steps followed in reaching the decision.
- 9.10. Recommendations of the AFDCB will be submitted to the 45 SW Commander for approval or disapproval. The 45 SW Commander's final determination on the board's recommendations will then be forwarded to the AFDCB president.
- 9.11. Upon approval of the AFDCB's recommendations, the president will write the proprietor that off-limits restriction has been imposed (**Attachment 6**).
- 9.12. Where sufficient cause exists, commanders may temporarily declare establishments and areas temporarily off-limits to personnel of their respective commands in emergency situations. Detailed justification for this emergency action will be provided to the AFDCB and acted upon as a first priority.
- 9.13. The 45 SW Commander will cause a list of off-limits establishments and areas to be published using command and media channels.

10. Removal Of Off-Limits Restrictions.

- 10.1. No time period should be established for how long an off-limits restriction will remain in effect. The adequacy of the corrective action taken by the proprietor of the establishment must be the determining factor in removing the off-limits restriction. As a matter of policy, a change of ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.
- 10.2. Removal of an off-limits restriction requires AFDCB action. Proprietors of establishments declared off-limits should be advised that they may submit to the president of the AFDCB at any time a petition to remove off-limits restrictions. The petition must be in writing and include a detailed report of action taken to eliminate the condition or situation that caused imposition of the restriction. The president of the AFDCB may direct an investigation to determine the status of the corrective actions noted in the petition. The board will either recommend the removal or continuation of the off-limits restriction to the 45 SW Commander based on the results of the investigation. A letter of notification for continuance of the off-limits restriction should be sent to the proprietor if the AFDCB does not remove the off-limits restriction (**Attachment 7**). The proprietor may further appeal to the 45 SW Commander.
- 10.3. When the board learns the proprietor has taken adequate corrective measures, the AFDCB will take the following actions:
 - 10.3.1. Discuss the matter at the next meeting and make appropriate recommendations.
 - 10.3.2. Forward a recommendation for the removal of the off-limits restriction to the 45 SW Commander. If approved, a letter removing the restriction (**Attachment 8** or **Attachment 9**) will be sent to the proprietor.

10.3.3. The minutes will reflect action taken.

11. Public Affairs.

11.1. Due to the sensitive nature of the subject matter, there will not be a media release in connection with AFDCB meetings. However, any AFDCB proceeding which is open to the public will also be open to representatives of the news media. Representatives of the news media will be considered observers, and will not participate in matters considered by AFDCB.

11.2. News media interviews and releases will be handled through the Public Affairs office according to applicable service regulations.

J. GREGORY PAVLOVICH, Brigadier General, USAF
Commander

Attachment 1

AFDCB COMPLAINT

FROM: _____
(Your Name/Rank)

(Address)

Duty Phone _____ Home Phone _____

SUBJECT: Complaint - RE: _____
(Name of Establishment)

TO: 45th Space Wing Armed Forces Disciplinary Control Board
45 MSG/CD
Patrick AFB FL 32925

1. Name, address and phone number of the establishment, business, organization, club, etc., with which you have a complaint.
2. Type of complaint (racial discrimination, consumer, housing, etc.).
3. Date of incident(s).
4. Name(s) and position or title of the individual(s) representing the establishment.
5. Did you enter into a contract with the establishment? _____.
If yes, on what date? _____. Please attach a legible photocopy of your contract to your complaint.
6. Significant facts (Use separate sheet if necessary).
7. What relief do you want from the establishment and/or what condition do you believe should be corrected?

Signature/Date

Attachment 2**SAMPLE OF AFDCB MINUTES**

Date

MEMORANDUM FOR *(xx)*

FROM: *(xx)*

SUBJECT: Armed Forces Disciplinary Control Board

1. Pursuant to authority contained in AFJI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, the 45th Space Wing Armed Forces Disciplinary Control Board convened at *(place)*, *(date)*.
2. The following voting members were present: *(list names, titles, and addresses)*.
3. The following military members were present: *(list names, titles, and addresses)*.
4. The following civilian observers or witnesses were present: *(list names, titles, and addresses)*.
5. Order of business:
 - a. Call to order.
 - b. Welcome.
 - c. Introduction of members and guests.
 - d. Explanation of purpose of board.
 - e. Reading of minutes.
 - f. Unfinished business.
 - g. New business.
 - h. Closed deliberations session.
 - i. Recommendations.
 - (1) List of areas and establishments being placed in an off-limits restriction. Include complete name and address (or adequate description of an area) of any establishment.
 - (2) List of areas and establishments being removed from off-limits restrictions. Include complete name and address (or adequate description of an area) of any establishment listed.
 - (3) Other matters or problems of concern.

- j. Time, date, and place for next board meeting.
- k. Adjournment of the board.

(Legal Advisor's name)

(Rank, branch of service)

Legal Advisor, Armed Forces Disciplinary Control Board

Approved:

(Board President's name)

(Rank, branch of service)

President, Armed Forces Disciplinary Control Board

Attachment 3**AFDCB LETTER OF NOTIFICATION SAMPLE**

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

It has come to the attention of the Armed Forces Disciplinary Control Board (AFDCB) that certain conditions reported at your establishment may adversely affect the health, safety, morals, welfare, morale and discipline of members of the Armed Forces.

The AFDCB is initiating action to determine whether your establishment (*area*) should be placed off-limits to members of the Armed Forces if (*cite conditions*) are not corrected by (*date*). A representative of the AFDCB will visit your establishment to determine if steps have been taken to correct the conditions outlined above.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.

Attachment 4

AFDCB LETTER OF APPRECIATION SAMPLE

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

This is in reference to my letter of (*date*) concerning the conditions reported at your establishment that adversely affected the health, safety, morals, welfare, morale and discipline of members of the Armed Forces.

The Board appreciates your action to correct the condition previously noted and does not contemplate further action with respect to this specific matter.

Your continued cooperation is appreciated.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.

Attachment 5**AFDCB LETTER OF INVITATION SAMPLE**

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

This is in reference to my letter of *(date)* concerning the conditions reported at your establishment that adversely affected the health, safety, morals, welfare, morale and discipline of members of the Armed Forces. Information has been received by the board which indicates you have not taken adequate corrective action to eliminate the reported condition.

Reports presented to the Armed Forces Disciplinary Control Board (AFDCB) indicate *(list and describe conditions)*.

You are advised that the AFDCB will initiate action to determine whether your establishment should be declared off-limits to members of the Armed Forces.

You may appear in person, with or without counsel, before the AFDCB at its next scheduled meeting on *(date, time, and place)*. At that time, you will have the opportunity to refute the allegation, or to inform the board of any remedial action you have taken or contemplate taking to correct the condition. It is requested you inform the President of the AFDCB if you plan to attend.

Any questions regarding this matter may be addressed to Colonel Doe, (*address*). Every effort will be made to clarify the matter for you.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.

Attachment 6**AFDCB OFF-LIMITS APPROVAL LETTER SAMPLE**

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

This letter is to inform you that your establishment has been declared off-limits to members of the Armed Forces effective (date). Members of the Armed Forces are prohibited from entering your establishment (premises) as long as this order is in effect. This action is being taken because of (state the conditions) which are detrimental to the (health, safety, morals, welfare, morale or discipline) of members of the Armed Forces.

This restriction will remain in effect indefinitely in accordance with established Armed Forces policy.

Removal of the restriction will be considered by the Armed Forces Disciplinary Control Board upon presentation of information that satisfactory corrective action has been taken.

Correspondence appealing this action may be submitted to the President, Armed Forces Disciplinary Control Board, 1225 Jupiter Street, Bldg 425, Patrick AFB FL 32925.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.

Attachment 7**AFDCB LETTER OF NOTIFICATION AND CONTINUANCE OF OFF-LIMITS
RESTRICTIONS AFTER APPEARANCE BEFORE THE AFDCB SAMPLE**

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

The Armed Forces Disciplinary Control Board (AFDCB) did not favorably consider your request for removal of the off-limits restriction now in effect at your establishment.

This decision does not preclude further appeals or appearances before the AFDCB at any of its scheduled meetings. Correspondence pertaining to this matter should be addressed to the President, Armed Forces Disciplinary Control Board, 1225 Jupiter Street, Bldg 425, Patrick AFB FL 32925.

Correspondence appealing this action may be submitted to the President, Armed Forces Disciplinary Control Board at the above address.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.

Attachment 8

AFDCB LETTER OF REMOVAL OF OFF-LIMITS RESTRICTION SAMPLE

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

This letter is to inform you that the off-limits restriction against (*name of establishment*) is removed effective (*date*). Members of the Armed Forces are permitted to patronize your establishment as of that date.

The corrective actions taken in response to the concerns of the Armed Forces Disciplinary Control Board are appreciated.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.

Attachment 9**AFDCB NOTIFICATION OF REMOVAL OF OFF-LIMITS RESTRICTION SAMPLE**

(Letterhead)

Date

Lt Col John J. Doe
President, Air Force Disciplinary Control Board
1225 Jupiter Street, Bldg 425
Patrick AFB FL 32925

Mr. Walter J. Jones
1234 Main Street
Melbourne FL 32935

Dear Mr Jones

This letter is to inform you that your request for removal of the off-limits restriction now in effect at (*name of establishment*) was favorably considered by the Armed Forces Disciplinary Control Board (AFDCB).

This restriction will be removed effective (*date*). Members of the Armed Forces will be permitted to patronize your establishment as of that date.

The corrective actions taken in response to the concerns of the AFDCB are appreciated.

Sincerely

JOHN J. DOE, Lt Col, USAF

NOTE: Use certified mail, return receipt requested.