



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON HUMPHREYS
UNIT #15228
APO AP 96271-5228

IMHM-ZA

24 July 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison Humphreys Policy Letter #38, Armed Forces Disciplinary Control Board (AFDCB)

1. The proponenty for this policy is the Civilian Misconduct Officer (CMO), USAG-H.

2. This policy is effective immediately. It remains in effect until rescinded or superseded.

3. Composition of the AFDCB.

a. The AFDCB is comprised of the following members or designated representative. Voting members are identified by **(BOLD*)**.

- (1) **Deputy to the Garrison Commander – AFDCB President ***
- (2) Staff Judge Advocate
- (3) Osan Judge Advocate
- (4) **Staff Chaplain ***
- (5) **Public Affairs Officer ***
- (6) **Community Health Officer ***
- (7) **Alcohol/Drug Control Officer ***
- (8) **Director of Plans, Training, Mobilization and Security ***
- (9) **FRPM/AER Officer ***
- (10) **Director of Emergency Services (DES) ***
- (11) **Unit Representative (rotating invitation) ***
- (12) Recorder - as appointed by AFDCB President
- (13) Guests, observers or witnesses as invited

b. Voting members are expected to exercise their expertise and unbiased judgment and not be influenced by rank or the rating chain of any other voting members. A majority of voting members will represent a quorum.

c. Mission Commanders or their representatives are encouraged to participate in all AFDCB meetings.

4. Responsibilities.

a. Area III Commander:

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(1) Serves as the sponsoring commander and convenes the AFDCB.

(2) Promulgates the AFDCB's implementing directives, approves or disapproves the minutes and recommendations of the AFDCB, publishes and distributes a list of "Off-limits" establishments and areas, and ensures that proprietors are notified of any unfavorable actions being contemplated or taken regarding their establishments.

b. Area III Mission Commanders:

(1) Exercise positive leadership and monitor the local area and establishments for adverse conditions or situations affecting their unit members and Families.

(2) Work to resolve problems at the local level and report problems or concerns to the DES and present reports of problems, allegations, and/or other issues at AFDCB meetings.

(3) Immediately notify the DES or Provost Marshal if an emergency off-limits action has been imposed or should be imposed.

(4) Coordinate off-limits actions with the Area III Commander, recognizing the potential of severe adverse impact on community relations.

c. President of the AFDCB: The Deputy to the Garrison Commander, USAG Humphreys, is appointed as President of the AFDCB and votes as a member of the AFDCB. The President presides at all meetings of the AFDCB and signs correspondence, implementing directives, and administrative actions of the AFDCB.

d. DES:

(1) Receives routine notifications from Mission Commanders and reports them to the AFDCB President within three (3) duty days.

(2) Receives emergency notifications from Mission Commanders and reports them to the Garrison Commander and Deputy to the Garrison Commander, immediately. Upon approval from Garrison Commander, takes appropriate actions to enforce off-limits actions.

(3) Initiates investigations of complaints using assigned Military Police Investigators (MPI).

(4) Notifies the AFDCB President of any mission unit notifications of incidents within three (3) duty days and present follow-on reports of investigations no later than

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30 days from the original complaint notification. Extensions to this time requirement must be approved by the AFDCB President in writing.

(5) Enforces routine and emergency off-limits actions within Area III.

e. USAG Humphreys & Area III Administrative Law Division: Provides legal advice to the AFDCB and the AFDCB President and conducts legal reviews of all MPI investigations and resulting AFDCB recommendations and accompanying MPI investigation. Conducts a legal review of all notifications and decisions.

f. Community Relations Officer or as appointed by the President AFDCB: Assists commanders and the AFDCB in resolving problems to include translation verification. Provides translation of all written correspondence between the AFDCB or Area III Commander and the local establishment or business.

g. Recorder:

(1) Appointed by the AFDCB President.

(2) Serves as the AFDCB Recorder at the AFDCB meetings and prepares correspondence for the AFDCB President's signature. Ensures deliverance of formal written correspondence between the Garrison Commander and proprietors or interested persons in the community.

(3) Prepares an agenda for each regular meeting of the AFDCB and notify each AFDCB member in advance of each regular meeting.

(4) Makes timely notification to each AFDCB member for each emergency meeting.

(5) Maintain current records and files pertaining to the operations and actions of the AFDCB.

(6) Prepares all notifications memorandum for the President of the AFDCB and all decision memorandums for the Area III Commander's signature.

(7) Delivers all official correspondence to the local establishment or business. Provides oral translation during all the AFDCB proceedings.

(8) Notifies HHQs of all off-limits actions. Additionally, notify all Garrison Directorates, Support Offices, and Mission Units with off-limits actions.

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5. Procedures.

a. Meetings:

(1) Regular AFDCB meetings will be held quarterly unless directed otherwise by the Area III Commander. It is within the discretion of the Commander to determine whether a meeting shall be closed or open to the public. Normally, proceedings are closed, but may be open to the public when circumstances warrant. Announcement of open meetings shall be made via appropriate venue.

(2) Emergency or special meetings of the AFDCB will be called by the President of the AFDCB when he/she is advised of conditions that warrant consideration.

(3) Routine meetings, when and as needed, will be announced to the AFDCB members through electronic media (e-mail) and/or telephone contact.

(4) Except by unanimous consent of members present, final action will be taken only on the business for which the regular or special meeting was called. All other actions of the AFDCB will be determined by a majority of the voting members.

(5) The recorder prepares written minutes of AFDCB meetings IAW AR 190-24.

b. Off-limits Procedures/AFDCB Notification:

(1) An off-limits area is defined in AR 190-24 as any vehicle, conveyance, place, structure, building, or area which SOFA members are prohibited to use, ride, and visit or enter during the period in which it may be declared off-limits. SOFA members visiting off-limits establishments may be subject to disciplinary action.

(2) Mission Commands within the jurisdiction of the Area III AFDCB should contact the Garrison Commander or Provost Marshal when any conditions are discovered that warrants investigation or off-limits procedures. Due to the severe adverse impact to community relations, Mission Commanders should comply with the procedures in this policy letter and should not impose off-limits procedures on any establishment without employing the process outlined by AR 190-24 and this policy memorandum.

(3) Upon receipt of a complaint and/or off-limits request, the AFDCB President will initiate a thorough investigation of the area, conveyance, or establishment for which the sanction is requested.

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(4) Prior to initiating an off-limits action, an attempt to correct any condition or situation will be made through normal community relations channels. A letter of notification (In English or English/Korean as situation warrants) will be delivered to the proprietor explaining that their establishment may be placed off limits if conditions are not corrected. In cases involving prostitution and human trafficking, establishments will be placed off limits using the emergency off-limits procedures noted in the policy letter.

(5) If the proprietor takes remedial action to remedy the condition, an inspection will be conducted and if the defect/violation was corrected then a letter of appreciation will be sent. When attempts have failed to correct the unsatisfactory situation or conditions require other actions, the following steps will be taken:

(a) The president will have the written notice of the alleged adverse condition(s) hand delivered to the proprietor. This notice will offer a reasonable amount of time (normally 15 days (to correct the condition(s) and provide the proprietor an opportunity to appear before the AFDCB and present relevant information. The proprietor may appear before the AFDCB with or without counsel or a designated representative.

(b) The President will direct the Provost Marshal to investigate the allegation against the establishment(s) or area(s). The result of this investigation will be issued to the AFDCB for review and action.

(c) If the proprietor fails to reply, or if the subsequent investigation reveals a failure by the proprietor to take appropriate corrective actions, the AFDCB may recommend the imposition of the off-limits sanctions. If approved, the President will have the letter hand delivered to the proprietor informing him/her that the off-limits restriction has been imposed and that they may appeal to the AFDCB at any time. A change of ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.

(d) A proprietor, whose establishment or area is off-limits, may at any time, without invitation, send a written petition the President of the AFDCB requesting removal of the off-limits sanction. The proprietor must provide in detail the action he/she has taken to eliminate the adverse conditions or situation necessitating the imposition of the sanction. In response to such petition, the President will direct the applicable staff section to investigate the establishment and report the results to the AFDCB.

(e) If the AFDCB does not remove the off-limits restriction, it will send a letter of continuance to the proprietor. This letter will also inform the proprietor of his/her right to appeal the AFDCB's decision to the IMCOM-Pacific Commander.

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c. Emergency Off-Limits Procedures:

(1) In accordance with AR 190-24, 2-6a, the Area Commander retains the authority to declare establishments or areas temporarily off-limits to personnel during emergency situations or to prevent SOFA personnel from being victimized by crime. The authority of emergency off-limits will not be used as subterfuge for arbitrary off-limits actions. Command intent is to, when possible; allow due process for potential violators. The exception to this is for violations that explicitly violate USFK's zero tolerance policies on Prostitution and Human Trafficking.

(2) If an establishment or area is declared off-limits under emergency circumstances, the AFDCB President will convene an emergency meeting of the AFDCB. All emergency off-limits actions must be reviewed by the AFDCB and validated or revoked as soon as possible. Detailed justification for the emergency action must be provided to the AFDCB President for AFDCB use. An emergency session of the AFDCB will operate using the same procedures as a normal session of the AFDCB.

6. Actions for Consideration by the AFDCB.

a. The AFDCB will study and take appropriate action in conjunction with all conditions detrimental to the good order and discipline, morals, health, welfare, safety, and morale of Armed Forces personnel. This will include, but is not limited to the following:

- (1) Crime and misconduct (disorder and lack of discipline).
- (2) Prostitution and human trafficking.****
- (3) Sexually transmitted disease.****
- (4) Liquor violations.
- (5) Racial and other discriminatory practices.
- (6) Alcohol and drug abuse.
- (7) Drug abuse paraphernalia.
- (8) Criminal or illegal activities involving cults or hate groups.****
- (9) Illicit gambling.
- (10) Areas susceptible to terrorist activity.****
- (11) Unfair commercial or consumer practices.
- (12) Unsanitary and other adverse conditions (health and fire safety).
- (13) Off-installation/base safety concerns.****
- (14) Overcrowding or lack of control over building occupancy.
- (15) Other undesirable conditions that may adversely affect members of the military or their families.

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b. Actions identified in **BOLD **** are considered to be immediate Emergency Action items when reported or validated by reliable medical or law enforcement sources. Emergency off-limits actions are initiated when it is reported that a service member or their dependent, a DoD civilian, or a DoD contractor has contracted any type of sexually transmitted disease through contacts with a resident or employee of a particular location or housing/business establishment.

7. Point of contact is the CMO at 754-0036.



DARIN S. CONKRIGHT

COL, SF

Commanding

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