DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, RED CLOUD
UNIT # 15707
APO AP 96258-5707

IMRD-ZA

18 MAY 2015.

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USAG-Red Cloud/Area I Policy Memorandum #8-4, Armed Forces Disciplinary Control Board

1. References:

a. Army Regulation (AR) 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, 27 July 2006

b. USFK Regulation 27-5, Individual Conduct and Appearance, 7 July 2011.

c. USFK Regulation 190-2, Off-Limits Areas and Establishment, 21 February 2012.

d. USFK Regulation 190-50, Law Enforcement Procedures in Korea, 9 February 2012.

e. Memorandum, Office of the Deputy Secretary of Defense, 30 January 2004, subject: Combating Trafficking in Persons in the Department of Defense.

2. Purpose: To establish standard policies and procedures for the operation of the centralized USAG-RC/Area I AFDCB.

3. Applicability:

a. This Policy applies to all U.S. Armed Forces personnel assigned, attached to, visiting or residing in Area I.

4. General: The Area I AFDCB is established by the Commander, USAG-Red Cloud/Area I (USAG-RC/Area I). The Armed Forces Disciplinary Control Board (AFDCB) will convene to:

a. Advise and make recommendations to the Commander, USAG-RC/Area I on matters concerning the elimination of crime, or other conditions which may negatively affect the discipline, health, safety, welfare and/or morale of military personnel, civilians or their dependents.

b. Coordinate with appropriate civil authorities on problems or adverse conditions existing in all of Area I, the board's area of jurisdiction.

5. Composition of the Board:

a. Members of the Area I AFDCB will include the following individuals or their Designated representative:

(1) USAG-RC/Area I Commander-Board President*
(2) Deputy to the Garrison Commander
(3) USAG-Casey Commander* (NOTE: Vote on Camp Casey Issues Only)
(4) 2ID / USAG-Red Cloud Provost Marshal* (PMO)
(5) Special Agent in Charge U.S. Army Criminal Investigation Command (SAC USACIDC)*
(6) Staff Judge Advocate (SJA)
(7) Community Health Officer* (CMO)
(8) Environmental Protection Officer (EPO)
(9) Public Affairs Officer (PAO)
(10) Equal Opportunity Officer* (EEO)
(11) USAG-Red Cloud Fire Chief
(12) Safety Officer*
(13) Staff Chaplain
(14) Alcohol/Drug Control Officer* (ADCO)
(15) Director, Human Resources (DHR)
(16) Director Army Community Services (ACS)
(17) Civilian Misconduct Officer (CMO) – Recorder
(18) 2ID Civil Military Operations (G9)

b. Voting members (*) will consist of the USAG-Casey Commander, PMO, SAC USACID Office, Safety Affairs Officer, CMO, ADCO, EOO, and the Board President. All voting members will use their independent judgment and not be influenced in their vote by rank or rating chain of any other voting members.

c. Area I tenant unit Commanders and their representatives are encouraged to participate in all Area I AFDCB meetings.

6. Responsibilities:

a. USAG-RC/Area I Commander:

(1) Serves as the sponsoring commander and directs the convening of the Board at least quarterly.

(2) Promulgate the Board's implementing directives.

(3) Approves or disapproves the minutes and recommendations of the Board

(4) Approves "Off-limits" establishments and areas list.

(5) Ensures that proprietors are notified of any unfavorable actions being contemplated or taken regarding their establishments.

b. Area I tenant unit Commanders:

(1) Monitor local area and establishments for conditions which may adversely affect the health, safety, morale, welfare or discipline of service members.

(2) Work to resolve problems at the local level.

(3) Provide a detailed summary report of problems or concerns to the USAG-RC Commander, 2ID/USAG-RC Provost Marshal, and Civilian Misconduct Officer.

(4) In the event an emergency off-limits action is needed, immediately notify the 2ID/USAG-RC Provost Marshal.

(5) Present reports of problems, allegations, and/or other issues at board meetings as required.

c. President of the AFDCB:

(1) The USAG-RC/Area I Commander is designated as the President of the Area I AFDCB and votes as a member of the Board unless further delegated.

(2) The President will preside at all meetings of the board. The President will sign correspondence implementing directives and actions based on the minutes of the board.

d. Provost Marshal:

(1) Receive notifications from Commanders and report them to the Board President.

(2) Initiate independent investigation of complaints using assigned Military Police Investigators (MPI).

(3) Present reports of independent investigations by MPI to the Board.

(4) Monitor local area and establishments for conditions which may adversely affect the health, safety, morale, welfare or discipline of service members.

(5) Enforce off-limits actions within all of Area I.

e. Staff Judge Advocate:

(1) Provide legal advice to the Board and the Board President.

(2) Provide legal reviews of all investigations and recommendations by the Board.

f. Community Relations Officer:

(1) Assist the Board and USAG-RC/Area I Commander in resolving problems at the local level.

(2) Coordinate with Korean National Police, when necessary and deliver written notification of Board proceedings/decisions to proprietors or interested persons in the community.

(3) Act as liaison between SOFA status personnel and local business community to resolve differences arising from business transactions occurring off-post at local business establishments.

(4) Report back to the AFDCB unresolved issues or unethical business practices that may warrant action by the board.

g. Public Affairs Officer (PAO):

(1) Provide support IAW AR 190-24, Appendix B, paragraphs B-10

(2) Use command information outlets and publications to inform unit Commanders and U.S. Armed Forces personnel of those areas designated as off-limits.

h. Civilian Misconduct Officer:

(1) Serves as the Board Recorder at the AFDCB meetings.

(2) Prepare correspondence for the Board President's signature

(3) Prepare an agenda for each regular meeting of the Board and notify each Board member at least 7 days in advance of each regular meeting.

(4) Make timely notification to each Board member for each emergency meeting.

(5) Publish and distribute the minutes of each meeting and maintain current records and files pertaining to the operations and actions of the Board.

(6) Publish and distribute "Off Limits" establishments and areas list to the PAO for notification to USFK at least quarterly.

(7) Upon notification by USAG-RC/Area I Commander or President of the Board, publish and distribute establishments or areas designated as "Temporarily Off Limits" to the PAO for notification to USFK.

7. Procedures:

a. Meetings:

(1) Regular AFDCB meetings will be held at least once each quarter, or as designated by the USAG-RC/Area I Commander. Normally, proceedings are closed, but may be open to the public when circumstances warrant. Announcement of open meetings shall be made through the Morning Calm Newspaper.

(2) Emergency or special meetings of the Board will be called by the USAG-RC/Area I Commander the President of the Board when he/she is advised of conditions that warrant consideration.

(3) 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.

(4) All other actions of the Board will be determined by a majority of the voting members. A forum must consist of a minimum of four of the eight voting members identified in paragraph 5b of this memorandum.

(5) Written minutes of the Board meetings will be prepared. The minutes are an official record of the Board meetings, and will reflect the reasons for approving or removing an off-limits restriction. All Board actions shall be recorded in the minutes. Copies of the minutes will be distributed to each member of the Board and to the commanders of military unit within the Board's jurisdictional area.

b. Off-Limits Procedures/Board Notification:

(1) An off-limits area is defined as any vehicle, conveyance, place, structure, building, or area which service members are prohibited to use, ride, and visit or enter during the period in which it may be declared off-limits.

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

(3) 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 will be delivered to the proprietor explaining that their establishment may be placed off limits if conditions are not corrected. This letter will be written in Hangul and English and hand delivered to the establishment's proprietor. In cases involving prostitution and human trafficking, establishments will be placed temporarily off limits.

(4) If the proprietor takes remedial action to remedy the condition, 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 board and present relevant information. The proprietor may appear before the board with or without counsel or a designated representative.

(b) The President will direct the appropriate staff agency to investigate the allegation against the establishment(s) or area(s). The results of this investigation will be issued to the board 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 Board may recommend the imposition of the off-limits sanction to the USAG-RC/Area I Commander. The USAG-RC/Area I Commander will either approve or disapprove the recommendations. 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) Members of the board may be called upon to conduct quarterly inspections of off limits establishments pertaining to their area of expertise. Upon completion of an inspection, members will submit a statement that an inspection was completed. This statement will be attached to the minutes of the Board. A proprietor whose establishment or area has been placed off-limits may at any time, without invitation, send a written petition the President of the Board 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 or areas and report the results to the Board.

(e) If the Board does not remove the off-limits restriction, the board will send a letter of continuance of the off-limits restriction to the proprietor. This letter will also inform the proprietor of his/her right to appeal the Board's decision to the USAG-RC/Area I Commander.

(f) If unsatisfied after exhausting all appeals to the USAG-RC/Area I Commander, the proprietor may appeal to the Commanding General, 2nd Infantry Division.

c. Temporary Off-Limits Procedures:

(1) Where sufficient cause exists, commanders retain substantial discretion to declare establishments or areas temporarily off-limits to personnel of their respective commands in emergency situations. Temporary off-limits procedures will also be used when there is credible evidence that an establishment's proprietor or employees participate in prostitution and/or human trafficking. Temporary off-limits restrictions issued by commanders in an emergency situation will be acted upon by the AFDCB as a first priority.

(2) If an establishment or area is declared temporarily off-limits under emergency circumstances, the AFDCB President will convene an emergency meeting of the AFDCB. All temporary off-limits actions must be reviewed by the AFDCB and validated or revoked as soon as possible. Detailed justification for the emergency action will be provided to the Board President for Board use and deliberation.

(3) Temporary off-limits declarations will be 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 contact with a resident or employee of a particular location or housing/business establishment.

8. Actions for Consideration by the AFDCB:

a. The Board will study and take appropriate action in conjunction with all conditions detrimental to the good order and discipline, health, morals, welfare, and safety 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 such as use, possession, or distribution of narcotics, marijuana, and dangerous drugs

(7) Drug 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) Military and Civilian relationship that may be detrimental to service personnel

(13) Unsanitary and other adverse conditions in establishments frequented by Armed Forces personnel

(14) Off-installation/base safety practices

(15) Overcrowding or lack of control over building occupancy

(16) Other undesirable conditions that my adversely affect members of the military or their families

9. Point of contact is Robert Clifton, CMO at 732-6762 or email robert.f.clifton.civ@mail.mil.

JOHN W. HAEFNER
COL, EN
Commanding