



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
DIRECTORATE OF EMERGENCY SERVICES
304 EAST BULTMAN AVENUE
FORT STEWART, GEORGIA 31314

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27 August 2013

DIRECTORATE OF EMERGENCY SERVICES (DES) POLICY LETTER NO. 17

Armed Forces Disciplinary Control Board Procedures of Operations

1. REFERENCE: AR 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations.
2. PURPOSE: The Armed Forces Disciplinary Control Board (Board) is a program initiated by the Commanding General (CG) of the 3rd Infantry Division under Army Regulation 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations. The Board advises and makes recommendations to the CG on matters concerning the elimination of conditions in and around Fort Stewart and HAAF that adversely affect the health, safety, welfare, morale, and discipline of Soldiers and their Family Members.
3. APPLICABILITY: This policy is applicable to all Soldiers and their Family Members stationed at Fort Stewart and HAAF.
4. POLICY:
 - a. OFF-LIMITS RESTRICTION. In accordance with the procedures set forth below, the CG may impose an off-limits restriction against a business establishment or area upon a determination that the establishment or area presents conditions adversely affecting the health, safety, welfare, morale, or discipline of Soldiers or their Family Members. Soldiers and their Family Members are prohibited from entering establishments or areas against which the CG has placed an off-limits restriction. Military authorities will not post off-limits signs or notices on private property. A list of establishments against which an off-limits restriction has been placed will be published and made available to all Fort Stewart and HAAF Soldiers.
 - b. CORRESPONDENCE. All official correspondence between the Board and individuals it finds responsible for adverse conditions that may lead to imposition of an off-limits restriction will be notified by certified mail.
 - c. COMPOSITION. The CG established and staffed the Board in accordance with AR 190-24. The Board is composed of voting and non-voting members. Key members and non-members are listed below.
 - (1) President. The Director, Directorate of Emergency Services (DES) serves as the President of the Board. The President will schedule and preside at all Board meetings. The President is a voting member.

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(2) Legal Advisor. An Administrative Law Attorney designated by the Chief of Administrative Law, Office of the Staff Judge Advocate serves as the legal advisor to the Board. The legal advisor is a non-voting member.

(3) Legal Assistance Liaison. A Legal Assistance Attorney designated by the Chief of Client Services Office of the Staff Judge Advocate serves as the Legal Assistance Liaison. The Legal Assistance Liaison is not a member of the Board, but attends Board meetings to present complaints brought to the Legal Assistance Office that bear on matters concerning the Board.

(4) Recorder. The Secretary to the Director, DES, serves as the Recorder for the Board. The Recorder is not a member of the Board, but attends Board meetings to record the proceedings. Under the direction and supervision of the President, the Recorder prepares minutes for each Board meeting.

(5) Witnesses and Observers. When necessary and appropriate as determined by the President, representatives from local military and civilian agencies or organizations may be invited before the Board as witnesses, observers, or to provide assistance with matters concerning the Board.

d. INVESTIGATION. This paragraph sets forth matters appropriate for the Board's consideration and the means by which the Board conducts investigations and inspections.

(1) Appropriate Matters. Matters appropriate for investigation and recommendation to the CG by the Board include adverse conditions related to any of the following: (1) disorder and lack of discipline, (2) prostitution, (3) sexually transmitted diseases, (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, and (12) other undesirable conditions deemed unsafe, which may adversely affect the health and well-being of Soldiers or their Family Members.

(2) Personal Visits. The Board will encourage personal visits by local military and civilian law enforcement or health officials to business establishments or areas for which the Board has received complaints or has reason to believe are below standard.

(3) Nature of Board Proceedings. The Board's actions are not punitive in nature. The Board will notify proprietors of business establishments to point out unhealthy conditions or undesirable practices in order to produce the desired corrective action. The Board will work with local officials and business establishments to resolve problems. The Board will seek to accomplish its mission through mutually cooperative efforts.

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(4) Board Investigation or Inspection. The Board may elect to investigate or inspect an establishment. If an investigation or inspection is conducted, the President or a designee will present the findings and recommendations at the next Board meeting.

(5) Presentation by Legal Assistance Liaison. The Legal Assistance Liaison will also make presentations to the Board at meetings. These presentations will be based on specific complaints received by the Legal Assistance Office from Soldiers and their Family Members. The Legal Assistance Liaison will present to the Board a memorandum of findings and recommendations. He/she may also present documentary evidence and, at the discretion of the President, call witnesses to speak before the Board. If the President permits the Legal Assistance Liaison to call witnesses, Board members may ask questions to the witnesses at appropriate times during the presentation.

(6) Initial Written Notice. When the Board concludes after an investigation that a business establishment is responsible for conditions adverse to Soldiers or their Family Members, the Board will send initial written notice to the proprietor of the business establishment. The notice will explain that if such adverse conditions continue, the Board may recommend that an off-limits restriction be placed on the establishment.

e. BOARD MEETINGS. The Board will conduct meetings in accordance with the following procedures:

(1) Proper Administration of Meetings.

(a) The Board will conduct regular meetings quarterly. The President may call for a special meeting when circumstances warrant.

(b) Except by unanimous consent of members present, final action will be taken only on the business for which the meeting was called.

(c) The Board meetings are normally closed, but at the discretion of the President may be opened to the public when circumstances warrant.

(d) The Board meetings are not legal proceedings or trials, but are non-adversarial in nature.

(e) A majority of voting members constitutes a quorum for Board proceedings.

(f) All members and individuals present at the Board meeting will be listed in the minutes for the meeting.

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(2) Minutes. The substance of Board meetings will be reduced to writing in minutes prepared by the Recorder. The minutes will constitute the official record of the Board's meetings. Verbatim transcripts of Board meetings will not be prepared. The minutes will be disseminated only to the following individuals: each voting member, the CG, the Fort Stewart Garrison Commander, Brigade Commanders of units stationed at Fort Stewart and HAAF, and the legal advisor to the Board. The minutes may also be disseminated to non-voting members at the discretion of the President. If appropriate under the circumstances, Civilian and Government agencies within Georgia that have an official interest in the functions of the Board may be provided with the minutes for a particular Board meeting or proceeding in accordance with the Freedom of Information Act and the Privacy Act, or other applicable Federal law or Service regulations and directives.

(3) Agenda. An agenda for each Board meeting will be prepared and disseminated to all Board members and other individuals expected to be at the meeting. The agenda will contain new business to be taken up at the meeting, as well as, updates about and the plan to address ongoing matters before the Board.

(4) Invitation to Appear. If a business establishment received initial written notice under paragraph d.(6) above, the President will invite the proprietor to appear before the Board, with or without representation, to explain why the establishment should not be placed off-limits.

(5) Preparation for the Meeting. When a proprietor has been invited to appear at a meeting in accordance with paragraph e.(4) above, the President will ensure that Board members are provided with all documentary material relating to the case at hand. Each member will be responsible for reviewing the material before the meeting at which the proprietor will appear. Before the meeting, the President will ensure that the proprietor is provided with all documentary material considered by the Board relating to the proprietor's business establishment. The President will request from the proprietor advanced notice of any documentary material be received two weeks prior to the Board date and witnesses the proprietor intends to present at the meeting. The President will request that the documentary material be provided to the Board in advance to permit members time to consider the material before the meeting.

(6) Role of the Legal Assistance Liaison. The Legal Assistance Liaison will provide the President with a list of questions and specific items that should be addressed by the Proprietor or his/her witnesses. The Legal Assistance Liaison may not address the Proprietor or his/her witnesses directly during the meeting, and will only observe as a representative of his/her clients. The President will ensure that the Legal Assistance Liaison is provided with documentary evidence provided to the Board by a proprietor intended to appear at the meeting.

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(7) Beginning the Meeting. The Board meeting will be called to order by the President. The minutes for the previous meeting will be acknowledged by all present voting members and any objections to the minutes will be noted.

(8) New Matters Before the Board. New matters will be presented to the Board by an appropriate person. Typically, new matters are presented by the Legal Assistance Liaison. However, any Board member or other attending individual may present information of concern to the Board. The substance of matters presented to the Board should be reduced to writing, whether in the form of a memorandum of findings and recommendations or within the minutes for the Board meeting.

(9) Appearance by a Proprietor. An appearance by a business establishment's proprietor will be conducted as follows:

(a) When a proprietor appears before the Board, the President will ensure that the proprietor is provided with a brief summary of the complaint concerning the establishment.

(b) The proprietor will be afforded an opportunity to address the Board regarding the complaints made against the business establishment. The proprietor may address the Board directly or through a representative. The proprietor may also distribute documentary material and, at the discretion of the President, call witnesses to speak before the Board.

(c) At appropriate times during the meeting, Board members may ask questions to the proprietor, his/her representative, and his/her witnesses.

(10) Board Deliberations. The Board will conduct deliberations in a closed session attended only by Board members. The Recorder will be present during deliberations. The Legal Assistance Liaison will not be present during deliberations. The Board may recommend placement of an off-limits restriction on a business establishment only after the following requirements have been met:

(a) The business establishment has been provided initial written notice in accordance with paragraph d.(6) above;

(b) The President has extended an invitation to the proprietor of the business establishment to appear before the Board to address the complaints against the establishment in accordance with paragraph e.(4) above; and

(c) The Board has concluded that the proprietor of the establishment has not taken sufficient corrective action to address the undesirable business practices or conditions.

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(11) Temporary Off-Limits Restriction. In emergency situations, the Board may recommend to the CG the placement of a temporary off-limits restriction against a business establishment. In order to recommend a temporary off-limits restriction, the Board must determine that the nature of the emergency created by the establishment's business practice or condition is so dire that immediate action is necessary to protect the health, safety, welfare, morale, and discipline of Soldiers and their Family Members. A temporary off-limits restriction may be recommended and imposed before the proprietor is afforded an opportunity to address the Board regarding the complaints made against the business establishment. The President will expeditiously forward the Board's recommendation to impose a temporary off-limits restriction to the CG for his consideration. If appropriate under the circumstances, the President may provide written notice to the proprietor of a business establishment against which he is recommending the placement of an off-limits restriction. The CG may, in emergency situations, impose a temporary off-limits restriction against an establishment without a recommendation from the Board. In any case, when a temporary off-limits restriction has been placed against a business establishment, the President will promptly provide written notice of the restriction to the proprietor. Additionally, the President will invite the proprietor to appear before the Board to address the complaints made against the establishment. The Board will conduct the meeting at which the proprietor appears in accordance with the provisions of this paragraph.

f. RECOMMENDATION AND DECISION. The Board's recommendation and the CG's decision will occur as described below.

(1) Inclusion of Procedural Steps with Recommendation. When the Board recommends to the CG the placement of an off-limits restriction, the minutes for the meeting at which the Board voted will contain the procedural steps the Board followed in reaching its recommendation.

(2) Submission of Recommendation. The President will submit the Board's recommendation and the minutes for the appropriate Board meeting to the CG for consideration.

(3) Notification of CG's Decision. Upon the CG's approval of the Board's recommendation, the President will notify the proprietor in writing that an off-limits restriction has been placed against the business establishment. A time limit will not be specified for removal of the off-limits restriction.

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g. REMOVAL OF OFF-LIMITS RESTRICTIONS. The following guidance concerns the removal of an off-limits restriction from a business establishment. Removal of an off-limits restriction requires the Board's recommendation and the approval of the CG.

(1) Proprietor's Petition. The written notification referred to in paragraph f.(3) above will explain to the proprietor of the business establishment that he/she may petition the Board at any time for removal of the off-limits restriction. The proprietor's petition should include the reasons why the restriction should be removed. At the President's discretion, the proprietor may be afforded the opportunity to appear before the Board to present the justification for removal of the off-limits restriction.

(2) Determining Factor. The determining factor for removal of an off-limits restriction is the adequacy of the corrective action taken by the proprietor of the business establishment. A change in ownership, management, or name of any business establishment against which an off-limits restriction has been placed will not alone justify removal of the restriction.

(3) Recommendation. The Board will consider the proprietor's petition for removal of the off-limits restriction at the next Board meeting. The Board will make a recommendation to the CG in accordance with paragraph f. above.

(4) Notice of Decision. The President will notify the proprietor of the establishment in writing of the CG's decision whether to remove the off-limits restriction.

5. OFF-LIMITS LIST. Directorate of Emergency Services (DES) will maintain and publish a current list of business establishments against which an off-limits restriction has been placed.

6. PROPONENT: The Director, DES, is the proponent for this policy at commercial (912) 767-4801 or DSN 870-4801.


JULIE A. HERRMANN
Director, Emergency Services