

**BY ORDER OF THE COMMANDER
501ST COMBAT SUPPORT WING**

**501st COMBAT SUPPORT WING
INSTRUCTION 51-901**



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Law

**FAMILY MEMBER MISCONDUCT
PROGRAM (FMMP)**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive (AFPD) 51-9, *Civil Law for Individuals* and AFPD 31-1, *Integrated Defense*. This instruction establishes a program for dealing with cases of family member misconduct on all 501 CSW installations, with the exception of Stavanger AB, Norway, which is a NATO owned and operated installation. To include: RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford. Due to its location and operational specialty the 426 Air Base Squadron in Stavanger, Norway may, in conjunction with applicable rules and regulations of NATO and the Kingdom of Norway, implement similar dependent misconduct procedures on the Norwegian owned and controlled compound. It applies to all active duty service members, Department of Defense (DoD) civilian employees, contractor personnel, and persons employed by the North Atlantic Treaty Organization (NATO) units and International Military Headquarters organizations who use the facilities on RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford, as well as their family members, with the exception of Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, Table 1.1 for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items. This instruction is affected by the Privacy Act of 1974. Records generated by this regulation are authorized by 10 U.S.C. § 8012. No independent system of

records will be maintained in the Family Member Misconduct Program. Authorities: Public Law 94-415, *Juvenile Justice and Delinquency Prevention Act of 1974* (18 U.S.C. § 5031-5042); AFPD 51-9, for Individuals. This publication may not be supplemented or further implemented/extended. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained IAW Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). This publication does not apply to Air Force Reserve Command (AFRC) Units.

SUMMARY OF CHANGES

The publication has been revised. This rewrite of 501CSW51-901 removes installations no longer associated with the 501st Combat Support Wing and further clarifies the roles of this program at Stavanger AB, Norway, which is under NATO control and not that of the United States Air Force.

1. POLICY. Acts of misconduct committed by family members threaten the security and safety of persons and property on RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford, and Stavanger, Norway. Family members who have engaged in misconduct shall appear before the Family Member Misconduct Board (FMMP) at the direction of and at the discretion of ABG/CC and ABG/CD. While not intended as a substitute for discipline under civilian employment regulations, the Family Member Misconduct Program (FMMP) can, depending on the circumstances, hear cases involving civilian employees, contractors, and other non-active duty military members who have committed misconduct on the installations. In lieu of convening the FMMP, ABG/CC or ABG/CD may take or recommend the 501st Combat Support Wing Commander (501 CSW/CC) take direct action against family members who have engaged in misconduct, as provided by this instruction. Actions of ABG/CC and the FMMP will be directed toward ensuring good order and discipline on RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford, and Stavanger, Norway, and, when possible, rehabilitating the offender.

2. RESPONSIBILITIES.

2.1. US and foreign military members, US and foreign government employees, contractors, and other sponsoring personnel associated with the 501st Combat Support Wing on RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford, and Stavanger, Norway have primary responsibility for ensuring their family members comply with all laws, regulations and applicable standards of behavior. Failure to do so may result in adverse administrative action against the offender, the sponsor, or both.

2.2. The 501st Combat Support Wing Commander (501 CSW/CC), is ultimately responsible for ensuring good order and discipline on RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth,

and RAF Welford and may regulate the conduct of all active duty service members, retired members, DoD civilian employees, contractor personnel, Air Force persons employed by NATO units and their family members thereon, with the exception of Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation. 501 CSW/CC has delegated the authority to resolve family member misconduct cases to ABG/CC and ABG/CD.

2.3. The Area Superintendent, Department of Defense Dependent Schools (DoDDS), and other school administrators have primary responsibility for addressing disciplinary problems that occur on school buses, on school grounds during the school day and at school sponsored activities. Individual school principals are primarily responsible for sanctioning students who are involved in misconduct, and for making determinations regarding suspension or expulsion from school. However, ABG/CC and ABG/CD may also initiate corrective action, as consistent with this instruction, in cases where an act of misconduct disrupts the good order of the installation or otherwise threatens the security and safety of persons assigned to RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, and RAF Welford and/or their dependents, with the exception of Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation.

3. THE FAMILY MEMBER MISCONDUCT BOARD (FMMB)

3.1. Purpose. The purpose of the FMMB is to provide a method and framework for resolving cases of family member misconduct arising on RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford, and Stavanger, Norway, or involving a dependent of any person stationed at those locations.

3.2. Policy. The recommendations of the FMMB for corrective action shall promote the protection of life and property at RAF Alconbury, RAF Barford St John, RAF Blenheim Crescent, RAF Croughton, RAF Fairford, RAF Menwith Hill, RAF Molesworth, RAF Welford, and Stavanger, Norway, the rehabilitation of the offender, the preservation of good order and discipline, and the deterrence of the offender and others from engaging in acts of misconduct.

3.3. Administrative Process. The process of resolving civilian misconduct issues is a voluntary administrative, not judicial, process. Alleged offenders are not entitled to have legal counsel present during the hearing. Military attorneys from the Office of the Staff Judge Advocate and from the Office of Area Defense Counsel are not available to assist alleged offenders in preparing for hearings.

3.4. Composition. The Board is composed of the following persons or their designated representatives:

3.4.1. Voting Members:

3.4.1.1. Chairperson, ABG/CD or designee.

3.4.1.2. Law Enforcement Advisor, SFS/CC or designee.

3.4.1.3. Legal Advisor, any attorney from the local legal office.

3.4.1.4. Command Chief Master Sergeant, in cases involving family members of military personnel.

3.4.1.5. Command Representative. For cases involving dependents from the Joint Analysis Center, Intelligence Fusion Centre, or other non-501 CSW units, a senior member of the respective command shall be invited to be a member of the Board as a voting member. This provision only applies to military commands.

3.4.2. Nonvoting Members:

3.4.2.1. Recorder: administrative assistant for the purposes of the Board hearing as selected by ABG/CD.

3.4.2.2. Department of Defense Dependent School Principal, in cases involving students.

3.4.2.3. Special Nonvoting members: ABG/CC or ABG/CD may select additional nonvoting representatives as required.

3.5. Procedures.

3.5.1. Reporting Misconduct.

3.5.1.1. The Security Forces Squadron or the Air Force Office of Special Investigations (AFOSI) normally investigates cases of serious misconduct. All reports of investigation disclosing misconduct committed by family members will be forwarded to the Office of the Staff Judge Advocate and ABG/CD.

3.5.1.2. Other cases of misconduct are reported to SFS thorough the law enforcement desk and are documented in the daily blotter.

3.5.1.3. 501 CSW legal offices shall receive all reports of investigation and daily blotter entries involving family member misconduct and may forward these to ABG/CD with a recommendation on the appropriateness of referring the case to the FMMB for disposition.

3.5.1.4. Unit commander and interested staff agency chiefs may report incidents of misconduct to ABG/CD for consideration of a board hearing.

3.5.2. Disposition of Misconduct Cases.

3.5.2.1. ABG/CD has several options in deciding how to dispose of a misconduct case:

3.5.2.1.1. Refer the case to the sponsor's immediate commander for appropriate action.

3.5.2.1.2. Impose any corrective actions, including those contained in this instruction, that are within his or her discretionary authority.

3.5.2.1.3. Refer the case to the FMMB.

3.5.2.1.4. Recommend that ABG/CC take corrective action. In no way is the scope of authority of ABG/CC limited by a decision not to convene a Board.

3.5.2.1.5. Take any other action appropriate to the circumstances of the case.

3.5.2.2. If ABG/CD is unavailable to review a case, or if ABG/CD has referred the case to ABG/CC for disposition, ABG/CC may take any action that he or she deems appropriate. Such actions include, but are not limited to the following:

3.5.2.2.1. Any action that ABG/CD could have taken.

3.5.2.2.2. Meeting with the sponsor, sponsor's commander and the family member who is the subject of the misconduct.

3.5.2.2.3. Convening the FMMB

3.5.2.3. If the act of misconduct involves a violation of host nation law that may result in confinement, ABG/CC or ABG/CD shall consult local legal office prior to initiating action against the family member.

3.5.3. Convening the Board.

3.5.3.1. The Board will meet at the direction of ABG/CC or ABG/CD to hear misconduct cases and provide recommendations on corrective action.

3.5.3.2. ABG/CD may decide to convene all members of the Board or only selected members to review any case (all voting members should be present).

3.5.3.3. Board member will not sit in judgment on a case involving their own dependents.

3.5.3.4. ABG/CD shall notify the family member's sponsor and the sponsor's commander/supervisor of the time and place of the hearing and the nature of the alleged misconduct. Active duty sponsors and a representative from their command shall appear at the Board hearing. The Board may conduct in absentia hearings and may consider a family member's willful refusal to appear as a matter in aggravation in deciding upon its recommendation.

3.5.3.5. ABG/CD is the decision authority for all requests for delays of a scheduled hearing. Requests for a delay shall be delivered to ABG/CD in writing and shall be no later than 10 calendar days from the day of notification. Delays will be granted only in extraordinary cases, or when the sponsor is TDY or otherwise unavailable.

3.5.4. Board Hearings.

3.5.4.1. The FMMB is an administrative hearing, not a criminal court proceeding. Formal rules of evidence do not apply. The Legal Advisor shall determine what evidence is relevant. The Board shall consider all relevant evidence that is available for review.

3.5.4.2. Persons appearing before the Board are not entitled to counsel.

3.5.4.3. Board hearings are closed to all persons except as designated by ABG/CD. The military sponsor (or civilian sponsor) of a minor appearing before the FMMB is required to attend the hearing. The non-sponsoring parent of a minor appearing before the FMMB is encouraged to attend.

3.5.4.4. ABG/CD will assemble the Board's evidence and distribute it or provide a summary.

3.5.4.5. Upon convening the hearing, the Chairperson will ensure a thorough development of the facts. The Chairperson may permit the family member or sponsor to call witnesses and/or to submit written statements. The Board shall solicit and consider the sponsor's recommendation for corrective action.

3.5.4.6. The Chairperson shall devise informal procedures to ensure all members of the Board are heard in the deliberations and consensus is reflected in its recommendation.

3.5.4.7. After all evidence is presented, the Board shall excuse all nonmembers from the hearing room prior to making its recommendation to ABG/CC.

3.5.4.8. ABG/CC may accept the recommendation of the Board, take any other appropriate action or return the case to the Board for further action. Dissenting recommendations are appropriate and may be forwarded to ABG/CC.

3.5.5. Corrective Action. The Board may recommend any one or more of the following corrective actions (this list does not exclude any other permissible actions):

3.5.5.1. An oral or written admonition or reprimand of the family member, the sponsor, or both.

3.5.5.2. Referral of the family member and/or the sponsor to the chaplain, Life Skills Center or other base services, with the exception of Stavanger, Norway who does not possess these services.

3.5.5.3. Withdrawal of specified privileges, such as Base Exchange, commissary, daily grind, fitness center, bowling center, and theater.

3.5.5.4. Restriction from entering certain areas of the base, with the exception of Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation.

3.5.5.5. A curfew.

3.5.5.6. Suspension or revocation of drivers' license and/or base driving privileges in cases of misconduct involving the use of a motor vehicle, with the exception of Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation.

3.5.5.7. Restitution for damages or injuries, including physical labor to repair damage.

3.5.5.8. Community service (e.g., base appearance detail, washing GOV's, etc.). The ABG/CC can adjudge up to 30 hours of community service.

3.5.5.9. Barment from base, except for medical and dental care, with the exception of Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation. Medical and dental care are entitlements and may not be withdrawn. Only 501 CSW/CC or their delegate at each installation, if applicable, may bar someone from the installation and will decide the length of any barment based upon the facts of each case.

- 3.5.5.10. Restriction from school or withdrawal of privilege to ride a school bus, with the exception of Stavanger, Norway who does not possess a DODDs school. **Note:** In accordance with DoD Instruction 1342.6-M, Administrative and Logistic Responsibilities for DoD Dependents School, C1.4.3.8., the Installation Commander may withdraw a student's privilege to attend school in response to serious or repeated misconduct, including truancy and criminal acts.
- 3.5.5.11. Termination of sponsor's Government Family Housing privileges, with the exception of Stavanger, Norway who does not possess Government Family Housing.
- 3.5.5.12. Requesting that sponsor return family member to CONUS under Early Return of Dependents program.
- 3.5.5.13. Curtailment of sponsor's overseas tour. This is appropriate in cases which the sponsor does not cooperate, where circumstances prevent the expeditious early return of the family member, where rehabilitative measures have failed or where unusual hardship to the family will result from separation of one or more of its members from the sponsor. Such action will be considered to be in the best interest of the government.
- 3.5.5.14. Referral of case to British and Norwegian authorities for prosecution.
- 3.5.6. Nature of Corrective Action. The nature of the corrective action imposed should be evaluated in light of such factors as the individual's age and prior disciplinary record, seriousness of the misconduct, deliberateness of the misconduct, defiance of authority, presence or absence of adult guidance and discipline, sanctions administered in like cases, adverse impact on Air Force or base community, impact of the misconduct on the victim and the rehabilitative potential of the offender.
- 3.5.7. Decision.
- 3.5.7.1. ABG/CC shall make a decision after considering the recommendation of the Board.
- 3.5.7.2. ABG/CD shall serve written notice of the commander's decision on the sponsor, who will acknowledge receipt.
- 3.5.7.3. ABG/CD shall record the command action on memorandum for record.
- 3.5.7.4. If the sponsor or family member refuses to consent to community service, restitution, referral to another agency, early return to CONUS or any other corrective action, ABG/CC may reconsider the matter, taking the refusal into account.
- 3.5.7.5. If community service is a portion of the corrective action directed by ABG/CC or ABG/CD, the family member shall coordinate the specific service and completion of the requisite hours with the First Sergeant or other person designated by ABG/CD. The First Sergeant or designated person shall report completion to ABG/CD. Failure to perform assigned duties shall result in no creditable hours and may result in further administrative actions, to include barment.
- 3.5.7.6. 501 CSW/CC or their delegate at each installation, if applicable, is the approval authority for all recommendations for barment, with the exception of

Stavanger, Norway who does not possess the requisite authority on a NATO owned and operated installation. This authority may not be further delegated.

3.5.7.7. Each agency to which a family member is referred is responsible for reporting its progress to ABG/CD. If progress is unsatisfactory, ABG/CD may recommend further action to ABG/CC without convening the board.

3.5.8. Appeals.

3.5.8.1. A sponsor or a family member may appeal corrective actions imposed under the provisions of this instruction within seven (7) calendar days of receipt of notice of the commander's decision. ABG/CD may grant an exception to this deadline for good cause.

3.5.8.2. Appeals shall be in writing and shall be indorsed by the sponsor. No personal appearances are permitted in conjunction with an appeal.

3.5.8.3. Appeals may be based only on these grounds:

3.5.8.3.1. Newly discovered evidence proves that the family member is innocent.

3.5.8.3.2. Information showing mitigating circumstances was not available and therefore was not considered at the time of the initial action.

3.5.8.3.3. Circumstances of personal or family hardship were not considered at the time of the initial action.

3.5.8.3.4. Appeals shall be submitted to the ABG/CC for concurrence or non-concurrence. The ABG/CC shall then forward appeals to 501 CSW/CC for final action.

ANGELA M. CADWELL, Colonel, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 51-9, *Civil Law for Individuals*, 5 November 1993

AFPD 31-1, *Integrated Defense*, 28 October 2011

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Prescribed Forms

N/A

Abbreviations and Acronyms

AFI—Air Force Instruction

AFOSI—Air Force Office of Special Investigations

CONUS—Continental United States

DOD—Department of Defense

DODDS—Department of Defense Dependent Schools

FMMP—Family Member Misconduct Program

GOV—Government Owned Vehicle

NATO—North Atlantic Treaty Organization

Terms

Accused—A person who is suspected of committing an act of misconduct.

Family Member—any person who is entitled to installation access by virtue of his or her blood, marital or other legal affiliation with an active duty service member, reserve or guard, retired member, DoD civilian employee, civilian contractor or person employed by a NATO unit.

Sponsor—Any active duty service member, retired member, DoD civilian employee, civilian contractor or person employed by a NATO unit from whom family member derive their status.

Juvenile/Minor—A person who has not yet attained the age of eighteen (18) years old at the time of the misconduct.

Misconduct—Any act or omission that violates a written rule, instruction, policy, base directive, Air Force directive, federal statute or local law, or that otherwise disrupts the good order of the installation or threatens the security and safety of persons assigned to 501st Installations, and/or their dependents.

Family Member Misconduct Board—A board established to review cases of family member misconduct and to make appropriate recommendations for corrective actions to ABG/CC.