

**BY ORDER OF THE COMMANDER  
GRAND FORKS AIR FORCE BASE**

**GRAND FORKS AIR FORCE BASE  
INSTRUCTION 51-910**

**31 JULY 2012**

**Law**

**DEPENDENT MISCONDUCT PROGRAM**



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**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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(Lt Col Brandon L. Hart)

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The purpose of this instruction is to establish policies, responsibilities, and procedures for the administrative disposition of misconduct committed by military dependents on Grand Forks Air Force Base (GFAFB) and to formally establish the GFAFB Dependent Misconduct Program (DMP) and Dependent Misconduct Board (DMB). This instruction applies to all military sponsors; dependents visiting or residing on GFAFB; and all commanders of units and organizations assigned, attached, or tenants on GFAFB; as well as military dependents who reside off base and engage in misconduct on GFAFB. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW the Air Force Records Information Management System (AFRIMS) located at <https://www.my.af.mil/gcss-af61a/afirms/afirms>. 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's chain of command.

**1. Purpose:**

1.1. The primary purpose of this instruction is to establish policies, responsibilities, and procedures for the administrative disposition of misconduct committed by military dependents on Grand Forks Air Force Base (GFAFB) and to formally establish the GFAFB Dependent Misconduct Program (DMP) and Dependent Misconduct Board (DMB). This

instruction is to be construed to secure the good order and safety of all persons and property located on GFAFB and shall be liberally applied to achieve those ends.

1.2. Under current Air Force regulations and the United States law, the commander has limited options when confronted with dependent misconduct occurring on a military installation. Barment action or suspension of certain privileges (such as patronage of the Base Exchange) are permissible options but provide limited flexibility. Further, as the Air Force only has proprietary jurisdiction on GFAFB, only the state of North Dakota has the jurisdiction to criminally prosecute dependent misconduct committed on base. The DMP, with the cooperation and consent of the parents, is designed to provide additional options with the ultimate goals of rehabilitation of the dependent offender and preventing future instances of misconduct. Through the DMP, the installation commander and his/her designees have at their disposal a number of administrative options in cases of dependent misconduct.

## **2. Scope:**

2.1. Not every instance of dependent misconduct will be handled under the DMP. The 319th Mission Support Group Deputy Commander (MSG/CD), with the advice of the Staff Judge Advocate, will decide which cases will be handled by the DMP. Unit commanders may refer cases to the MSG/CD for consideration.

## **3. Responsibilities:**

### **3.1. Installation Commander.**

3.1.1. The installation commander is charged with the responsibility of enforcing the law and maintaining good order and discipline on the base, per DoDI 5200.08, para 1.2 and AFI 31-101, para 2.3.4. The DMP assists to achieve this objective.

3.1.2. The 319 ABW/CC has delegated the primary authority to convene the DMB and manage the DMP to the 319 MSG/CD. The installation commander may appoint an alternate DMB President as needed by separate memorandum.

3.1.3. The installation commander is responsible for action taken in addressing dependent misconduct cases at GFAFB. With the exception of barments, authority for all other administrative actions taken pursuant to this instruction is hereby delegated to the 319 MSG/CD.

### **3.2. Mission Support Group Deputy Commander.**

3.2.1. The MSG/CD shall, after receiving a report of alleged dependent misconduct, select one of the following courses of action: (1) no action; (2) deferral of DMB action (no action at present time with possible action after further investigation or additional misconduct); (3) convene an informal DMB; or (4) convene a formal DMB. The MSG/CD will ensure the unit commander is informed of the planned course of action and final disposition of dependent misconduct cases.

3.2.2. The MSG/CD will serve as the DMB President, presiding over hearings of all misconduct cases referred to a Board. The MSG/CD may, at his/her discretion, convene either a formal or an informal DMB, taking into consideration the seriousness of the offense and the dependent's past record of misconduct.

3.2.3. The MSG/CD will coordinate with 319 ABW/JA and 319 SFS when referral to local law enforcement or non-military juvenile correction is appropriate.

### **3.3. Unit Commanders, First Sergeants, and Supervisors.**

3.3.1. Unit commanders shall require the participation of the military sponsor in the DMB process and the sponsor's attendance, when requested, at DMB hearings. However, the participation of military dependents in the DMB process is voluntary.

3.3.2. The unit commander and first sergeant shall attend the DMB hearing and decide whether to require that the military sponsor's supervisor also attend the hearing. In the event that the unit commander and/or first sergeant is unable to attend, he/she will appoint an alternate.

3.3.3. Unit commanders, first sergeants, and supervisors may counsel a military sponsor for inadequately responding to family member misconduct.

3.3.4. First sergeants and supervisors shall report all instances of dependent misconduct to their unit commanders. Unit commanders may, in turn, refer the misconduct to the MSG/CD for action under the DMP.

### **3.4. Military Sponsors and their Dependents.**

3.4.1. The military sponsor is ultimately responsible for the actions of his or her family member(s) and guest(s). The sponsor is also responsible for ensuring that both adult and minor family members are aware of the standards of conduct they are expected to maintain. The sponsor is responsible for cooperating fully with the DMP in an effort to promote good order and discipline in the community. The success of the DMP as a rehabilitative tool ultimately rests on the willingness of dependent offenders and their military sponsors to participate in the program. These efforts include participation in rehabilitative measures and compliance with administrative sanctions when directed by the DMB (e.g., supervision of base beautification detail). A military sponsor's response to a family member's misconduct can be considered in determining the appropriate disposition of the dependent's case.

3.4.2. When a minor is involved in the DMP, the consent of the minor's parent or guardian is required. The consequences of non-participation or non-cooperation may result in barment from base or revocation of certain base privileges.

3.4.3. When a dependent receives notification that a DMB will be convened, the military sponsor is required to attend and shall encourage their dependent to attend the DMB hearing.

### **3.5. Law Enforcement Authorities.**

3.5.1. A representative from 319 SFS will attend all formal DMB hearings.

3.5.2. 319 SFS and AFOSI, as the primary law enforcement agencies at GFAFB, will investigate alleged instances of dependent misconduct as appropriate and coordinate with Grand Forks County officials as needed. In addition to existing notification requirements, 319 SFS and/or AFOSI Det 320 will notify 319 MSG/CD of alleged dependent misconduct and forward resulting reports, if available. These agencies will also be prepared to clarify or expand on reported misconduct when requested. 319

SFS/S5R will maintain the records for dependent misconduct incidents when the incident occurs on the installation and a report is generated.

3.5.3. 319 SFS will comply with procedures outlined in SFI 31-201, paragraph 2.6.3.1, when responding to a reported incident of dependent misconduct.

### **3.6. Staff Judge Advocate.**

3.6.1. A representative of 319 ABW/JA will attend all formal DMB hearings.

3.6.2. 319 ABW/JA will provide legal reviews or opinions to assist the DMB regarding civilian and family misconduct. The legal reviews are for official use only (FOUO) and will not be released to those who have been involved in misconduct or to their sponsors.

3.6.3. 319 ABW/JA will coordinate/support investigation of dependent misconduct with 319 SFS, AFOSI, and/or local law enforcement agencies.

3.6.4. 319 ABW/JA will communicate to 319 SFS/S3 any corrective actions imposed on a dependent offender which require enforcement by 319 SFS (e.g., curfews, base restrictions, barment).

### **3.7. Command Chief.**

3.7.1. 319 ABW/CCC may provide counsel to the DMB in an advisory role, drawing upon his/her experience and insight as a senior enlisted member.

### **3.8. Family Advocacy Program Representative.**

3.8.1. A representative from the Family Advocacy Program (FAP) will attend all formal DMB hearings in an advisory capacity when requested by the MSG/CD.

3.8.2. When appropriate, the FAP will liaison with local law enforcement or juvenile corrections points of contact.

### **3.9. Security Forces.**

3.9.1. 319 SFS will, to the greatest extent possible, enforce any corrective actions, such as base restrictions or curfews, which are placed on a dependent offender by the DMB and communicated to 319 SFS/S3 by 319 ABW/JA.

## **4. Dependent Misconduct Board Hearings:**

4.1. Not every instance of dependent misconduct will be handled by a DMB. Generally, only those cases that reflect a pattern of antisocial behavior or are serious enough to warrant command interest should be considered. The MSG/CD is delegated the initial disposition authority to decide which cases will be acted upon by a DMB. The 319 ABW/CC, CV, and MSG/CC may also direct that cases be referred to a DMB.

4.2. After being informed of dependent misconduct, the 319 MSG/CD will determine whether a board is appropriate and, if so, whether to proceed initially with a formal or informal hearing.

4.2.1. **Informal DMB.** The informal DMB will consist of the DMB President, the dependent offender, the offender's sponsor/parents, and the sponsor's first sergeant. The sponsor's commander and sponsor's supervisor may attend at the DMB President's

discretion. The DMB President may hold the board in his/her office or a comparable space.

4.2.2. **Formal DMB.** The formal DMB will consist of the DMB President, the dependent offender, the offender's sponsor/parents, the sponsor's commander, the sponsor's first sergeant, the sponsor's supervisor, and a DMB advisory panel. The formal DMB shall be held in the GFAFB courtroom.

4.2.2.1. The formal DMB advisory panel may consist of representatives from any of the following agencies, at the DMB President's discretion: 319 ABW/JA, 319 ABW/CCC; 319 SFS or AFOSI, GFAFB Family Advocacy, and any other professionals deemed appropriate.

4.3. **Standard of Proof.** The standard of proof necessary to find that the dependent committed the misconduct in question is a preponderance of the evidence. This standard is met when the credible evidence, taken as a whole, shows that it is more probable than not that the fact sought to be proved (i.e., that the dependent committed the act) actually occurred.

#### 4.4. **DMB Hearing Notification.**

4.4.1. If the MSG/CD determines that a DMB is appropriate, dependent offenders shall receive a notification letter (Sample Letter at Attachment 2) via the military sponsor's email or the dependent's home address. A delivery and/or read receipt should be utilized. This letter will provide official notice of the alleged offense and information on the date, time, and location of the hearing. Additionally, it will inform the dependent and sponsor that failure to appear and to satisfy all of the DMB's orders (to include any penalties imposed) may result in a recommendation to the 319 ABW/CC that the dependent be barred from GFAFB due to his/her unwillingness to participate in the DMP.

4.5. The DMB may request the appearance of any witness(es) it deems necessary for the resolution of the case. The Military Rules of Evidence do not apply to DMBs, and the DMB may rely solely on hearsay evidence (to include law enforcement reports) in arriving at its decision.

4.6. Upon request of the DMB President, the dependent and/or sponsor will be provided a reasonable opportunity to present matters in rebuttal, extenuation, or mitigation in the form of oral or written statements by the dependent or sponsor and documentary or tangible evidence.

4.7. At the discretion of the DMB President, the dependent and/or sponsor may present relevant witness testimony. The dependent offender has no right to have military legal counsel or a civilian attorney represent him/her during the hearing, nor does he/she have the right to cross-examine the witness(es) called by the DMB.

4.8. Following the dependent's and/or sponsor's presentation(s), the DMB President will consider the case presented and determine if the alleged misconduct was committed.

### 5. **Corrective Action:**

5.1. Consistent with any findings of misconduct, the DMB, with the advice of the DMB advisory panel and any other representatives the DMB President deems appropriate, determines the corrective action. The DMB may impose any of the following actions on the offender and/or his military sponsor. The following list is not exhaustive.

5.1.1. No action.

- 5.1.2. Verbal counseling or admonishment by the DMB President.
  - 5.1.3. A formal letter of admonishment or warning issued by the DMB President or the sponsor's commander.
  - 5.1.4. Refer the offender and/or sponsor to an off-base agency for counseling or rehabilitation.
  - 5.1.5. Refer the offender to a county or city shoplifter's education program.
  - 5.1.6. Place certain areas or base functions off-limits to the offender.
  - 5.1.7. Impose a curfew.
  - 5.1.8. Suspend or revoke certain privileges including but not limited to access to the base exchange or commissary, on-base driving, and entering certain buildings or accessing certain areas of the base.
  - 5.1.9. Terminate military family housing for the offender and/or family with the concurrence of the 319 ABW/CC.
  - 5.1.10. Require that the offender perform specified community service for a required number of hours, providing that adequate supervision is provided. Examples include refuse collection or grounds maintenance, pulling weeds, filling sandbags, or other similar activities.
  - 5.1.11. Refer the offender to an off-base community service program (e.g., the Salvation Army, Goodwill, or other similar organization).
  - 5.1.12. Require that the offender submit a formal apology to the party or parties offended, or an essay reflecting on his or her offense. The DMB should inform the offender that an unsigned version of the essay could be published in the base paper or public affairs newsletter to deter other would-be offenders.
  - 5.1.13. Order restitution be paid and/or made by the offender.
  - 5.1.14. Recommend barment of the offender to the 319 ABW/CC.
- 5.2. The dependent's sponsor will bear the cost of any corrective actions imposed upon the dependent. The sponsor is also responsible for ensuring the dependent's compliance with or participation in any actions imposed.

**6. Effective Date:**

- 6.1. This program is effective immediately. Questions regarding the Dependent Misconduct Program can be directed to 319 ABW/JA or 319 MSG/CD.

TIMOTHY E. BUSH, Colonel, USAF  
Commander, 319th Air Base Wing

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

AFMAN 33-363, *Management of Records*, 1 March 2008

AFI 31-101, *Integrated Defense*, 8 October 2009

DoDI 5200.08, *Security of DoD Installations and Resources*, 10 December 2005

***Prescribed and Adopted Forms***

Prescribed Forms/IMT's: No Forms or IMT's prescribed by this publication.

Adopted Forms/IMT's: AF IMT 847, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**AF**—Air Force

**AFB**—Air Force Base

**AFMAN**—Air Force Manual

**AFRIMS**—Air Force Records Information Management System

**AMC**—Air Mobility Command

**DMB**—Dependent Misconduct Board

**DMP**—Dependent Misconduct Program

**GFAFB**—Grand Forks Air Force Base

**IAW**—In accordance with

**OPR**—Office of Primary Responsibility

***Terms***

**Dependent**—For the purposes of this instruction, dependent includes any person entitled to a dependent identification card or sponsored onto the base by a military member. This definition is much broader than the typical definition of “dependent” because it can include, for example, significant others who are not a spouse as well as family members or friends temporarily residing with or visiting the military member on the installation.

**Minor**—Any person under the age of 18 years.

**Misconduct**—Any violation of federal, state or local statute, Air Force Instruction, base regulation, or any other activity which is prejudicial to good order and discipline on GFAFB or otherwise breaches the peace on GFAFB. The DMB shall have discretion to intervene in all appropriate cases, but such intervention does not abrogate the installation's responsibility to report cases of criminal dependent misconduct to the local authorities.

**Preponderance of the Evidence**—The standard of proof necessary to find that the dependent committed the misconduct in question is a preponderance of the evidence. This standard is met

when the evidence as a whole shows that it is more probable than not that the facts sought to be proved (i.e. that the dependent committed the act) actually occurred. In other words, if the evidence shows a greater than fifty percent probability that the dependent committed the misconduct, the Board should find the dependent committed the misconduct.

**Sponsor**—An adult who is the parent or guardian of a juvenile alleged to have committed misconduct on GFAFB. A sponsor includes a host of a guest from off-base or who has responsibility for the conduct of dependents in his or her charge.

## Attachment 2

## SAMPLE LETTER TO APPEAR

319 MSG/CD  
502 H Street  
Grand Forks AFB, ND 58205

**MSgt John Doe**  
**1234 Shady Lane Grove**  
**Grand Forks AFB, ND 58205**  
**Via e-mail address: John.Doe@us.af.mil**

The Grand Forks Air Force Base Dependent Misconduct Board has directed that you and your dependent, **Dependent Doe**, attend a hearing addressing the event during which **Dependent Doe [briefly describe the misconduct]**, which occurred on **XX February 2012**. This hearing will be held on **15 March 2012 [provide at least two weeks' notice] at 1400 hours** in the **Courtroom located on the first floor of the Wing Headquarters Building, 460 Steen Blvd, Grand Forks Air Force Base, North Dakota.**

During the course of the hearing, the Board will review any evidence and call any witnesses that it deems necessary. The Board President will offer you and your dependent an opportunity to make a statement, either orally or in writing. You may offer any other evidence, so long as the Board President finds that it is relevant to the case.

Should the Board determine that your dependent committed the offense, an appropriate punishment will be determined. Punishments may include one or more of the following:

- a. Verbal counseling;
- b. Issuance of a formal letter of admonishment or warning;
- c. Order to prepare a written essay;
- d. Order to prepare and deliver an oral presentation;
- e. Order to write or orally deliver a formal apology to the victim and/or sponsor;
- f. Referral to an appropriate agency for counseling;
- g. Imposition of a curfew;
- h. Restriction to on-base residence, except for travel to-from work/school;
- i. Referral to a base community service program;
- j. Referral to an off-base community service program;
- k. Order to provide restitution for stolen, damaged, or destroyed property;
- l. Recommendation that base privileges be suspended or revoked;
- m. Barment from base;
- n. Referral to civilian juvenile/criminal authorities;
- o. Termination of base housing;
- p. Any other action deemed appropriate under the circumstances.

The Dependent Misconduct Board is not meant to take the place of nor do away with your part in disciplining your child or ensuring appropriate conduct of your dependent, but instead it provides

a more formal rehabilitative tool to help you and your dependent. Since it is a rehabilitative program, community service is the preferred form of disciplinary action. Your active involvement in the program can have a positive impact on the Board's decisions.

It is recommended that prior to the day of the hearing, you help your dependent examine his/her actions that resulted in this incident and prepare your dependent to discuss the alleged acts of misconduct in a mature, truthful fashion.

Please acknowledge receipt of this memorandum *no later than 1400 hours on XX March 2012* by responding via e-mail or by telephone at (701) 747-xxxx. Should you have any further questions or concerns involving this matter, please contact me.

Sincerely,

/Signed letter on file/

**JANE F. DOE, Lt Col, USAF**  
Dependent Misconduct Board President

## Attachment 3

## SAMPLE LETTER TO SPONSOR'S FIRST SERGEANT/COMMANDER

319 MSG/CD  
502 H Street  
Grand Forks AFB ND 58205

**MSgt Joseph P. Smith**  
**319 Squadron/CC and CCF**  
**Via e-mail address: joseph.smith@us.af.mil**

**MSgt Smith,**

The Grand Forks Air Force Base Dependent Misconduct Board requests your attendance at our Board hearing being held on **XX March 2012**. **MSgt John Doe** of your organization and his/her dependent, **Dependent Doe**, have been notified as well and are urged to attend in response to a matter which occurred on **XX February 2012**. This hearing will be held on **XX March 2012** at **1400 hours** in the Courtroom, located on the first floor of the Wing Headquarters Building, 460 Steen Blvd, Grand Forks Air Force Base, North Dakota.

During the course of the hearing, the Board President will review any evidence and call any witnesses that he/she deems necessary. The President will offer requested attendees an opportunity to make a statement and present material, either orally or in writing, relevant to the matter.

Should the Board determine that the dependent committed the offense, an appropriate punishment will be determined. Punishments may include one or more of the following:

- a. Verbal counseling;
- b. Issuance of a formal letter of admonishment or warning;
- c. Order to prepare a written essay;
- d. Order to prepare and deliver an oral presentation;
- e. Order to write or orally deliver a formal apology to the victim and/or sponsor;
- f. Referral to an appropriate agency for counseling;
- g. Imposition of a curfew;
- h. Restriction to on-base residence, except for travel to-from work/school;
- i. Referral to a base community service program;
- j. Referral to an off-base community service program;
- k. Order to provide restitution for stolen, damaged, or destroyed property;
- l. Recommendation that base privileges be suspended or revoked;
- m. Barment from base;
- n. Referral to civilian juvenile/criminal authorities;
- o. Termination of base housing;
- p. Any other action deemed appropriate under the circumstances.

The Dependent Misconduct Program is not meant to replace of nor do away with maintaining

healthy relationships, parental roles in disciplining their child(ren), or ensuring appropriate conduct of dependents, but instead to provide a more formal rehabilitative tool to assist military sponsors as needed.

Please ensure that **MSgt John Doe** is available and attends the scheduled forum. Should you have any further questions or concerns involving this matter, please contact me via e-mail or by calling 747-XXXX.

/Signed letter on file/

**JANE F. DOE, Lt Col, USAF**  
Dependent Misconduct Board President