



30 JANUARY 2009
Certified Current on 18 February 2014
Security

SECURITY FORCES REPORTS AND ANALYSIS

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OPR: 65 SFS/S5AR

Certified by: 65 MSG/CC (Colonel Roderick E. Dorsey, Jr.)

Pages: 8

This instruction implements Air Force Instruction (AFI) 31-204, *Air Force Motor Vehicle Traffic Supervision*. It establishes guidelines and procedures for all Armed Forces Traffic Tickets, Suspensions/Revocations/Barments and all police-related documentation and enclosures associated with punitive, administrative and informational offenses with regards to all personnel and their dependents assigned, attached or under the operational control of the Commander, 65th Air Base Wing (65 ABW/CC), residing on Terceira Island. Some areas of this instruction may also apply to civilian personnel (base affiliated and non-base affiliated). It is the responsibility of commanders to ensure their personnel comply with this instruction. Refer recommended changes and questions about this publication to the OPR using the AF Form 847, *Recommendation for Change of Publications*; route AF Form 847s from the field through the Lajes Field publications/forms manager. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://www.my.af.mil/gcss-af61a/afrims/afrims/rims.cfm>. This instruction requires collecting and maintaining information protected by the Privacy Act of 1974, authorized by 10 U.S.C. 8013 and E.O. 9397.

1. Procedures upon Receipt of DD Form 1408, *Armed Forces Traffic Ticket*. Once an individual receives his/her pink copy of the DD Form 1408, *Armed Forces Traffic Citation*, he/she will have up to 72 hours (as detailed below) to report the incident to his/her sponsor, supervisor or first sergeant.

1.1. The Security Forces patrolman will write instructions in detail on the back of his/her pink copy. If the incident occurs on a weekday, the individual has 24 hours to report the incident. If the incident occurs on a Friday or weekend, the individual has 72 hours or the next duty day to report the incident, whichever comes first.

1.2. DD Form 1408s are referred to the unit commanders for corrective action. Since tickets require command action, the individual's unit or squadron section commander must sign them. First sergeants or other personnel may complete the administrative process of the ticket; however, the commander must sign the ticket.

1.2.1. When a ticket is returned back from a unit annotated "No Action Taken", the ticket is referred to the Chief of Security Forces (CSF) for review and action if necessary. "No Action Taken" indicates a "not guilty" verdict. A rebuttal letter must accompany the traffic citation stating the reasons for the "not guilty" verdict.

1.2.2. Rebuttal letters can be submitted through the individual's commander to the CSF for final determination. The violator must submit a rebuttal letter articulating his/her position to the CSF through Security Forces Administration and Reports (S5AR) within 10 days of receipt of the ticket. His/her commander must endorse the letter. The purpose of this endorsement is to ensure commander-level involvement. The commander must add comments supporting the violator's guilt or innocence.

1.2.3. In accordance with (IAW) AFMAN 31-201, Volume 7, *Security Forces Administration and Reports*, S5AR will attempt to obtain a written statement from the patrolman issuing the ticket and provide recommendations. The rebuttal package will be forwarded to the CSF for his/her annotations and he/she will forward the package to the rebuttal authority, Commander, 65th Mission Support Group (65 MSG/CC) for final decision. Once the rebuttal authority has made a decision, S5AR will notify the violator of the final outcome of his/her ticket rebuttal.

2. Procedures for Receipt and Rebutting an Air Base # 4 Traffic Citation. When an individual receives an Air Base 4 (AB4) citation, *EPA Citation*, he/she should report it to his/her commander or first sergeant within 72 hours or the next duty day.

2.1. Upon receipt of the citation copy, S5AR will also notify the individual's commander and first sergeant. This is to ensure they are aware of the traffic offense and the possible driving revocations/suspensions imposed by AB4.

2.2. AB4 officials will process the citation and send it to the Security and Defense Control Center (SDCC). The on-duty interpreter will contact the violator and have him/her report to the SDCC to sign for a translated version. The interpreter will also explain the ticket and give specific instructions, if necessary, on any further actions he/she must take with the ticket.

2.3. IAW AB4 Regulation 108-2, *Circulation of People and Vehicles*, personnel wishing to contest these citations will annotate "rebuttal to follow" on both versions of the citation when signing for receipt and have until the date the penalty is imposed to present a rebuttal letter to AB4. If a violator desires to rebut an AB4 citation they believe is unjust, they may submit a rebuttal letter through their unit commander. The unit commander makes a recommendation of approval/disapproval and forwards the letter to S5AR for administrative processing. S5AR will check the letter for accuracy and forward the letter to the CSF and, upon concurrence, the letter will be sent to the 65 MSG/CC for approval/disapproval at his/her level. Once complete, the package is translated and forwarded to 65 ABW/CCL (Political Affairs Liaison) for delivery to Headquarters Azores Air Zone (HAAZ) and subsequent passage to the AB4 Support Group Commander for consideration. In the case of driving privilege suspension, the member must ensure his/her rebuttal letter is forwarded well before the day the penalty is imposed, in order to allow ample processing time. This should be done regardless of when the member was notified.

3. Procedures upon Receipt of Incident Reports/Report of Investigation. To prevent potential loss of a person's vital Privacy Act information, unit commanders will designate key individuals within his/her unit to sign for incident reports/reports of investigation from S5AR. Incident reports require command action; therefore, the violator's unit or squadron section commander must sign them. First sergeants or other personnel may complete the administrative process of the report; however, the commander must sign the report.

4. Request for Information. All information will be released as required by AFI 33-332, *Air Force Privacy Act Program*. Individuals or agencies desiring to obtain copies of reports (to include enclosures) or Security Forces blotters will accomplish the following:

4.1. If the requester desires copies of statements other than his/her own, he/she has to submit a request under the *Freedom of Information Act (FOIA)*, as required by DoD 5400.7, as supplemented. Contact the Lajes Field records and publications management office at 535-5133 for assistance. In cases of property theft off-base, the release of information will only be accomplished if a formal complaint was filed with Praia Police.

4.1.1. Police or government agencies (Drug Enforcement Agency, police departments, recruiters, Family Advocacy, etc.) requesting information for official reasons will receive all requested information. The request will be made either in person upon proper identification or using official letterhead. [Note that this request must be **in writing** (unless otherwise provided for as a routine use published in the Federal Register for this system of records). This information is Privacy Act protected and therefore the Privacy Act applies.

4.1.2. Under section 552a(b)(7) of the Privacy Act (5 USC § 552a), requests by law enforcement agencies must be made in writing from the head of the agency or instrumentality, or from someone with properly delegated authority, and must specify “the particular portion desired and the law enforcement activity for which the record is sought.” Note that intra-agency requests under 5 USC § 552a(b)(1) need not be in writing, though disclosure is made on a need-to-know basis. Incidentally, note that under 5 USC §552a(c)(1), personnel must keep an accounting of the “date, nature and purpose” of each disclosure under section 552a(b) and the “name and address of the person to whom the disclosure is made”.] The written request can be mailed or faxed.

4.1.3. The requester is advised to include point of contacts, mailing addresses and phone or fax numbers to ensure a prompt response. The requester’s letter will be attached to the case files/blotters for a matter of record. Responses can be mailed or faxed back. Maintain a log to verify action was completed.

4.2. Privacy Act Considerations.

4.2.1. All information distributed to non-governmental or law enforcement third parties will be protected in accordance with AFI 33-332, *Air Force Privacy Act Program*. Copies of all non-disclosable information (e.g., all social security numbers, dates of birth and addresses) will be blacked out. A copy is made of the blacked-out case file if needed to preclude the possibility of being able to read through any markings. Clipping and pasting from the file (if available) on the computer is also possible as long as the appropriate text has been sanitized.

4.2.2. If the requester wants copies of all information concerning other parties not represented or involved, he/she will have to submit a request under the Freedom of Information Act, using DoD 5400.7, unless the other party has previously given written consent.

4.3. Release of Information where the Government is a Party:

4.3.1. If the government was involved in an incident or the situation might result in litigation against the government, the Staff Judge Advocate (SJA) will be consulted prior to any release.

4.4. Freedom of Information Act (FOIA) Requests.

4.4.1. Periodically, S5AR may receive requests from entities requesting the release of information citing the Freedom of Information Act per DoD Regulation 5400.7/AF Supplement,

Air Force Freedom of Information Act Program. Each FOIA case will be expedited as quickly as possible. Instructions provided in the case file will be followed. Any questions will be directed to the information management/FOIA office.

4.4.2. All enclosures to a report or blotter (e.g. statements, receipts, pictures, etc.) will be afforded the same FOIA considerations if specifically petitioned for by the requester. If pictures are requested and only negatives are available, the requester will be informed of the potential cost he/she would incur in order to initiate processing of the images.

5. Suspension/Revocation of Base Driving Privileges For Military and Civilian Personnel. Upon apprehension for a serious driving offense, the violator will receive a preliminary suspension of driving privileges memorandum that will suspend his/her privileges for 30 days. A package containing case information to include a 1-year revocation letter and a driving privilege reinstatement letter is then reviewed through appropriate agencies. The installation commander's designated official, 65 MSG/CC, is the final action authority for these packages and signs them. Upon reviewing the package, he/she decides whether to revoke the individual's driving privileges or to reinstate them. Revocations received from other bases or services will be honored and processed in the manner outlined herein.

5.1. Once the letter is returned with the appropriate signature from the action authority, the individual's commander will be informed of the decision for revocation or reinstatement of driving privileges. The individual and his/her supervisor are required to respond to S5AR for issuance of the letter where the individual will sign the final letter.

5.2. If a rebuttal is requested, the individual will be provided with instructions to submit his/her rebuttal letter through S5AR to the 65 MSG/CC for driving revocations and the installation commander for barments.

5.3. Once final action is taken and the individual has signed the final letter, the suspension, revocation and barment (SRB) listing will be updated by S5AR. The list is then sent out to the appropriate agencies.

5.4. IAW AFI 31-204, *Air Force Motor Vehicle Traffic Supervision*, Table 5.1, Suspension/Revocation of Driving Privileges.

5.5.1. The 65 MSG/CC will direct an additional 2-year revocation if an individual is discovered driving while their driver's license or installation driving privileges are under suspension or revocation.

5.5.2. The 65 MSG/CC will direct a 1-year revocation when a violator refuses to submit to or failure to complete chemical tests (implied consent).

5.5.3. A 1-year revocation is mandatory on conviction under the following:

5.5.3.1. Manslaughter (or negligent homicide by vehicle) resulting from the operation of a motor vehicle.

5.5.3.2. Driving or in physical control of a motor vehicle while under the influence of intoxicating liquor 0.10% or greater. **NOTE:** At Lajes Field, the minimum blood alcohol content to constitute a Driving While under the Influence of Intoxicating Liquors or Drugs (DUI) charge is .05%.

5.5.3.3. Driving a motor vehicle while under the influence of any narcotic or while under the influence of any other drug (including alcohol) to the degree rendered incapable of safe vehicle operation.

5.5.3.4. Use of a motor vehicle in the commission of a felony.

5.5.3.5. Fleeing the scene of an accident involving death or personal injury (hit and run).

5.5.3.6. Perjury or making a false statement or affidavit under oath to responsible officials relating to the ownership or operation of motor vehicles.

5.5.3.7. Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.

5.5.4. Suspension for a period of 6 months or less or revocation for a period not to exceed 1 year is discretionary under the following violations:

5.5.4.1. Mental or physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive.

5.5.4.2. Commission of an offense in another state which, if committed on the installation, would establish grounds for suspension or revocation.

5.5.4.3. Permitting an unlawful or fraudulent use of an official driver's license.

NOTES:

1. When imposing a suspension or revocation because of an off-installation offense, the effective date is the same as the date of civil conviction or the suspension or revocation date of state or host nation driving privileges. This effective date can be retroactive.

2. No points are assessed solely for revocation or suspension actions except for implied consent violations, base revocations on a conviction by a civilian court, military courts-martial, and non-judicial punishment under Article 15 of the Uniform code of Military Justice (UCMJ) or a separate hearing as otherwise addressed in this instruction. If revocation for implied consent is combined with another revocation such as 1 year for intoxicated driving, revocations may run consecutively (total of 24 months) or concurrently (total of 12 months). Apply the installation commander's policy systematically and not on a case-by-case basis.

3. Suspension/revocation of government vehicle operator's driving privileges is automatic upon issuance of a preliminary suspension of driving privileges memorandum or final revocation of driving privileges memorandum. IAW AFI 24-301, *Vehicle Operations*, Security Forces will notify the Operator Records and Licensing Office when individuals have their driving privileges suspended, revoked or reinstated. Individuals who have their driving privileges suspended or revoked must return their AF Form 2293, *US Air Force Motor Vehicle Operator Identification Card*, to the Operator and Licensing Section. Action causing the revocation/suspension will be entered in the Licensing Module.

6. Suspension/Revocation of Exchange/Commissary Privileges for Military and Civilian Personnel. Upon apprehension for a suspected shoplifting offense, the violator will receive a Preliminary Suspension of AAFES/Commissary Privileges Memorandum that will suspend his/her privileges for 30 days. The on-scene patrolman will confiscate all DD Forms 1173, *Uniformed Services Identification Cards*. The suspension letter will serve as temporary identification. A package containing case information is then reviewed through the appropriate agencies. The installation commander's designated official (65 MSG/CC) is the final action authority for these packages and signs them. Revocations received from other bases or services will be honored and processed in the manner outlined herein.

6.1. Once the letter is returned with the appropriate signature from the 65 MSG/CC, the individual's commander, sponsor's commander or sponsoring agency will be informed of the decision for revocation or reinstatement of AAFES/Commissary privileges. The individual and his/her supervisor or sponsor is required to respond to S5AR for issuance of the letter where the individual will sign the final letter. If the 65 MSG/CC decides to revoke AAFES/Commissary privileges, the individual must obtain a new DoD identification card from 65 MSS to reflect change of privilege status.

6.2. If a rebuttal is requested by 65 ABW personnel, the individual will be provided with instructions to submit his/her rebuttal letter through S5AR to the 65 MSG/CC for all revocations and installation commander for barments.

6.3. Once final action is taken and the individual has signed the final letter, the SRB listing will be updated by S5AR. The list is then sent out to the appropriate agencies.

7. Processing Revocations/Reinstatement of Exchange/Commissary Privileges for Local National Personnel. Upon arrival at a shoplifting incident, the joint patrol will, in addition to standard investigative techniques, identify whether the individual has a permanent BX card or an invitational pass. They will note the name, organization, type of card (A, C, R, or S) or pass and expiration date. This information will be included in the Security Forces daily blotter. Filing charges against:

7.1. Portuguese Military Members: As a courtesy to HAAZ, any Portuguese military member caught shoplifting or suspected of shoplifting by Army and Air Force Exchange Service (AAFES) personnel will be referred to the Commander, AAZ (CAAZ) for disciplinary action, in lieu of filing charges in the civilian court system.

7.1.1. In most situations, this avenue is more effective and timely. Referral to HAAZ shall be accomplished by the 65 ABW/CC through the Political Affairs Liaison (65 ABW/CCL).

7.1.2. Non-Military Members: All non-military members caught shoplifting or suspected of shoplifting are to be dealt with according to current AAFES policies.

7.2. The 65 MSG/CC will review the blotter entry and discuss the incident with the AAFES General Manager and 65 ABW/JA to determine if sufficient evidence warrants removal of BX privileges. If the 65 MSG/CC determines privileges will be removed:

7.2.1. For permanent BX cardholders who are a part of the DoD workforce, the 65 MSG/CC will generate a letter to the employee advising that their BX privileges have been suspended, direct the turn-in of BX cards and state when the employee may request reinstatement. Suspension letters will be forwarded to the employee through the supervisory chain. If the offender is the sponsor, the employee will be directed to return dependent cards as well.

7.2.2. Upon generation of the suspension letter, 65 MSG/CC will notify 65 ABW/CCL. 65 ABW/CCL will annotate same in the cardholder database and notify HAAZ, as appropriate.

7.2.3. For permanent BX cardholders who are **not** a part of the DoD work force, 65 ABW/CCL will notify HAAZ, by letter, that BX privileges have been suspended and request return to 65 ABW of all permanent BX cards in the possession of the offender and/or dependents of the offender, if the offender is the sponsor. 65 ABW/CCL will request HAAZ notify the offender that current and future privileges are suspended and indicate when the employee may request reinstatement.

7.2.4. For invitational pass holders, 65 ABW/CCL will notify HAAZ by letter that privileges have been suspended and request HAAZ support by notifying the individual, withdrawing the

current invitational pass(es), and withholding subsequent reissue of invitational passes for at least the period of time stated in 65 ABW/CCL's notification letter.

7.3. For card reinstatement, former cardholders may submit a request when any probationary period identified in the suspension letter has expired.

7.3.1. For a permanent BX cardholder who is a part of the DoD workforce, requests must be made through the Civilian Personnel Office (65 MSS/DPC). 65 MSS/DPC will forward the request to 65 MSG/CC for review/approval.

7.3.2. For any permanent BX cardholder who is not a part of the DoD workforce, requests must be made through HAAZ to 65 ABW/CCL. 65 ABW/CCL will route the request to 65 MSG/CC for coordination and 65 ABW/CC for approval.

7.3.3. Once approval for reinstatement has been given, 65 ABW/CCL will create new cards (if required) upon request by HAAZ or 65 MSS/DPC, and forward them for issuance by the appropriate organization. In no instance is a BX card issued directly by 65 ABW/CCL to the person named on the card.

8. Processing Barments. All barment packages are prepared upon request of the unit, group or wing commander. S5AR will package all information for coordination through the CSF, 65 ABW/JA, 65 MSG and 65 ABW. IAW AFMAN 31-201 v7, the installation commander is the final action authority for these packages and will make a determination based upon all information provided. At Lajes Field, a barment directed by the 65 ABW/CC only applies to facilities. Barment from AB4/Lajes Field property requires the package be forwarded to Headquarters Azores Air Zone (HAAZ) for their approval.

8.1. Once the letter is returned with the appropriate signature from the action authority, the individual's commander, sponsor's commander or sponsoring agency will be informed of the decision for barment of 65 ABW privileges. The individual and his/her supervisor or sponsor is required to respond to S5AR for issuance of the letter where the individual will sign the final letter. A copy of the letter will be filed with S5AR who will update the current SRB listing and distribute to all appropriate agencies.

8.2. Requests for reinstatement of 65 ABW privileges will be made in writing through S5AR to the installation commander. In cases of reinstatement, the individual is required to respond to S5AR for issuance of the letter where the individual will sign the final letter. A copy of the letter will be filed with S5AR who will then update the current SRB listing and distribute to all appropriate agencies.

8.3. Adopted Forms.

DD Form 1408, *Armed Forces Traffic Citation*

AF Form 2293, *US Air Force Motor Vehicle Operator Identification Card*

AF IMT 847, *Recommendation for Change of Publication*

AB4 Citation, *EPA Traffic Citation*

PAUL J. SUAREZ, Colonel, USAF
Commander, 65th Air Base Wing

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

Department of Defense Regulation 5400.7, *DoD Freedom of Information Act (FOIA) Program*, 15 Oct 2007

Air Force Instruction 24-301, *Vehicle Operations*, 01 Nov 2001

Air Force Manual 31-201 Volume 7, *Security Forces Administration and Report*, 21 Jan 02

Air Force Instruction 31-204, *Air Force Motor Vehicle Traffic Supervision*, 14 Jul 00

Air Force Instruction 33-332, *Air Force Privacy Act Program*, 29 Jan 04

AFMAN 33-363, *Management of Records*, 1 Mar 08

Abbreviations and Acronyms

AAFES—Army Air Force Exchange Services

ABW—Air Base Wing

AFI—Air Force Instruction

BX—Base Exchange

CAAZ—Commander Azores Air Zone

CSF—Chief of Security Forces

DOD—Department of Defense

FOIA—Air Force Freedom of Information Act Program

HAAZ—Headquarters Azores Air Zone

IAW—In Accordance With

MSG—Mission Support Group

MSS—Mission Support Squadron

OPR—Office Personnel Responsible

RDS—Records Disposition Schedule

S5AR—Security Forces Administration & Reports

SDCC—Security Defense Coordination Center

SJA—Staff Judge Advocate

SRB—Suspension Revocation Barment

UCMJ—Uniform code of Military Justice