



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON, FORT WAINWRIGHT
1046 MARKS ROAD #6000
FORT WAINWRIGHT, ALASKA 99703-6000

DEC 01 2015

IMFW-ES

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Family Member Disciplinary Review Board (Garrison Policy #47)

1. References:

a. Army Regulation 15-6, Procedures for Investigating Officers and Boards of Officers, 02 October 2006.

b. Army Regulation 600-8-14, Identification Cards for Members of the Uniformed Services, Their Eligible Family Members and other Eligible Personnel, 17 June 2009.

2. Purpose: The purpose of this policy is to prescribe responsibilities and procedures for conducting administrative hearings for the disposition of Family member misconduct not otherwise being adjudicated through the state or federal court systems committed on Fort Wainwright. This policy does not apply to traffic violations processed through the Federal Magistrate's Court.

3. Definitions:

a. CLASS A MISDEMEANOR: Characteristically involve less severe violence against a person or less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies. A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

b. CLASS B MISDEMEANOR: Characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency. A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of the law defining the offense.

c. VIOLATIONS: Characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

d. JUVENILE FAMILY MEMBER: Any military dependent Family member under the age of 18 years old that has not been legally emancipated by any court.

4. Policy:

a. Misconduct committed by, or involving, military Family members will be promptly identified and addressed through the Family Member Misconduct Hearing process in a manner that stresses both deterrence and rehabilitation. Participation in the Family Member Misconduct Hearing process is voluntary; however, other adverse administrative and/or criminal actions may be taken if sponsors choose not to consent to proceed with this process. Failure of Family members to cooperate in the process may also result in other adverse administrative and/or criminal actions being initiated.

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b. Certain crimes and violations committed by dependent juveniles within the jurisdictional boundaries of Fort Wainwright have the option of being referred to the Family Member Review Board (FMRB) in lieu of criminal prosecution. Determination is based first upon the class of the violation or the crime committed, and second, on the sponsor's decision to proceed. The opportunity for referral to FMRB will only be offered on the first two violations. Third and/or subsequent offense(s) indicate a pattern of misconduct, and will be directly referred to the appropriate local juvenile authorities without the option of the FMRB. This policy only applies to those crimes or violations classified as Class B Misdemeanors along with violations that can be referred to FMRB, whereas Class A Misdemeanors and higher must be forwarded to the appropriate local juvenile authorities.

c. Example: Harassment in the Second Degree (class B misdemeanor) may be referred to the FMRB or appropriate local juvenile authorities. Harassment in the First Degree (class A misdemeanor) must be forwarded to the appropriate local juvenile authorities.

5. Responsibilities:

a. The Garrison Commander will provide overall supervision of the Family Member Misconduct Hearing (hereafter referred to as Hearing) process for Fort Wainwright.

b. The Garrison Commander or the appointed designee will:

(1) Serve as Hearing Officer for acts of alleged misconduct committed by military Family members residing on, or committed on Fort Wainwright.

(2) Determine if the sponsor or legal guardian of the military Family member consents to proceed with the Hearing process.

(3) Determine the time, date, and location for each Hearing and give timely notice (normally seven days in advance) to all participants, including the sponsor or legal guardian, military Family member, and any witnesses or other persons with special expertise deemed necessary (e.g., Social Work Services representative, School Liaison Officer, Staff Judge Advocate representative, Directorate of Emergency Services representative, etc.).

(4) Determine by a preponderance of the evidence whether the military Family member appearing at the Hearing committed the alleged misconduct.

(5) Decide on appropriate corrective/community service actions to be completed by the military Family member and ensure compliance is monitored.

(6) Complete the enclosed findings worksheet and provide a copy to Fort Wainwright Police and to the military sponsor or legal guardian of the military Family member. For proceedings satisfactorily adjudicated by the Hearing, the findings worksheet will include written authorization for final disposition of evidence by the Fort Wainwright Police Department.

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c. Sponsors will:

(1) Be responsible for their Family member's conduct.

(2) Decide, on behalf of their juvenile military Family members, whether to consent to proceed with the hearing process.

(3) Monitor their Family member's compliance with any corrective/community service actions directed by the Hearing Officer.

(4) Cooperate with commanders, staff, and law enforcement personnel in carrying out their responsibilities.

c. Military Family members will be expected to:

(1) Comply with any corrective/community service actions directed by the Hearing Officer.

(2) Regularly attend school if required to do so by Alaska State law.

(3) Cooperate with commanders, staff, and law enforcement personnel in carrying out their responsibilities.

6. Procedures:

a. The Garrison Commander or appointed designee will serve as the Hearing Officer for each Hearing. The Hearing Officer may consult with persons with special expertise whenever desired.

b. As a guide, the proceedings will generally follow the informal procedures set out in AR 15-6. No person will be designated as a respondent.

c. The Hearing proceedings will be closed to the public.

d. The Hearing Officer may call witnesses and question them.

e. Witness statements may be sworn or unsworn at the Hearing Officer's discretion.

f. Juvenile military Family members appearing at the Hearing will be accompanied by their sponsor or legal guardian.

g. Military Family members are not entitled to be represented by counsel, or to have counsel present during the Hearing proceedings.

h. Military Family members may present any relevant written matters, such as statements from witnesses, Family members, friends, teachers, doctors, etc.

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7. This policy supersedes Garrison Policy #47, SAB, dated 07 April 2014.

8. The point of contact for this policy is the Directorate of Emergency Services, Fort Wainwright Police Department at 353-7710.

Encl
Findings Worksheet



SEAN C. WILLIAMS
COL, SF
Commanding

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A (FWA)