DEPARTMENT OF THE NAVY
U.S. NAVAL SUPPORT ACTIVITY
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NAVSUPPACT NAPLES INST 1620.2B
N01J

23 MAR 2011

NAVSUPPACT NAPLES INSTRUCTION 1620.2B

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy

Subj: ARMED FORCES DISCIPLINARY CONTROL BOARD FOR THE REGION OF CAMPANIA AND GAETA, ITALY

Ref: (a) OPNAVINST 1620.2 (Series)
(b) COMUSNAVEURINST 1620.5 (Series)
(c) COMNAVREGEURAFSWAINST 1620.5 (Series)

1. Purpose. To direct the establishment of a local Armed Forces Disciplinary Control Board (AFDCB) for the region of Campania and Gaeta, Italy, in accordance with references (a) through (c).

2. Cancellation. NAVSUPPACT NAPLES INST 1620.2A

3. Policy. Reference (c) delegates the U.S. Naval Support Activity (NAVSUPPACT), Naples, Italy Commanding Officer (CO), with the authority to establish and operate a local AFDCB for the regions of Campania and Gaeta, Italy. As a delegated "Sponsoring Commander," the CO will take and enforce off-limits actions against civilian areas, firms, establishments, individuals and organizations responsible for practices and conditions adverse to good order and discipline, health, morale, safety and welfare of U.S. Forces personnel. A non-exhaustive list of adverse practices and conditions is provided in paragraph 7 of reference (b). When adverse practices or conditions are confirmed by an investigation, the CO may take temporary or indefinite off-limits actions to protect U.S. forces personnel.

4. Organization.

a. The AFDCB is established under the sponsorship of U.S. Naval Support Activity, Naples, Italy. The Board shall meet at the call of the President, and shall consist of the following board members:

(1) Executive Officer, President

(2) Command Master Chief

(3) Staff Judge Advocate

(4) Security Officer

(5) Public Affairs Officer

(6) Equal Employment Opportunity Advisor

(7) Safety Officer

(8) Drug and Alcohol Program Advisor

(9) Representative, U.S. Naval Hospital, Naples, Italy

(10) Representative, Naval Criminal Investigative Service

b. All actions shall be achieved by a majority vote of a quorum.

c. A quorum is achieved with no less than five members present.

5. Action.

a. Temporary off-limits actions. The CO may place areas, establishments, firms, individuals, or organizations temporarily off-limits to military personnel of their unit for 45 days when it is determined essential to the health, safety, welfare, discipline and protection of their personnel. The following steps shall be taken in accordance with reference (c):

(1) The CO will post a written order on the bulletin boards and other available media (i.e. facebook page, website, Panorama) for all NAVSUPPACT Naples installations. The order will include an expiration date for the off-limits designation. The expiration date will not be more than 45 days after the date of the order.

(2) The CO will appoint a Commissioned Officer (CWO2 or above) or civilian employee in a grade of GS-11 or above to complete an investigation and written report within five working days of the issuance of the temporary suspension.

(3) If the issue has been resolved and the continuation of the off-limits order is not necessary, the CO will remove the off-limits order immediately. A copy of the investigation and written off-limits declaration will be filed and maintained by the AFDCB.

(4) If a continuation of the off-limits order is appropriate, the CO will then direct the AFDCB to investigate the matter and recommend whether the CO should issue a permanent off-limits order.

(5) The CO will send copies of memorandums imposing or removing temporary off-limits sanctions with all supporting documentation to CNREURAFSWA.

b. Indefinite off-limits actions. In order to place areas, establishments, firms, individuals and organizations in an indefinite off-limits status, the CO shall:

(1) Review complaints in coordination with the Staff Judge Advocate to determine whether or not further off-limits action is necessary.

(2) When appropriate, document and file a determination that no further action is needed and respond in writing to the complainant of the determination.

(3) Notify appropriate Italian authorities if a formal investigation is needed. This notification allows time to prepare for a possible off-limits action according to Italian laws. See appendix B of reference (b) for a notification letter.

(4) Send a warning letter (certified mail-return receipt) to the violator noting the problem practices or conditions after notifying Italian authorities. When an area rather than an establishment, firm, individual or organization is involved, the warning letter must be sent to the principal civil official who has jurisdiction over the area. See appendix C of reference (b) for a notification letter.

(5) If further investigation is necessary and if no response to the warning letter is received within ten workdays, appoint a Commissioned Officer (CW02 or above) or a civilian employee in the grade of GS-11 or above to investigate the establishment, firm, individual, organization or area. The CO

may take this action even if the violator meets with the CO and agrees to cooperate but does not appear to change adverse practices or conditions in a reasonable time. The Investigating Officer will prepare a written report recommending a prompt review by the NAVSUPPACT Naples Staff Judge Advocate. The CO will receive the investigation report. The CO may bypass this step, however, if the Investigating Officer's report directed during the temporary off-limits process was thorough and complete.

(6) Send the complaint and investigation report to the local AFDCB if the report and other available reports show an off-limits action is required.

(7) Declare the area, establishment, firm, individual or organization off-limits by publishing a command order if the recommendation of the local AFDCB indicates that an off-limits action is warranted. Appendix D of reference (b) is a sample command order memorandum.

(8) Provide written notice of the off-limits action immediately to the proprietor. Appendix E of reference (b) is a sample off-limits declaration letter. Provisions for appeal must be included in the letter.

(9) Ensure that copies of all investigations, directives, instructions, correspondence, meeting minutes and memorandums imposing or removing indefinite sanctions are sent to the CNREURAFSWA Staff Judge Advocate after review by the NAVSUPPACT Naples Staff Judge Advocate.

c. Other considerations. Additionally, the CO shall:

(1) Request assistance, when practicable, from Italian civilian law enforcement, health, and other appropriate authorities to correct adverse conditions before taking and enforcing off-limits actions.

(2) Use caution when communicating with or giving instructions to proprietors about off-limits actions. To this end, the CO will:

a. send a letter to the proprietor requesting assistance to maintain the health and welfare of U.S. forces personnel; and

b. not use threats or force to influence proprietors.

(3) Not take or enforce an off-limits action against an area, establishment, firm, individual or organization solely because sanitation standards required by local ordinances do not meet U.S. Forces standards. Unsanitary conditions must be confirmed by local health and licensing officials before off-limits actions may be taken.

(4) Not take immediate off-limits actions against areas, firms, establishments, individuals or organizations that discriminate. The CO shall negotiate with proprietors to make these locations available to all U.S. personnel before taking off-limits actions.

6. Compliance. Off-limits orders are lawful military orders. Service members who violate, or who solicit others to violate, off-limits orders may face disciplinary action under the Uniform Code of Military Justice. The CO is a General Court-Martial Convening Authority and his off-limits orders have the force of a lawful general order as defined by Article 92, UCMJ.

7. Point of contact is NAVSUPPACT Naples Office of the Staff Judge Advocate at DSN: 626-5360 or COMM: 081-568-5360.

R. B. RABUSE

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