

**BY ORDER OF THE COMMANDER
KADENA AIR BASE**

**KADENA AIR BASE INSTRUCTION
31-201**



29 JUNE 2016

Security

**KADENA DISCIPLINARY
ACTION PROGRAM (KDAP)**

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This instruction implements AFPD 31-1, *Integrated Defense*. The Air Force must provide safe and secure living and working conditions for its members and their families. The Kadena Disciplinary Action Program (KDAP) is intended to provide standardized disciplinary services, and procedures for dealing with civilian misconduct on Kadena Air Base (AB). This instruction applies to all family members and civilians subject to the Status of Forces Agreement (SOFA), regardless of service affiliation, while on Kadena AB and all other Air Force installations and facilities on Okinawa, Japan to include Kadena Marina, Okuma Joint Services Recreation Facility, and all government military family housing areas. Additionally, this instruction applies to all individuals residing on Kadena AB. It does not apply to the Air National Guard or US Air Force Reserve. 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 in accordance with (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).

SUMMARY OF CHANGES

This document has been substantially revised and needs to be completely reviewed. Major changes include: (1) Updated organization designations and office symbols for 18th Mission Support Group Deputy Commander; (2) Added School Liaison Officers to coordinating partners,

Airmen and Family Readiness Center replaces Life Skills; (3) Clarified provisions for KDAP Hearing Officer's authority in order to improve understanding of his/her responsibilities as a presiding authority; (4) Clarified the paperwork-only review procedure, and mandatory attendance for KDAP hearing.

1. General. The SOFA governs jurisdiction of all criminal offenses committed in Japan by Department of Defense employees and contractors. Additionally, SOFA also governs jurisdiction of offenses of family members of armed forces personnel, Department of Defense employees, and contractors. Base policies are also set by the Commander, 18th Wing (18 WG/CC) and the Commander, 18th Mission Support Group (18 MSG/CC) through base policy letters. Acts of misconduct by family members and civilians are subject to a wide range of administrative sanctions under the provisions of this instruction and base policy letters, regardless of any action taken by Japanese authorities. Failure by Japanese authorities to pursue jurisdiction or take action against dependents of service members, DoD civilian employees, and contractors, or against civilian employees and contractors themselves, will not preclude action under this instruction. KDAP is the direct responsibility of 18 MSG/CC.

1.1. KDAP objectives:

1.1.1. Maintain good order and discipline in the Kadena AB community.

1.1.2. Protect the well-being of all personnel residing on Kadena AB.

1.1.3. Screen all acts of civilian misconduct and facilitate standardized management of all cases when involvement by KDAP staff is deemed appropriate.

1.1.4. Prevent further misconduct through an aggressive program of standard disciplinary action.

1.1.5. Whenever possible, effectively utilize base resources to provide individuals and families with the best possible referral and assistance services.

1.2. Misconduct refers to the following:

1.2.1. Conduct committed on any military installation on Okinawa, Japan, which, if committed in the US, would violate US federal law.

1.2.2. Violations of Japanese law committed on Okinawa, Japan.

1.2.3. Violations of Air Force or Kadena Air Base instructions and policies relating to dependent or civilian conduct.

1.2.4. Any conduct determined by the presiding authority, which negatively impacts good order and discipline in the Kadena AB community.

2. KDAP - Program Management and Responsibilities.

2.1. KDAP is the office of primary responsibility for management of all civilian and dependent misconduct within Kadena AB jurisdiction. Individuals assigned to the program serve as the primary advisor, point of contact, and operational and administrative program managers.

2.2. The Deputy Commander, 18th Mission Support Group (18 MSG/CD), or his/her designee, serves as KDAP Hearing Officer and maintains presiding authority during KDAP hearings, makes all findings of fact, and directs all punishment actions based on the

preponderance of evidence. The KDAP Hearing Officer is authorized to suspend, revoke, or terminate privileges granted to family members, DoD civilian employees, and contractors by virtue of employment, contract, or military service subject to applicable laws and instructions. Additionally, the KDAP Hearing Officer is authorized to add, delete, or otherwise modify initial charges from the referring agency based on any associated evidence with any case. Sponsors may be financially liable for family member actions and/or could lose base housing privileges as a result of family member misconduct.

2.3. 18 MSG/CC directs KDAP activities to achieve program objectives and serves as appeal authority on all action taken under authority of the KDAP with the exception of action taken by 18 WG/CC.

2.4. 18 WG/CC, is the sole authority for barment of individuals from Kadena AB and all Air Force installations and facilities on Okinawa, Japan.

3. KDAP Procedures.

3.1. KDAP staff consists of the KDAP Hearing Officers, KDAP Director, Judge Advocate, Family Advocacy, and Security Forces representatives. KDAP staff is responsible for screening all acts of dependent and civilian misconduct. Screening is accomplished through daily review of security forces blotters and pending investigations, when available. The KDAP Director will obtain appropriate police and investigative agency reports.

3.1.1. The KDAP Director will establish a case file on individuals involved in misconduct. Misconduct case files will contain all pertinent identification data, correspondence, and police reports. All original information entered into the case file will remain a permanent part of the case file. Case files will remain active for a period of 3 years from the most recent incident. 18 WG/CC approved barment case files will remain active for the length of the barment.

3.1.2. The KDAP Director will coordinate with the following organizations prior to hearing date:

3.1.2.1. Sponsor's unit of assignment (commander, first sergeant, and/or supervisor).

3.1.2.2. Department of Defense Dependents Schools (DODDS) and/or School Liaison Officers (when incident involves school-age dependent).

3.1.2.3. Family Advocacy and/or Airmen and Family Readiness Center.

3.1.2.4. Office of the Staff Judge Advocate.

3.1.3. After initial coordination has been conducted by the KDAP Director, a paperwork only notification will be issued or a hearing date will be established.

3.1.4. Paperwork only hearings.

3.1.4.1. The KDAP Hearing Officer, and KDAP Director can recommend a paperwork only hearing if the offender has confessed the offense, where all pertinent information is available, or the preponderance of evidence enables the KDAP Hearing Officer to determine appropriate administrative adjudication.

- 3.1.4.2. The KDAP Hearing Officer will then impose appropriate punishment up to recommending barment. If barment is recommended, the KDAP Director will staff paperwork for 18 WG/CC action.
- 3.1.5. All KDAP hearing punishment options outlined in section 3.2.3 apply for paperwork only hearings.
- 3.2. KDAP hearings.
- 3.2.1. The KDAP Hearing Officer maintains authority to direct KDAP hearings and is delegated authority to determine appropriate administrative adjudication for cases of civilian and dependent misconduct.
- 3.2.1.1. 18 WG/JA will appoint a legal representative to serve as advisor to the KDAP Hearing Officer, when required. A legal advisor should be present during all KDAP hearings expected to result in a barment recommendation. The legal adviser will communicate KDAP actions to 18 WG/JA and provide legal support to the Hearing Officer, as needed.
- 3.2.1.2. KDAP hearing attendance is mandatory for the following individuals:
- 3.2.1.2.1. Alleged offender.
- 3.2.1.2.2. Sponsor or designated guardian.
- 3.2.1.2.3. Commander, first sergeant, or commander-designated unit representative, or senior civilian representative, as appropriate. Command presence permits the opportunity to consider unit issues, concerns, and/or operational requirements.
- 3.2.2. KDAP hearings will proceed as follows:
- 3.2.2.1. KDAP Hearing Officer presents allegations of misconduct as outlined in appropriate reports.
- 3.2.2.2. Alleged offender is given the opportunity to make a brief presentation.
- 3.2.2.3. KDAP Hearing Officer determines if the alleged offender committed the offense based on preponderance of evidence.
- 3.2.2.4. KDAP Hearing Officer imposes appropriate punishment. If barment is recommended, the Hearing Officer advises the offender that a barment recommendation will be made to 18 WG/CC.
- 3.2.2.5. A memorandum of disciplinary action will be issued to the sponsor and dependent (offender). Both the sponsor and offender will sign the memorandum. KDAP staff will issue a copy of the memorandum of disciplinary action to the sponsor. If the KDAP Hearing Officer dismisses the case, a memorandum of disciplinary action will not be issued.
- 3.2.2.6. If the offender is not present at the time the memorandum is issued, the sponsor will return a signed copy with the offender's signature to the KDAP office within five business days.
- 3.2.3. Punishment options available to the KDAP include, but are not limited to:

- 3.2.3.1. Verbal counseling.
- 3.2.3.2. Memorandum of notification of disciplinary action (warning letter).
- 3.2.3.3. Assignment of community service (accompanied by sponsor/parent if applicable).
- 3.2.3.4. Curfew restriction.
- 3.2.3.5. Civilian no contact order.
- 3.2.3.6. Suspension of AAFES, MWR, and/or commissary privileges.
- 3.2.3.7. Suspension of driving privileges.
- 3.2.3.8. Enrollment in Kadena Youth Monitor Program (see paragraph 4).
- 3.2.3.9. Suspended recommendation for barment from all Air Force installations and facilities on Okinawa. If recommendation for barment is suspended, the offender will generally be given a one-year probationary period for which, if model behavior is maintained, the recommended barment will be dismissed. Based on severity of the offense, the probationary period may be longer.
- 3.2.3.10. Recommendation for barment from all Air Force installations and facilities on Okinawa.
- 3.2.3.11. Other actions deemed appropriate by the KDAP Hearing Officer may include, but are not limited to: letters of apology, financial restitution, essays on the offense or how to prevent it in the future (for offender), referral to Family Advocacy or Substance Abuse Counseling, and 24-hour eye's on parental supervision.

3.3. Community Service:

- 3.3.1. KDAP staff will designate appropriate community service tasks and work sites.
- 3.3.2. Sponsor and KDAP staff will ensure individual compliance with community service requirements. The sponsor/parent may be required to be present during performance of community service, and will report progress of assigned community service to the KDAP staff. KDAP staff may approve exception to policy for certain community service depending on age, task, and worksite.
- 3.3.3. KDAP staff will assign community service work sites and monitor compliance with community service requirements for sister service dependents and civilian members. Sponsor/parent may be required to be present at the first orientation meeting and will report progress of assigned community service weekly to the KDAP office.

3.4. Freedom of Information Act (FOIA).

- 3.4.1. KDAP staff will not release police reports or reports of investigation. Individuals requesting this documentation are directed to 18th Communication Squadron/FOIA office.

4. Kadena Youth Monitor Program. A disciplinary option available to KDAP Hearing Officer for cases involving middle school to high school aged dependents who commit serious or repeated acts of misconduct.

4.1. Objective: Kadena Youth Monitor Program provides rehabilitation for juveniles involved in misconduct. Juveniles enrolled in the program must successfully complete all requirements, or they will be subject to further sanctions as determined by the presiding authority. Standard enrollment in the Kadena Youth Monitor Program is six months.

4.2. KDAP office will:

4.2.1. Work with appropriate community agencies to locate and identify potential areas to perform community service.

4.2.2. Monitor participants on a weekly basis to ensure that all requirements of the action memorandum are being met.

4.2.3. Recommend barment and termination of a juvenile's enrollment in the program for engaging in further acts of misconduct or for failure to comply with the requirements stipulated in the action memorandum.

4.2.4. Recommend sanction modifications to include early program release for juveniles who show accelerated progress and compliance with program requirements.

5. KDAP Appeal Procedures. All persons affected may appeal disciplinary actions imposed under the provisions of this instruction.

5.1. Appeals must be submitted in writing within 5 duty days of receipt of the disciplinary action memorandum.

5.2. All appeals must be endorsed by the sponsor.

5.3. 18 MSG/CC will serve as appellate authority for all actions imposed by KDAP.

5.4. If the KDAP Hearing Officer recommends barment to 18 WG/CC, the offender/sponsor has 5 days to request an appeal and provide any additional information for 18 WG/CC review. 18 MSG/CC will review the case prior to 18 WG/CC review. 18 WG/CC decision is final and there is no further appeal process. KDAP staff will review any barment action taken outside of KDAP channels, at 18 WG/CC request.

6. Rights to Counsel. Civilian misconduct adjudication is an administrative process. Alleged offenders are not entitled to have legal counsel present, physically or indirectly (e.g. via phone) during the administrative hearing or for an appeal. 18 WG/JA and Kadena AB Area Defense Counsel legal assistance is not available for alleged offenders. This instruction does not limit an individual's authority to hire civilian counsel at their own expense to assist with preparation for a hearing or an appeal.

7. Barment Action.

7.1. Barment takes immediate effect upon sponsor's receipt of an 18 WG/CC approved barment order.

7.2. Sponsors will acknowledge barment memorandum receipt by signing the endorsement block.

7.3. If 18 WG/CC dismisses the barment recommendation, the case shall be returned to KDAP office for implementation and administration of all remaining sanctions.

BARRY R. CORNISH, Brigadier General, USAF
Commander

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

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

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

Adopted Form

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AB— Air Base

BTRO— Base Traffic Regulation Officer

DOD— Department of Defense

DODDS— Department of Defense Dependent School

FOIA— Freedom of Information Act

IAW— In accordance with

KDAP— Kadena Disciplinary Action Program

SOFA— Status of Forces Agreement

Attachment 2

MISCONDUCT MATRIX - KADENA DISCIPLINARY ACTION PROGRAM

Table A2.1. Misconduct Matrix.

	Uncontrolled Pets and Pet Bites	Curfew Violation	Shoplifting or Larceny	Assault/ Mutual Affray	Illegal Use/Possession of Prohibited Items	Vandalism/ Property Damage	Alcohol/ Substance Abuse	Underage Drinking	Drunk/ Reckless Driving
Letter of Notification / Document reprimand	X	X	X	X	X	X	X	X	X
Verbal Counseling – (See Note 0)	X	X	X	X	X	X	X	X	X
Community Service (See Note 1)		X	X	X	X	X	X	X	X
Essay (See Note 2)		X	X	X	X	X	X	X	X
Restricted Curfew (See Note 3)		X	X	X	X	X	X	X	X
Suspension of AAFES Privileges (See Note 4)			X						
Suspension of Driving Privileges (See Note 5)			*	*	*	*	*	X	X
6 Month Youth Monitor Program (See Note 6)			*	*	*	*	*	*	*
Financial Restitution (See Note 7)			X	*		X			*
Letter(s) of Apology to Victim(s)	X		X	X	X	X			
24 hrs eye’s on parental supervision (See Note 8)	*			*		*	*		*
Susp of NCO/Officer Club Privileges				*					*
Substance Abuse Evaluation/Ed							X	X	X

Education									
Suspended Barment (See Note 9)	*		*	*	*	*	X	*	X
Barment (See Note 10)	*			*		*	*		*

This matrix is a guide for KDAP hearing officers and may be used as a reference to estimate punishment for civilian misconduct on Kadena AB. Actual punishment or corrective action is at the discretion of the KDAP hearing officer and can be a combination of any of the items listed in the matrix.

***Punishment may be applied depending on the severity of the misconduct.**

Note 0: Verbal Counseling is normally administered during the course of a hearing, but may be conducted at the KDAP hearing officer's office for paperwork only cases.

Note 1: Community Service hours are normally between 10-100 hours. A minimum of 5 hours will be completed per week. Parent supervision may be required (to demonstrate seriousness of situation, due to age of subject, or due to lack of cooperation). KDAP staff may approve exception to policy for certain community service depending on age, task, and worksite.

Note 2: Normally imposed for first time offenders.

Note 3: Generally applied if under 18 years of age. Restricted to base can also be imposed due to severity of misconduct or if over 18 years of age.

Note 4: Minimum 6 months for 1st time offense, 6 months or longer for further offenses.

Note 5: Suspension of driving privileges for non- alcohol related incidents, not involving a vehicle, result in a 3-6 month suspension. Revocation of privileges for Drunk Driving is a minimum 12 months, 24 months if Implied Consent Refusal, and 6 months for Driving While Drinking Indicated. Consult BTRO for further clarification.

Note 6: Youth Monitor Program: This program is for the most serious misconduct or repeated acts of misconduct not requiring barment. This program may consist of weekly visits to the KDAP office for 3/ 6 months with school progress reports, and enrollment in a Teen Life Skills program.

Note 7: Financial Restitution could be required for damage to personal or government property or theft.

Note 8: This is normally imposed on individuals deemed a threat to the community with barment pending.

Note 9: Suspended barment is normally imposed with continued acts of misconduct.

Note 10: Normally imposed on the most serious misconduct or continued acts of misconduct.