



23 OCTOBER 2024

Law

**CIVILIAN AND FAMILY
MEMBER MISCONDUCT**

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(Lt Col Gregg R. Chilson)

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This instruction implements Air Force Policy Directive (AFPD) 51-5, *Administrative Law, Gifts, and Command Relationships*, by providing guidance by establishing policy and procedures in dealing with cases of civilian and family member misconduct. This instruction applies to all family members and civilians subject to the Status of United States Forces in Japan (here in after referred to as Status of Forces Agreement [SOFA]), regardless of service affiliation, while on Kadena Air Base (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. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with (IAW) the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR) using the DAF Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command.

SUMMARY OF CHANGES

This document has been revised for clarity and must be completely reviewed. The major updates include but are not limited to: addition and clarification of Kadena Disciplinary Action Program (KDAP) procedures; clarification of responsibilities of KDAP Hearing Officer; expansion and clarification of barment procedures; and updating attachment letters/memorandums.

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Section A—General

1. Overview. In almost all cases, the host nation has exclusive criminal jurisdiction over civilian family members of United States Forces and other civilian personnel (including civilian employees, Department of Defense [DoD] contractors, etc.). Misconduct adversely affects host nation relations, our community's quality of life, and negatively reflects on the individual, the family, and the entire military community. Commanders will ensure that their personnel understand that they are responsible for the welfare and conduct of all their family members, other household members and guests. The Installation Commander for Kadena AB and its outlying jurisdiction is the 18th Wing Commander (18 WG/CC). The Installation Commander is responsible for the general welfare, morale, and safety of Kadena Military Community members residing on/off Kadena AB and Kadena's outreaching territories. The Installation Commander and his designees have a number of administrative sanctions that may be taken in cases of family member or civilian misconduct. Failure by Japanese authorities to pursue jurisdiction against dependents of service members, DoD civilian employees, and contractors, or against civilian employees and contractors themselves, will not preclude action under this instruction.

2. KDAP – Program Management and Responsibilities.

2.1. Kadena Disciplinary Action Program (KDAP) is the office of primary responsibility for management of all civilian and dependent misconduct under the Status of U.S. Forces Agreement (SOFA) within Kadena Air Base jurisdiction. KDAP is the direct responsibility of Commander, 18th Mission Support Group (18 MSG/CC).

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 administrative 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 military service, employment or contract, 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 Hearings.

3.1. The KDAP Hearing Officer maintains authority to direct KDAP hearings based on the investigation reports and evidence provided by Security Forces. He/She is delegated authority to determine appropriate administrative adjudication for cases of civilian and dependent misconduct. Evidence such as security footage will be returned to the Security Forces after the hearing.

3.2. 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 KDAP hearings expected to result in a barment recommendation.

3.3. KDAP hearing attendance is mandatory for the following individuals:

3.3.1. Alleged offender.

3.3.2. Sponsor or designated guardian.

3.3.3. Unit/Organization representative: Commander, first sergeant, or commander-designated unit representative, senior civilian representative, or organization leaderships, as appropriate. Command presence permits the opportunity to consider unit issues, concerns, and/or operational requirements.

3.3.4. KDAP hearing attendees are managed by KDAP office. The alleged offender, sponsor and unit representative are not allowed to bring additional attendees without prior permission.

3.4. KDAP hearings generally will proceed as follows:

3.4.1. KDAP Hearing Officer presents allegations of misconduct as outlined in appropriate reports.

3.4.2. Alleged offender is given the opportunity to make a brief presentation.

3.4.3. KDAP Hearing Officer determines if the alleged offender committed the offense based on preponderance of evidence.

3.4.4. KDAP Hearing Officer imposes appropriate sanctions. If barment is recommended, the Hearing Officer advises the offender that a barment recommendation will be made to 18 WG/CC.

3.4.5. A memorandum of disciplinary action will be issued to the sponsor, dependent (offender) and unit/organization representative. All three parties, sponsor, offender and unit representative will sign the memorandum. Failure to sign will not affect validity of the KDAP memorandum.

3.4.6. 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. If offender is not available to sign, sponsor can sign the memorandum on behalf of offender taking full responsibility. Failure to sign will not affect validity of the KDAP memorandum.

3.4.7. 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 Air Base 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.

Section B—Explanation of Terms

4. Dependent. Any person who qualifies as a family member under Article I, Status of United States Armed Forces in Japan and applicable implementing agreements. This term includes spouse, and children under 21 and also applies to parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component. In addition, family member shall include those family members eligible to attend Department of Defense Education Activity (DoDEA), regardless of their sponsor's affiliation with the DoD. For the purpose of this instruction, the two family member categories are:

4.1. Adult. Any family member or civilian 18 years of age or older, or spouse regardless of age.

4.2. Minor. Any family member under the age of 18 (18-year-old student considered a minor).

5. Civilian. Applies to civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who ordinarily reside in Japan or who are mentioned in paragraph 1. of Article XIV. For the purposes of this Agreement only, dual nationals, Japanese and United States, who are brought to Japan by the United States shall be considered as United States nationals.

6. Sponsor. Any person assigned to, employed by, or under the supervision or control of the Department of the Air Force, Department of Defense Education Activity (DoDEA), other DoD or US agencies, and units that have local designated Commanders, or persons entitled to logistical support from whom family members derive their status. Sponsor also includes a parent of those family members eligible to attend DoDEA, regardless of the parent's affiliation with the DoD.

7. Civilian and Family Member Misconduct. The following is defined as civilian and family member misconduct:

7.1. Behavior that is contrary to the good order and discipline of the military installation and community.

7.2. Behavior that is committed on any military installation in Japan, which if committed in the US, violates US Federal Law.

7.3. Behavior that violates Japanese laws.

7.4. Behavior that violates written rules, regulations/instructions, policies, and directives of the DoD, Department of the Air Force, and 18 WG/CC. These rules are enforced by the Installation Commander and designees.

Section C—Responsibilities

8. Installation Commander. The Installation Commander is responsible for action taken in dealing with misconduct cases of any affiliated civilian personnel and others residing in, authorized use of, or attempting access to US facilities on Kadena Air Base.

9. Commander, 18th Mission Support Group (18 MSG/CC). 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. 18th Wing Commander resides as the barment authority for Kadena Military Community (KMC).

10. Deputy Commander, 18th Mission Support Group (18 MSG/CD). 18 MSG/CD, or his/her designee, serves as KDAP Hearing Officer and directs all sanctions based on 51% of the preponderance of evidence.

11. *Commander, First Sergeant and Supervisor Involvement.*

11.1. KDAP staff will notify the appropriate Commander/first sergeant/supervisor the planned action in response to the civilian or family member misconduct. Early involvement of the civilian's or sponsor's immediate Commander/first sergeant/supervisor is essential in ensuring that each case is resolved in a fair and impartial manner.

11.2. The Commander/first sergeant/supervisor may counsel a military sponsor for inadequately responding to family member misconduct.

12. Sponsor. A sponsor is responsible for the actions of his or her family member(s) and will provide guidance and ensure appropriate behavior of his or her family member(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 Installation Commander and designee, school officials, and host nation officials in their efforts to promote harmony and good order in the community. These efforts include participation in rehabilitative measures and compliance with administrative sanctions when directed (*e.g.*, supervision of community service activity). A sponsor's response to a family member's misconduct can be considered in determining the appropriate disposition of the family member's case.

13. Law Enforcement Authorities. 18th Security Forces Squadron (18 SFS) and Air Force Office of Special Investigations (AFOSI), as the primary US law enforcement agencies in the KMC, will investigate and report civilian and family misconduct and forward resulting report documents to the KDAP Hearing officer. These agencies will also be prepared to clarify or expand on reported misconduct when tasked by Hearing officer. 18 SFS/Reports and Analysis Section will maintain the files for civilian and family member misconduct.

14. Staff Judge Advocate Staffs. The Staff Judge Advocate (18 WG/JA) will appoint a legal representative to serve as advisor to provide legal reviews/opinions to the KDAP Hearing Officer regarding civilian and family member misconduct. The legal reviews/opinions are for Controlled Unclassified Information (CUI) and will not be shown to those who have been involved in misconduct or to their sponsors.

15. Department of Defense Education Activity Pacific South (DoDEA PAC-South).

15.1. The DoDEA PAC-South District Superintendent's Office and other school administrators have primary responsibility for addressing disciplinary problems that occur on school buses, on school grounds during the school day, and at school sponsored activities. Individual school principals are primarily responsible for sanctioning students who are involved in school related misconduct. The principal of a school shall notify the Installation Commander or designee via Security Forces Squadron School Resource Officer (SRO) when any DoDEA student (1) poses a serious threat to themselves, the safety of others, or to the security of the military installation; (2) is suspended for more than ten consecutive school days; or (3) may be violating a United States or host nation law (DoDEA Administrative Instruction 1347.01).

15.2. Suspension or expulsion from school is the responsibility of DoDEA officials. The Installation Commander's designee may be a part of the School Disciplinary Committee, which conducts hearings on student disciplinary matters and recommends to the District Superintendent whether a DoDEA student should be excluded from school for more than ten consecutive school days, including expulsion.

15.3. The Installation Commander or designee may also take other appropriate corrective action against a sponsor's student who has engaged in misconduct.

15.4. Alleged offenders, who are union members, are not entitled to have Federal Education Association (union) representation present during the administrative hearing; however, this limitation does not prohibit a union member from seeking union assistance with preparing for the hearing.

Section D—Administrative Sanctions

16. Jurisdiction. The Installation Commander or designee has a number of administrative sanctions that may be taken or directed in cases of family member and civilian misconduct, either instead of or in conjunction with host nation action.

17. Relation of Installation Commander and Employer Sanctions. In the case of civilian personnel, any action taken by the Installation Commander or designee is in addition to any adverse personnel action that may be taken against the employee for off-duty misconduct that relates to the employee's performance of official duties.

18. Principles Affecting Sanction Selection. When selecting administrative sanctions, the following principles apply:

18.1. Misconduct should be evaluated in light of the individual's age, prior record, connection to the installation, seriousness of misconduct, deliberateness of misconduct, defiance of authority, discourteous conduct, influencing others' involvement in misconduct, the presence or absence of parental guidance and discipline, the availability of community agencies to support any corrective actions, sanctions used in like cases, adverse impact upon the Air Force, culpable involvement with Japanese law enforcement authorities, circumstances and the effect misconduct has had on victim(s), and rehabilitative potential of sanction.

18.2. The following favorable factors may justify less severe administrative sanctions: possibility of genuine misunderstanding, enticements or provocations, length of service to the community, quality of work history, personal reputation, past contributions, whether restitution has been made to the victim, record of cooperativeness, and record of achievements.

18.3. The selected sanction must bear a rational relationship to the offense committed. For example, the suspension of driving privileges may be an appropriate sanction for misconduct involving a privately owned vehicle, but not for shoplifting at the Commissary or Army and Air Force Exchange Service (AAFES).

19. Sanction Descriptions. KDAP Hearing Officer may impose one or more of the administrative sanctions. The sanction options are available to include, but not limited to the following:

19.1. Verbal Counseling: The civilian may be counseled about his/her own alleged misconduct, and the sponsor may be counseled about the alleged misconduct of his/her family member. The sponsor also may be notified of unproven allegations of misconduct of his/her family member, where reason for concern exists.

19.2. Community Service (accompanied by sponsor/parent if applicable): KDAP staff will assign community service work sites. A minimum of 5 hours will be completed per week. 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 KDAP staff. KDAP staff may approve exception to policy for certain community service depending on age, task, and worksite.

19.3. Suspension of AAFES, Morale, Welfare and Recreation (MWR), and/or Commissary privileges: Suspension or revocation of a civilian's or family member's logistical support, such as MWR activities, Commissary, and AAFES privileges on KMC military facilities. KDAP Hearing Officer may also take away privileges of entry into all KMC retail outlet facility/facilities to include snack bars, cafeterias, etc. KDAP Hearing Officer can direct that the civilian's or family member's military identification card be confiscated and then reissued, showing such limited benefits and privileges ([Attachment 4](#) and [Attachment 5](#)). Revocation of privileges is particularly appropriate when the misconduct is related to the abuse of such privileges. Abuse of privilege can include, but is not limited to:

19.3.1. Purchasing items for resale purposes, transferring or exchanging items to unauthorized patrons.

19.3.2. Purchasing goods to conduct a private business or otherwise produce income.

19.3.3. Shoplifting or intentionally or repeatedly presenting dishonored checks. **Note:** Shoplifting from AAFES or intentional presentation of dishonored checks results in minimum period of 6 months suspension of privileges (Army Regulation 215-8, *Army and Air Force Exchange Service Operations*).

19.3.4. Accomplice to shoplifting or other related violations are also subject to the suspension of privileges.

19.3.5. Changing the price tags or eating/drinking the products without payment are also considered shoplifting and subject to the suspension of privileges.

19.3.6. Violation of suspension and entering the facilities during the suspended period can result to the additional offense such as trespassing.

19.4. Curfew restriction. Hearing officer decides time and period considering the situation.

19.5. Suspension of driving privileges: Follows Base Traffic Review Officer's decision. All correspondence involving such action will be prepared by Security Forces Reports and Analysis section.

19.6. No-Contact Notice: Subject is to have no contact in person, electronic or third party with involved personnel for a certain period. Reciprocal No-Contact Notice may be issued to the victim person in place for protection of all parties involved and prevent future incidents of misconduct ([Attachment 8](#)).

19.7. Mandatory referral to counseling: Hearing officer may impose referral to counseling or educational class as one of the official sanctions. He/She may consider any failure to attend such counseling in deciding whether more serious sanctions should be imposed ([Attachment 6](#) and [Attachment 7](#)).

19.8. Restriction of Travel: While on KMC installations, the family member may be restricted in freedom of travel. A parent or legal guardian must accompany the family member at all times, except when the family member is proceeding directly to and from medical facilities for necessary medical care, or when the family member is at school, at work, or at on-base quarters ([Attachment 9](#)).

19.9. Reflection essay: Hearing officer decides essay topic and word count.

19.10. Barment by the Installation Commander of civilians and family members from all KMC installations (including DoDEA), except for entrance to obtain authorized necessary medical care. DAFI 31-101, *Integrated Defense (ID)*, [paragraph 8.9](#). Barment is one of the most serious sanctions the Installation Commander may impose. This action will also bar entry to all facilities under the operational control of the U.S. Armed Forces in Japan. The barment procedures are detailed in [Attachment 11](#).

20. Administrative Hold for Pending Criminal Charges. Family members and civilians facing pending Japanese criminal charges (other than minor traffic incidents) will not be allowed to leave Japan for any reason without coordination with the local legal liaison authorities and the approval of the United States Force Japan.

Section E—Procedures

21. Report and Investigation. Anyone may report serious civilian or family member misconduct incidents to the applicable law enforcement authorities. School, transportation, or youth activities officials may handle minor incidents. Law enforcement authorities will conduct all required investigations and will send completed civilian and family member misconduct investigative reports to the KDAP Hearing Officer.

22. Barment Actions. Barment actions will be processed as described in [Attachment 11](#).

23. After-Action Notification. Whenever an administrative sanction has been imposed on civilian and family member, the sponsor and the sponsor's immediate Commander or first sergeant will be notified, as well as other agencies to make the sanctions effective.

23.1. KDAP reports all the result of administrative disciplinary actions to Security Forces Reports and Analysis section or other agencies referring crime reports to KDAP.

23.2. KDAP releases the result of administrative disciplinary action involving civilians or family members to appropriate DoD hiring authorities only if requested.

24. KDAP case is active for three years or duration of barment periods. This does not limit Hearing Officer to review and consider past incident records.

Section F—Appeal

25. Administrative Sanctions. If the civilian or family member and sponsor have new, relevant information proving innocence, showing mitigating circumstances, or personal/family hardship not considered in the initial action, they may submit an appeal for reconsideration to the 18 MSG/CC within three business days of receipt of the disciplinary action memorandum. Exceptions to the three business days deadline may be granted by the KDAP Hearing Officer for good cause. All appeals must be endorsed by the sponsor.

25.1. The 18 MSG/CC will serve as appellate authority for all actions imposed by KDAP. If the KDAP Hearing Officer recommends barment to 18 WG/CC, the offender/sponsor has three business days to request an appeal and provide any additional information for 18 WG/CC review. The 18 MSG/CC will review the case prior to 18 WG/CC review. The 18 WG/CC decision is final and barment will be executed.

25.2. KDAP does not release investigation report and evidence, which belong to the Security Forces. The request should be made to Security Forces via Freedom of Information Act (FOIA).

25.3. All traffic sanction appeals and requests must be submitted through the respective Security Forces Reports and Analysis section to Base Traffic Review Officer (BTRO).

NICHOLAS B. EVANS
Brigadier General, USAF
Commander, 18th Wing

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

DoDI 1330.17, *DoD Commissary Program*, 18 June 2014

DoDI 5200.08, *Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)*, 10 December 2005

AFPD 51-5, *Administrative Law, Gifts, and Command Relationships*, 31 August 2018

DAFI 31-101, *Integrated Defense (ID)*, 25 March 2020

DAFI 36-2110, *Total Force Assignments*, 9 August 2024

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

AR 190-5, *Motor Vehicle Traffic Supervision*, 22 May 2006

AR 215-8, *Army and Air Force Exchange Service Operations*, 14 July 2023

AR 600-8-14, *Identification Cards for Members of The Uniformed Services, Their Family Members, and Other Eligible Personnel*, 21 October 2020

Joint Federal Travel Regulations, Volume I, *Uniformed Service Members*, paragraph U5900-Band D2(e), current edition

Joint Travel Regulations, Volume II, *Department of Defense Civilian Personnel*, paragraph C7003-D, current edition

DoDEA Administrative Instruction 1347.01, *Student Disciplinary Rules and Procedures*, July 1, 2023

Prescribed Forms

None

Adopted Forms

DAF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AAFES—Army and Air Force Exchange Services

AB—Air Base

AFI—Air Force Instruction

AFOSI—Air Force Office of Special Investigations

AFPD—Air Force Policy Directive

AR—Army Regulation

ASACS—Adolescent Substance Abuse Counseling Service

BTRO—Base Traffic Review Officer

CONUS—Continental United States
CUI—Controlled Unclassified Information
DoD—Department of Defense
DoDEA—Department of Defense Education Activity
DoDI—Department of Defense Instruction
FOIA—Freedom of Information Act
IAW—In accordance with
ID—Identification
KDAP—Kadena Disciplinary Action Program
KMC—Kadena Military Community
MSG—Mission Support Group
MWR—Morale, Welfare and Recreation
OPR—Office of Primary Responsibility
PAC—Pacific
SFS—Security Forces Squadron
SOFA—Status of Forces Agreement
SRO—School Resource Officer

Attachment 2**SAMPLE KDAP FACT SHEET****Figure A2.1. Kadena Disciplinary Action Program Fact Sheet.**

(ON APPROPRIATE LETTERHEAD)

Purpose: to provide standardized disciplinary services, and procedures for dealing with civilian misconduct on Kadena Air Base. Kadena Disciplinary Action Program (KDAP) is governed under KADENA AIR BASE INSTRUCTION 51-501, and it 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 (including Kadena Marina, Okuma Joint Services Recreation Facility, and all government military family housing areas).

Program Objectives: to maintain good order and discipline, to protect the well-being of personnel residing on Kadena AB community; to screen acts of civilian misconduct and facilitate standardized discipline through administrative sanctions; to utilize base resources to assist families with counseling and other assistance requirements.

Program Responsibilities:

- 18th Mission Support Group Deputy Commander (or his/her designee) serves as the presiding authority during KDAP hearings (KDAP Hearing Officer).
- 18th Mission Support Group commander directs activities of the KDAP to achieve the objectives and serves as appeal authority on all action taken under authority of the KDAP with the exception of action taken by the 18 WG/CC.
- 18th Wing Commander is the sole authority for barment of individuals from Kadena AB and all Air Force installations and facilities on Okinawa, Japan.

Program Procedures:

- Receive case referrals by daily security forces blotters (and report of investigations), command directed orders and notification from other installations.
- Administrative hearing requires the subject, sponsor, and a unit rep to be present. Hearings are formal appointments. Upon completion of a hearing, the Hearing Officer will make a determination based on the preponderance of the evidence. Sanctions examples are verbal counseling, community service, restricted curfew, suspension of driving privilege, counseling and restricted travel order.
- Serious offenses and repeated misconduct may result in suspended barment or recommendation for barment from the installation. The barment action is staffed through 18 MSG/CC, 18 WG/JA, and then to the decision authority, 18 WG/CC. 18 WG/CC's decision for barment is enacted by 18 SFS through notification, serving order and escorts the subject to installation gate.
- Any action ordered by the Hearing Officer is formally documented and kept for 3 years. (Barment action is for duration of barment period.)

Reference: KABI 51-501 CIVILIAN AND FAMILY MEMBER MISCONDUCT

<https://static.e-publishing.af.mil/production/1/kadenaab/publication/kadenaabi51-501/kadenaabi51-501.pdf>

Attachment 3

SAMPLE KDAP HEARING HEADS UP LETTER HANDED BY SFS

Figure A3.1. Sample KDAP Hearing Heads Up Letter Handed by SFS.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)

FROM: 18 MSG/CD

SUBJECT: Kadena Disciplinary Action Program Hearing Notification (KDAP)

1. KDAP's purpose is to maintain good order and discipline, protect the well-being of the base populace, and prevent further misconduct through administrative sanctions. As the subject of an ongoing or completed criminal investigation, your alleged criminal actions are subject to non-judicial punishment in accordance with Kadena Air Base Instruction 51-501, Civilian and Family Member Misconduct.
2. You are hereby notified that, if the 18th Security Forces Squadron (SFS), in conjunction with the 18th Staff Judge Advocate's office, determines there is probable cause for your involvement in this incident, you will be required to attend a KDAP hearing. When the 18th Mission Support Group KDAP office receives the official incident report from 18 SFS, your unit's leadership will be notified of the date and time of your upcoming KDAP hearing. The unit commander or unit first sergeant is also required to attend your upcoming KDAP hearing. However, if neither your unit commander/organizational director nor first sergeant can attend the KDAP hearing due to a prior official-related commitment, they may designate an alternate supervisor within your chain of command to attend this hearing. Your KDAP hearing will take place in the Mission Support Group Headquarters Building (Bldg. 99), on Kadena Air Base.
3. Alleged offenders are not entitled to have legal counsel present during the administrative hearing; however, this limitation does not prohibit the inherent right to self-fund civilian counsel to assist with preparing for the hearing.
4. Failure to show for a KDAP hearing may result in further administrative sanctions levied upon you based only on the records of the case. Additionally, notifications will be sent to your unit or sponsor's unit, as well as a notice to all Okinawa Law Enforcement agencies requesting the subject's detainment.
5. Questions or concerns about the KDAP Hearing can be addressed to the KDAP Director at DSN: 634-5148 or 18msg.kdap@us.af.mil.

Designee's Signature Block

Attachment 4

SAMPLE AAFES SUSPENSION LETTER HANDED BY SFS

Figure A4.1. Sample AAFES Suspension Letter Handed by SFS.

(ON APPROPRIATE LETTERHEAD)	
MEMORANDUM FOR (NAME)	
FROM: 18 MSG/CD Unit 5133, Box 10 APO AP 96368-5133	
SUBJECT: Notice of Suspension of Army Air Force Exchange Services (AAFES)	
<p>1. On (Date) the 18th Security Forces detained you for the offense of shoplifting. Your conduct is contrary to good order and discipline. By virtue of the authority vested in me by the Commander, 18th Wing, your AAFES/Exchange privileges on all U.S. military installations (CONUS and OCONUS) are hereby suspended until your case is adjudicated.</p> <p>2. Effective immediately, you are not authorized to enter or utilize any retail facility operated by AAFES (including: main exchange, concessionaires, food courts, shoppettes, gas stations, base theatres, etc.) on all U.S. military properties (CONUS or OCONUS). This order will remain in effect until your case is adjudicated. If you have SOFA Status and are not an active-duty member, you and your sponsor will report to the Military Personnel Flight (Bldg. 721) within 24 hours, or the next duty day, to obtain a new identification card denoting AAFES privileges removed. This letter serves as the official notice to issue the new identification card. Personnel not affiliated with the Air Force will report to their respective service component for further instructions.</p> <p>3. If any compelling reasons exist that warrants modification or termination of this order, submit your request to the 18th Security Forces, Reports and Analysis Section in building 705, room 128. Should you require further information concerning this letter, please contact the same office at 634-1134.</p>	
	_____ Designee's Signature Block
1st Ind, Subject/Addressee	
_____ Printed Name (Last, First, M.)	_____ Signature and Date
2nd Ind, 18 SFS Representative	
_____ Printed Name (Last, First, M.)	_____ Signature and Date

Attachment 5

SAMPLE DECA SUSPENSION LETTER HANDED BY SFS

Figure A5.1. Sample DECA Suspension Letter Handed by SFS.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)

FROM: 18 MSG/CD
Unit 5133, Box 10
APO AP 96368-5133

SUBJECT: Notice of Suspension of Defense Commissary Agency privileges (DeCA)

1. On (Date) the 18th Security Forces detained you for the offense of shoplifting. Your conduct is contrary to good order and discipline. By virtue of the authority vested in me by the Commander, 18th Wing, your Commissary/DeCA privileges on all U.S. military installations (CONUS and OCONUS) are hereby suspended until your case is adjudicated.

2. Effective immediately, you are not authorized to enter or utilize any retail facility operated by DeCA on all U.S. military properties (CONUS or OCONUS). This order will remain in effect until your case is adjudicated. If you have SOFA Status and are not an active-duty member, you and your sponsor will report to the Military Personnel Flight (Bldg. 721) within 24 hours, or the next duty day, to obtain a new identification card denoting DeCA privileges removed. This letter serves as the official notice to issue the new identification card. Personnel not affiliated with the Air Force will report to their respective service component for further instructions.

3. If any compelling reasons exist that warrants modification or termination of this order, submit your request to the 18th Security Forces, Reports and Analysis Section in building 705, room 128. Should you require further information concerning this letter, please contact the same office at 634-1134.

Designee's Signature Block

1st Ind, Subject/Addressee

Printed Name (Last, First, M.) Signature and Date

2nd Ind, 18 SFS Representative

Printed Name (Last, First, M.) Signature and Date

Attachment 6

SAMPLE MANDATORY REFERRAL TO FAP

Figure A6.1. Sample Mandatory Referral to FAP.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)
 FROM: 18 MSG/KDAP
 UNIT 5133, BOX 10
 APO AP 96368-5133

SUBJECT: Mandatory Completion with Family Advocacy Program (FAP) Counseling/Class

1. According to a security forces report, your dependent, (Name) was involved in an incident of (type of offense). Incidents of this nature are considered serious in this community.
2. In order to assure these local authorities that positive action is taken in all cases of misconduct, as well as to ensure that our military community is a pleasant place in which to live, I have been charged with the responsibility to implement the appropriate corrective action.
3. I request your dependent attend Keep Calm & Move On /Family Advocacy Strength Based Therapy (FAST) /Parenting Class /Stronger Together /Love & Logic /Teens & Tweens /Relationship Empowerment /Baby Safety class at Family Advocacy Program. Call DSN: 634-0433 within five working days from receipt of this memorandum to schedule an appointment. (Any other similar classes suggested by FAP is also acceptable.)
4. You are warned that should there be recurrence of conduct of this nature by your dependent, stricter disciplinary measures will be taken. As a sponsor, you are in an influential position. I am relying on your wholehearted support and cooperation to ensure that your dependent future behavior is satisfactory. You and your dependent will acknowledge receipt and understanding of this letter below. Please submit this letter to KDAP staff after completion of counseling/class/training with acknowledged signature by FAP.

Designee's Signature Block

cc:
 MEMORANDUM FOR 18 MSG/KDAP

Receipt acknowledged this _____ day of _____, XXXX.

Sponsor's Signature Dependent's Signature

Verification of completion of counseling/class on _____ day of _____, XXXX.

Acknowledged Signature by FAP

Attachment 7

SAMPLE MANDATORY REFERRAL TO ADAPT

Figure A7.1. Sample Mandatory Referral to Adapt.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)
 FROM: 18 MSG/KDAP
 UNIT 5133 BOX 10
 APO AP 96368-5133

SUBJECT: Mandatory visit with Kadena Alcohol and Drug Abuse Prevention and Treatment (ADAPT)

1. According to a security forces report, your dependent, (Name) was involved in incident of (type of offense). Incidents of this nature are considered serious in this community.
2. In order to assure these local authorities that positive action is taken in all cases of misconduct, as well as to ensure that our military community is a pleasant place in which to live, I have been charged with the responsibility to investigate incidents and implement the appropriate corrective action.
3. I request you to attend Kadena Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program for a substance abuse initial evaluation and further treatment if recommended by ADAPT. Call DSN: 634-3272 within five working days of receipt of this memorandum to schedule an appointment. (Any Alcohol related counseling including off-base agencies are also acceptable)
4. You are warned that should there be recurrence of conduct of this nature, stricter disciplinary measures will be taken. You will acknowledge receipt and understanding of this letter below. Please submit this letter to KDAP staff after completion of counseling/class/training with acknowledged signature by program staff.

 Designee's Signature Block

cc:
 MEMORANDUM FOR 18 MSG/KDAP

Receipt acknowledged this ____ day of _____, XXXX.

 Sponsor's Signature

 Dependent's Signature

Verification of completion of counseling/class on ____ day of _____, XXXX.

 Acknowledged Signature by ADAPT

Attachment 8

SAMPLE RECIPROCAL CIVILIAN NO-CONTACT NOTICE

Figure A8.1. Sample Reciprocal Civilian No-Contact Notice.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)

FROM: 18 MSG/CD
UNIT 5133, BOX 10
APO AP 96368-5133

SUBJECT: (Reciprocal) Civilian No-Contact Notice- (Name)

1. In an effort to deter any future misconduct, and to reciprocate with the Civilian No-Contact Notice given to (Offender’s Name) on (Date), effective immediately, you are to have no contact in person, electronic or third party with (Offender’s Name) until (Date).
2. This No-Contact Notice is not an indication of misconduct on your behalf, it is in place for protection of all parties involved and prevent future incidents of misconduct. This Notice is not intended to prevent the individuals from participating in clubs, after school activities, or sports.
3. For question regarding this Notice, please contact KDAP office at 634-5148.

Designee’s Signature Block

1st Ind, Subject/Addressee

MEMORANDUM FOR 18 MSG/KDAP

Receipt acknowledged this ____ day of _____XXXX.

Subject’s Signature

Sponsor’s Signature

Attachment 9

SAMPLE RESTRICTED TRAVEL LETTER

Figure A9.1. Sample Restricted Travel Letter.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)
 FROM: 18 MSG/CD
 UNIT 5133, BOX 10
 APO AP 96368-5133

SUBJECT: Restricted Travel Letter

1. According to a security forces report on (date), your dependent, (Name) was involved in an incident (type of incident).
2. In order to assure local authorities that positive action is taken in all cases of misconduct, as well as to ensure that our military community is a pleasant place in which to live, I have been charged with the responsibility to investigate incidents and implement the appropriate corrective action.
3. As a result of this incident, I have deemed it appropriate to restrict (Name) travel with in the Kadena Military Community (KMC) for a period of (time). Henceforth, he/she will not be authorized travel off Kadena unless under direct parental/adult/legal supervision except when proceeding directly to and from school or medical appointments via the most direct route.
4. You are warned that should there be a recurrence of conduct of this nature by (Name), strict disciplinary measures will be taken. As his/her sponsor, you are in an influential position. I am relying on your wholehearted support and cooperation to ensure that his/her future behavior is satisfactory. You and your dependent will acknowledge receipt and understanding of this letter below. You have three workdays from receipt of this letter to submit written matters in appeal to this office.

 Designee's Signature Block

cc:
 18 SFS/S5
 Unit CC

MEMORANDUM FOR 18 MSG/KDAP

Receipt acknowledged this ____ day of _____XXXX.

 Subject's Signature

 Sponsor's Signature

Attachment 10

SAMPLE KDAP SANCTION MEMORANDUM

Figure A10.1. Sample KDAP Sanction Memorandum.

(ON APPROPRIATE LETTERHEAD)
MEMORANDUM FOR (NAME)
FROM: 18 MSG/KDAP UNIT 5133, BOX 10 APO AP 96368-5133
SUBJECT: Disciplinary Action Hearing – (Name)
1. On (date) per Security Forces, your dependent was involved in an incident of (offense title)
I have made an administrative determination that your dependent was in fact involved in this offense. Conduct of this nature is unacceptable and will not be tolerated. Consequently, I am directing the following actions.
_____ a. Verbal counseling.
_____ b. Community service. A total of _____ hours of community service will be performed at a minimum of 5 hours weekly. Please contact the KDAP office at 634-2729 to set up the Community Service. The sponsor will report the hours performed every Monday to the KDAP office (18msg.kdap@us.af.mil). The subject will keep a log, which is to be turned in upon completion of the required hours.
_____ c. Restricted curfew of 2000 hours for a period of _____ effective immediately, unless accompany by parent/sponsor, or school events under supervision by teacher or responsible adults. * Restriction ends on _____.
_____ d. Suspension of AAFES privileges worldwide for a period of _____ () effective immediately or () from the date of the incident. <input type="checkbox"/> Bar from entry to all AAFES retail facilities. <input type="checkbox"/> Allow access only when accompany with parent or sponsor to all AAFES facilities. <input type="checkbox"/> Allow only access to the gas stations without sponsor. * Suspension ends on _____.
* This memorandum also serves as the official notice required to facilitate issue of the new identification card with privileges after completing above sanction period.
_____ e. Suspension of Driving Privileges. Follow Base Traffic Review Officer's (BTRO) decision.

_____ f. Directed to enroll in Adolescent Support and Counseling Service (ASACS). Kadena high school students, Kadena/Ryukyu middle school students must contact Ms. Gail Wells at 634-5593 or via email at: gail.wells@dodea.edu within 10 days of this hearing to schedule an appointment. Please inform KDAP the first appointment date within 10 days.

_____ g. No-Contact Notice: You are to have no contact in person, electronic or third party with _____ for a period of _____ months.

* Restriction ends on _____.

* This Notice is not intended to prevent you from participating in clubs, after school activities or sports.

_____ h. Mandatory referral to Kadena Alcohol and Drug Abuse Prevention and Treatment (ADAPT) program (and/or equivalent in the sister-service installations such as Substance Abuse Rehabilitation Department at USNH and MCCA Prime for Life) for substance abuse prevention, education and treatment services.

_____ i. Restricted Travel Order. Not be authorized travel off Kadena Military Community (including all military bases in Okinawa) effective immediately until _____. (Unless under direct parental/sponsor supervision except when proceeding directly to and from school/work or medical appointments via the most direct route.)

_____ j. Recommend barment (suspended). Any additional misconduct, during a _____ period, could result in a recommendation for barment from all US Forces Japan installations and facilities.

_____ k. Recommended barment from all US Forces Japan installations and facilities. The commander of your unit may make comments concerning this recommendation if he or she so wishes. The commander's comments must be made in writing to be delivered to the Kadena Disciplinary Action Program office by close of business three duty days following the date of this letter. The commander of the unit is: for active duty Air Force members, the squadron commander; for active duty Marine Corps, the battalion commander; for active duty Navy, the commander of CFAO; for active duty Army, the battalion commander, for DoDEA employees, the DoDEA District Superintendent.

_____ l. Others:

2. The Kadena Disciplinary Action Program (KDAP) is committed to protect any good faith communication that is disclosed during a hearing. Any form of retaliation and/or interference as a result of such communication will not be tolerated and will be dealt with accordingly.

3. If barment from US Forces Japan installations is not recommended, failure to comply with the administrative action stated above could subject you/your dependent to more severe administrative action or review for barment from all US Forces Japan installations and facilities.

4. Please acknowledge receipt by completing the endorsement block below. If you believe compelling circumstances exist warranting modification or termination of this order, submit a written justification to the Kadena Disciplinary Action Program within three duty days of memorandum receipt.

5. Should you or your dependent leave the island prior to completion of the above listed sanctions, they will be suspended until such time as the individual returns at which point all sanctions will resume.

18 WG/JA Legal Advisor

KDAP Hearing Officer

Date

Date

cc: (Offender)

MEMORANDUM FOR 18 MSG/KDAP

Receipt acknowledged this _____ day of _____, XXXX.

Offender's Signature

Sponsor's Signature

Unit Representative's Signature

Attachment 11

BARMENT PROCEDURE

A11.1. Installation Commanders. Have wide authority to exclude persons from their installation and other areas of command. DoD Instruction 5200.08, *Security of DoD Installation and Resources and the DoD Physical Security Review Board (PSRB)*, paragraph 3(2); DAFI 31-101, paragraph 1.7 and paragraph 8.9.

A11.2. When the family member or civilian misconduct is considered egregious enough to warrant barment. KDAP Hearing Officer can recommend barment to Installation Commander. The individual who receives a notice of recommendation of barment has three workdays to appeal to 18 MSG/CC. If 18 MSG/CC denies barment recommendation, the case shall be returned to KDAP office for implementation and administration of remaining sanctions. If 18 MSG/CC supports barment recommendation, KDAP staff will forward the file to the appropriate staff judge advocate office for review/opinion prior to sending the barment recommendation package to Installation Commander. The staff judge advocate will make a legal review, as to the propriety of barment.

A11.3. The standard barment time should be one year. Longer barment periods are appropriate in cases of egregious misconduct or when the offender has engaged in prior misconduct. The barment letter should contain some or all of the following information: An order for the individual not to reenter KMC facilities; the reason for the barment, which should include the who, what, when, where, and how of the incident or conduct giving rise to the barment; for the latest as well as for prior offenses; any limitations of the bar order (medical care or travel to and from work); appeal procedure; the barment's length of time; notice of Section 123(1) of the Japanese Criminal Code and its provisions; and a statement the individual is subject to apprehension and detainment by Security Forces for prompt delivery to appropriate civil authorities upon reentry in violation of the barment order.

A11.4. Oral barment orders. (including immediate barment orders) by the Installation Commander are possible, in case of extreme misconduct or time constraints prevent preparing a written order. Oral barment orders must be immediately followed-up in writing. DAFI 31-101, paragraph 8.9.1. The authority to bar individuals from the installation may not be delegated. DAFI 31-101, paragraph 8.9.

A11.5. If 18WG/CC agrees with the KDAP Hearing Officer's recommendation to bar. he will sign a notice of barment letter to approve barment order. Barment takes immediate effect upon 18 WG/CC approved barment order. This action will also bar entry to all facilities under the operational control of the U.S. Armed Forces in Japan. KDAP staff will forward the barment order signed by 18 WG/CC to Security Forces Reports and Analysis Section for further process. KDAP staff will also inform civilian or family member, sponsor and attached unit/organization the barment decision by 18 WG/CC. The civilian or family member and sponsor need to report to Security Forces Reports and Analysis Section to sign and date the letter acknowledging receipt and understanding. Failure to sign will not affect validity of barment order. KDAP will receive signed barment letter from Security Forces Reports and Analysis Section for record. All involved paper works on barment actions will be maintained throughout the barment period.

A11.6. If 18 WG/CC dismisses the barment recommendation. The case shall be returned to KDAP office for implementation and administration of remaining sanctions.

A11.7. After execution of barment order. any appeal request for reconsideration of barment order should be sent to Security Forces Reports and Analysis Section. The 18 WG/CC is the single authority to re-consider barment order.

Attachment 12

SAMPLE BARMENT ORDER

Figure A12.1. Sample Barment Order.

(ON APPROPRIATE LETTERHEAD)

MEMORANDUM FOR (NAME)

FROM: 18 WG/CC
Unit 5141, Box 10
APO, AP 96368-5141

SUBJECT: Barment Order- You are not authorized to enter Kadena Air Base

1. I have reviewed your case file and the barment recommendation. Your incidents of misconduct are:

- a. On dd month yyyy, you were involved in offense.
- b. On dd month yyyy, you were involved in offense.

Based on your misconduct, and in accordance with COMUSJAPAN Memorandum of Agreement (MOA), dated dd month yyyy, you are not authorized entry to Kadena Air Base for a period of (years) effective the date of this memorandum. The barment order applied to all United States Forces Japan (USFJ) (DoD) Installations/Property in Japan, including Okinawa pursuant to the MOA.

2. If you enter or are found on any USFJ installations or property in violation of this order, you will be subject to detention by military officials for prompt delivery to and action by appropriate civilian authorities. Violation of this order may be punished in accordance with U.S. and Japanese law.

- a. U.S. Law: Title 18 of the United States Code, Sections 1382 and 3571, provides, in pertinent part, as follows:

Whoever re-enters or is found within and [military] reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to re-entry by any officer or any person in command or charge thereof—[S]hall fined not more than \$5,000.00 or imprisoned not more than six months or both.

- b. Japanese Law: Chapter II of the Law for Special Measures Concerning Criminal Cases to Implement the Agreement under Article VI of the treaty of Mutual Cooperation and Security between Japan and the United States of America. Regarding provides, in pertinent part, as follows:

Any person who, without due cause, enters any place, the entrance of which is prohibited or does not leave any place when requested, within facilities or areas in use by United States Armed Forces shall be sentenced to penal servitude for not more than one year or a fine.

3. You may not enter any facility or area in Japan while the barment order is in effect. If you believe you have a need to enter a facility, the facility commander can review your request using the appeal process for the particular facility or area. If you require medical treatment at a medical facility located on a USFJ installation, you may contact the security element at the main gate of the installation for access. If you need emergency medical services, inform the security element at the point of entry of an installation with an emergency treatment facility.

4. The 18th Wing Commander is the final authority for barment to Kadena Air Base. If you desire reconsideration of the barment order, you may submit your appeal request to:

18 SFS Reports and Analysis
 18sfs.s5.reportsandanalysis@us.af.mil
 DSN: 634-8852
 18 Security Forces Squadron
 Unit 5212, Box 10
 APO, AP 96368

FIRST LAST (Current Commander)
 Brigadier General, USAF
 Commander, 18th Wing

cc:

All USFJ Installations
 18 MSG/CC
 18 SFS/S5R
 18 MSG/KDAP
 18 WG/JA

1st Ind, FIRST LAST (offender)

MEMORADUM FOR 18 WG/CC

Receipt acknowledged this _____ day of _____ XXXX.

 FIRST LAST (Offender)

 FIRST LAST, RANK, BRANCH (Sponsor)