

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

**YOKOTA AIR BASE INSTRUCTION
31-103**



22 MARCH 2021

Security

**YOKOTA CONDUCT
ADJUDICATION PROGRAM (YCAP)**

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This instruction implements Air Force Policy Directive (AFPD) 31-1, *Integrated Defense*, and AFPD 51-3, *Civil Law Acquisition Law and Litigation*. This instruction applies to all military dependents and civilians subject to the Status of Forces Agreement (SOFA), regardless of service affiliation, who are stationed at, reside on, or work at Yokota Air Base (AB), to include Tama Recreation Facility. Department of Defense (DoD) civilian employees may be subject to disciplinary or adverse actions under appropriate guidance. This instruction is to assist the United States Air Force in maintaining safe and secure living and working conditions and to assist in maintaining appropriate interaction with the local community and establishes the Yokota Conduct Adjudication Program (YCAP). The YCAP is a process to address misconduct by personnel with status under Articles I.(b) and XIV of the SOFA, family members of all SOFA personnel, and other non-military members of the DoD family. The YCAP applies without regard to component or Departmental affiliation. Corrective actions under the YCAP are separate from disciplinary and adverse actions for employees and may occur without regard to other administrative or criminal actions contemplated or taken. 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. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Instruction (AFI) 33-322, *Air Force Privacy and Civil Liberties Program*, and dispose of IAW the Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afirms/afirms/afirms/rims.cfm>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using AF Form

847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through their appropriate functional chain of command.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. Major changes include: Major revisions to the YCAP Procedures (paragraph 3); YCAP Formal Board Process (paragraph 4); Misconduct Punishment matrix (**Attachment 2**); added board voting members (**paragraph 4.4.1**); changed debarment to barment process (**paragraph 6**); removed YCAP timeline matrix.

1. General Guidance.

1.1. The SOFA governs jurisdiction of all criminal offenses committed in Japan by family members of armed forces personnel, DoD employees and contractors provided logistic support privileges. Additionally, acts of misconduct by family members and DoD civilians are subject to administrative sanctions under the provisions of this instruction, and applicable disciplinary or adverse action guidelines, regardless of any action taken by Japanese authorities. Failure of Japanese authorities to pursue jurisdiction against dependents of service members, DoD civilian employees and contractors provided logistic support privileges does not preclude action under this instruction. Those individuals working on base but not receiving logistic support privileges may have their base pass privileges restricted and/or revoked or be recommended for barment when the misconduct is substantiated by the preponderance of evidence.

1.2. The YCAP is the responsibility of the Commander, 374th Mission Support Group (374 MSG/CC), who may delegate management and execution of the program to the Deputy Commander, 374th Mission Support Group (374 MSG/CD) or the Deputy Director, 374th Mission Support Group (374 MSG/DD). The YCAP objectives are to:

1.2.1. Maintain good order and discipline throughout the Yokota AB community.

1.2.2. Participate with community organizations to identify proactive means to reduce instances of civilian and family member misconduct that adversely impact the community.

1.2.3. Protect the well-being of all personnel residing on Yokota AB.

1.2.4. Screen all acts of civilian misconduct.

1.2.5. Prevent further misconduct through aggressive preventive program action.

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

1.3. Misconduct refers to the following:

1.3.1. Conduct committed by dependents, DoD employees and contractors provided logistic support that violates United States or Japanese laws.

1.3.2. Violations of DoD, Air Force, Pacific Air Forces (PACAF), Fifth Air Force (5AF) or 374th Airlift Wing (374 AW) instructions or policies relating to dependent or civilian conduct.

1.3.3. Any conduct on or off base that negatively affects the good order and discipline as well as the overall welfare of the Yokota AB community.

1.4. Through focusing on strong partnerships with military sponsors, organizational chains of command and base activities, the YCAP can best utilize available resources to tailor administrative or rehabilitative actions to the individual as well as recommend the necessary counseling services to prevent future misconduct.

2. YCAP Management and Responsibilities.

2.1. The YCAP is the office of primary responsibility for management of all civilian and dependent misconduct within Yokota AB jurisdiction.

2.2. 374 AW/CC. The 374 AW/CC has delegated all authority and responsibilities of the YCAP to the 374 MSG/CC, with the exception of barment authority. The 374 AW/CC is the sole barment authority for Yokota AB. Additionally, the 374 AW/CC will serve as the appellate authority for all actions imposed by the YCAP Formal Board.

2.3. 374 MSG/CC. The 374 MSG/CC serves as the Civilian Misconduct Authority (CMA) and is responsible for the management and oversight of the program to include making all findings of fact, directing all adverse administrative sanctions and chairing formal boards. The 374 MSG/CC will determine cases that will appear before the board. In cases where the 374 MSG/CC determines the conduct creates enough immediate community safety risk that the YCAP process is not appropriate, the process may advance directly to barment considerations.

2.4. 374 AW Staff Judge Advocate (374 AW/JA). The 374 AW/JA will appoint a representative to serve as legal advisor to the YCAP. The 374 AW/JA will provide the YCAP Coordinator with recommendation to 374 MSG/CC on whether a case or instance of civilian misconduct should be heard before a formal YCAP board. At board hearings, the 374 AW/JA may also provide recommendations as to appropriate sanctions, if any.

2.5. The YCAP Coordinator. The YCAP Coordinator, reporting to the 374 MSG/CC, is responsible for the daily administration of the YCAP. The YCAP Coordinator serves as the primary advisor, point of contact and administrative manager for the program.

2.6. Unit Commanders, First Sergeants or equivalents. Ensure sponsors comply with guidelines outlined in this instruction. Partner with the YCAP and base service agencies to develop and recommend appropriate response for misconduct, monitor completion of the required actions and follow up as needed to sustain compliance.

3. YCAP Procedures.

3.1. The YCAP Coordinator will screen all acts of dependent and civilian misconduct and obtain incident reports from the 374th Security Forces Squadron Reports & Analysis Section and/or Air Force Office of Special Investigations (AFOSI) in a timely manner.

3.1.1. The YCAP Coordinator will establish and maintain a case file on alleged offenders involved in misconduct. The YCAP Coordinator maintains all case files for a minimum of 3 years. In cases where the period of restriction or barment extends beyond 3 years, the YCAP Coordinator will maintain case files until the end of the period of restriction or barment, whichever is later.

3.1.2. The YCAP Coordinator will coordinate with the alleged offender and/or sponsor's unit of assignment (commander, first sergeant, supervisor or equivalent). The alleged offender and/or sponsor will have an opportunity to submit matters to the 374 MSG/CC for consideration.

- 3.1.2.1. The YCAP Coordinator will review the case file with the 374 AW/JA legal advisor to discuss recommendations on convening a Formal YCAP Board. The YCAP Coordinator will coordinate with Department of Defense Education Activity (DoDEA) (for incidents involving school-age dependents), 374th Operational Medicine Readiness Squadron Mental Health (374 OMRS/SGXW) and/or 374 OMRS Family Advocacy (374 OMRS/SGXW), civilian supervisors, union representatives, contract officer's representatives and contracting officers, as appropriate. **NOTE:** Educational Neglect constitutes not following guidelines regarding school aged children attending school. The YCAP Coordinator may make inquiries regarding the alleged offender as deemed necessary to adjudicate the case and to provide the 374 MSG/CC with sufficient information so that an informed decision regarding the misconduct issue can be made. The inquiry may include home visits (with unit representative), school visits and coordination with other service agencies on base. The YCAP Coordinator will inform the 374 MSG/CC of the progress on each initiated case.
 - 3.1.2.2. When a Formal Board is not recommended but action is still a consideration, the YCAP Coordinator, 374 MSG/CD and/or 374 MSG/DD will meet, at a minimum, with the alleged offender, sponsor and sponsor's unit representative to discuss the alleged misconduct.
- 3.2. Administrative action recommendations are located in the YCAP Misconduct Punishment Matrix (Attachment 1), which include, but are not limited, to the following:
- 3.2.1. Administrative Actions:
 - 3.2.1.1. Enrollment in the Community Service Program (CSP).
 - 3.2.1.2. Curfew restriction (for minors).
 - 3.2.1.3. Restriction to quarters unless under adult or sponsor supervision (for minors).
 - 3.2.1.4. Suspension of Army and Air Force Exchange Service (AAFES), commissary and/or Morale, Welfare and Recreation (MWR) privileges (logistical support privileges) requiring the alleged offender to receive an updated DoD identification card.
 - 3.2.1.5. Suspension of driving privileges.
 - 3.2.1.6. Recommendation to 374 AW/CC for suspended barment or barment.
 - 3.2.2. Failure to make restitution for damages may be viewed as an aggravating factor by the 374 MSG/CC when the misconduct case is adjudicated and may be considered in administering more severe sanctions or recommendations to 374 AW/CC for barment.
 - 3.2.3. Other actions deemed appropriate by the 374 MSG/CC are to include recommendations for counseling or continued counseling by mental health professionals, family advocacy professionals or other appropriate types of agencies.

3.3. Community Service Program (CSP):

3.3.1. The YCAP Coordinator is responsible for designating appropriate CSP tasks and work sites. The CSP work sites are to be charitable, non-profit organizations/agencies. Profit-making events/activities or paid tasks already being performed by the military or civilians are not appropriate CSP tasks and/or work sites. Unit commanders and first sergeants may suggest appropriate CSP tasks and work sites.

3.3.2. The YCAP Coordinator, through the first sergeant or unit representative, will monitor and ensure individual compliance with CSP enrollment. Parental/sponsor supervision is mandated by the 374 MSG/CC as a condition of enrollment in the CSP for minors. The number of hours of community service is based on the seriousness of the misconduct and considerations of any previous pattern of misconduct (repeat offenders).

3.3.3. Offenders and/or sponsors are required to provide weekly CSP updates to the YCAP Coordinator. Failure to provide updates could result in additional administrative actions.

3.4. Access to Incident Reports.

3.4.1. The YCAP Formal Board members, First Sergeants and Commanders are not authorized to release police reports or reports of investigation to the alleged offender or the sponsor. Information may be summarized by the YCAP Coordinator or Chairperson when meeting with the alleged offender and/or sponsor.

3.4.2. Individuals may request redacted copies of incident reports pertaining to their alleged misconduct through the YCAP Coordinator prior to attending a formal YCAP Board for the purpose of preparing for the YCAP Board.

3.4.2.1. Upon request from the alleged offender and/or sponsor, the YCAP Coordinator will contact 374 SFS Reports & Analysis with details regarding the requested report(s).

3.4.2.2. 374 SFS Reports & Analysis will redact the incident report(s) and submit for legal review.

3.4.2.3. After the legal review is complete, the redacted report(s) will be sent to 374 SFS Reports & Analysis for final review.

3.4.2.4. The 374 SFS Reports & Analysis Section will finalize the redacted incident report(s) and send to the YCAP Coordinator for dissemination to the alleged offender and/or sponsor.

3.4.3. If the alleged offender and/or sponsor requests to view a video pertaining to their alleged misconduct, the YCAP Coordinator will obtain 374 MSG/CC approval prior to showing.

3.4.3.1. The YCAP Coordinator will only show portions of the video deemed pertinent to the alleged misconduct and will not answer any of the alleged offender and/or sponsor's questions regarding the content of the video. At the YCAP Coordinator's discretion, audio on the video may be muted when deemed not pertinent to the alleged misconduct.

4. YCAP Formal Board Process.

4.1. At the direction of the 374 MSG/CC, the YCAP Formal Board may be held for any incident report received by 374 SFS Reports & Analysis and/or AFOSI that includes, but is not limited to the following: use, sale or possession of controlled substances; larceny of government or personal property; willful destruction of government or personal property; bomb threats; educational neglect; shoplifting; aggravated assault or recurring cases of simple assault; and repeat offenders to determine the appropriate administrative action for cases of civilian and dependent misconduct.

4.1.1. For matters where the 374 MSG/CC determines, in its discretion, that the conduct involved is of such a serious nature as to require further investigative or law enforcement involvement or determines that the scope of permissible sanctions under the YCAP review process is not sufficient to address the conduct, then the 374 MSG/CC may delay or decline to initiate the formal YCAP board process and refer the matter to a law enforcement or other investigative entity for review as appropriate. This does not prevent 374 MSG/CC from pursuing a formal YCAP review process on the matter at a later time concurrently or subsequent to any other administrative or investigative processes applicable to the matter.

4.1.2. Cases involving the commission of an offense outside of the United States that would constitute an offense punishable by imprisonment for more than one year if the conduct were conducted inside of the United States may be subject to the Military Extraterritorial Jurisdiction Act (MEJA), as expounded in 18 U.S.C. § 3261. MEJA allows for the detainment and removal of individuals who commit qualifying offenses from Japan to the United States or other countries for prosecution before an appropriate judicial body. Individuals subject to MEJA include, among others, civilians employed by or accompanying the Armed Forces; this includes dependents of active duty members, civilian employees of the Department of Defense, and Department of Defense contractors and their employees. For additional information and guidance on MEJA, please refer to DoD Instruction 5525.11, *Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members*.

4.2. In general, a Formal Board is for more significant cases or cases where facts regarding misconduct allegations are in question. The 374 MSG/CC has the authority to conduct a formal board on any incident he/she deems sufficient to convene a board.

4.3. The YCAP legal advisor will be present during all Formal Boards. The legal advisor will ensure the YCAP Formal Board receives appropriate legal advice and ensures the rights of the individuals appearing before the Formal Board are protected.

4.4. At a minimum, attendance at a YCAP Formal Board will be mandatory for the following voting and nonvoting members unless otherwise directed by the 374 MSG/CC:

4.4.1. Voting Members:

4.4.1.1. Chairperson (374 MSG/CC or designee)

4.4.1.2. 374 AW/JA Legal Advisor

4.4.1.3. Superintendent, 374th Mission Support Group (or designee)

4.4.1.4. YCAP Coordinator

- 4.4.1.5. 374 SFS Investigations
- 4.4.1.6. 374 SFS Reports & Analysis
- 4.4.1.7. AFOSI Representative (when applicable)
- 4.4.2. Non-Voting Members
 - 4.4.2.1. Alleged Offender
 - 4.4.2.2. Sponsor (Service dress for military members; business casual for civilian members).
 - 4.4.2.3. Commander, First Sergeant or designated unit representative or senior civilian representative, as appropriate.
 - 4.4.2.4. Family Advocacy Representative (when applicable)
 - 4.4.2.5. Mental Health Representative (374 OMRS/SGXW)
 - 4.4.2.6. The Chairperson may have other individuals present to assist in determining the preponderance of evidence and/or in resolving the misconduct issue (i.e., DoDEA). The Chairperson may request additional information, documents or witnesses, after the alleged offender's presentation.
- 4.5. Additional matters not already submitted to the Formal Board will be considered with the entirety of the evidence if deemed relevant. Relevant matters may include written documents, witnesses and/or verbal statements. The alleged offender may request assistance from the YCAP Coordinator and the Chairperson to have witnesses available for the Formal Board.
- 4.6. The YCAP Formal Board will proceed as follows:
 - 4.6.1. The Chairperson is the 374 MSG/CC but may delegate authority to the 374 MSG Deputy Commander (374 MSG/CD) or the Deputy Director of Installation Support (374 MSG/DD) to act as Chairperson during their absence.
 - 4.6.2. The YCAP Coordinator will present the allegations of misconduct as outlined in appropriate reports.
 - 4.6.3. The alleged offender and/or sponsor will have an opportunity to make a presentation (to include written documents, witnesses and/or verbal statements) for the Board's consideration.
 - 4.6.4. The Board may ask questions to help clarify information pertaining to the alleged misconduct.
 - 4.6.5. The Board will then determine if the preponderance of the evidence shows that the alleged offender, more likely than not, committed the misconduct. A preponderance of evidence simply means the greater weight of credible evidence.
 - 4.6.6. The Board will then make appropriate findings, which can include finding the alleged offender did not commit the alleged misconduct or finding that the alleged offender committed the alleged misconduct based on a preponderance of the evidence. If the Board finds that the alleged offender did not commit any misconduct, no further action is necessary.

4.6.7. In the event the Board finds the alleged offender committed any misconduct, the administrative actions will be stated at the end of the hearing.

4.6.8. The alleged offender and/or sponsor will be provided an administrative action memorandum, setting out the appropriate administrative and/or rehabilitative actions, within 7 days of the receipt of the Formal Board action.

4.7. If the need for good order and discipline or the safety of the Yokota AB Community dictates that the 374 MSG/CC take appropriate action immediately without having a Formal Board, the alleged offender will be given the opportunity to submit matters to the 374 MSG/CC as soon as it is reasonably feasible thereafter, but it does not delay the actions or decisions of the 374 MSG/CC.

4.8. In the event a finding cannot be made on the same day of the Formal Board hearing, or it is necessary for the collection of additional evidence in order to make an appropriate finding, then the 374 MSG/CC or their designee may adjourn the hearing and schedule its continuation for a later time.

5. YCAP Appeal Procedures.

5.1. The 374 AW/CC is the appellate authority for actions imposed by the YCAP Formal Board.

5.2. The alleged offender and/or sponsor may appeal the findings of the Board. The appeal must be submitted in writing and must clearly state the reason for the appeal. The appeal must be endorsed by alleged offender and/or sponsor's chain of command and forwarded to the 374 AW/CC through the YCAP Coordinator.

5.3. Appeals must be submitted in writing within 7 duty days of receipt of the disciplinary action memorandum, unless the 374 AW/CC approves a delay for good cause.

5.4. Requests for delay in submitting an appeal must also be in writing, endorsed by the alleged offender and/or sponsor's chain of command and must explain the reasons for the requested delay in detail. Specifically, the alleged offender and/or sponsor must explain what factors beyond his or her control prevented him or her from appealing within the required time.

6. Barment Process.

6.1. The 374 AW/CC is the sole authority for barment from Yokota AB, Japan. Barment is considered when it is believed that the alleged offender's continued presence or access to Yokota AB would be detrimental to good order and discipline and/or adversely affect the health, safety or welfare of base personnel. This could be the result of a pattern of misconduct without showing signs of rehabilitation or a single significant act of misconduct placing the safety or welfare of personnel at risk.

6.2. If the Board recommends barment, the 374 SFS Reports & Analysis Section will prepare a recommendation for barment and forward that request to the 374 AW/CC for approval.

6.3. The 374 MSG/CC will notify the member they have the right to submit a rebuttal to the barment within 7 duty days of notification of the barment recommendation.

6.4. The barment recommendation will summarize the misconduct issues forming the basis of the barment and will include the alleged offender's and/or sponsor's response, if any, to the barment recommendation.

6.5. The 374 SFS Reports & Analysis Section will prepare an AF Form 1768, *Staff Summary Sheet*, along with the proposed barment letter and forward them to the 374 AW/CC through 374 AW/JA. The package will include the Board's recommendations and the sponsor's response to the proposed barment (if provided).

6.6. The 374 AW/JA will conduct a legal review to determine the appropriateness of the proposed barment action and provide comments to the 374 AW/CC, if necessary.

6.7. If approved, the 374 AW/CC will sign the barment notification and forward the correspondence to the 374 SFS Reports & Analysis Section, who, in turn, will serve the barment notification on the alleged offender and/or sponsor for action. The 374 SFS Reports & Analysis Section will provide the YCAP Coordinator with a copy of the barment notification.

6.8. If disapproved, the 374 AW/CC will provide the 374 MSG/CC the appropriate guidance or direction.

6.9. The 374 AW/CC has sole authority to determine whether a barment action is appropriate. Individuals do not have a right to a hearing before the 374 AW/CC in response to a notification of a barment action. Because a barment indicates there is a significant risk to the Yokota Community, unless stated in the barment notification, there is no automatic appeal of a barment order, as the alleged offender's and/or sponsor's rebuttal to the barment recommendation is included in the package sent to the 374 AW/CC for decision.

6.9.1. A person barred from Yokota AB who is entitled to medical care at a military treatment facility is allowed to re-enter Yokota AB for the sole purpose of receiving medical treatment. The individual must be escorted from the East Gate to the appropriate medical building (i.e., hospital, dental clinic) by the offender's sponsor, authorized ID card holder or squadron/activity representative who has access to the installation. The individual must remain accompanied by sponsor/escort at all times.

7. Rights to Counsel.

7.1. The process of adjudicating civilian and dependent misconduct issues is an administrative process, not a legal proceeding. The YCAP Coordinator will explain the YCAP process to the alleged offender and/or sponsor and will assist them by providing guidance and suggestions.

7.2. Because the YCAP is an administrative process and not a legal proceeding, alleged offenders are not entitled to legal counsel. As such, the 374 AW/JA and the Area Defense Counsel are not authorized to represent the alleged offender. However, this does not limit an individual's authority to hire civilian counsel to assist in preparing for the review or for an appeal if they feel it is necessary. If the alleged offender wants a translator present, it is his/her responsibility to provide the translator.

7.3. While 374 AW/JA cannot represent an alleged offender, the legal advisor to the YCAP, can answer legal questions the alleged offender has on a non-privileged basis and may be available during all formal reviews. The legal advisor is tasked to ensure the rights of the alleged offender are not violated during the YCAP process.

ANDREW J. CAMPBELL, Colonel, USAF
Commander

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

DOD Instruction 5200.08, *Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)*, 10 December 2015

DoD Instruction Directive 5525.11, *Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members*, 3 March 2005

Status of Forces Agreement, 19 January 1960

AFPD 31-1, *Integrated Defense*, 21 June 2018

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

AFI 36-704, *Discipline and Adverse Actions of Civilian Employees*, 3 July 2018

AFPD 51-3, *Civil Law, Acquisition Law and Litigation*, 28 November 2018

USFJI 51-701, *Japanese Laws and You*, 1 June 2001

5 AFI 51-102, *Criminal and Disciplinary Jurisdiction under the Status of Forces Agreement*, 10 December 1997

Adopted Form

AF Form 847, *Recommendation for Change of Publication*

AF Form 1768, *Staff Summary Sheet*

Abbreviations and Acronyms

AB—Air Base

ASACS—Adolescent Substance Abuse Counseling Services

CMA—Civilian Misconduct Authority

CSP—Community Service Program

DoD—Department of Defense

MEJA—Military Extraterritorial Jurisdiction Act

FOIA—Freedom of Information Act

HRO—Human Resources Office

MWR—Morale, Welfare, and Recreation

OMRS—Operational Medical Readiness Squadron

OPR—Office of Primary Responsibility

RDS—Records Disposition Schedule

SOFA—Status of Forces Agreement

YCAP—Yokota Conduct Adjudication Program

Attachment 2

MISCONDUCT MATRIX

Table A2.1. Misconduct Matrix.

	Uncontrolled Pet(s)	Child Neglect	Curfew Violation	Shoplifting / Larceny	Assault / Mutual Affray	Illegal Use/Possession of Prohibited Items	Vandalism / Property Damage	Alcohol/ Substance Abuse	Underage Drinking	DUI/DWI /Reckless Driving
Letter of Notification / Administrative Action Memorandum	X	X	X	X	X	X	X	X	X	X
Verbal Counseling (Note 0)	X	X	X	X	X	X	X	X	X	X
Community Service (Note 1)		X	X	X	X	X	X	X	X	X
Essay (Note 2)			X	X	X	X	X	X	X	X
Restricted Curfew (Note 3)		X	X	X	X	X	X	X	X	X
Suspension of AAFES Privileges (Note 4)				X						
Suspension of Driving Privileges (Note 5)				*	*	*	*	*	X	X
Financial Restitution (Note 6)				X	*		X			*
Letter(s) of Apology to Victim(s)	X	X		X	X	X	X			
24 hrs eye's on parental supervision (Note 7)	*				*		*	*		*
Susp of NCO/Officer Club Privileges					*					*
Substance Abuse Evaluation/ Education								X	X	X

Suspended Barment (Note 8)	*	X		*	*	*	*	X	*	X
Barment (Note 9)	*	X		*	*	*	*	*		*

This matrix is a guide for Civilian Misconduct Authority as a reference to estimate or consider punishment for civilian misconduct on Yokota AB. Actual punishment or corrective action is at the discretion of the Civilian Misconduct Authority and can be a single item or a combination of any of the items listed in the matrix. 374 MSG/CC or its designee is not limited to administering the listed sanctions; sanctions may include items not listed above. This matrix should not be construed as limiting the scope of civilian misconduct which the can be brought before the YCAP.

***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 YCAP hearing officer’s office for paperwork only cases.

Note 1: Community Service hours are normally between 10-200 hours. Parent supervision may be required (to demonstrate seriousness of situation, due to age of subject, or due to lack of cooperation).

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.

Note 6: Financial Restitution could be required for damage to personal or government property or theft.

Note 7: This is normally imposed on individuals deemed a threat to the community with barment pending.

Note 8: Suspended barment is normally imposed with continued acts of misconduct.

Note 9: Normally imposed on the most serious misconduct or continued acts of misconduct.

Attachment 3

YCAP FORMAL BOARD SCRIPT

Figure A3.1. YCAP Formal Board Script.

CHAIR (to the Board Members): This case and all cases that come before the YCAP Formal Board are not open to the public and the facts and circumstances of each case are for Official Use Only. As such, Board Members should be reminded that any discussion pertaining to the facts, circumstances and deliberations of the Board shall not be shared with any person who does not have a need to know such information.

THE YCAP FORMAL BOARD SCRIPT

CHAIR: This Board will come to order. I am Colonel _____, Commander, 374th Mission Support Group and Chair of the Yokota Conduct Adjudication Program's Formal Board. Please state your name for the YCAP record. Is/are your sponsor(s) or a representative present?

CHAIR: The purpose of this Board is to seek Findings of Fact regarding your alleged misconduct.

CHAIR: In a few minutes, the YCAP Coordinator will state the alleged misconduct with which you are accused. You will be asked to respond to the allegations. The Board will then ask you questions. After the Board has completed the questioning, you (and your sponsor) will be excused from the board room and the Board will discuss the case. You will then be invited back in to hear the recommendation(s) of the Board.

Do you have any questions about the Formal Board?

The Board members will now introduce themselves.

(Board Introductions)

CHAIR: The YCAP Coordinator will now state the alleged misconduct.

YCAP: The alleged misconduct is: Offense on XXX Date

CHAIR: You may now make a statement regarding the alleged misconduct and tell us your side of the story. You can give your statement verbally, read from a prepared statement or both.

SUBJECT: Gives their side of events and any additional information

CHAIR: The Board will now ask questions.

CHAIR: You and your sponsor are excused from the conference room.

(After the sanction recommendations are decided, the subject and sponsor are invited in.)

CHAIR: (The Chairperson will state the Board's finding and sanction recommendations.)

If determined by preponderance of the evidence that the alleged offender, more likely than not, committed the misconduct:

Thank you for your time today. After discussions with the board, I have decided by a preponderance of the evidence, meaning it is more likely than not, that you committed the offense of _____. As a result, I have adjudicated the following recommended actions: _____. *(Add for a barment recommendation: Additionally, I will recommend to the 374 AW/CC that you be barred from the installation).* What I've just said will be followed up with a memorandum of understanding from me and will require your and/or your sponsor's acknowledgement. The YCAP coordinator will contact you soon to finish the paperwork. Do you have any questions?

If determined by preponderance of the evidence that the alleged offender, more likely than not, did not commit the misconduct:

Thank you for your time today. After discussions with the board here, I have decided by a preponderance of the evidence, meaning it is more likely than not, that you did not commit the offense of _____. No further actions are required. You will receive an email from the YCAP Coordinator in a day or so stating the YCAP board's decision for your record. Do you have any questions?

Thank you, you are dismissed.

CHAIR (after the SUBJECT and SPONSOR leave the room): We'll now go over potential YCAP cases with the YCAP Coordinator, 374 MSG/CCC and 374 AW/JA. Everyone else, thank you again for your time today.