

18 MAY 1999



Security

KADENA DISCIPLINARY ACTION PROGRAM

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OPR: 18 MSG/KFDP
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Supersedes 18 WGI 31-201, 17 November 1997

Certified by: 18 MSG/CD
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Pages: 5
Distribution: F

This instruction implements AFPD 31-2, *Law Enforcement*. 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. These facilities 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.

SUMMARY OF REVISIONS

Several revisions to the base barment policy have been made. Additional revisions more accurately reflect the authority of the KDAP presiding authority. New or revised material is indicated by a bar (|).

1. General. The SOFA governs jurisdiction of all criminal offenses committed in Japan by family members of Armed Forces Personnel, Department of Defense Employees, and Contractors. The SOFA also governs jurisdiction of all criminal offenses committed in Japan by DoD civilian employees and contractors. Additionally, acts of misconduct by family members and civilians are subject to a wide range of administrative sanctions under the provisions of this instruction, regardless of any action taken by Japanese authorities. 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. The KDAP is the direct responsibility of the Commander, 18th Mission Support Group, (18 MSG/CC). Its objectives are to:

- 1.1. Maintain good order and discipline in the Kadena AB community.
- 1.2. Protect the well-being of all personnel residing on Kadena AB.

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

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

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

1.6. Misconduct refers to the following:

1.6.1. Conduct committed on any military installation on Okinawa, Japan, which, if committed in the US, Violates US Federal Law.

1.6.2. Violations of Japanese Law Committed on Okinawa, Japan.

1.6.3. Violations of Air Force 18th Wing Instructions and Policies Relating to Dependent or Civilian Conduct.

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

2.2. The Deputy Commander, 18th Mission Support Group (18 MSG/CD), or his/her designee, serves as the presiding authority during KDAP hearings, makes all findings of fact, and directs all punishment actions. The 18 MSG/CD 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. Sponsors may be financially liable for family member actions and/or could lose base housing privileges.

2.3. The Commander, 18th Mission Support Group, directs activities of the KDAP to achieve the objectives stated above 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.

2.4. The Commander, 18th Wing, 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. The KDAP staff will be responsible for screening all acts of dependent and civilian misconduct. This will be accomplished through a daily review of the security forces blotters and from pending investigations, when available. The KDAP staff will obtain appropriate police and investigative agency reports. After initial screening, the KDAP staff will determine whether the case should be referred to a hearing or other agency for disposition.

3.1.1. The KDAP staff 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.

3.1.2. The KDAP will coordinate with the following organizations prior to the 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 (When Incident Involves School-Age Dependent).
- 3.1.2.3. Mental Health and/or Family Advocacy.
- 3.1.2.4. Office of the Staff Judge Advocate.
- 3.1.2.5. After initial coordination has been conducted by the KDAP staff, a hearing date will be established.

3.2. KDAP Hearings.

3.2.1. The KDAP hearings will be held as directed by the presiding authority to determine appropriate administrative adjudication for cases of civilian and dependent misconduct.

3.2.1.1. The 18 WG/JA will appoint a legal representative to serve as advisor to the KDAP. The KDAP legal advisor will be present during all KDAP hearings.

3.2.1.2. Attendance at KDAP hearings will be mandatory for the following individuals:

3.2.1.2.1. Alleged Offender.

3.2.1.2.2. Sponsor.

3.2.1.2.3. Commander, First Sergeant, or Designated Unit Representative or Senior Civilian Representative, as Appropriate.

3.2.2. The KDAP hearings will proceed as follows:

3.2.2.1. The KDAP staff will present allegations of misconduct as outlined in appropriate reports.

3.2.2.2. The alleged offender will have an opportunity to make a brief presentation.

3.2.2.3. The presiding authority will then determine if the alleged offender committed the offense.

3.2.2.4. The presiding authority will then impose appropriate punishment, or, if barment is recommended, will advise the offender that a recommendation to the 18 WG/CC to bar the offender from all Air Force installations on Okinawa will be made.

3.2.2.5. The sponsor and dependent will be presented with a memorandum of action. The memorandum of action will be signed by the sponsor who will be provided with a copy.

3.2.3. Punishment options available to the KDAP include, but are not limited to, the following:

3.2.3.1. Verbal Counseling.

3.2.3.2. Memorandum of Warning.

3.2.3.3. Assignment of Community Service.

3.2.3.4. Curfew Restriction.

3.2.3.5. Suspension of AAFES, MWR, Commissary Privileges.

3.2.3.6. Suspension of Driving Privileges.

3.2.3.7. Enrollment in Kadena Youth Monitor Program (See Para 4.).

3.2.3.8. Recommendation for barment from all Air Force Installations and Facilities on Okinawa.

3.2.3.9. Other actions deemed appropriate by the presiding authority.

3.2.4. The presiding authority may elect to take disciplinary action without a KDAP hearing in cases where all pertinent information is available.

3.3. Community Service:

3.3.1. Air Force Units on Kadena AB or the KDAP staff will be responsible for designating appropriate community service tasks and work sites.

3.3.2. Air Force Units, through the first sergeant, will monitor and ensure individual compliance with community service requirements, will encourage sponsors to be present during the performance of community service, and will report progress of assigned community service to the KDAP staff.

3.3.3. The KDAP staff will assign community service work sites and monitor compliance with community service requirements for dependents of sister service and civilian members.

4. Kadena Youth Monitor Program. A disciplinary option available to the presiding authority in cases involving dependents 13-17 years of age who commit serious or repeated acts of misconduct.

4.1. Objective: The Kadena Youth Monitor Program is established to provide a means of rehabilitation for youth who are 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. Enrollment in the Kadena Youth Monitor Program will be for a 6-month period.

4.2. The KDAP Staff 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 modifications in sanctions to include early release from the program for those 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 indorsed by the sponsor.

5.3. The Commander, 18th Mission Support Group (18 MSG/CC), will serve as appellate authority for all actions imposed by the KDAP.

5.4. When the 18 WG/CC orders that an offender be barred, there is no appeal.

5.5. The KDAP staff will not release police reports or reports of investigation. Individuals requesting this documentation are directed to the appropriate offices of primary responsibility.

6. Rights to Counsel. The process of adjudicating civilian misconduct issues is an administrative process. Alleged offenders are not entitled to have legal counsel present during the hearing or for an appeal. Legal assistance from 18 WG/JA and Kadena AB Area Defense Counsel is not available for alleged offenders. This instruction does not limit an individual's authority to hire civilian counsel to assist in preparing for the hearing or for an appeal.

7. Barment Action.

7.1. Barment is in effect immediately upon imposition by the proper authority.

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

JAMES B. SMITH, Brigadier General, USAF
Commander, 18th Wing