

Adverse & Punitive Actions

Courts-Martial

- On 1 May 18, SrA Tyler Tisdale was found guilty of failure to go, failure to obey a lawful order, making false official statements, and wrongful use of ecstasy. He was sentenced to confinement for 10 days, reduction to E-1, forfeiture of \$500.00 pay/month for 1 month, 50 days restriction to base, 50 days hard labor without confinement, and a reprimand.

- On 17 Apr 18, AB Shannon Henry was found guilty of wrongful marijuana use on diverse occasions. She was sentenced to confinement for 30 days and a reprimand.

Non-judicial Punishments

- NJP for assaulting a civilian employee and behaving in a disorderly manner while in uniform resulted in forfeitures of \$500.00 pay/month for 2 months and a reprimand.

- NJP for assaulting a co-worker resulted in reduction to E-1, 15 days restriction to base, and a reprimand.

- NJP for wrongful use of marijuana resulted in reduction to E-3, suspended forfeitures of \$1,088.00 pay/month for 2 months, and a reprimand. Subsequent vacation action for repeat marijuana use resulted in enactment of forfeitures of \$1,088.00 pay/month for 2 months.

- NJP for failure to go resulted in suspended reduction to E-2, forfeiture of \$300/month for 1 month, and a reprimand. Subsequent vacation action for marijuana use, possession, and introduction resulted in reduction to E-2.

Discharges

-UOTHC discharge following request for discharge in lieu of court-martial after 30 days pretrial confinement for marijuana use.

-UOTHC discharge for pattern of misconduct and drug abuse after summary court martial conviction.

-General discharge for marijuana use following NJP for the same.

Need Legal Assistance? We Can Help!

It is an honor and privilege to serve our Armed Forces family. The 460th legal office is dedicated to providing quality legal assistance to all active duty service-members and their dependents. Legal services are also available to reservist and guardsmen on federal active duty under Title 10 U.S.C., retired military members and their eligible dependents.

Call-in appointments are taken from Mondays-Thursdays. Before making a will appointment, you will need to go to the AF Legal Assistance website to complete a will worksheet. Once you have completed the will worksheet you will be given a ticket number. Tell the receptionist this number when you

call to set up your appointment.

Additionally, we offer walk-in notary services and powers of attorney from 0900-1500 Monday-Thursday. The legal office is closed before 0900 each day and also on Fridays so that we may have the time needed to better serve you.

Legal assistance handouts are available in the reception lobby of the legal office or online at the AF Legal Assistance website at <https://aflegalassistance.law.af.mil>. These handouts are developed by attorneys and provide a great deal of information on various legal issues and are designed to provide answers to the most common legal issues affecting our clients.

Our office cannot provide legal assistance over the phone or provide assistance in drafting real estate documents, separation or divorce documents or trusts. If you have questions concerning criminal issues please visit the Area



Defense Counsel.

For more information, contact the Buckley Legal Office at 720-847-6444 or visit us during our **new hours between 0900-1500 Monday through Thursday** to obtain free informational pamphlets and handouts.

A Guide to Small Claims Court

If you have a legal dispute that you would like to resolve but are reluctant to hire an attorney, small claims court may be right for you. Small claims courts resolve disputes that involve relatively small amounts of money (\$7,500 or less in Colorado). Special rules of procedure are used in small claims cases that are designed to make the court process simpler, speedier, and more informal than the regular civil court process.

In Colorado, small claims courts are courts of "limited jurisdiction" meaning only certain types of cases can be heard. Small claims courts handle many types of cases except those involving equitable relief (non-monetary relief) such as issues related

to divorce, parenting time, alimony, etc.

If you wish to settle your dispute in small claims court, you can bring your case in the county where the defendant resides, works, has an office, is a student at an institution of higher education, or where rental property is located.

You must also complete a "Notice, Claim and Summons to Appear for Trial" (JDF 250) and file the complaint with the small claims clerk. Filing fees in Colorado depend upon the amount of the damages claimed. Claims up to \$500 require a \$31 filing fee and claims between \$500.01 and \$7,500 require a \$55 fee.

After you have completed the JDF 250, the defendant must be officially notified of the lawsuit filed against him/her.

You will then be assigned a trial date. Preparing for trial will require you to gather the evidence you wish to present to the judge that supports your claim.

On court day be organized and have a detailed understanding of your case in order to make a convincing argument to the judge. Also, be sure to bring any witnesses that support your case. ■

For more information visit: www.courts.state.co.us

Meet Your 460 SW/JA Team



Lt Col Poellet, SJA



Maj Halldin, DSJA



MSgt Calahan, LOS



Capt Hoover, Chief of Justice



Capt Lemberg, Chief Gen Law



Capt Waldman, Chief Adverse Actions



Mr. Buchanan, Labor/Contracts



Mr. Hoeflinger, Environmental



Ms. Hurd, Paralegal/VWAP



SSgt Kravchuk, NCOIC Adverse Actions



Mrs. "M.E." Mott, Court Reporter



SrA Groskost, General Law



Hemp Seed Oil: Why the Juice Isn't Worth the Squeeze

Whether you are currently serving or have served, chances are that you have likely received a sheet of paper indicating that you have been selected for a random urinalysis in the not so distant past. The Air Force urinalysis program assists command in ensuring troops are fit to fight. After a sample of urine is provided, it is shipped off to the Air Force Drug Testing Laboratory (AFDTL). AFDTL can test for the presence of certain metabolites in the provided urine samples which may indicate that the member used illegal drugs.

“Drug abuse” is defined in the Uniform Code of Military Justice (UCMJ) as the wrongful use, possession, distribution, or

introduction onto a military installation, or other property or facility under military supervision, of a controlled substance, prescription medication, over-the-counter medication, or intoxicating substance (other than alcohol). Wrongful means without legal justification or excuse. Violators are subject to punitive action under the UCMJ and/or adverse administrative actions.

What you likely didn't know is that illicit substances may be contained in certain food and drinks that are sold in health food stores and elsewhere, even if these items are not explicitly marked with warnings on their packaging indicating that they may contain ingredients that are considered to be illicit.

For example, certain items that are marketed as health products, such as protein shakes, may include hemp seed oil. Studies have shown that products made with hemp seed and hemp seed oil may contain varying levels of tetrahydrocannabinol (THC), an active ingredient of marijuana, which is detectable under the Air Force Drug Testing Program.

In order to ensure military readiness, the ingestion of products containing or products derived from hemp seed or hemp seed oil is prohibited. Failure to comply with the above prohibition is a violation of Article 92, UCMJ. Violations may result in administrative or disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

What You Need to Know About POFs On Base

Privately Owned Firearms (POFs) may not be brought onto Buckley Air Force Base (BAFB). If you are entering BAFB and have a POF in your possession, then you must tell law enforcement stationed at the guard gate that you have a weapon in your vehicle and the specific location where the weapon is located within your vehicle.

Failure to adhere to the above requirements could result in apprehension and a charge under Article 92 of the Uniform Code of Military Justice (UCMJ) for Failure to Obey for military personnel or detention and criminal charges for civilian personnel, accordingly.

You may request temporary storage of your weapon at the 460th Security Forces Squadron (460 SFS) Armory. The restriction on POFs on BAFB applies to all individuals regardless of whether or not

they possess a current and valid Colorado Concealed Handgun License or a reciprocating state concealed carry license.

No one is authorized to transport or secure their POFs on their person, in government facilities, or in their privately-owned vehicles within the legal boundaries of BAFB.

Individuals staying in lodging, temporary living facilities, or on-base dormitories are not permitted to store their handgun or weapon in their room at any time.

If you are living in Family Housing and wish to store your POFs on BAFB, then they must first be registered with the Police Services Division, 460th Security Forces Squadron (building 1028, room 217). At no time may the POF be loaded when kept in Buckley Family Housing.

Residents must also comply with any and all weapons restrictions that may be listed in their leases. The first step is to obtain all required paperwork from Police Services. After you obtain the necessary paperwork, you will have three duty days to return the completed forms signed by your commander to Police Services.

You will need to provide certain information when registering your POF including your name, contact information, record of firearm manufacturer, model, serial number, caliber/gauge, and location of where the firearm will be stored.

For more information about whether or not you can bring POFs including concealed handguns on BAFB, contact the Buckley Legal Office at 720-847-6444.

Don't Let Your Fundraising Idea Raise a RED Flag

Fundraising is a great way to gather support for your group and create team cohesion. If you would like to conduct a fundraiser, please be sure to submit your fundraiser request to Mr. Shane Black at the Force Support Squadron (FSS). The approval authority is the MSG/CC, which may be delegated to the FSS/CC

Each private organization is allowed to conduct no more than two fundraisers

per calendar quarter and the fundraiser must not compete with AAFES or Non-appropriated Fund Instrumentalities.

Official endorsement of such fundraising activities is not authorized, and the activities may not be conducted during the CFC or the AFAF.

Further, volunteers must not be in uniform nor on duty while participating in fundraisers, must not serve or sell al-

cohol, and must coordinate with public health if the fundraisers involve any food preparation.

For more information see [AFI 36-3101, Fundraising within the Air Force](#) and [AFI 34-223, Private Organizations Program](#).





Allied News: Japan to Expand Military Capabilities

After almost seven decades of limited military capabilities, Prime Minister Shinzou Abe of Japan has announced his intent to deliver on his campaign promise to rebuild Japan's military forces.

Since 1947, the US' closest Pacific ally, Japan, has summarily renounced war as a sovereign right. The renouncement is enshrined in their constitution under Article IX, which drastically limits Japan's military capabilities. Instead, Japan has supported the US by allowing and aiding in establishing military installations for the "United States Forces Japan" (USFJ), which houses American naval, air, ground and Marine personnel.

In 1954, Japan established their own "Self Defense Force," which includes active duty military personnel who are trained to aid in emergency situations such as relief efforts following natural disasters or in the event of an attack on Japanese soil.

The Self Defense Force in its seven decades of active service has been the subject

of controversy for the Japanese public. While Article IX of Japan's constitution allows for self-defense forces, it prohibits Japan from having a standing military. Nonetheless, the line between self-defense and war-ready is easily blurred.

Prime Minister Abe, who seeks to answer the question once and for all, ran on a platform for a reinterpretation of Article IX to include the Self Defense Force. In 2015, Abe attempted to push through a vote for re-interpretation of Article IX to include a standing military that has overseas deployment capabilities.

After overwhelming push-back from both the public and other government officials, Abe shifted his stance away from re-interpretation of Article IX. Instead, he aims to amend the constitution to clarify the duties, regulations and guidelines of the Self Defense Force.

Abe announced his intent that, by 2020, the Self Defense Force will be amended into the constitution as a rightful entity. The amendment would settle the controversy around the program, as

well as expand the program's war capabilities.

Abe has stated two principle reasons in support of the expansion. First, he hopes Japan will be better equipped to respond preemptively to aggressive actions taken by hostile nations. Second, contrary to Article IX's stipulations banning overseas deployments of Japanese military personnel, he hopes that Japan may provide ground forces to aid Japan's allies in foreign military disputes.

Opponents to the Prime Minister's proposed reform have concerns about the disruption of public funds toward the expanded Self Defense Force and away from public aid, such as for education or infrastructure maintenance. There is also concern about taking steps away from Japan's stridently peaceful policies, and the potential return to a "war-hungry" state.

Abe assures US diplomats that the US military installations will continue to operate as always. In the future, he hopes, Japanese troops will be able to work on the ground alongside US allies.

The Courts Have Spoken: Police Can Use New Technology to Unlock Smartphones

New phone security technologies, such as fingerprint and facial recognition, may actually make it *easier* for law enforcement to gain access to your information.

Over the past decade, the smartphone industry has boomed. Recent research indicates 77% of Americans now own smartphones. Devices once used only for making phone calls now serve multiple functions, from doubling as calendars to storing sensitive information to even serving as a personal assistant.

With these new advancements comes an increasing demand for better phone security. In the past five to six years, smartphone manufacturers have begun to shy away from numeric passcodes, also known as PIN numbers. Smartphone owners can now utilize fingerprint and facial recognition technologies to unlock their devices.

These advancements, however, raise entirely new issues regarding law enforcement access to smartphones. Can law enforcement officers force someone to give up their passcode? Can law enforcement force a suspect to use their fingerprint to unlock their phone? Could officers force

someone they've arrested to look into their phone and unlock it?

Traditionally, the Fifth Amendment protected individuals from being forced to provide their passcodes to law enforcement. Recent military court decisions, however, have ruled otherwise.

New court rulings have allowed law enforcement to use evidence taken from smartphones where the individual had previously consented to give their passcode, even though he or she later withdrew that consent.

While the law surrounding passcodes continues to develop, one thing does seem certain: so long as they have a warrant, law enforcement officers *can* force a suspect to unlock their smartphone using their fingerprint. State, federal and military courts all seem to agree that fingerprints are not a protected form of communication under the Fifth Amendment.

These courts reason that forcing suspects to provide a fingerprint is akin to requiring suspects to provide law enforcement with a DNA or handwriting

sample, which the law permits.

That leaves the question of whether law enforcement officers can force someone they've arrested to look into their phone and unlock it. And, as of right now, that is a question with no answer.

Facial recognition (and retina scanning) is one of the newest forms of phone security and has yet to be litigated. Like fingerprints, however, your face is not something you *know*, but rather something you *are*, and thus may not qualify for Fifth Amendment protection.

As the law surrounding these issues continues to evolve, consumers are often left with more questions than answers. Until we get those answers, smartphone owners may want to consider using multiple forms of security on their devices to protect sensitive personal information, stored in their phones.

