

USFK REGULATION 600-52

PERSONNEL--GENERAL (600)

Family Member Misconduct

11 March 1999

UNCLASSIFIED

HEADQUARTERS
UNITED STATES FORCES, KOREA
UNIT #15237
APO AP 96205-0010

USFK Regulation
No. 600-52

11 March 1999

(Effective 18 March 1999)
Personnel – General

CIVILIAN AND/OR FAMILY MEMBER MISCONDUCT

SUPPLEMENTATION. Supplementation of this regulation and issuance of command and local forms is prohibited unless approval is obtained from HQ, USFK, ATTN: FKJ1-J-M, Unit #15237, APO AP 96205-0010.

INTERNAL CONTROL PROVISIONS. This regulation does not contain management control procedures.

1. **PURPOSE.** This regulation establishes policy and responsibilities for taking official administrative action in cases of civilian and/or family member misconduct in United States Forces, Korea (USFK).
2. **APPLICABILITY.** This regulation applies to all members of USFK and their family members, as defined in the glossary.
3. **REFERENCES.** Required and related publications are listed in appendix A.
4. **EXPLANATION OF ABBREVIATIONS AND TERMS.** Abbreviations and special terms used in this regulation are explained in the glossary.
5. **RESPONSIBILITIES.**
 - a. Individual. Each individual is responsible for ensuring that he/she complies with legal and community standards of personal conduct.
 - b. Sponsor. Each individual is responsible for ensuring that his/her dependents are aware of and complies with legal and community standards of personal conduct.
 - c. Area Commanders. Area Commanders for areas I through IV, and installation/base commanders for Osan, Kunsan and Chinhae, are responsible for the operation and administration of civilian and/or family member conduct review boards. They are also responsible for imposing administrative sanctions against civilian and/or family members who

*This regulation supersedes USFK Reg 600-52, dated 25 March 1991.

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fail to comply with legal and community standards of personal conduct. This responsibility includes consideration of the imposition of sanctions for violations committed within their area by USFK civilian and/or family members. These commanders may, at their discretion--

(1) Appoint a central point of contact (POC) -- e.g. a Civilian Misconduct Reviewing Official (CMRO) or Civilian Misconduct Actions Officer (CMAO) -- that screens cases and recommends to the Area Commander or his designee an appropriate disposition, including whether to refer the matter to a civilian and/or family member conduct review board.

(2) Appoint a civilian and/or family member conduct review board to assist in accomplishing these responsibilities.

(3) Develop an alternate method for accomplishing these responsibilities that protects the procedural and substantive rights of the respondent. All alternative methods must have the concurrence of the servicing Judge Advocate prior to implementation.

6. RELATIONS WITH THE KOREAN COMMUNITY.

a. USFK personnel and their family members are required by Article III of the United States-Republic of Korea (U.S.-ROK) Status of Forces Agreement (SOFA) "to respect the law of the Republic of Korea and to abstain from any activity inconsistent with the spirit of the Agreement." Ensuring respect for Korean law and the Korean community is an important part of the individual's and sponsor's responsibility.

b. Civilian and/or family members are not immune from Korean legal jurisdiction. Under the U.S.-ROK SOFA, the ROK Government may waive jurisdiction over criminal offenses committed by civilians or dependents, and generally did so in the past. However, it has retained jurisdiction in serious cases, and exercise of that jurisdiction may result in apprehension, trial, and confinement of offenders. In cases involving civil liability, there is no provision for waiver of Korean jurisdiction.

7. CIVILIAN AND/OR FAMILY MEMBER MISCONDUCT.

a. Civilian employee (Department of Defense (DOD) employees) misconduct will be initially handled according to guidelines contained within applicable service directives, after coordination with the servicing civilian personnel office. In all cases where this regulation and applicable service directives conflict, the guidance found in applicable service directives take priority over the guidelines contained within this regulation.

b. The Area Commander will handle invited contractor/technical representative and their family member(s) misconduct after coordinating with the USFK Assistant Chief of Staff, Acquisition Management. This will ensure that the U.S. Government's legal obligations to the contractor are met and that the contract will not be adversely affected.

c. The Area Commander will handle all family member misconduct cases. However, the sponsor's unit commander may engage in counseling and referral to appropriate agencies to

resolve any domestic situation that may have an adverse impact on the sponsor. The unit commander will provide the Area Commander information on what actions the unit commander has taken. The Area Commander will make the final disposition in all cases. Such action may be taken in conjunction with or separately from the actions of the Korean Government, as long as it does not interfere with their possible actions.

8. ADMINISTRATIVE SANCTIONS.

a. Generally, Korean authorities have criminal jurisdiction over family members and other civilian personnel. However, a number of administrative sanctions are available to the command to handle cases of civilian and/or family member misconduct.

b. When selecting appropriate administrative sanctions, the following applies:

(1) The misconduct should be evaluated in terms of the individual's prior record, the seriousness of the misconduct, the availability of community agencies to support any corrective action, and the sanctions used in like cases.

(2) The sanctions imposed should bear a relationship to the misconduct (such as referral to a smoking cessation class for youths found smoking in or near public facilities).

c. Some examples of administrative sanctions applicable to cases involving civilian and/or family member misconduct are indicated below. This list is not all-inclusive but is intended as a reference guide.

(1) The sponsor may be counseled about the conduct of the family member.

(2) A letter of warning may be issued.

(3) Revocation of privileges (commissary, exchange and recreation services).

(4) The member's privately owned vehicle operator's license may be suspended, revoked, or disapproved in accordance with (IAW) USFK Reg 190-1.

(5) Members may be barred from the military installation IAW USFK Reg 190-7. However, they are still generally entitled to medical and dental care. In addition, if the civilian and/or family member is employed on-post, the bar may have to be tailored to permit travel to and from the work place.

(6) The member's ration control privileges may be withdrawn IAW USFK Reg 210-60.

(7) Sponsor and family member(s) may be directed to attend mandatory counseling.

(8) Termination of government quarters (IAW AR 210-50 and AFH 32-6009).

(9) Early return of military family members to the continental U.S. (CONUS) may be accomplished as follows --

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(a) The sponsor may be encouraged to request early return of his/her family members to the U.S. when the return would best serve the interest of the military community (AR 55-46, AFI 24-101, MILPERCOMINST 4650.2A).

(b) In aggravated cases, family members may be offered early return transportation. They may be requested to return to the U.S. if their continued presence in the ROK is prejudicial to good order and discipline or is embarrassing to the Government.

(c) Under extreme circumstances, consideration may be given to curtailing the overseas tour of the military sponsor.

(d) Prior to effecting such return to CONUS, contact must be made with the USFK Judge Advocate to ensure that the ROK Government has waived jurisdiction under the U.S.-ROK SOFA, if the misconduct is in violation of Korean criminal statutes.

(e) When a family member is notified of early return of family member plans, the commander of the sponsor will ensure that the family member is informed that if the family member refuses to depart per the scheduled early return date, the ROK Government may be notified and requested to revoke the visa of the family member and the family member may have to fund his or her own transportation from the ROK since he or she did not use the transportation offered by the U.S. Government.

(10) Performance of community service. However, as stated above, imposition of this sanction must bear a direct relationship to the misconduct. Menial details will not be assigned.

d. Area Commanders may request U.S.-ROK SOFA status/logistic privilege revocation for dependents of invited contractors/technical representatives from the USFK Assistant Chief of Staff, Acquisition Management should the misconduct/pattern of misconduct warrant such revocation (IAW USFK Reg 700-19).

e. Any request for revocation of a civilian and/or family member's visa (excluding Invited Contractors and Technical Representatives) will be appropriately documented and forwarded to the Commander, USFK, ATTN: Judge Advocate, Unit #15237, APO AP 96205-0010.

9. CENTRAL POC.

a. The central POC is that person or office designated by the Area Commander to initiate notification to the civilian member or sponsor of the family member committing the misconduct, review pertinent facts, and recommend a course of action (including referring the case to a civilian and/or family member conduct review board) to the Area Commander or his designated representative.

b. Area Commanders will develop procedures that have received the concurrence of their servicing Judge Advocate that will ensure that the civilian member or sponsor is notified promptly of the intended administrative action, given the opportunity (usually three working days after notification) to submit any matters in rebuttal or mitigation, and notified promptly of the Area Commander's disposition decision.

c. The central POC will screen each case and recommend an appropriate disposition to the Area Commander.

10. CIVILIAN AND/OR FAMILY MEMBER CONDUCT REVIEW BOARD.

a. Functions.

(1) The civilian and/or family member conduct review board will review such cases of alleged civilian and/or family member misconduct as are referred to it by the Area Commander. The board will review each case IAW procedures established by each Area Commander and provide nonbinding findings and recommendations to assist the Area Commander in making a disposition of referred cases.

(2) Recommendations of the board should be considered as appropriate alternatives to administrative sanctions. These may include community based programs offering training, reparation, rehabilitation, constructive work projects, special counseling and a firm program directed at encouraging sponsor supervision, care and responsibility.

(3) In serious cases where alternatives such as those suggested above are not appropriate and the continued presence of the member in the command would be contrary to the best interests of the community, an embarrassment to the U.S. Government, or detrimental to good order, morale, or discipline, the civilian member/sponsor and his/her family members will be considered for removal from the command.

b. Composition. The civilian and/or family member conduct review board, if convened, will be composed of the following individuals --

(1) Deputy Area Commander or designated representative -- President.

(2) Command Sergeant Major, senior enlisted advisor, or Command Chief Master Sergeant of the area command (required when the sponsor is an enlisted service member).

(3) Social worker.

(4) Reporter (nonvoting member).

(5) Others as determined appropriate on a case-by-case basis (representative from sponsor's unit or local provost marshal office, school officials, health care professional, chaplain, family life center representative, and so on).

(6) A Judge Advocate will be on call for the Board President, as needed, but is not required to be a member of the board.

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c. Proceedings.

(1) The proceedings of a civilian and/or family member conduct review board are informal, nonadversarial and administrative, not criminal in nature. The provisions of AR 15-6 or equivalent service guidelines will apply to the extent that they are not inconsistent with this regulation.

(2) Area Commanders will, in coordination with their servicing Judge Advocate, develop board proceedings to be utilized by the civilian and/or family member conduct review board. In all cases, simplified board proceedings will be used.

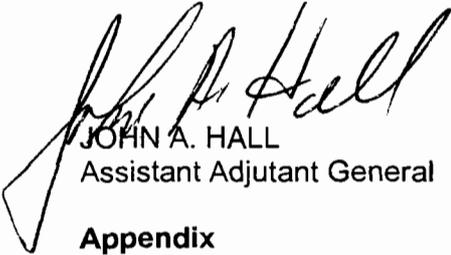
(3) The sponsor must attend the hearing with his/her dependent. In juvenile cases, the sponsor's spouse will be encouraged to attend.

(4) The record and files of the civilian and/or family member conduct review board will be considered privileged and will be provided the full protection from unauthorized disclosure as required by the Privacy Act of 1974.

Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander USFK, ATTN: FKJ1-J-M, Unit #15237, APO AP 96205-0010.

FOR THE COMMANDER:

OFFICIAL:
DANIEL J. PETROSKY
Lieutenant General, USA
Chief of Staff



JOHN A. HALL
Assistant Adjutant General

Appendix
A. References

Glossary

DISTRIBUTION:
A (1 cy each)

SPECIAL DISTRIBUTION:
30 - PPCK
8 - EAIM-PRM (Editing)

APPENDIX A

REFERENCES

SECTION I. REQUIRED PUBLICATIONS

AFH 32-6009 (Housing Handbook). Cited in paragraph subparagraph 8c(8).

AFI 24-101 (Movement of Personnel). Cited in subparagraph 8c(9)(a).

AR 15-6 (Procedures for Investigating Officers and Boards of Officers). Cited in subparagraph 10c(1).

AR 55-46 (Travel Overseas). Cited in subparagraph 8c(9)(a).

AR 210-50 (Family Housing Management). Cited in subparagraph 8c(8).

MILPERCOMINST 4650.2A (Navy Passenger Transportation Manual (PTM)). Cited in subparagraph 8c(9)(a).

USFK Reg 190-1 (Motor Vehicle Traffic Supervision). Cited in subparagraph 8c(4).

USFK Reg 190-7 (Installation Access Control System). Cited in subparagraph 8c(5).

USFK Reg 210-60 (Ration Control). Cited in subparagraph 8c(6).

USFK Reg 700-19 (USFK Invited Contractors and Technical Representatives). Cited in subparagraph 8d.

SECTION II. RELATED PUBLICATIONS

AFI 36-2110 (Officer Assignments).

AR 60-20 (Army and Air Force Exchange Service Operating Procedures).

AR 215 Series (Morale, Welfare, and Recreation).

AR 690-700 (Personnel Relations and Services (General)).

U.S.-ROK Status of Forces Agreement.

USFK Reg 1-44 (Criminal Jurisdiction Under Article XXII, Status of Forces Agreement).

USFK Reg 10-2 (Installation Management and Base Operations).

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USFK Reg 27-5 (Individual Conduct and Appearance).

USFK Reg 190-50 (Law Enforcement Procedures in Korea).

USFK Reg 643-1 (Transactions Between SOFA Personnel and Personnel Entitled Duty Free Import Privileges in the Republic of Korea).

USFK Reg 643-2 (Transactions Between Status of Forces Agreement Personnel and Personnel Not Entitled Duty-Free Privileges in the Republic of Korea).

GLOSSARY

SECTION I. ABBREVIATIONS

CMAO	Civilian Misconduct Actions Officer
CMRO	Civilian Misconduct Reviewing Official
CONUS	continental United States
DOD	Department of Defense
IAW	in accordance with
JUSMAG-K	Joint United States Military Affairs Group-Korea
POC	Point of Contact
ROK	Republic of Korea
SOFA	Status of Forces Agreement
U.S.	United States (of America)
USFK	United States Forces, Korea

SECTION II. TERMS

Administrative sanctions. Administrative actions (such as referral to counseling or barring access to an installation) imposed in an effort to correct the behavior or conduct of the individual committing a violation of a rule, regulation or law.

Civilian member. The civilian component as defined by Article I (DOD civilians, Technical Representatives, etc.) and Article XV (Invited Contractors) U.S.-ROK SOFA. This term also includes U.S civilians employed by the Joint United States Military Affairs Group-Korea (JUSMAG-K), retired U.S. military personnel and widows/widowers of U.S. personnel entitled to use USFK facilities.

Family member. Dependents of a member of USFK covered by the U.S.-ROK SOFA, dependents of military/civilian members assigned to JUSMAG-K, as well as the dependents of other "civilian members" as defined above.

Civilian and/or family member misconduct. Any violation of existing rules, regulations or laws (ROK or U.S.).

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Members of USFK. Members of USFK, the civilian component as defined by Article I, U.S.-ROK SOFA and employees of an invited contractor employed by, or under the control of, USFK. The term also includes military members assigned to and U.S. civilians employed by the JUSMAG-K, retired U.S. military personnel and widows/widowers of U.S. personnel entitled to use USFK facilities.