DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH ARMY
UNIT #15236
APO AP 96205-5236

REPLY TO
ATTENTION OF:

EACG

0 9 DEC. 2013

MEMORANDUM FOR All Eighth Army Soldiers

SUBJECT: Eighth Army Command Policy Letter #16, Suspension of Pass Privileges for Soldiers under Investigation by Republic of Korea Authorities

1. Reference. Manual for Courts-Martial, United States, 2012 Edition.

2. Purpose. To ensure Eighth Army Soldiers under investigation by civilian authorities for accusations of criminal activity against Korean nationals follow suspension of pass privileges.

3. Background.

a. Eighth Army Soldiers are good ambassadors of the command and their country when they interact with our Korean hosts in a respectful and disciplined manner. Committing a crime against a Korean national can have a long-term strategic impact on the ROK/US alliance and adversely affect the ability of Eighth Army to accomplish its mission.

b. During the investigation of a crime committed against a Korean national and any adjudication that can follow, it is essential for the command and the Soldier concerned that there are no additional international incidents of a service discrediting nature involving that Soldier. Force protection and public safety are other concerns commanders have when a Soldier pending investigation goes off-post for other than official purposes.

c. Under Rule for Courts-Martial 304(h), commanders have authority to place administrative limitations on Soldiers if necessary for operational or other military purposes independent of military justice. Such limitations may include temporary suspension of pass privileges.

4. Discussion.

a. When Republic of Korea authorities begin investigating a Soldier for criminal conduct against a Korean national, the immediate commander of the Soldier will suspend the Soldier's pass privileges for thirty (30) days, or an appropriate period, to include while the Soldier is on International Hold, pending completion of the investigation, and any host nation judicial action that may follow.

b. A commander who believes that suspension of pass privileges is not warranted under the specific circumstances of a given case may request an exception to this policy. The approval authority for an exception is the Soldier's Summary Court-Martial Convening Authority (SCMCA), except if the Soldier is investigating for rape, sexual assault, forcible sodomy, or attempts thereof then the approval authority is the Special Court-Martial Convening Authority (SPCMCA) in the grade of O-6.

(1) Requests for exception to policy shall specify why retention of pass privileges by the Soldier are in the best interest of the command.

(2) While a request for an exception to this policy is under consideration, the Soldier's pass privileges will remain suspended.

c. Soldiers residing in off-post quarters affected by this policy are normally moved into on-post quarters. A commander who believes that an alternative to moving the Soldier on post (e.g., an order to limit off-post travel to going to and from work by the most direct route) is sufficient to accomplish the purpose of this policy, can request that the Soldier's SPCMCA (SPCMCA in the grade of O-6 in cases involving rape, sexual assault, forcible sodomy, or attempts thereof) approve the proposed alternative.

d. The suspension of pass privileges does not affect the performance of official duty. Soldiers whose pass privileges are suspended pursuant to this policy are authorized to perform official duties off-post (including authorized medical appointments), attend off-post criminal proceedings, and travel off-post to comply with Korean National Police investigations.

e. Once a Soldier covered by this policy is removed from International Hold status, his or her pass privileges is reinstated unless continued suspension is justified for reasons independent of this policy as determined by the chain of command.

5. Proponent. The Eighth Army Staff Judge Advocate is the proponent of this policy. Contact the proponent at commercial 011-822-7918-4464/4445 or DSN 315-738-4464/4445.

BERNARD S. CHAMPOUX
Lieutenant General, USA
Commanding