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

REPLY TO
ATTENTION OF:

EACG

09 DEC. 2013

MEMORANDUM FOR All Eighth Army Assigned Soldiers

SUBJECT: Eighth Army Command Policy Letter #17, Uniform and Appearance Standards Concerning Soldiers Subpoenaed for Questioning by Republic of Korea (ROK) Authorities, Appearing in ROK Criminal Proceedings or Designated as US Status of Forces Agreement (SOFA) Representatives

1. References:

a. Article XXII of the Status of Forces Agreement between the United States and the Republic of Korea, 9 July 1967.

b. USFK Regulation 1-44, Criminal Jurisdiction under Article XXII, Status of Forces Agreement, 1 March 2010.

c. Army Regulation (AR) 670-1, Wear and Appearance of Army Uniforms and Insignia, 3 February 2005, (incorporating Rapid Action Revision, 11 May 2012).

2. Purpose. To establish uniform wear standards for Eighth Army Soldiers subpoenaed for questioning by the authorities of the Republic of Korea (ROK), who are appearing before ROK criminal proceedings, and their designated US SOFA representatives.

3. Background.

a. Per reference 1a, paragraph 6(a), the military authorities of the US, and the authorities of the ROK assist in carrying out all necessary investigation into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offense. This obligation requires that the US military obtain the appearance of witnesses necessary for the proceedings conducted by ROK authorities. When a member of the US armed forces in the ROK is summoned to appear before ROK authorities, either as a witness or a defendant, the US Military, unless military exigency medical reasons require otherwise, secure his or her attendance provided such attendance is compulsory under ROK law.

b. A US representative must be present whenever persons having SOFA status are questioned by ROK authorities as a defendant, suspect, or witness. Commanders must designate a US representative in the grade of E-7 or above or a civilian rated GS-6 or higher and, when feasible, normally from the same assigned or attached unit of the suspect/witness or the suspect/witnesses' sponsor. Unit designate the US representatives to represent the command, and not the suspect(s), or witness(es). When an individual is performing duties as a US representative, the individual is deemed to be in an official, on-duty status.

4. Discussion.

a. All Eighth Army Soldiers: Adherence to Army standards is a matter of pride and discipline. All Eighth Army Soldiers will ensure that their uniforms are serviceable and meet the grooming standards of AR 670-1. Unit commanders are responsible for ensuring that Soldiers present themselves in a professional manner and represent the US Army in a positive manner.

(1) Soldiers subject to this policy will wear the Army Service Uniform (ASU) or the Class A uniform when appearing at all ROK criminal court proceedings as an accused person or witness.

(2) Soldiers subject to this policy will wear the ASU, the Class A uniform or Class B uniform when appearing before the following ROK criminal proceedings:

(a) KNP Interviews

(b) KNP Investigation proceedings

(3) As an exception, for KNP Interviews and KNP Investigation proceedings referred to in para 4a(2) above, the Soldier's Company Commander or 1SG authorizes business casual or other appropriate civilian attire after inspecting the accused's/witness' appearance.

(4) In addition to proper uniform wear and grooming standards, Soldiers who appear before ROK criminal court proceedings, KNP interviews and investigation proceedings will maintain the highest standards of military bearing, deportment and behavior when conducting themselves in these proceedings.

b. US SOFA Representatives: All Soldiers performing duties as US SOFA representatives will wear the appropriate military uniform to present themselves and represent the United States Army in a positive and professional manner. SOFA Representatives will adhere to the rules in para 4a(1) and 4a(2) above. Military personnel performing these duties will ensure their uniform is serviceable and meet the grooming standards of AR 670-1. Unit commanders who designate the representatives are responsible for ensuring Soldiers appear before ROK authorities in the proper military uniform.

c. Civil Court Proceedings: There are many other proceeding within the ROK that do not fall under criminal proceedings. These civil proceedings are more personal in nature. Soldiers subject to this policy are allowed to wear appropriate civilian attire when attending civil court proceedings such as, but not limited to adoptions and divorces.

5. Proponent. The Eighth Army Staff Judge Advocate is the proponent of this policy. Contact the proponent at commercial 011-822-7913-3423 or DSN 315-723-3423.

BERNARD S. CHAMPOUX
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Commanding