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United States Forces Korea
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Law Enforcement

LAW ENFORCEMENT PROCEDURES IN KOREA

***This regulation supersedes USFK Regulation 190-50, dated 10 August 2009.**

FOR THE COMMANDING GENERAL:

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Summary. This regulation establishes policies and explains procedures applicable to law enforcement in the Republic of Korea (ROK) for military police (MP), Korean Augmentation to the United States Army (KATUSA) personnel, Security Forces (SF), members of the U.S. Navy Shore Patrol, Marine military police, and Department of Defense (DoD) direct hire and contract security guards protecting U.S. installations and persons designated by proper authority to perform police duties.

Summary of Change. This document has been substantially changed. A full review of its contents is required.

Applicability. This regulation applies to all U.S. military personnel, DoD civilians, and DoD invited contractors assigned or attached to United States Forces, Korea (USFK) command, elements, and agencies and their family members; KATUSA personnel; the Special U.S. Liaison Advisor Korea, the United Nations Command (UNC) and Combined Forces Command (CFC).

Forms. USFK Forms are available at <http://www.usfk.mil>.

Supplementation. Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from USFK Provost Marshal (FKPM), Unit #15237, APO AP 96205-5237 or FKPM.Workflow@korea.army.mil.

Records Management. Records created as a result of process prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System (ARIMS) website at <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the USFK Provost Marshal (FKPM). Users are invited to send comments and suggestions on a DA Form 2028 (Recommended Changes to Publications and Blank Forms) to USFK Provost Marshal (FKPM-Law Enforcement (LE)), Unit #15237, APO AP 96205-5237 or FKPM.Workflow@korea.army.mil.

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Chapter 1

Introduction

1-1. Purpose

This regulation establishes policies and explains procedures applicable to law enforcement in the Republic of Korea (ROK) for Installation Management Command Army Garrison Directorate of Emergency Services (DES), U.S. Army Military Police (MP), Korean Augmentation to the United States Army (KATUSA) personnel, U.S. Air Force Security Forces (SF), members of the U.S. Naval Security Force (NSF), members of the U.S. Marine Corps Military Police, U.S. Department of Defense (DoD) direct hire Security Guards, U.S. Government Contracted (Korean), security guards protecting U.S. installations, and persons designated by proper authority to perform police duties. It does not confer on any individual or on the public at large any benefit or right not otherwise conferred by law or regulation; nor is it intended to place restrictions or limitations on law enforcement personnel not otherwise required by law or regulation.

1-2. References

Required publications and forms are listed in appendix A.

1-3. Explanation of Abbreviations and Terms

a. Throughout this regulation, the term USFK law enforcement (LE) personnel refers to Army MP (U.S. and KATUSA), SF, members of the U.S. Navy Master-at-Arms, Marine MP, DoD direct hire and contract security guards protecting U.S. installations and persons designated by proper authority to perform police duties.

b. Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Commander, USFK, is responsible for LE for all USFK personnel in the ROK. Service component commanders will ensure that Area or Installation Commanders, to include Chinhae Naval Base and Camp Mujuk will submit daily LE blotters (or service component equivalent) to the USFK Provost Marshal in accordance with (IAW) Chapter 6 of this regulation.

b. The Commander, 7th Air Force is delegated LE responsibility for the following geographical areas:

(1) Osan Air Base as defined in USFK Regulation 10-2.

(2) Kunsan Air Base as defined in USFK Regulation 10-2.

(3) Areas within other U.S. Air Force (USAF) installations.

c. The Commander, 8th Army is delegated LE responsibility for Areas I, II, III, and IV as defined in USFK Regulation 10-2.

d. The Commander US Naval Forces - Korea (NAVFOR-K) is delegated LE responsibility for Chinhae Naval Base.

e. The Commander Marine Corps Forces - Korea (MARFOR-K) is delegated LE responsibility for Camp Mujuk.

f. Due to the geographically separated nature of some USFK installations and units, all Area or Installation Commanders should establish Memorandums of Agreement (MOAs) with each other when it is more feasible for other area LE patrols to provide initial response capabilities. Copies of all MOAs will be provided to USFK CJPM Law Enforcement Division (FKPM-LE).

g. This headquarters (HQ) retains the responsibility for all major command liaison in LE matters with the ROK Government (ROKG). This HQ will maintain liaison with the Ministry of Home Affairs, the Ministry of Justice, the Ministry of Health and Social Affairs, the Office of Customs Administration, the Office of Monopoly, the Office of Immigration, and other ROK LE investigative agencies.

h. All United States Army Garrison commanders, USAF installation commanders, U.S. Naval commanders, U.S. Marine installation commanders and USFK LE authorities will establish and maintain a local working liaison with their provincial and equivalent ROK LE authorities, ROK district and branch prosecutors, and other police within their geographical areas of responsibility. Commanders will direct their efforts to effecting maximum cooperation between U.S. and ROK LE agencies.

i. The USFK Provost Marshal Office (PMO) shall:

(1) Maintain proponency for this regulation.

(2) Conduct semi-annual law enforcement coordination visits to the Directorate of Emergency Services (DES), Provost Marshal (PM), Chief, Security Forces (CSF), Naval Security Officer (NSO), or Marine Security Chief for all Areas to include Chinhae Naval Base and Camp Mujuk.

(3) For all sexual assaults, the PMO will:

(a) Support the joint exchange of information between Service components' Law Enforcement, Military Criminal Investigation Organization (MCIO) and Staff Judge Advocate (SJA). All information exchanged will be in terms of unrestricted sexual assault reports.

(b) Develop an annual statistical report and analysis for the USFK Commander on all unrestricted sexual assaults and for input for the annual congressional testimony from the USFK Commander to Congress. Provide statistical analysis to the USFK J1 SAPR Program managers at pacom.yongsan.usfk.mbx.j11-workflow@mail.mil.

(c) Send all Serious Incident Reports (SIR) on unrestricted Sexual Assaults incidents to key agencies deemed appropriate by the USFK Provost Marshal. These agencies will include, but not limited to, the USFK Chief of Staff (CofS), USFK PMO, USFK SJA, USFK J1 SAPR Program Manager, 8th Army G1 Sexual Assault Prevention and Response (SAPR) Program Manager and the Installation Management Command-Korea (IMCOM-K) SAPR Program Manager. All SIRs will be digitally signed until a means of encrypting the SIR to all service components is possible.

1-5. Policy

a. General. United States military authorities have no power or authority to conduct LE activities off post, except over persons subject to the Uniform Code of Military Justice (UCMJ), when liaison or agreement has been made with ROKG authorities and as specified in this regulation.

b. Support. USFK LE personnel will extend active support to all U.S. officers and noncommissioned officers (NCOs) who by lawful authority are enforcing discipline and good conduct. This assistance will be extended to both on installation incidents and to off installation Command Directed or Command Presence Patrols.

1-6. Defense Biometric Identification System (DBIDS) Policy and Procedures

a. The Defense Biometric Identification System (DBIDS) is a records database installed on all USFK installations for the enhancement of installation access control. Capabilities of the system include tracking personnel who are issued Barment Orders, Bars (denied entry), Wanted personnel flags, tracking of Escorted Visitors and contractor personnel who have not been issued base passes, instances of lost, stolen or missing ID media, vehicle registration and entry authorization for vehicle entry onto installations. DBIDS is for official use only and is managed by the USFK CJPM Security Division. The following policies and procedures will be adhered to when operating or using DBIDS.

b. All USFK LE personnel, DA Civilians, US Embassy, and Korean National employees that have official need to operate DBIDS will receive training from CJPM DBIDS Operations and receive a user name and password. All users must log on with their own account and log off upon completion of their business with DBIDS. No unauthorized usage of the DBIDS will be tolerated.

c. DBIDS use is for Installation Access and LE purposes and is for official use only when used for reports, cases, and investigations. DBIDS can also be used upon an official written request from a Commander or Staff Judge Advocate (SJA) in conjunction with an ongoing investigation (judicial or non-judicial). This official use requirement includes instances of escorted visitors reports, scanned personnel ID gate logs, site logs for installations, stolen or lost license, decal and ID reports and weapons registration reports.

d. All personnel flags, bars, wanted and lost or stolen reports within DBIDS will be input with proper LE point of contact information provided. Contact information must be input into the system so as to ensure proper LE resources are used to enforce the regulations and policies.

1-7. Status of Forces Agreement Incident Notification Procedures

a. Notification procedures under SOFA Article XXII, in subparagraph 1-7f below and instructions in USFK Regulation 1-44, appendixes C through F, will be followed.

b. The completed copy of USFK SOFA CJ Form 1, U.S. Notice of Incident, Arrest and Receipt (see USFK Regulation 1-44, appendix D), will be immediately emailed, to the commander of the individual or sponsor concerned. The individual's commander will initiate flagging action and involuntary extension against the subject IAW the appropriate service regulation. The flagging action will remain in effect until the case is disposed of by both the ROK and U.S. authorities.

c. USFK SOFA CJ Form 1A-R, Supplemental Information to U.S. Notice of Incident, Arrest and Receipt (referenced in USFK Regulation 1-44, appendix E) will be submitted when subsequent investigations disclose the original complaint or information was erroneous or additional SOFA personnel are implicated as suspects.

d. When preparing a USFK SOFA CJ Form 1, the DES/PM/CSF/NSO or Security Chief will describe the incident with facts, not a lurid, detailed description of how the offense was allegedly committed (i.e., it is sufficient to report an individual was allegedly assaulted with a certain type of

instrument without describing every blow). If the incident was precipitated by a traffic accident involving a U.S. Government vehicle, include a statement as to whether the vehicle was or was not on proper dispatch and the purpose of the dispatch. In general, use conservative language, do not overstate the severity of the allegations and avoid subjective observations or conclusions, such as "inattentive" or "illegally." The words "alleged" or "allegedly" may be used freely.

e. The local DES/PM/CSF/NSO or Security Chief will annotate all copies of USFK SOFA CJ Form 1, which are provided to the unit commander and major subordinate unit commander, with the words "IAW USFK Regulation 1-44, paragraph 6m, the unit commander must impose immediate flagging action on this individual." The DES/PM/CSF/NSO or Security Chief will also annotate the DD Form 2708 (Receipt for Inmate or Detained Person) with these words upon release of military offenders who may be subject to prosecution by ROK authorities.

f. The local DES/PM/CSF/NSO or Security Chief must report alleged offenses to the area Korean prosecutor's office regardless of the location of the occurrence within 72 hours of the incident by furnishing USFK SOFA CJ Form 1. A copy of the form must be transmitted to the Office of the Judge Advocate, USFK, ATTN: FKJA-IL through the fastest means possible. Exceptions to this requirement include offenses solely against the security of the U.S., involving only U.S. Government property or offenses committed by military members solely against the person or property of a member of the U.S. Armed Forces, the civilian component or their family members.

1-8. Custody

In addition to custody procedures in USFK Regulation 1-44, paragraph 6g, the following procedures apply:

a. LE personnel responding to a notification of detention of U.S. forces personnel at a ROK facility will ensure the USFK SOFA CJ Form 2, Custody Request and Receipt (see USFK Regulation 1-44, appendix G), is prepared. The ROK authorities will surrender custody upon the presentation of a completed USFK SOFA CJ Form 2. Appropriate USFK LE personnel will be immediately dispatched to the place of detention to accept custody. After custody has been transferred to USFK LE personnel, the individual will be returned to a USFK police station for processing. If ROK authorities wish to question the suspect without delay, the procedures in paragraph 4-5e(3) and (4) (Apprehension and Detention) below apply. Any incident in which a CJ Form 2 is accomplished by a USFK LE entity will also mandate that the incident be recorded in an MP/SF/Navy Security or U.S. Marine MP Incident Report. The incident will also be input into the blotter so that it can be tracked by the USFK Command Staff.

b. If a family member, DoD Civilian, or invited contractor is involved, a USFK SOFA CJ Form 3 will be completed by the individual prior to transfer of custody from the ROK authorities. A USFK SOFA CJ Form 3 will not be initiated until the persons involved have surrendered their civilian passport to the custody of the MP or SF. If the passport is inaccessible at the time, they will make arrangements to have the document delivered to the nearest DES/PM or Chief of Security Forces (CSF) office by the most expedient means available, prior to the suspect's release from MP or SF custody.

c. For all personnel who are detained or receipted for IAW the ROK/U.S. SOFA, the local MP Station or CSF will contact the individual's commander, supervisor, or employer. The commander, supervisor or employer (based upon advice from the DES/PM or CSF) will make arrangements for detention, if appropriate.

1-9. Investigations

a. The USFK and ROK authorities will assist each other in joint investigations and in the collection, protection and processing of evidence, to include seizures and transfers. Evidence seized by USFK LE personnel will be processed through the local MP or SF evidence custodian. Evidence seized by United States Criminal Investigation Division Command (USACIDC), Office of Special Investigation (OSI) or Naval Criminal Investigative Service (NCIS) will be processed IAW their respective command regulations. The final disposition of evidence will not be accomplished without Staff Judge Advocate (SJA) coordination.

b. USFK LE personnel will conduct an investigation of incidents occurring outside U.S. facilities and areas in which persons subject to the SOFA have allegedly committed a violation of U.S. or ROK law. Whenever possible, USFK and Korean National Police (KNP) will conduct joint investigations. The USFK LE personnel will cooperate with and solicit the assistance of the KNP.

c. All incidents investigated off installation will be reported to Joint Police Information Center (JPIC) using service specific police reports (i.e. Centralized Operations Police Suite (COPS) Security Forces Management Information System (SFMIS), or Department of Navy Criminal Justice information system (DONCJIS)).

1-10. Traffic

a. IAW USFK Regulation 190-1, traffic offenders will be cited on DD Form 1408 (Armed Forces Traffic Ticket) by USFK LE personnel. When non-U.S. personnel working for the U.S. Government are issued a citation, a copy will be furnished to their chain of command. When non-U.S. personnel not working for the government are issued a citation, a copy will be issued to the Garrison or Installation Commander and the offender's sponsor. For U.S. personnel, the white copy will be forwarded to the individual's commander, supervisor or employer. For family members, the white copy will be forwarded to the sponsor's commander, supervisor or employer. For U.S. Embassy employees or their family members, citations will be mailed to the Regional Security Officer (RSO), U.S. Embassy, Seoul, Unit 15550, APO AP 96205.

b. USFK LE personnel will comply with DoDI 6055.4, DoD Traffic Safety Program and USFK Regulation 190-1 in reference to suspension of State driver's licenses. Installation or Area Commanders will notify individual State's agencies of any USFK DoD personnel, GS civilian or their family members whose installation driving privileges are revoked for one year or more. Criteria for suspension and revocation are outlined in USFK Regulation 190-1. The notification will include the basis for the suspension and the Blood Alcohol Content (BAC) level, if applicable (see AR 190-5, appendix B, table B-1 for state agency contact information).

1-11. Off Post Patrol Activities and Town Patrol Procedures

Local commanders and ROK authorities will be informed of all establishments and areas which have been placed off limits to U.S. military personnel. Notifications will be made IAW USFK Regulation 190-2, which is updated monthly by each area commander.

a. Per USFK Regulation 1-44 and SOFA Agreed Views No.10 and No.12, USFK LE personnel have access to areas frequented by USFK personnel, such as public recreational areas and public entertainment establishments, for the purpose of ensuring compliance with the UCMJ and USFK regulations. These actions will be conducted in liaison with local ROK authorities. Installation commanders (or a designee) may establish joint USFK and KNP patrols with the appropriate ROK authorities to police off post activities and areas of mutual (ROK/U.S.) concern.

b. Per USFK Regulation 190-1, in areas not under U.S. military control, the responsibility for traffic enforcement belongs solely to ROK authorities. This includes patrolling, overtaking or halting vehicles and issuing verbal warnings or ROK traffic citations.

c. While performing off-post patrol activities or town patrol, USFK personnel may detain any persons subject to the UCMJ who has committed or is suspected of committing an offense under the UCMJ. If LE patrols are unsure whether such an individual is a U.S. Service Member, KNP will be asked to determine the person's identity. If the person is a U.S. Service Member, he or she may be apprehended by USFK LE personnel. If KNP are not available and there is reasonable suspicion that the person is a U.S. Service Member, LE personnel have the authority to detain the individual in order to determine his or her military status. For purposes of this paragraph 1-11c:

(1) Reasonable suspicion means a suspicion that, under the circumstances, is reasonable in nature.

(2) Detain means to exercise government control over the freedom of movement of a person for a relatively short period of time, such as that required to summon KNP in order to determine a person's identity. An extensive search of a detained person is not authorized.

(3) Apprehend is the equivalent of "arrest" in civilian terminology and, like detain, involves the exercise of government control over the freedom of movement of a person. However, in order to apprehend a person, probable cause must exist that the person committed an offense under the UCMJ. A person who has been lawfully apprehended may be searched.

d. Self-Defense and Defense of Others. Both the U.S. and ROK law allow a person, including LE personnel, to use force to protect themselves or others from bodily harm from hostile person(s). See paragraph 2-2a for guidance on the use of deadly force by LE personnel.

e. Persons not subject to the UCMJ who are in violation of any curfew policy or who are in an establishment declared off-limits by USFK Regulation 190-2 may be informed by LE personnel of the DoD and USFK policies and encouraged to support those policies.

f. The use of a Military Working Dog (MWD) Team off U.S. Installations will be coordinated through the local Korean National Police Office and the appropriate service component. These searches will be conducted as a joint endeavor with U.S. Forces and KNP representatives.

g. Use of force is described in Chapter 2.

1-12. Witnesses and Evidences Involving Republic of Korea (ROK) Investigations

a. The U.S. and ROK have agreed to cooperate in making available witnesses and evidence for criminal investigations and other criminal proceedings.

b. Except as provided in paragraph 1-12c below, ROK criminal writs (warrants, summons, indictments or subpoenas) against U.S. personnel will not be served by U.S. authorities. Instead, the appropriate DES/PM or CSF will notify the local SJA office and the individual's commander or supervisor, who may arrange for the individual to be served the writ in a U.S. military installation by the ROK authorities.

c. When the ROK authorities desire to question U.S. personnel as witnesses or suspects, the following procedures apply:

(1) The request by ROK authorities will normally be in writing and will be delivered to the local DES/PM/CSF/NSO or Security Chief office. The request will contain the offense, individual's name, organization, the place and time the ROK authorities desire the individual. If the ROK request is not in writing, DES/PM/CSF will extend the fullest practicable cooperation. All requests will be reviewed by SJA.

(2) Upon receipt of such a request, the local DES/PM/CSF/NSO or Security Chief, or designee will contact the commanding officer, supervisor or employer of the individual or sponsor. The individual and individual's sponsor (if applicable) will be advised of the request and of the requirement for a U.S. representative. The U.S. representative will normally be provided by the subject's unit and will be a mature military member in the grade of E-6 or above. An equivalent grade civilian may be used. The commanding officer, supervisor or employer will comply with the request to include providing a U.S. representative and transportation. Before reporting to the ROK authorities for questioning, the individual and the U.S. representative will be briefed on their rights, duties and responsibilities by the local SJA. When ROK authorities desire immediate questioning, the U.S. representative will be en route within 1-hour of the request and be in possession of a completed USFK SOFA CJ Form 5-R (Appointment of U.S. Representative).

d. Property and other evidence may be turned over to or received from ROK authorities. Extreme care will be exercised in all instances to ensure evidence is properly marked for identification and the chain of custody is properly maintained. The following procedures apply:

(1) A duplicate copy of the statement made by individuals, documentary evidence, and other information pertaining to the case may be provided to ROK LE officials. The investigating officer's or criminal investigator's notes and case progress reports will not be released.

(2) Under SOFA, Article XXII, subparagraph 6a, items seized by U.S. LE authorities may be temporarily turned over to ROKG investigative or judicial authorities when requested. Temporary release is appropriate when the ROK has an ongoing investigation or prosecution and desires the evidence temporarily for evaluation, further investigation, or presentation before a ROK adjudicative tribunal. Release of evidence seized by U.S. LE authorities will always be coordinated with the servicing SJA. When temporary release is approved, a definite deadline for the return of the property will be established. The release and reason for the release will be annotated on DA Form 4137 (Evidence/Property Custody Document), AF Form 52 (Evidence Tag).

(3) Permanent release of evidence is outlined in Section IV (Release of Seized Property).

1-13. USFK Form 142EK (USFK Police Identification Card)

a. IAW procedures in appendix C, the local DES/PM/CSF/NSO or Security Chief will authorize the issue of USFK Form 142EK for USFK police personnel. The issuance of USFK Form 142EK will be restricted to personnel whose duties require direct coordination with ROK civil and military LE officials. USFK Form 142EK will be used only in conjunction with official police duties to identify the cardholder to ROK civil and military LE officials. The card will be used along with any issued credentials for identification when performing official law enforcement functions. The card will only be used by personnel on official duty and never be used to obtain favorable treatment from KNP or USFK LE personnel.

b. USFK Form 142EK is an accountable item. A written log will be maintained by the local DES/PM/CSF/NSO or Security Chief of all issued USFK Form 142EKs, to include the card number, name of holder, date issued, expiration date, date returned, to whom returned, and the KNP reference number. Personnel issued a USFK Form 142EK will sign for the card on the written log

upon issue. The written log will also account for the destruction of USFK Form 142EKs upon turn in, documenting the date of destruction and signatures of the form holder and the person destroying the form. Personnel will turn in their USFK Form 142EK to the local DES/PM/CSF/NSO or Security Chief for destruction at the appropriate time designated below, whichever comes first:

(1) Upon the expiration date of the card, or

(2) The final date of the duty assignment of the person to which the USFK Form 142EK is assigned, whether due to Date Eligible for Return Overseas (DEROS), Permanent Change of Station (PCS), Expiration of Term of Service (ETS) or change of duty position for any reason, as identified on the card in block d.

c. To acquire blank USFK Form 142EK forms send written request on official letterhead to the USFK Law Enforcement Division (FKPM-LE). Include number needed; what personnel will be receiving forms and unit information, point of contact and DSN.

Chapter 2

Use of Force

2-1. Peacetime

This paragraph prescribes the use of force during peacetime. This guidance applies to all USFK military and civilian personnel engaged in LE and security duties within the ROK (including MP and SF, civilian security guards (contract and direct hire), and unit guards charged with the security of USFK installations, facilities, and personnel).

a. LE and security personnel will apply common sense, consider the nature and seriousness of an offense, and use the minimum level of force to fulfill assigned duties. When carrying non lethal weapons (to include, but not limited to, the MP Club, nightstick, Taser, collapsible baton, or PR-24), LE personnel will comply with service component regulatory guidelines, directives and requirements for training, certification and use, as well as procedures agreed upon between local U.S. Military LE officials and supported commanders.

b. Unless directed otherwise by the Commander, USFK or Service Component Commanders, LE personnel, Korean contract and direct hire security guards will carry assigned weapons with a loaded magazine, or ammunition pouches for shotgun rounds. When carrying and controlling firearms, magazines and ammunition, USFK LE personnel will comply with service component regulatory guidelines, directives and requirements for training, certification and use, as well as procedures agreed upon between local U.S. Military LE officials and supported commanders.

c. In evaluating the degree of force required for specific LE or security situations, the following options will be considered in the order listed:

(1) Verbal persuasion.

(2) Unarmed defense techniques.

(3) Non-lethal weapons.

(4) Military working dogs (see paragraph 2-1d below).

(5) Presentation of deadly force capability (presenting a firearm may halt the actions of adversaries preventing the need for deadly force).

(6) Deadly force (see paragraph 2-2 below).

d. Military Working Dogs will be used IAW AR 190-12 and AFI 31-202. MWDs will be released only if a lesser measure of force would not be effective and only after a challenge or order to halt is given. MWDs will not be used off post unless coordinated IAW Chapter 1, 1-11f.

e. Handcuffs or plastic restraints are temporary restraining devices that should only be used during an apprehension in order to protect LE personnel and others, protect the person placed in custody, and/or to prevent flight of the person placed in custody.

(1) LE personnel must consider their training and experience in exercising sound professional judgment when determining if and when handcuffs or plastic restraints are needed to restrain an individual. LE personnel must remain professional at all times in order to not unintentionally escalate a situation. Factors to consider include, but are not limited to, the status of the person, observed or assessed drug or alcohol influence, number of subjects, behavior such as demonstrated belligerence, the presence of other LE personnel who can control the individual, and the severity of the suspected offense. LE personnel must also be cognizant that persons restrained are subsequently less able to protect themselves from falls, sudden turns, or stops while walking, and are, therefore, more susceptible to injury, especially when their hands are restrained behind their back. LE personnel will take proper precautions to ensure the safety of all persons in restraints. LE personnel may always take reasonable measures to protect themselves and other from possible attack.

(2) Personnel who are subject to the UCMJ, reasonably suspected of committing offenses in which the victim suffered bodily injury, or of being a physical threat to self or others, will be thoroughly searched and placed in handcuffs or plastic restraints prior to transport in police vehicles. Handcuffs or plastic restraints should only be used as a means of controlling a subject being placed in custody when there is individualized suspicion that the victim(s), LE personnel, or the person being placed into custody are in immediate danger or physically threatened. When, due to exigent circumstances, LE personnel cannot clearly ascertain if an immediate danger or physical threat exists, handcuffs or plastic restraints may temporarily be used to protect LE personnel, bystanders, and victims in order to control the situation until no longer necessary.

(3) Personnel who are not subject to the UCMJ (e.g., Department of State employees, family members, DoD civilian employees, local nationals, and third country nationals) will not be placed in handcuffs or plastic restraints unless doing so is necessary in order to detain them for the purposes of preventing injury to themselves, LE personnel or others or when protecting DoD resources vital to national security as defined in Paragraph 2-2b.

(a) The use of handcuffs or plastic restraints on identified United States federal employees and family members under Chief of Mission authority will be immediately reported to the USFK Provost Marshal Office (PMO) Joint Police Information Center (JPIC). The USFK PMO will contact the U.S. Embassy on-duty Regional Security Officer with information regarding the situation.

(b) The use of handcuffs or plastic restraints on personnel identified as not subject to the UCMJ and are not identified United States federal employees and family members under Chief of Mission authority will be reported to the USFK PMO JPIC within six hours using the Police Information Report (PIR) format.

(4) Except in the vicinity of vital U.S. property or in accordance with agreements between U.S. and ROK authorities, USFK LE personnel have no jurisdiction over persons not subject to the UCMJ off-post and, accordingly, cannot exercise the same level of authority as is exercised over U.S. military personnel. Therefore, except when protecting DoD resources vital to national security (as defined in paragraph 2-2b) in times of increased security, handcuffs or plastic restraints will not be used off-post on nonmilitary persons.

(5) Examples of when handcuffs or plastic restraints may be used include, but are not limited to, apprehending or escorting persons suspected of committing violent crimes (for example, murder, rape, robbery, and aggravated assault); preventing the escape of a dangerous felon; protecting an individual apprehended or escorted when self-inflicted injury is reasonably foreseeable; or protecting LE personnel or others from a belligerent individual.

(6) Examples of when handcuffs or plastic restraints would not normally be used include, but are not limited to, minor traffic or non-violent offenses, such as, apprehending or escorting nonbelligerent, sober, pass, traffic or parking violators.

2-2. Deadly Force

USFK LE personnel may use deadly force only under conditions of extreme need and as a last resort, when all lesser degrees of force have failed or cannot reasonably be used. Warning shots are not authorized under any circumstances. Deadly force is justified under one or more of the following circumstances:

a. Self-defense and defense of others. When deadly force appears to be necessary to protect LE or security personnel who reasonably believe themselves or others to be in imminent danger of death or serious bodily harm.

b. Assets involving national security. When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of assets vital to national security. Department of Defense assets will be specifically designated as "vital to national security" only when their loss, damage, or compromise would seriously jeopardize the fulfillment of a national defense mission. Examples include nuclear weapons; nuclear command, control and communications facilities, nuclear powered or armed naval vessels; and designated restricted areas containing strategic operational assets, sensitive codes or special access programs.

c. Assets not involving national security but inherently dangerous to others. When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of resources, such as operable weapons or ammunition, that are inherently dangerous to others; such as assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high risk portable and lethal missiles, rockets, arms, ammunition, explosives, chemical agents, and special nuclear material.

d. Serious offenses against persons. When deadly force reasonably appears necessary to prevent the commission of a serious offense involving violence and threatening death or serious bodily harm. Examples include murder, armed robbery, and aggravated assault.

e. Arrest or apprehension. When deadly force reasonably appears to be necessary to arrest, apprehend, or prevent the escape of a person who, there is probable cause to believe, has committed an offense of the nature specified in 2-2a,b,c and d above.

f. The use of deadly force applies equally to interior guard duties and the guarding of U.S. military prisoners. The use of deadly force in the situations shown below will be based on the rules of engagement issued for the particular case or other pertinent regulations, directives, or policy statements:

- (1) A combat zone in time of war.
- (2) A designated hostile fire area not in time of war.
- (3) Duties with the U.S. Secret Service or Diplomatic Security Service Protective Service Details.
- (4) A civil disturbance objective area.

g. Escapes. When deadly force has been specifically authorized by the Secretary of the Army, Secretary of the Air Force or Secretary of the Navy and reasonably appears to be necessary to prevent the escape of a prisoner, provided LE or security personnel have probable cause to believe that the escaping prisoner poses a threat of serious bodily harm either to security personnel or others.

2-3. Use of Firearms

Additional requirements for the use of firearms.

a. Give the order "Halt or I will fire" in English/Korean before a shot is fired. The word for "Halt" is "JEONG-JI," The phrase "I will fire" is "CHONG-SSON-DA.

b. Shots will not be fired if they are likely to endanger innocent persons.

c. Warning shots are not authorized.

d. Shots will not be fired at a vehicle unless the vehicle operator has willfully disobeyed the direct commands of the guard and has displayed the intent, opportunity and capability to disrupt the security or to do harm to the public.

e. When challenging an intruder, security personnel:

(1) Must always assume the person is dangerous. The challenged party must always be kept under close security and at a tactical disadvantage. When a security guard challenges, the order "Halt or I will fire" will be stated in English/Korean and in a voice loud enough to be heard. If the challenged party does not heed the challenge to halt, another command to halt will be given. If the challenged party does not heed the second challenge, the use of deadly force (see paragraph 2-2 above) may be authorized to control the situation.

(2) LE personnel are authorized to assume a position of raised pistol or port arms while challenging and when the authorized use of deadly force seems inevitable or unavoidable. A round of ammunition may be chambered prior to assuming this position. Procedures for raised pistol and port arms are contained in service component directives.

2-4. Concealed Weapons

a. Personnel employed with federal agencies conducting duties within USFK requiring the use of firearms will be required to follow the rules and guidelines in DoD Directive 5210.56.

b. USFK LE personnel conducting joint operations/missions with DoD component agencies will afford them the right to carry concealed weapons IAW DoD Directive 5210.56.

c. USFK personnel not associated with LE or DoD LE may not carry concealed weapons at any time.

2-5. Training

Training on the use of deadly force is imperative due to the serious nature of the responsibilities involved. Before being authorized to bear firearms, all personnel must be thoroughly indoctrinated in and understand the use of weapons. They must fully understand the circumstances in which force (including deadly force) may be justifiably employed, and they must be completely knowledgeable of how to comply with this policy in the performance of their assigned duties. Additionally, all personnel engaged in situations where they may have to use deadly force will have qualified with their weapon and completed use of force training IAW applicable service component regulations.

2-6. Supervisors, Commanders, Directors of Emergency Services (DES), Provost Marshals (PM), Naval Security Officers (NSO), Chief Security Forces (CSF) and Security Chiefs Supervisors, Commanders, DES, PM, NSO, CSF or Security Chief will ensure:

a. Directives governing use of force and guidelines issued by subordinate commanders are clear and sufficiently detailed.

b. Installation gate guards are equipped with a 9mm pistol, 12-gauge shotgun, or M-16/M-4 rifle. Ammunition issue will be IAW appropriate service component/installation directives.

c. All directives pertaining to use of force are included in guard post and mobile/foot patrol instructions and are reviewed periodically at guard mount briefings.

d. Situations involving the discharge of a weapon or the presentation of deadly force are investigated thoroughly and reported IAW appendix F of this regulation.

Chapter 3 **Detention Cell Operations**

3-1. General

The following prescribes basic policies and procedures applicable to the detention of personnel under military jurisdiction. The provisions of this regulation are intended to standardize LE detention operations to ensure apprehended personnel are held only when necessary, for minimum periods, under proper supervision, in a humane manner and in an environment which will not impair health or subject the detainee to unreasonable discomfort or disparaging publicity.

3-2. Policy

The detention cells will be used to temporarily detain personnel apprehended by military authorities and only when deemed necessary by the responsible DES/PM/CSF/NSO/SC. Detention cells that do not meet the minimum structural service component requirements and do not have an approved waiver will not be utilized to detain or confine any person without prior General Court-Martial (GCM) authority. The requirement for an approved waiver was omitted from AR 190-47 as an oversight. However, HQDA (DAMO-ODL) still requires the waiver. USAF standards are contained in AFI 31-305 and are different than U.S. Army standards.

3-3. Procedures

a. Recording detention. When an apprehended individual is placed in a detention cell, the appropriate service component Blotter/Journal will reflect the reason for detention, time of detention and the name of the person ordering the action. The reason for, and degree of, any use of force used to apprehend the subject will also be noted.

b. All other procedures for placing someone into or releasing them from detention will be in accordance with the detaining agencies service component regulations.

3-4. Temporary Confinement in Detention Cells

a. Military prisoners may be temporarily confined in law enforcement detention cells at installations having no established confinement facilities, for not more than 72 hours, except as provided in 3-4b below, under the following circumstances:

(1) When service members are placed in pretrial confinement pending transfer to an authorized military confinement facility.

(2) When service members in a confined status are returned to installations without confinement facilities for an authorized purpose.

(3) When service members have been sentenced to confinement as a result of a court-martial conviction and are pending transfer to an authorized military confinement or correctional facility.

b. If otherwise legal, general court-martial convening authorities, when necessary to prevent transfer of an accused during progress of court-martial, may approve confinement in a military police detention cell for a period in excess of 72 hours. Subsequent to trial, if the sentence as adjudged includes confinement, the service member will be transferred within 72 hours.

c. After transfer of a pretrial prisoner to a confinement facility, the gaining facility commander will immediately notify the serving SJA of the individual's status to include the date pretrial confinement began at the detention facility.

d. "Confined personnel" will not be placed in detention cells with "detained personnel".

e. Processing. A daily chronological record of confinement activity will be maintained for confined personnel temporarily held in a detention cell using the appropriate service component Blotter/Journal.

f. Medical examinations. Personnel temporarily confined as military prisoners in detention cells will be examined by a medical officer or warrant officer physician assistant within 24 hours of confinement. The individual conducting the examination will complete DD Form 503 (Medical Examiner's Report).

g. An abbreviated correctional treatment file will be established and maintained for each confined person. The file will be forwarded upon transfer and must include the following:

(1) DD Form 2707 (Confinement Order)

- (2) DD Form 503 (Medical Examiner's Report)
- (3) DD Form 504 (Request and Receipt for Health and Comfort Supplies)
- (4) DD Form 2718 (Inmate's Release Order) - placed in file upon prisoner's release from confinement.
- (5) DD Form 2710 (Inmate Background Summary)
- (6) DD Form 509 (Inspection Record of Prisoner in Segregation) will be maintained on each prisoner.
- (7) DD Form 510 (Request for Interview) will be made available to each prisoner.

3-5. Supervision

Personnel will be closely supervised during the time that they are in detention cells. The subject's organization will provide personnel for guard duty for the duration of temporary confinement. While occupied, interiors of cells and activities of detainees will be kept under direct observation of qualified guard/LE personnel at all times. Closed circuit television may be used to satisfy the requirement. Detainees will be furnished normal rations of food and water will be provided by the unit if necessary. In the event of detention overnight, or in excess of 12 hours, appropriate bedding will be issued. Duty personnel will not enter occupied detention cells or remain in their immediate proximity wearing firearms, military police batons, or other weapons.

Chapter 4 Searches, Seizures, and Apprehensions

4-1. Searches, Seizures and Inspections

a. IAW SOFA Article XXII, Paragraph 10 and its agreed minutes, the KNP will not normally conduct a search, seizure, or inspection of any person or property within U.S. facilities and areas, or of U.S. property, wherever situated. When the KNP request a search, seizure, or inspection, U.S. military authorities will conduct the search, seizure, or inspection and report the results to the KNP.

(1) KNP will request a search, seizure, or inspection directly to the commander, officer in charge, or DES/PM/CSF/NSO or Security Chief of the U.S. facilities or areas where the search, seizure, or inspection is to be accomplished. The request will be coordinated with SJA. The request will be specific as to what is to be searched, seized, or inspected; general or vague requests will not be honored. The KNP will also specify the objective of the proposed search.

(2) Searches, seizures, and inspections requested by the KNP will be conducted IAW the most current service component regulation, as appropriate. The appropriate SJA will be contacted for coordination and advice prior to disposition of any items taken as evidence. Pending a decision, property will be retained in an evidence room. Evidence will be processed to ensure the uninterrupted chain of custody (see AR 195-5, AFI 31-201, OPNAVINST 5530.14D).

b. Searches of persons entering or leaving U.S. installations will not be conducted without the prior approval of the military magistrate, military judge or commander having authority over the U.S. installation. On U.S. installations, facilities and areas, USFK LE personnel can conduct the following searches:

(1) A search of persons, their clothing and property in their immediate possession or control, conducted incident to a lawful apprehension or arrest.

(2) Based on probable cause and under circumstances demanding immediate action, a search is permissible to prevent the removal or disposal of property that is believed to be evidence. These types of searches will be conducted only when time and circumstances do not permit compliance with paragraphs 4-1c through 4-1e below.

(3) A voluntary consent search authorized by the lawful owner or possessor of the property searched. The individual will be advised of his/her right to refuse to consent to such a search. Whenever possible and otherwise not prevented by time or other constraints, permission for the search should be obtained in writing.

(4) A search or inspection (to include random force protection enhancement missions) under the Military Rules of Evidence 313b or 314c when authorized by competent authority.

(5) A search based upon probable cause when authorized by a military magistrate, military judge, or the commander having jurisdiction over the U.S. facility or area to be searched. In cases concerning U.S. personnel, USFK LE authorities should request permission in writing and include a narrative description of the probable cause for the search. The authorization to conduct a search should be in writing, and a written report of the results will be sent to the military magistrate, military judge, or the commander who authorized the search.

(6) The quarters and personal effects of a KATUSA suspect may be searched and items seized under the same circumstances, and to the same extent, as that of U.S. military personnel. However, members of both the U.S. military and ROKA should be present during these operations.

(7) The U.S. does not have criminal jurisdiction over non-U.S. members of the United Nations Command. Their offices and living quarters will not normally be subject to search by U.S. authorities. However, for the purpose of maintaining order, security, the protection of U.S. property, or for pursuing an offender (see USFK Regulation 700-11, paragraph 11), U.S. authorities may search those offices and quarters under the same procedures applicable to U.S. offices and quarters.

(8) When the ROK authorities issue a lawful search warrant, additional authorization will be obtained from the commander of the U.S. facility or area, as outlined in paragraph 4-1b above.

c. When USFK LE personnel determine a search outside a U.S. installation of a SOFA status person or the person's property is warranted, local KNP will be notified. (When USFK LE personnel initiate a request for a ROKG search, the probable cause justifying the search, the scope, and the manner in which the search is conducted by ROK authorities will be subject to scrutiny under U.S. constitutional standards if items seized are offered as evidence at a subsequent courts-martial).

d. The ROK civilian courts may issue judgments or orders against private personal property belonging to U.S. personnel. A ROK civilian court may, for example, order a POV seized to satisfy a debt owed by the U.S. owner to a Korean citizen. When the local DES/PM/CSF/NSO or Security Chief receive either ROK court judgments or orders affecting private personal property belonging to U.S. personnel, they will refer the matter to the commander or officer in charge, who will contact the appropriate SJA for guidance.

e. When it is known or suspected that an individual illegally possesses any item of U.S. Government property in a location where USFK LE personnel cannot seize it, the local DES/PM/CSF/NSO or Security Chief will notify the appropriate ROK authority so the property can be seized by ROK authorities. After the property is recovered, the local DES/PM/CSF/NSO or Security Chief will request the ROK agency concerned to release the property to U.S. control. The appropriate evidence custodian will ultimately receipt for the property after establishing the chain of custody. Property acquired under the provisions of this regulation will be disposed of IAW ARs 195-5 or AFI 31-201, OPNAVINST 5530.14D and AFI 31-206, as appropriate. However, United States Army Criminal Investigation Command (USACIDC), Air Force Office of Special Investigations (AFOSI), and Naval Criminal Investigative Service (NCIS) will adhere to their command regulations regarding evidence procedures.

4-2. Coordination and Approval

The USFK LE officials will coordinate with and receive approval from the appropriate staff or command SJA, or designee, before permanently releasing any evidence or other property seized during the course of investigations, unless specific provisions of other regulations state otherwise. Staff or command SJAs will also be consulted whenever there is a question of whether the property is U.S. Government or privately owned, or whether there has been a violation or attempted violation of ROK customs law. Regardless of the release procedures in paragraphs 4-3a and 4-3b below, property may be retained at the discretion of the staff or command SJA until judicial, non-judicial, or administrative proceedings are complete. With the exceptions noted below, all evidence will be disposed of IAW AR 195-5, para 2-8, AFI 31-301, or OPNAVINST 5530.14E.

4-3. Release of U.S. Government Property

The U.S. Government property includes retail merchandise that has been fully paid for in a sales transaction which is invalid because the purchase was made under false pretenses (for example, purchases made by person(s) not entitled to duty free goods). Such property will be treated as if it were stolen property.

a. The U.S. Government property stolen from commissaries, Class VI stores or NAF outlets will be returned to the commissary store or outlet from which it was stolen. Commissary merchandise fully paid for in a sales transaction, but considered to be stolen U.S. Government property because the purchase was made under false pretenses, will be cleared with veterinary inspectors (if applicable) and transferred to an applicable U.S. military morale, welfare, and recreation activity.

b. The servicing staff or command SJA will be consulted and evaluate, on a case-by-case basis, all requests for release to ROK authorities of U.S. Government property stolen from commissaries, Class VI stores, or NAF outlets and used in an actual or attempted violation of ROK customs laws. When such property has been fully paid for in a retail sales transaction, staff and command judge advocates will normally release the property to ROK requesting authorities and not assert the U.S. right to retain the property unless there is an overriding U.S. interest in retention.

4-4. Release of Privately Owned Property

a. The servicing staff or command SJA will evaluate, on a case-by-case basis, all requests for release of privately owned property involved in an actual or attempted violation of ROK customs law. The property will normally be permanently released to the ROK requesting authorities. Some examples of privately owned property subject to release are:

(1) Property contained in accompanied or unaccompanied baggage or in household goods imported into the ROK with the intent to illegally transfer the property.

(2) Property imported into the ROK through the military postal system with the intent to illegally transfer the property.

(3) Property illegally transferred or delivered to a "drop point" in an attempted illegal transfer.

b. When privately owned property has not been involved in an actual or attempted violation of ROK customs law (many ration control violations are not violations of ROK customs law) or ROK authorities do not (and are not expected to) request release of the property, staff or command SJAs may direct:

(1) The return of the property to the owner.

(2) That the property is returned to the owner under the condition that the owner promptly ships or mails the property to an address outside Korea. The owner must pay any shipping or mailing expenses and customs duties. The owner's commander or a person designated by the commander must witness the owner placing the property in shipping or mailing channels.

4-5. Apprehension and Detention

a. USFK LE personnel, when in the execution of police duties, are authorized to apprehend:

(1) All service members subject to UCMJ including the National Guard or Reserve components on active duty orders; when there is probable cause to believe that an offense has been committed and that the person apprehended committed the offense.

(2) All persons who commit, or attempt to commit an offense against the security of vital U.S. military property (for example, military vessels, bridges, aircraft, major weapons, ammunition, classified material) anywhere in the ROK.

b. The USFK LE personnel, when in the execution of police duties, are authorized to detain:

(1) Status of Forces Agreement (SOFA) civilian personnel (e.g., U.S. military family members, U.S. civilian employees and family members, and U.S. contractors employed by the DoD) only when on a military installation.

(2) Non-SOFA personnel (e.g. Korean citizens and other Countries nationals only when on a military installation). When non-SOFA persons are detained by USFK LE personnel, the nearest KNP Station will be notified immediately and they will be asked to respond to accept custody of the offender. If ROK military personnel are detained, the nearest ROK military police unit will be notified and asked to respond and assume custody of the detained party. In all incidents where a non-SOFA party is detained by USFK LE personnel, a full incident report will be drafted. The JPIC must be telephonically notified immediately and a PIR form submitted to the JPIC within 24 hours of the initial incident.

c. If a KATUSA is apprehended or detained by military or civilian authorities, the Commander, ROKA Support Group and the JPIC must be immediately notified telephonically and a Police Information Reports (PIR) form submitted to the JPIC within 24 hours of the initial incident.

d. The local LE personnel will immediately notify the local DES/PM/CSF/NSO or Security Chief following the apprehension or detention of any Brigade level E-9, O-6 and DoD civilian GS-15 and above and/or family members thereof. For further notification information see Chapter 7.

e. The U.S.-ROK SOFA requires KNP authorities to cooperate and assist in apprehending U.S. military personnel off-post. In most cases, upon the request of the local DES/PM/CSF/NSO or Security Chief, using appropriate forms, KNP will return to U.S. custody military personnel apprehended outside USFK installations. Local DES/PM/CSF/NSO or Security Chief will immediately contact the USFK SJA, International Law Division and the JPIC regarding civilian personnel who decide to remain in the custody of KNP. Refer to appendix F for guidance relative to whether USFK SOFA CJ Form 1EK (U.S. Notice of Incident, Arrest and Receipt) (USFK Regulation 1-44, appendix D), should be submitted. The U.S. military personnel assigned to the U.S. Embassy or Joint United States Military Advisory Group - Korea (JUSMAG-K) personnel cannot be processed using SOFA procedures.

(1) Local DES/PM/CSF/NSO or Security Chief will initiate these requests using the USFK SOFA CJ Form 2 (Custody Request and Receipt).

(2) ROK authorities may retain custody in cases involving offenses of heinous crimes of murder or an egregious rape and against the security of the ROK. All other cases require USFK consent to a ROKG request for custody. Local DES/PM/CSF/NSO or Security Chief will immediately notify the USFK SJA, International Law Division, of ROKG request for custody of U.S. military personnel.

(3) Civilian personnel subject to the SOFA, apprehended by KNP on suspicion of having committed an offense against ROK law, can initiate a request for transfer from the ROKG to the custody of U.S. military authorities using the USFK SOFA CJ Form 3 (Civilian Request to be taken into Custody by U.S. Military Authorities). Local DES/PM/CSF/NSO or Security Chief will immediately contact their servicing SJA, the USFK SJA, International Law Division, and the JPIC regarding civilian personnel who decide to remain in the custody of KNP.

(4) Civilian personnel requesting transfer to U.S. military custody using the USFK SOFA CJ Form 3 **MUST** surrender their passports to USFK LE authorities. At the request of ROK authorities, USFK LE personnel will complete the USFK SOFA Form 2. The USFK LE personnel will not receive a civilian subject into custody without passports and acceptance of custodial responsibility by the civilian subject's or sponsor's command. If subjects refuse to surrender all passports before or during completion of custody transfer, the USFK SJA will be notified immediately for instructions. During non-duty hours, contact the USFK SJA Duty Officer through the Command Center Seoul (see appendix B for telephone numbers).

(5) United States military personnel do not have the option of remaining in custody of the ROK authorities.

f. With approval of the installation commanders, KNP may make apprehensions within USFK installations.

(1) USFK LE personnel will stop the KNP desiring to enter USFK installations, inquire as to their need for entry, and immediately escort the ROK authorities to the office of the local DES/PM/CSF/NSO or Security Chief. Emergency access procedures will be established by the Installation Commander.

(2) Under no circumstances will USFK LE personnel allow the KNP to leave a USFK installation with a person in custody without first obtaining approval from the local DES/PM/CSF/NSO or Security Chief and SJA.

(3) If the KNP desire to apprehend a Korean National (KN), the local DES/PM/CSF/NSO or Security Chief will locate the person to be apprehended. Local DES/PM/CSF/NSO or Security Chief will coordinate with the servicing SJA and contact the individual's or the sponsor's supervisor. Upon receipt of SJA concurrence for release of the suspect to ROK authorities, USFK LE authorities will escort the suspect to the boundary of the USFK installation and deliver the person to the KNP. If the ROK authorities desire to apprehend a person who is located on a USFK installation, but is not affiliated with USFK (except as noted in subparagraph 4-5f(5) below), the local DES/PM/CSF/NSO or Security Chief will locate the individual, coordinate with the servicing SJA, and release the individual to the custody of the KNP. If the requested suspect is determined to be a flight risk after SJA coordination, USFK LE personnel will escort the KNP to the location of the suspect. The suspect will be detained, turned over to the KNP, and escorted off the installation. In all circumstances, local DES/PM/CSF/NSO or Security Chief will ensure the identities of all persons involved in the apprehension are recorded on the appropriate service component Blotter/Journal and other appropriate reports.

(4) USFK LE officials will not release persons subject to the SOFA to KNP without SJA concurrence. With SJA approval, the local DES/PM/CSF/NSO or Security Chief will notify the individuals or sponsor's commander, advise them of the situation and arrange transfer of the individual to military law enforcement for release to KNP.

(5) USFK LE personnel will not release the following personnel to KNP: U.S. military or family members of personnel assigned to the U.S. Embassy or JUSMAG-K. In cases involving personnel assigned to JUSMAG-K or their family members and U.S. Embassy personnel or their family members, contact the Regional Security Officer (RSO), U.S. Embassy, Seoul. If the RSO is not available, contact the Counselor for Management or the Management Officer. After normal duty hours, contact the RSO through the U.S. Embassy Marine Security Guard or ask the U.S. Embassy Marine Security Guard to contact the U.S. Embassy Duty Officer. (See appendix B for telephone numbers.)

(6) Civilian and military personnel assigned to the U.S. Embassy, including the Defense Attaché Office, U.S. Embassy Marine Security Guards and JUSMAG-K personnel and their family members are not covered by the SOFA. They can have one of two types of diplomatic status - Full or Partial Immunity. In general, as a result, they are not subject to ROK prosecutions, therefore USFK SOFA CJ Forms are not used to process their cases. U.S. military agencies within the embassy are subject to the UCMJ.

(7) Within USFK installations, USFK LE personnel have the right to ascertain the identity of any persons, regardless of status or nationality, who appear incapable of taking care of themselves, or who appear to constitute a threat to others or the peace of the community. When it is determined the person suspected of having committed an offense is a U.S. military member, the person may be placed in custody and taken to a USFK Law Enforcement station, to their unit, or to any other location deemed appropriate by USFK LE authorities. An official report will be made to the individual's commander or superior authority to provide the facts and circumstances of the incident. If the person is determined not to be subject to the UCMJ (Civilian, family member, or KN), LE personnel may detain them long enough to ascertain administrative information. Detention will be kept at a minimum and, as necessary; the person will be released, escorted off the installation or turned over to the KNP.

g. USFK policy is to accord the highest respect to diplomats assigned in the ROK, including those from states generally unfriendly to the U.S. subject to the interests of securing and safeguarding installations used by USFK in accordance with the SOFA. Treat diplomatic personnel according to these guidelines:

(1) Diplomatic status does not automatically include authorized access to USFK installations. When on a USFK installation, persons possessing diplomatic status are required to present proper identification or proper USFK access media upon request of USFK LE personnel.

(2) Any person, regardless of status, committing any act of violence or any offense against the security of the installation may be stopped from doing so, to include, if necessary, the use of reasonable force.

(3) Diplomatic personnel discovered on USFK installations without proper authorization will be neither "apprehended" nor "detained" as those terms are normally used in the LE context, but will be taken under the temporary physical control of LE personnel, "escorted" to the gate and turned over to the KNP as expeditiously as possible. Depending on the circumstances, a complaint of "trespassing" may be appropriate. In addition, the incident will be reported to the RSO of the U.S. Embassy.

(4) USFK LE personnel will treat UNC Liaison Officers, who also serve as military attachés at their respective embassies, IAW their diplomatic status. Other UNC/third country commissioned officers and enlisted personnel will be treated the same as U.S. commissioned officers and enlisted personnel of similar rank.

(5) Assuming proper access authorization for entry, USFK LE personnel will halt vehicles with diplomatic license plates only at installation entry/exit points and when necessary to prevent injury to the occupants or for public safety. These vehicles may not be searched unless there is strong probable cause to believe they or their occupants constitute an imminent threat to the security of the installation or USFK personnel. Diplomatic papers or documents are not subject to seizure.

h. USFK LE personnel have authority to detain or apprehend any persons subject to the UCMJ outside USFK installations. In such cases, positive identification must be obtained, prior to apprehension, to prevent the wrongful detention of non-U.S. service members. With the consent of KNP, USFK LE personnel may accompany KNP to observe an apprehension in those instances where the suspect's status is in question.

(1) Outside USFK installations, the KNP have authority to apprehend and place in custody, any person, including U.S. personnel. When USFK LE personnel and KNP are present, apprehension of U.S. military personnel will normally be accomplished by USFK LE personnel. Outside USFK installations, USFK LE personnel have no authority to apprehend DoD civilians, invited contractors, or family members.

(2) Members of the U.S. Armed Forces who are apprehended outside USFK installations by USFK LE personnel will be taken to the nearest USFK LE station. The apprehended person will remain in custody of U.S. military authorities. If, however, the alleged offense is one in which the ROK has the right to exercise primary jurisdiction, the offender may be made available to ROK authorities.

(3) If ROK authorities desire to question the apprehended person without delay, the suspect's (or their sponsor's) unit must be contacted at once. Within 1-hour of the request, the unit

commander must ensure a U.S. representative is en route to the location where ROK authorities desire to conduct the questioning. The U.S. representative will normally be provided by the subject's unit and will be a mature military member in the grade of E-6 or above. An equivalent grade civilian may be used. The commanding officer, supervisor, or employer will comply with the request to include providing a U.S. representative and transportation. Before reporting to the ROK authorities for questioning, the individual and the U.S. representative will be briefed on their rights, duties, and responsibilities by the local SJA and be in possession of a completed USFK SOFA CJ Form 5-R (Appointment of U.S. Representative).

(4) Installation commanders will designate U.S. representatives with authority to serve other units on an area or installation basis. If the suspect is from an installation other than where the incident occurred, the LE personnel at that installation will contact the Installation Commander to arrange for a U.S. representative to be provided within the 1-hour time limit.

4-6. Requests for Assistance in Apprehension

a. USFK LE personnel may request assistance from KNP in the apprehension of U.S. personnel, including absentees and deserters.

b. USFK LE authorities will submit requests for assistance to the KNP exercising jurisdiction over the areas where the offender is suspected of being located. The bilingual written request will include a statement of the alleged offense, a physical description of the suspect, the suspect's last known location, and other information which may assist with the apprehension.

c. USFK LE personnel will request assistance from KNP when responding to any off installation incident where non-military SOFA members (family members, civilians, or invited contractors) are involved.

d. Other examples where assistance may be requested but not limited to are: Be on the Look Out (BOLOs) and "Amber Alerts".

Chapter 5 Restricted Reporting Procedures

5-1. Sexual Assault Reporting Procedures

IAW USFK Regulation 600-20, Sexual Assault Prevention and Response Program, sexual assault victims who are military members may make a restricted report. Regular unrestricted reporting procedures apply to cases involving non-military victims. Procedures for LE personnel are as follows:

a. All LE personnel will complete Sexual Assault Prevention and Response (SAPR) and the Sexual Assault First Responder training in accordance with DoD policy, USFK Regulation 600-20 and Service Component policy. Training will be conducted by the Service Component and documented in service specific training records.

b. Upon receipt of a sexual assault report, notify Area Sexual Assault Response Coordinator (SARC) and applicable servicing agencies, i.e. medical, legal, MCIO, as requested by the victim. The SARC will coordinate providing a Unit Victim Advocate who will explain to the victim the differences between the reporting options, ascertain the victim's reporting election, and notify law enforcement of unrestricted reports.

c. If information about a restricted report sexual assault is disclosed to LE from a source independent of the restricted reporting source, an investigation must be initiated. Area SARC must be notified of the investigation and all covered communications from the restricted report may not be released without the victim's authorization.

d. Release of any information related to a sexual assault incident to the media must be deferred to the Public Affairs Office and the local SARC.

e. All information that may lead to the identity of the victim will be protected in blotters and serious incident reports.

5-2. Domestic Assault and Abuse Reporting Procedures

a. This paragraph implements procedures for restricted/unrestricted reporting in domestic violence cases as prescribed in DoDI 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel.

b. Restricted reporting is a reporting option for adult victims of domestic abuse. For the purposes of this regulation, restricted reporting is defined as allowing an adult victim of domestic abuse, who is eligible to receive military medical treatment, including civilians and contractors who are eligible to receive military healthcare outside the continental United States (OCONUS) on a reimbursable basis, the option of reporting an incident of domestic abuse to specified individuals without initiating the investigative process or notification to the victims or alleged offender's commander. For the purposes of this paragraph, an adult is a Service Member or a person who is not a Service Member who has either attained the age of eighteen years of age or is married.

c. Unrestricted reporting requires normal LE reporting and investigative procedures.

d. Restricted reporting requires that LE and criminal investigative organizations not be informed of a victim's identity and not initiate investigative procedures. The victim will provide the victim advocate, Military Treatment Facility (MTF) personnel or chaplains with specific items that will be later used as evidence, should they decide to later report the incident to LE.

e. A victim's disclosure of his/her domestic violence incident to persons outside the protective sphere could result in an investigation of the allegations.

5-3. Domestic Violence and Protection Orders

a. Responding to incidents of spouse abuse requires a coordinated effort by LE, medical and social work personnel, to include sharing information and records as permitted by law and regulation. USFK LE personnel will request assistance from KNP when responding any off installation domestic violence incident.

b. All domestic violence incidents will be reported to the local DES/PM/CSF/NSO or Security Chief. All reported domestic violence incidents will be entered into their respective Police Reporting System (i.e. COPS, SFMIS, DONCJIS).

c. A Military Protective Order (MPO) is a written lawful order issued by a commander that orders a U.S. Military member to avoid contact with his or her spouse or children. The order should be recorded on a DD Form 2873 (Military Protective Order). The commander should provide a written copy of the order within 24 hours of its issuance to the person with whom the member is ordered not to have contact and the installation LE activity. Violations of an MPO must

be reported on a Police Incident Report, entered into the respective service Police Reporting System and entered into National Crime Information Center (NCIC), if available. All protection orders and violations of an MPO will have an information report completed and entered into service specific Police Reporting Systems. Violations of an MPO will be violations of Article 92, UCMJ.

d. A Civil Protective Order (CPO) is an order issued by a judge, magistrate or other authorized civilian official, ordering an individual to avoid contact with his or her spouse or children. Pursuant to the Armed Forces Domestic Security Act, a CPO has the same force and affect on a military installation as such an order has within the jurisdiction of the court that issued the order. LE personnel will complete an information report in their respective Police Reporting System whenever a CPO is issued that orders a military member to avoid contact with his or her spouse or children or orders an individual to avoid contact with his or her military spouse or family members.

e. When either an MPO or a CPO is reported to Korean Military LE authorities, the servicing SJA will be immediately notified to ensure any prohibitions on firearms access associated with the Domestic Violence Amendment to the Gun Control Act, commonly referred to as the Lautenberg Amendment, apply.

5-4. Sex Offender Registration Policy

The probability exists that a U.S. convicted Sex Offender might approach any USFK LE Agency to formally register themselves after being convicted in the U.S. of a Sex Crime. If this situation occurs, all of USFK's LE Agencies must be prepared to record the contact and obtain necessary information to ensure the contact is recorded.

a. The only requirement formally tasked to USFK's LE Agencies via U.S. Department of Justice or Department of Defense guidelines is to record the Sex Offender Registration. Since USFK has no civil or criminal restrictions to movement or residence requirements, the only requirements are those established and those that are directed by U.S. military authorities.

b. The Offender seeking to register themselves will be directed to the nearest Military Police Desk (MP Desk), Base Defense Operations Center (BDOC), or NSF Security Dispatch Center or Marine MP Desk.

c. The law enforcement agency will accomplish a formal Police Incident Report in their respective Police Reporting Systems in accordance with service component policies and procedures. The Sex Offender Registration will not be published in a Blotter/Journal. The police incident report will be assigned an incident report number and as a minimum contain the following information:

(1) Full Identity of Offender (Last Name, First Name and Full Middle Name) to include all aliases and pseudonyms or web site or web page names or designators or pages and any e-mail addresses.

(2) SSN/ROKID.

(3) Passport Number and country of issue.

(4) Status, pay grade or affiliation to the U.S. Military (i.e. GS pay grade, family member status, U.S. Civilian Contractor etc).

(5) Physical home address; be specific, so that the house or domicile can be found. The address will include a specific facility or building, apartment or room numbers and/or a street address.

(6) Employment information to include all locations where the offender will be working or is seeking employment from. The employment information will include the address of the specific facility, house or location, the name of the subject's employer and a telephone number where they can be contacted.

(7) All reports will include the military unit or employer to which the offender is assigned or the military organization where the offender is affiliated or supporting while in Korea.

(8) Home telephone number and/or cell phone number.

(9) Full sponsor information to include military unit and contact information, if applicable.

(10) The DEROS of the Registered Sex Offender/sponsor.

(11) The offender will be asked to provide copies, if available, of the court order concerning his/her registration as a Sex Offender, to include any court ordered restriction.

d. The Registered Sex Offender will be instructed to report any changes to the information that is provided to the law enforcement agency within 48 hours when a change occurs.

e. Once completed, the police incident report will be forwarded through the Director of Emergency Services (Army), Chief, Security Forces (Air Force), Naval Security Officer, or Marine Provost Marshal/Security Chief to the following offices: Installation and Area Commander (Army), Mission Support Group and Wing Commander (Air Force), Navy Installation Commander, Marine Installation Commander, the servicing Legal Office, the USFK Provost Marshal Office LE Division Chief and the Senior U.S. Military LE Agency that provides Criminal Investigative Support to the area where the offender will reside (i.e. CID, AFOSI and NCIS).

f. The Senior LE Officer assigned to where the Sex Offender will reside must ensure that the matter is discussed with the Installation or Area Commander and that any restrictions on movement, contacts with juveniles or other restrictions that the commanding officer directs gets recorded as supplemental reporting to the agencies listed above. The Installation or Area Commander will, on a case by case basis, determine if additional agencies need to be notified concerning the presence of a Registered Sex Offender. Agencies of note concerning these additional notifications should be the Department of Defense Dependent's Schools, Child or Youth Services, MWR facilities designed to support juveniles and any other area that might be in the vicinity of where the Sex Offender will reside or work.

g. The USFK LE Division will maintain a central registry of all Registered Sex Offenders.

5-5. Absent Without Leave (AWOL) and Deserter Reporting and Handling

In order to ensure the accurate tracking of members of USFK who have gone Absent Without Leave (AWOL) or who are declared a Deserter, the following measures will be taken:

a. Being AWOL is a criminal offense, and will be treated as such when it is reported. There is no grace period in the reporting of AWOL, thus there is no requirement to wait 24 hours before initiating a police report concerning the incident.

b. Upon receipt of an AWOL report, the receiving LE Desk will verify that a personnel action has been initiated by the respective unit declaring the person AWOL, placing them in a “No Pay Status” within their respective personnel system.

c. The receiving LE Desk will initiate the following actions: Initiate an immediate “Wanted for AWOL” flag in the DBIDS System. The Wanted Flag will clearly indicate a 24 hour LE Point of Contact if the member is encountered at a USFK installation gate.

d. The receiving LE Desk will initiate a Be On the Look Out (BOLO) utilizing the DBIDS System BOLO function. This BOLO will be digitally scanned and forwarded to the JPIC who in turn will distribute it to all USFK LE Desks, USFK Customs and Immigration Office, and the KNP (Offenders only in Korea).

e. A Police Incident Report will be immediately initiated and published as soon as possible in the component reporting system (blotter/journal).

f. The police incident report will not be annotated as a “Final Report” unless one of the following circumstances occurs: The subject is declared a Deserter (the declaration of Desertion is normally done 30 days after the first day of AWOL) or the subject “Returns to Military Control”. When a subject returns to military control, the reporting LE Agency will contact the subject and process them like any other criminal offender who commits a UCMJ offense. A reference blotter entry will be accomplished indicating the circumstances in which the AWOL or Deserter returns to military control, i.e. the subject surrendered or the subject was apprehended by an LE Agency.

5-6. Prostitution and Human Trafficking (P&HT) Reporting

Area DES/PM/CFS/NSO and Security Chiefs will coordinate with their KNP counterparts to conduct “town patrols” in an effort to specifically identify businesses which support, harbor, or in any way sanction prostitution and human trafficking. “Town patrols” will be conducted in liaison with local KNP authorities and whenever practical will be joint USFK-KNP patrols. USFK law enforcement have no authority or responsibility to enforce ROK laws, other than as they pertain to military personnel.

a. Upon receipt of a P&HT hotline notification from the JPIC the receiving law enforcement agency will:

- (1) Confirm receipt of the report.
- (2) Notify the local DES/PM/CFS/NSO or Security Chief.
- (3) The local DES/PM/CFS/NSO or Security Chief will determine the correct investigative agency and identify point of contact.
- (4) Document the report in the service component blotter/journal.
- (5) Return the report to the JPIC with information filled out.

b. When a law enforcement agency receives P&HT report from another source other than the JPIC the agency will complete a Prostitution and Human Trafficking Report and submit the report to the local DES/PM/CFS/NSO or Security Chief and the JPIC.

c. At a minimum the report will include:

- (1) Date/time of the initiation or receipt of report.
- (2) Area and closest USFK installation.
- (3) Location and name of establishment.
- (4) Name and unit of reporting individual.
- (5) Phone Number.
- (6) Brief synopsis of the event.

Chapter 6

Crime Statistics Reporting

The Commander, USFK and his staff must maintain situational awareness of crime trends involving all of USFK's personnel. In order to facilitate that requirement, the USFK Provost Marshal's LE Division (FKPM-LE) is designated as the collection point for crime statistics information.

- a. Each Area will submit its LE Blotter/Journal to the JPIC Desk NLT 8 hours after it is closed out.
- b. All law enforcement desks are required to use the Statistical Package for Social Sciences (SPSS) database to track and report crime statistics.
- c. SPSS files (crime statistics) will be submitted via e-mail to FKPM-LE NLT the 5th of each month.
- d. Statistics will be collected on the following crimes as a minimum: Persons, Suicidal Acts, Black-marketing, Economic (i.e. fraud, ID theft), Sex Crimes, Property, ID Media, DUIs, Drug and Traffic.
- e. FKPM-LE will provide SPSS database software and training on the program. Refresher and/or update training will be provided as needed or by request.

Chapter 7

Serious Incident Reporting

7-1. Purpose

The Serious Incident Report (SIR) System:

- a. Provides early notice to Headquarters, USFK that a serious incident has occurred.
 - (1) The initial notification will be via telephonic and/or electronic media from the originating installation police station to the JPIC.
 - (2) Initial notification at a minimum should answer basic information (to include who, what, when, where, why and how) if feasible, and will be sent out within the timelines specified in paragraph 7-3a.

(3) Initial notification will be followed up with a completed Serious Incident Report routed through the JPIC.

b. Provides the chain of command with timely information to respond to queries from the Department of Defense (DoD), news media, and others.

c. Meets law enforcement reporting requirements for selected criminal incidents and provides personnel such as the Department of Homeland Security (DHS) and Transportation Security Administration (TSA) the most current information available.

d. Is not designed to be used for statistical comparison of commands.

e. Is not intended to include reporting of all criminal acts.

7-2. Responsibilities

a. The Commander, USFK is responsible for planning, formulating, and coordinating matters pertaining to serious incident reporting.

b. The USFK Provost Marshal will:

(1) Serve as the SIR Officer for Headquarters, USFK with the responsibility to determine the category (CAT) of SIR on behalf of the command.

(2) Develop and implement procedures for serious incident reporting within USFK.

(3) Provide staff supervision over the activities of USFK law enforcement agencies regarding serious incident reporting.

(4) Prepare and submit CAT 1, 2 and 3 SIRs to Headquarters, USFK, to include CC Seoul Emergency Operations Center (EOC), and 8th Army Watch Team.

(5) Prepare and submit CAT 1 and CAT 2 SIRs to Headquarters, Department of the Army (HQDA) for incidents involving Army personnel/property IAW the provisions of AR 190-45.

(6) Review Police Information Reports (PIR) and forward information to Headquarters, USFK, to include CC Seoul EOC and the 8th Army Watch Team, as warranted based on the situation.

(7) Maintain copies of all SIRs for a period of one calendar year.

c. Army Area Military Police Operations, Air Force Chiefs of Security Forces, Navy Master of Arms and Marine Military Police will make notifications in accordance with paragraph 7-1 to the JPIC via telephone (DSN 738-8070/6374) or electronic media (JPIC@korea.army.mil).

d. CC Seoul EOC will:

(1) Forward SIRs to USFK Command Operations Center Watch Officer who will review and determine whether or not the SIR meets Commander's Critical Information Requirements (CCIR) criteria.

(2) As required, prepare and transmit 5W report to select CFC/UNC/USFK staff members if SIR also meets CCIR reporting criteria.

e. USFK unit, agency, or activity commanders will immediately report incidents meeting SIR criteria to the nearest USFK law enforcement agency to facilitate rapid investigation and reporting.

f. When the originating installation PMO (DES) receives a case within the investigative purview of CID, the originating installation PMO (DES) will:

(1) Notify the appropriate agency

(2) Immediately generate a police report to be blotted based on the information known at the time of agency notification

(3) Make telephonic or electronic media notification to the JPIC, which will be followed up with a completed Serious Incident Report based on the information known at the time. It will be the responsibility of the installation PMO (DES) to generate the SIR. MCIOs will ensure required information for reporting will be supplied to the respective PMO (DES).

(4) Any additional information yielded from the investigation will be released as an Add On to the original SIR.

g. When the originating installation police station receives a case within the investigative purview of OSI or NCIS, the originating installation police station will:

(1) Notify the appropriate agency.

(2) Immediately generate a police report to be blotted based on the information known at the time of agency notification.

(3) Make telephonic or electronic media notification to the JPIC, which will be followed up with a completed Serious Incident Report based on the information known at the time. It will be the responsibility of the originating installation police station to generate the SIR. MCIOs will ensure required information for reporting will be supplied to the respective PMO (DES).

(4) Any additional information yielded from the investigation will be released as an Add On to the original SIR.

h. The only authorized deviation from the reporting responsibility described in paragraphs 7-2 is when the military investigating agency has specifically directed the information not be released due to the nature of the incident or because of the person(s) involved.

(1) In this instance, the completion of a police report or SIR can be suspended until authorization for release of the information has been received.

(2) In cases where the police report or SIR is suspended, a law enforcement official from the installation will telephonically the JPIC or the USFK Provost Marshal of the incident within 24 hours.

7-3. Procedures

a. USFK law enforcement agencies will provide immediate telephonic reports for all categories of SIRs and PIRs to the JPIC. JPIC will make a verbal notification to CC Seoul EOC as soon as reasonably possible for determination of reporting requirements under CCIR criteria. The typed SIR will be submitted via fax, encrypted email, or hand delivered after the initial incident notification to JPIC. The timelines for reports are as follows:

(1) CAT 1: 6 hours.

(2) CAT 2: 12 hours.

(3) CAT 3: 24 hours.

(4) PIR: 24 hours.

b. Reports submitted according to this regulation are law enforcement reports. They will be assigned a proper security classification according to service specific guidelines or marked with a minimum classification of For Official Use Only (FOUO). The Privacy Act of 1974 (section 552a, Title 5, USC) applies to SIRs. Dissemination and use of SIRs will be restricted to persons who need the reports to perform their official duties.

c. CAT 1 and CAT 2 SIRs with Service Members as the subject will state whether the Service Member was deployed on an operational deployment within the past year.

d. CAT 1 and CAT 2 SIRs due to death from a traffic accident will include information regarding seatbelt and alcohol usage.

e. CAT 1 and CAT 2 SIRs involving any death will include information on whether or not the next of kin has been notified.

f. There are three types of SIRs:

(1) Serious Incident Report: Original submission.

(2) Add-on: Submitted to provide information not available at the time of the original report or when more pertinent information, such as results of autopsy, identification of subject, and so forth, is developed, or in response to a request for more information. In the subject line, "Add on" will be annotated following the SIR number.

(3) Correction: Submitted at any time to correct an error in a previous report. In the subject line, "Correction" will be annotated following the SIR number.

Chapter 8 Private Settlements

Korean Criminal and Civil Laws recognize a unique circumstance concerning certain violations of ROK Criminal and Civil law. In some instances, making a payment or accepting a payment from the party who was at fault for the violation might resolve the matter. These situations are commonly called "Private Settlements". Although Private settlements are authorized for accidental damages or minor traffic accidents it is not recommended and is the sole responsibility of the parties involved.

a. The USFK Law Enforcement mission concerning any violation of Korean or UCMJ offenses and involving USFK personnel or family members is to "Investigate and Report". Any situation where a criminal act is committed and LE personnel are dispatched to investigate or when conducting a joint investigation with KNP will result in the generation of a police incident report and recorded in the service component police reporting system.

b. USFK LE personnel will not become involved in a private settlement process. The LE personnel will not support or give advice concerning private settlements or make any promises about "dropping charges" or absolving responsibility or civil liability concerning any matter. All USFK LE personnel are to remain "neutral".

c. Private settlements are not authorized when US Government Property is damaged or destroyed or a when a claim of damage against USFK property is expected.

d. Private Settlements are not authorized when any USFK personnel are injured, where they have already obtained, will seek, or plan to seek medical attention in a USFK medical facility. The US Government will normally attempt to recover medical expenses from insurance companies and or seek "third party liability" where they may attempt to recover medical care expenses from the party that caused the injury.

e. Private Settlements might satisfy Korean laws concerning the settlement of damages or injuries; however, they do not absolve the military offender from violations of Criminal Law.

f. Private Settlements do not absolve military personnel from violations of the UCMJ and the military law enforcement reporting process.

g. Private Settlements will not be allowed if a LE person witnesses the incident or if a USFK military member subject to the UCMJ is found to have violated an article of the UCMJ. All UCMJ violations will be reported via the appropriate USFK LE police reporting system.

Appendix A References

Section I. Required Publications

Department of Defense (DoD) Directive 5210.56, Carrying Of Firearms and the Use of Force by DoD Personnel Engaged In Security, Law And Order, Or Counterintelligence Activities

DoD Directive 6495.01, Sexual Assault Prevention and Response (SAPR) Program

DoD Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures

Air Force Instruction (AFI) 31-101, The Air Force Installation Security Program

AFI 31-201, Security Forces Standards and Procedures

AFI 31-202, Military Working Dog (MWD) Program

AFI 31-206, Security Forces Investigations Program

Army Regulation (AR) 190-5, Motor Vehicle Traffic Supervision

AR 190-12, Military Working Dog Program

AR 190-45, Law Enforcement Reporting

AR 190-47, The Army Corrections System

AR 195-5, Evidence Procedures

Manual For Courts-Martial, United States, Military Rules of Evidence

Status of Forces Agreement between the United States of America and the Republic of Korea

United States Forces Korea (USFK) Regulation 1-44, Criminal Jurisdiction under Article XXII, Status of Forces Agreement

USFK Regulation 10-2, Installation Management and Base Operations

USFK Regulation 27-5, Individual Conduct and Appearance

USFK Regulation 190-1, Motor Vehicle Traffic Supervision

USFK Regulation 190-2, Off-Limits Areas and Establishments

USFK Regulation 190-16, Registration and Control of Privately Owned Firearms

USFK Regulation 600-20, Sexual Assault Prevention and Response Program

USFK Regulation 700-11, Support of United Nations Command Liaison Groups

Section II. Related Publications

AFI 31-207, Arming and Use of Force by Air Force Personnel

Agreement under Article IV of the Mutual Defense Treaty between the U.S. and the ROK Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea, 9 July 1966 (U.S. - ROK SOFA)

AR 27-10, Military Justice

AR 27-50, Status of Forces Policies, Procedures, and Information

AR 50-5, Nuclear Surety

AR 50-6, Chemical Surety

AR 190-14, Carrying of Firearms and Use of Force for Law Enforcement and Security Duties

AR 190-24, Armed Forces Disciplinary Control Board and Off-Installation Liaison and Operations

AR 195-2, Criminal Investigation Activities

Manual for Courts-Martial, United States

Section III. Referenced Forms

DD Form 2718, Inmate's Release Order

DD Form 2710, Inmate Background Summary

DD Form 503, Medical Examiner's Report

DD Form 504, Request and Receipt for Health and Comfort Supplies

DD Form 509, Inspection Record of Prisoner in Segregation

DD Form 510, Request for Interview

DD Form 1408, Armed Forces Traffic Ticket

DD Form 2707, Confinement Order

DD Form 2708, Receipt for Inmate or Detained Person

DD Form 2873, Military Protective Order (MPO)

USFK Form 142EK, USFK Police Identification Card

USFK SOFA CJ Form 1, U.S. Notice of Incident, Arrest and Receipt

USFK SOFA CJ Form 1A-R, Supplemental Information to U.S. Notice of Incident, Arrest and Receipt

USFK SOFA CJ Form 2, Custody Request and Receipt

USFK SOFA CJ Form 3, Civilian Request to be taken into Custody by U.S. Military Authorities

USFK SOFA CJ Form 5-R, Appointment of U.S. Representative

**Appendix B
Telephone Numbers**

International Affairs Division, USFK Judge Advocate	738-7170
SUSLAK Duty Officer	723-3531
JUSMAG-K Duty Officer	725-3292 or 010-4793-0120
Embassy Regional Security Officer	721-4161
Counselor for Administration or Administration Office	721-4126
Embassy Marine Security Guard	721-4412
Command Center Seoul	723-3029/30
Political Section of the U.S. Embassy	721-4210
Joint Police Information Center	738-8070/6394
Camp Casey PMO	730-4418
Camp Red Cloud PMO	732-6693
Camp Stanley PMO	732-5310
Yongsan PMO	724-3004
Camp Humphreys PMO	753-3107
Camp Walker PMO	764-4141
Camp Carroll Information Desk	765-8310
Kunsan AFB BDOC	782-4944
Osan AFB BDOC	784-5515
DES	738-4361
Camp Mujuk PMO (Marine)	767-4080/3080
Comander Fleet Activities, Chinhae LE Dispatch	762-5345
SOFA Secretariat	723-7718

Appendix C

Instructions for Completing USFK Form 142EK (Police Identification Card)

C-1. Complete USFK Form 142EK as follows:

- a. Card number - list sequential card number for calendar year of issue followed by the last two digits of year of issue; for example, 01-11, 02-11 etc.
- b. Expiration date - holder's DEROS.
- c. Name - self-explanatory.
- d. Position - holder's exact job position; for example, MP investigator, MP, SF, Master at Arms, Deputy PM.
- e. Unit assigned - holder's assigned unit followed by the APO; for example, 142d MP Co, APO 96204-0079.
- f. Grade - holder's grade and rank; for example, E-6/SSG, 0-2/1LT.
- g. Height - holder's height in feet and inches; for example, 5'9".
- h. Weight - holder's weight in pounds; for example, 150 lbs.
- i. DOB - holder's date of birth; for example, 25 Jan 47.
- j. Hair - holder's hair color; for example, Brn, Blk, Red.
- k. Eyes - holder's eye color; for example, Brn, Grn, Blu.
- l. Affix an ID card - type photo to the front of the form.
- m. The job position on the reverse of the form will be identical to that listed on the front.
- n. The local area DES/PM/CSF/NSO or Security Chief will sign the reverse side of the form over the signature block.
- o. The KNP official for the geographical area where the card is issued will be requested to assign a number to be entered in the KNP reference block and to authenticate the form on the reverse side.
- p. Laminate the form prior to issue.

C-2. Servicing DES/PM/CSF/NSO or Security Chief will -

- a. Maintain a log of all forms issued. The log will contain the following information: card number, name of holder, date issued, expiration date, date returned, to who returned and the KNP reference number.
- b. Ensure that all form holders understand the proper uses of the forms and that forms are returned prior to an individual's transfer to another unit.

- c. Permit individuals to retain the forms in their possession while they are off duty.
- d. Ensure that forms are destroyed after they are returned.
- e. When a form is reported as lost, missing, or stolen, immediately notify the KNP, initiate an investigation to determine the facts and circumstances surrounding the loss and provide a copy of the investigation to the USFK PM.

Appendix D

Use of Protected Identity and Restricted Reporting Entry in Military Police Blotters

D-1. Protected Identity

"Protected Identity" will be used in Military Police Blotters under the following circumstances:

- a. Juveniles listed as subjects.
- b. Parents, guardians, or sponsors of juveniles listed as subjects.
- c. Victims of sensitive incidents (for example, rape, indecent/sexual assault, etc).
- d. When an E-9 (Command), O-6, or civilian GS-15 and above and/or family member of these individuals are the subject of a police incident report, excluding traffic accidents with no injury. Protected Identity (PI) status is granted by grade, not position.
- e. Locations or other related persons, whose identification in the blotter would tend to identify those persons listed in paragraph D-1a through D-1d above.
- f. Other incidents, designated by the local Provost Marshal, in which disclosure of the victim's name will cause national publicity.

D-2. Restricted Entry

- a. The term "Restricted Entry" will be used for cases in which all information concerning the matter should be controlled.
- b. Director of Emergency Services/Provost Marshals or Chiefs of Security Forces wishing to prevent disclosure of information regarding other persons or incidents not listed in paragraph D-1a above will use "Restricted Entry", not "Protected Identity".
- c. A correct example of a restricted entry would be: "Restricted Entry - MPR #00288-94".
- d. The use of "Restricted Entry" will be the exception rather than the rule.

Appendix E
USFK Serious Incident Report and Police Information Report Format

FROM: Unit and address of reporting law enforcement agency

SUBJECT: The SIR Number. This number will always be a six-digit number. The first two digits will contain the last two digits of the calendar year in which the report is being prepared. The last four digits, beginning with 0001, are the sequential number for reports submitted to the JPIC in that calendar year.

E-1. CATEGORY: Indicate CAT 1, CAT 2, CAT 3 or PIR.

E-2. KOREAN NATIONAL INVOLVMENT: Indicate whether or not a Korean National (civilian, KNP, or military) was involved in the incident.

E-3. TYPE OF INCIDENT: Indicate type of offense or incident, such as "Murder" or "Assault". If multiple offenses are involved list in order of most serious first.

E-4. DATE/TIME OF INCIDENT: Enter the date-time group when the incident occurred using local time. If exact time is unknown, enter "unknown" followed by a window of date-time groups in which the incident might have occurred.

E-5. LOCATION: Enter whether the incident occurred on or off post, specific type of structure, facility, or area and exact address or location where the incident occurred.

E-6. OTHER INFORMATION:

a. Racial: Indicate by stating "Yes" or "No" to whether the incident was motivated by race or if race or ethnic factors are suspected. If yes, explain the circumstances fully in D-9.

b. Trainee involvement: Indicate by stating "Yes" or "No" to whether the incident involved a trainee or a student in a USFK military training environment as the victim. If yes, explain the circumstances fully in paragraph 9 of the report.

E-7. PERSONEL INVOLVED: List data pertaining to subject(s) and victim(s). If no identified subject or victim exists, state "None". Do not list "US Government" as the victim.

a. Subject: Name: Last, First, Middle.

(1) Pay grade: For military, enter proper abbreviation of rank; for civilian employees, enter category and grade, such as "GS11", "KGS9" or "NAF4"; for other civilians including family members, enter "civilian".

(2) SSN or KID: Self Explanatory. All others state "None".

(3) Race:

(4) Sex:

(5) Age:

(6) Position:

(7) Security clearance:

(8) Unit and station of assignment: If military, enter unit designation and address; if civilian employee or contractor, enter the organization name and address; if family member, enter the pay grade and name of sponsor, followed by home address; if other civilian, enter the home address.

(9) Duty status: If military, enter "On Duty", "Leave" or Absent Without Leave ("AWOL") as appropriate; if civilian employee, enter "On Duty" or "Off Duty" as applicable; for other civilians and family members, enter "NA".

b. List additional subjects in consecutive paragraphs (2), (3), and so forth.

c. List additional victims in consecutive paragraphs (2), (3), and so forth.

E-8. SUMMARY OF INCIDENT: Provide a brief, narrative summary of the incident. Include such information as estimated dollar loss, medical conditions of involved personnel, and disposition of offenders. Avoid jargon and trivial data such as colors of vehicles, law enforcement patrol designations, etc. Do not include descriptions of subjects and victims identified in E-7.

E-9. REMARKS: Provide any additional information. Provide the corresponding law enforcement report number, and if appropriate the United States Army Criminal Investigation Command (USACIDC) report number, Air Force Office of Special Investigation (AFOSI) report number, or Naval Criminal Investigation Service (NCIS) report number.

E-10. PUBLICITY: Note the extent and type of news media coverage that has occurred or is anticipated, if known.

E-11. COMMANDER REPORTING: Pay grade and name of reporting Commander, DES/PM/CSF/NSO or Security Chief.

E-12. POINT OF CONTACT: Pay grade, name DSN telephone number and email address of the person to call for additional information.

Appendix F

Criteria for Serious Incident and Police Information Reports

F-1. Criteria for Category 1 SIR

- a. On/Off post riots, serious disturbances, or demonstrations targeted against USFK or involving USFK personnel.
- b. War Crimes (including mistreatment of Enemy Prisoner of War (EPW), detainees, Displaced Person (DP), Retained Person (RP), or Civilian Internee (CI), violations of the Geneva Conventions, and atrocities.
- c. Requests by members of USFK for political asylum in foreign countries or indications of defection.
- d. Terrorists activities, sabotage, and incidents, initiated or sponsored by known terrorists, dissident groups, or criminal elements, that occur on a USFK installation, or involve military personnel or property off a USFK installation.
- e. Bomb or explosive incidents resulting in death or injury to military personnel, or damage to military property.
- f. Incidents involving material damage that seriously degrades unit operational or training readiness.
- g. Threats against Government weapons and ammunition.
- h. Information on threats, plans, or attempts to harm or kidnap, or other information bearing on the personal security of the President of the United States (POTUS), Vice President of the United States (VPOTUS) or other persons under United States Secret Services (USSS) protection.
- i. Any other incident the commander determines to be of immediate concern to Commander United States Forces Korea (COMUSFK) based on the nature, gravity potential for adverse publicity or potential consequences of the incident.

F-2. Criteria for Category 2 SIR

- a. Theft, suspected theft, wrongful appropriation, or willful destruction of Government Property or appropriated funds valued in excess of \$100,000.
- b. Theft, suspected theft, negligence, conflict of interest involving Government non-appropriated funds or property valued at more than \$100,000.
- c. Racially or ethnically motivated criminal acts.
- d. Loss, theft, wrongful disposition, willful destruction or mismanagement of the following:
 - (1) Evidence.
 - (2) Sensitive items (other than arms & ammunition identified by Controlled Item Inventory Code (CIIC) code 1-6, 8, 9, Q, R, or Y) such as small arms, ammunition, explosives, demolition material, night vision devices, and navigation systems (GPS).

(3) Controlled cryptographic items defined as: secure telecommunications or handling equipment, associated cryptographic components, or other hardware items which perform a critical Communications Security (COMSEC) function.

(4) Drugs (schedule I, II, III, IV and V). An updated list can be obtained at <http://www.deadiversion.usdoj.gov./schedules/#list>

(5) Any biological or chemical agent or toxin.

e. Wrongful possession, manufacture or distribution of controlled substances, to include narcotics, drugs or marijuana in the following quantities:

(1) Cocaine – 100 grams +

(2) Marijuana – 1000 grams +

(3) Hashish – 1000 grams +

(4) Heroin – 100 grams +

(5) Methamphetamines or barbiturates – 100 grams +

(6) LSD – 6 grams+

(7) PCP – 100 grams +

(8) For narcotics and dangerous drugs not listed use quantities for like drugs.

f. Significant violations of military standards of conduct to include bribery, conflict of interest, graft, or acceptance of gratuities by service members, DoD employees or Non-Appropriated Funds (NAF) employees.

g. Incidents involving prisoners or detainees in confinement or correctional facilities to include escape from custody, disturbances which require the use of force, wounding or serious injury to a prisoner, and all prisoner deaths.

h. Theft, loss, suspected theft, unaccounted for and recovered Arms Ammunition and Explosives (AA&E) in the following quantities:

(1) Any missile, rocket, mine, artillery or mortar round.

(2) Any machine gun or automatic fire weapon.

(3) Any fragmentary, concussion, or High Explosive (HE) grenade or other type of simulator or device containing explosive materials, including artillery and ground burst simulators.

(4) Any explosive, to include demolition explosives (such as Detonation cord, blocks of C4, etc.).

(5) One or more semi-automatic or manually operated firearms.

- (6) Five or more rounds of ammunition greater than .50 cal.
- (7) 1000+ rounds of .50 cal or smaller ammo.
- i. Actual or attempted break-ins of arms rooms or storage areas for AA&E.
- j. Armed robbery or attempted armed robbery of AA&E.
- k. Any evidence of trafficking of AA&E, such as bartering for narcotics or any other thing of value, to include taking AA&E across international borders (regardless of the quantity of AA&E involved).
- l. Aggravated arson.
- m. Except for deaths occurring due to natural causes in medical treatment facilities, all deaths occurring on USFK installations must be reported, including, but not limited to, homicides, suicides, and deaths resulting from traffic accidents, training accidents, fires, or other incidents. Additionally, deaths of family members that occur off the installation which are deemed to be criminal in nature will be reported. All deaths of service members that occur off the installation will be reported. If the manner of death is unknown, the incident should be reported as "undetermined manner of death." The manner of death should be reported by add-on SIR as soon as determined. Whether the next of kin has been notified should be included in the SIR. Seatbelt and alcohol use should also be included in the SIR.
- n. Kidnapping.
- o. Major fires or natural disasters involving death, serious injury, property damage in excess of \$250,000 or damage that seriously degrades unit operational or training capabilities.
- p. Group breaches of discipline involving 10 or more persons who collectively act to defy authority.
- q. Training and troop movement accidents resulting in serious injury or death.
- r. Maltreatment of service members or civilians to include assaults, abuse, or exploitation where the offender has a trainer, supervisor, or cadre-trainee relationship with the victim regardless of whether they are members of the same organization.
- s. Violations of policy as it pertains to monitoring and recording of conversations, or acquisition and storage of non-affiliated US personal information.
- t. Child abuse: actual or alleged incidents that take place within a USFK organizational setting or facility or a USFK sponsored or sanctioned activity. Also applies to child abuse occurring within the family unit which involves the use of a weapon; the child suffers from a broken limb, is sexually abused, choked or strangled or is admitted to the hospital because of injuries.
- u. Serious child injury or death not resulting from child abuse, while the child is in USFK's care at a non-medical facility or within a USFK sponsored or sanctioned activity.
- v. Serious domestic violence incidents (unrestricted reports only): defined as any incident where a weapon (such as a firearm, knife, or motor vehicle) is involved; the victim suffers a broken limb, is injured during pregnancy, is sexually abused, is choked or strangled or is admitted to the

hospital because of injuries incurred during the incident; domestic violence incidents where a violation of a protective order (military or civilian) has occurred.

w. Incidents involving firearms that cause injury or death.

x. Federal crimes reportable under AR 381-10 (Army Intelligence Activities) when they meet reporting criteria.

y. Any other incident the commander determines to be of concern based on the nature, gravity, potential for adverse publicity or potential consequences of the incident.

F-3. Criteria for Category 3 SIR

a. Any death on a USFK installation regardless of the nationality of the victim to include if death occurred due to natural causes in medical treatment facilities.

b. Traffic Accidents resulting in a fatality or injury requiring hospitalization of a USFK service member, DoD affiliate, or their family members for more than 24 hours.

c. Traffic accidents in which a Korean National was seriously injured by a USFK SOFA member and hospitalization of the Korean National was required for more than 24 hours.

d. Status of Forces Agreement (SOFA) Prisoner escapes from a Republic of Korea (ROK) correctional facility.

e. Any assault with serious injury that requires hospitalization for over 24 hours.

f. Any Assault that involves USFK personnel and foreign-national individuals resulting in injury to either party, or incidents that because of their nature could result in unfavorable publicity for USFK; to include any off-post incident involving the Korean Police who arrest, apprehend or detain a USFK member and later release them on a CJ Form 2 (Custody Request Receipt).

g. Reports of attempted suicide, self-mutilation, or malingering that have been classified as such by a medical authority.

h. Smuggling, postal violations, customs violation, or currency manipulation when the total dollar exceeds \$10,000.

i. Unauthorized absence of USFK personnel while in an international hold status.

j. Theft, suspected theft, wrongful appropriation, or willful destruction of Government property or appropriated funds, as well as NAF property or funds, valued over \$10,000 and less than \$99,999.

k. Bribery of \$10,000 or more.

l. All sex offenses (alleged rape, rape, sexual assault, indecent assault, indecent acts, sodomy, indecent exposure, possession of child pornography) involving a USFK member, DoD affiliate, or contract representative, their family members, or when a USFK member is the victim of any sexual offense committed by a Korean National or third country national.

- m. Unexploded ordnance, found munitions or ammunition that require off installation evacuations.
- n. Criminal trespass including deliberate and/or illegal entry onto a USFK installation by any means to include any attempt using false identification or someone else's identification or personal information.
- o. Violent acts committed by KN against USFK personnel, property or installation.
- p. Any child abuse incident not meeting CAT 2 criteria.
- q. Simple arson, minor fires or natural occurrences involving minor injuries (not admitted/observed for more than 24 hours), property damage less than \$250,000, or damage that does not seriously degrade unit operational or training capabilities.
- r. Wrongful use, possession, manufacture, distribution or smuggling of controlled substances, to include narcotics, drugs, or marijuana in any quantity lower than or not identified in paragraph Appendix F-2(e).
- s. Incidents involving personnel under Chief of Mission Authority.
- t. Requests for Asylum/Defection from Foreign Nationals.
- u. Natural disaster and/or severe weather occurrence resulting in damage to USFK property that affects military operations or installation security.
- v. Unauthorized absence of USFK personnel while in an international hold status.
- w. AWOL with a weapon.
- x. Discovery of War Remains or body found in Demilitarized Zone (DMZ).
- y. Bomb threat / suspicious packages.
- z. Any other incident determined to be of concern to HQ USFK based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

F-4. Criteria for Police Information Report (PIR)

- a. Any presentation of deadly force in the line of duty.
- b. Any use of a riot control agent or Thomas A. Swift Electric Rifle (TASER) while performing law enforcement duties.
- c. Any handcuffing incident involving non-SOFA personnel.
- d. Loss or theft of Military Criminal Investigator (MCI), MI, MPI, or CID credentials.

Appendix G
Requirement for Submission of USFK SOFA CJ Form 1EK-E Matrix

VICTIM \ SUBJECT	U.S Military	U.S. Civilian	Dependent
U.S. Military	NO	YES	YES
U.S. Civilian	NO	YES	YES
Dependent	NO	YES	YES
U.S. Government	NO	YES	YES
KATUSA	YES	YES	YES
ROK Military	YES	YES	YES
KN Civilian	YES	YES	YES
ROK Government	YES	YES	YES
Non-USFK U.S. Civilian (i.e. tourist)	YES	YES	YES
Non-USFK 3 rd Country National	YES	YES	YES

Glossary

Section I. Abbreviations

BOLO	Be On the Look Out
CFC	Combined Forces Command
CSF	Chief of Security Forces
DBIDS	Defense Biometric Identification System
DEROS	Date Eligible for Return Overseas
DES	Directorate of Emergency Services
DoD	Department of Defense
DONCJIS	Department of the Navy Criminal Justice Information System
IMCOM	Installation Management Command
JAG	Judge Advocate General
JPIC	Joint Police Information Center
JUSMAG-K	Joint United States Military Advisory Group-Korea
KATUSA	Korean Augmentation to United States Army
KN	Korean National
KNP	Korean National Police
MCIO	Military Criminal Investigative Organization
MP	Military Police
MSR	Main Supply Route
NAF	Non-Appropriated Fund(s)
NCO	Noncommissioned officer
NCIS	Naval Criminal Investigative Service
NSF	Naval Security Forces
NSO	Naval Security Officer
OSI	Office of Special Investigation

P&HT	Prostitution and Human Trafficking
PIR	Police Information Report
PM	Provost Marshal
POV	Privately Owned Vehicle
PSD	Protective Service Detail
ROK	Republic of Korea
ROKA	Republic of Korea Army
ROKG	Republic of Korea Government
RSO	Regional Security Officer
SARC	Sexual Assault Response Coordinator
SF	Security Forces
SIR	Serious Incident Report
SJA	Staff Judge Advocate
SOFA	Status of Forces Agreement
SOP	Standing Operating Procedure
TCMD	Transportation Control Movement Document
THREATCON	Threat Condition
UCMJ	Uniform Code of Military Justice
UN	United Nations
UNC	United Nations Command
U.S.	United States (of America)
USACIDC	United States Criminal Investigation Division Command
USAF	United States Air Force
USFK	United States Forces, Korea
USMC	United States Marine Corps
USN	United States Navy

Section II. Terms

Personnel entitled to full or partial diplomatic immunity. Some UNC Liaison Officers have full diplomatic immunities from the ROKG by virtue of their accreditation as military attaches. These grants of diplomatic status run from the ROKG to the third country government concerned. Other UNC personnel do not have diplomatic status. In case of doubt, consult the servicing SJA office.

KNP and ROK investigative and police authorities. Includes, but is not limited to, ROK national police, ROK MP, ROK customs officers, and officials from the Office of Monopoly and the Ministry of Health.

Sexual Assault Response Coordinator (SARC). A DOD or contracted civilian employee or active duty Service member (E-7 or higher) who reports directly to and has unhindered access to the Area/Vice Wing Commander. The SARC implements and manages the area level SAPR program.

Sexual Assault Restricted Reporting. A reporting option that allows a Service member who is sexually assaulted, to confidentially disclose details of the assault to specifically identified individuals (SARC, healthcare provider or chaplain) and receive medical treatment and counseling without an investigation being initiated.

Sexual Assault Unrestricted Reporting. A reporting option that allows a Service member who is sexually assaulted and desires medical treatment, counseling and an official investigation of his/her allegations.

U.S. Personnel.

a. Members of the U.S. Army, U.S. Air Force, U.S. Navy, U.S. Marine Corps, and U.S. Coast Guard present in the territory of the ROK (includes military personnel assigned or attached to the U.S. Embassy, Seoul; JUSMAG-K; and UNC).

b. Civilian personnel of U.S. nationality who are in the employment of, serving with, or accompanying the United States Armed Forces in the ROK, but excludes personnel who are ordinarily resident in the ROK, or who are mentioned in paragraph 1 of Article XV of the SOFA. Dual nationals of both the U.S. and ROK who are brought into the ROK by the U.S. shall be considered U.S. nationals.

c. Dependents of U.S. members of the Armed Forces and civilian personnel as defined above.

USFK law enforcement personnel. Personnel assigned police or investigative duties; specifically includes MP, SF, KATUSA MP, Master at Arms, Marine Corps MP, personnel of the AFOSI and NCIS, criminal investigators of USACIDC, and any other members of the U.S. military establishment performing authorized police duties. This does not include USFK personnel performing courtesy patrol, unit police, or security guard duties.

Sexual Assault Unit Victim Advocate (UVA). DOD or contracted civilian employees, active duty Service member or volunteer who receives guidance and mentoring from the SARC while assigned as a UVA to a victim. Military Services member who are UVA are assigned in a collateral duty in a non-deployed or deployed theater and may only be assigned to victims of sexual assault who are

Service members. UVA provides crises intervention, referral and on-going non-clinical support including information on available options and resources to assist the victim in making informed decisions about the case. UVA services will continue until the victim states support is no longer needed.