Headquarters United States Forces, Korea Unit #15237 APO AP 96205-5237 United States Forces Korea Regulation 190-5

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Military Police

UNITED STATES ARMY REGIONAL CORRECTIONAL FACILITY, KOREA

*This regulation supersedes USFK Regulation 190-5, 10 August 2009.

FOR THE COMMANDING GENERAL:

BRIAN T. BISHOP Major General, USAF Deputy Chief of Staff

Official:



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Summary. This regulation establishes policies and procedures for the confinement of personnel in the United States Army Regional Correctional Facility, Korea (USARCF-K), and for the custody, control, and administration of personnel after confinement.

Summary of Change. Includes additional minor administrative changes.

Applicability. This regulation is applicable to all US personnel assigned, attached, or under the administrative control of United States Forces, Korea (USFK).

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-LE), Unit #15306, APO AP 96205-5306.

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 Information Management Systems (AIRMS) website at <u>https://www.airms.army.mil</u>.

Suggested Improvements. Users are invited to send comments and suggestions on a DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Chief, Law Enforcement Division (FKPM-LE), USFK Provost Marshal's Office, Unit #15306, APO AP 96205-5306.

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CONTENTS

Chapter 1 Introduction, page 1

- 1-1. Purpose
- 1-2. References
- 1-3. Explanation of Abbreviations
- 1-4. Allocation of Responsibilities

Chapter 2 Confinement Provisions, page 2

- 2-1. Policy
- 2-2. Requirements for Confinement
- 2-3. Pretrial Confinement
- 2-4. Release from Confinement
- 2-5. Temporary Release from Confinement

Chapter 3 Clemency Boards, page 5

3-1. Purpose

3-2. Policy

Chapter 4 Transfer of Prisoners, page 5

4-1. Transportation

4-2. Policy

Chapter 5 USARCF-K Correctional Holding Detachment (CHD), page 6

5-1. Policy

5-2. Disposition of Prisoners

Appendixes, page 7

- A. References
- B. Sample DD Form 2707 (Confinement Order)
- C. Sample DD Form 2708 (Receipt for Inmate or Detained Person)
- D. Required Clothing for Prisoners in Confinement
- E. Instructions for Unit Escorts during Temporary Release

Glossary, page 15

Chapter 1 Introduction

1-1. Purpose

This regulation establishes policies and procedures for the confinement of personnel in the United States Army Regional Correctional Facility-Korea (USARCF-K) and for the custody, control, and administration of personnel after confinement.

1-2. References

Required and related publications are listed at appendix A.

1-3. Explanation of Abbreviations

Abbreviations used in this regulation are explained in the glossary.

1-4. Allocation of Responsibilities

a. The Commander, 8th 960516

Army, is responsible for the operation and administration of the USARCF-K IAW DODI 4000.19, Inter-service and Intra-government Support.

b. The Provost Marshal, 8th Army, has direct staff responsibility for the USARCF-K.

c. The Commander, United States Army Correctional Activity- Korea, is responsible for ensuring that the requirements and policies of AR 190-47 and this regulation are met in the operation of the USARCF-K.

d. Unit commanders of persons in confinement are responsible for the following:

(1) On initial confinement, ensure that the requirements of paragraph 2-2 of this regulation are complied with.

(2) Continuous coordination with the applicable legal office and the Judge Advocate to ensure that the rights of prisoners (in pretrial confinement) to counsel and speedy trial are not violated.

(3) Resolving prisoner-related matters such as finance actions, indebtedness, pay, preseparation physicals, storage and transfer of personal property, transportation to and from the Judge Advocate's office, court-martial proceedings, and other required appointments.

(4) Ensuring the prompt notification of the USARCF-K in case of anticipated release of pretrial prisoners.

(5) Providing transportation to their units for individuals released from confinement.

(6) Ensuring the prompt transfer and reassignment of eligible prisoners to the USARCF-K Correctional Holding Detachment (WBY7AA), APO AP 96271.

(7) Ensuring that postal clerks forward mail to prisoners confined in the USARCF-K or SOFA prisons using the following address: Box 5000, APO AP 96271.

(8) Ensuring that the following actions are accomplished immediately after notification of the results of trial and of prisoner shipment:

(a) That DA Form 201 (Military Personnel Records Jacket, US Army) be cleared of all flagging action (Army Only)

(b) That DA Form 201 is delivered to the USARCF-K (Prisoner Personnel Service Branch) within 72 hours (Army only).

(c) That USAF prisoners' units provide their medical and dental records to the USARCF-K. All other records will be maintained by the prisoners' units.

(d) That US Navy and Marine Corps prisoners' units provide their medical, dental, pay, and service records to the USARCF-Kat the time of initial confinement IAW SECNAVINST 1640.9C; however, confinement of these prisoners is not be denied if these records are not available. After the pay and service records are received, the USARCF-K will take them to Bldg 1222, Customer Service Desk, Naval Security Group Activity, Camp Humphreys.

(9) That each prisoner be visited at least monthly. This responsibility may be delegated to a commissioned officer or senior noncommissioned officer of the unit.

(10) That disciplinary action is administered for offenses committed by prisoners subsequent to confinement.

e. The Commander, 8th Army, is responsible for providing a physician daily to the USARCF-K to conduct medical examinations, hold sick call, and inspect prisoners in segregation and close confinement IAW AR 190-47 and ensure that the facilities undergo a periodic sanitation inspection as described in AR 40-5, Preventive Medicine.

f. The 8th Army command chaplain is responsible for monitoring programs that contribute to the rehabilitation of persons in confinement. This will be accomplished by ensuring that major faith groups are provided religious services, sacraments, ministrations, pastoral counseling, and instruction on a regular basis. The command chaplain will cooperate with other members of the staff and interested boards involved in the rehabilitation process. The command chaplain will further ensure that USFK personnel, family members, and Department of Defense (DOD) employees placed in ROK confinement facilities are counseled IAW service directives.

g. The military magistrate of the service to which the pretrial prisoner belongs will perform his duties IAW AR 27-10, unless specific exceptions are requested in writing by an officer or one of the other armed services.

Chapter 2 Confinement Provisions

2-1. Policy

a. Male and female prisoners in the following categories are authorized to be confined in the USARCF-K:

- (1) Personnel sentenced to terms of confinement.
- (2) Personnel being held in pretrial confinement pending trial by court-martial.
- (3) Personnel awaiting final disposition of criminal charges by ROK authorities.

b. Personnel charged with or convicted of any offense under the Uniform Code of Military Justice (UCMJ) may be confined in the USARCF-K IAW AR 190-47.

2-2. Requirements for Confinement

The prisoner's unit commander is responsible for ensuring that the following items are delivered to the USARCF-K Commander at the time the prisoner is confined (pretrial or post-trial):

a. DD Form 2707 (Confinement Order and Medical Examiners Report) (as shown in Appendix B) in triplicate signed by an appropriate commissioned officer as determined by applicable service regulations. All information on the form will be verified from personnel records (social security number, articles charged, and specifications of UCMJ). The date on the DD Form 2707 (Confinement Order) should be the date the prisoner is to be confined at the USARCF-K; if the date is different, then a DD Form 2708 (Receipt for Inmate or Detained Person) (Appendix C) is required to record the disposition/transfer of the prisoner.

b. Required clothing as shown at appendix D of this regulation (or equivalent regulations of the other services). If a prisoner is delivered without required clothing, the unit commander is responsible for escorting the prisoner to purchase items from a military service store within 72 hours after confinement.

c. Health records (DD Form 3444 (Inpatient Treatment Records And Dental Records (Orange)).

d. Dental records (DD Form 3444).

e. The appropriate Common Access Card (Active Duty Military Identification Card), identification tags, and the International Certificate of Vaccination (Shot Records). Personal property of a quantity that could normally be contained in an envelope measuring 12 by 15 inches (watches, rings, wallet, money, and personal documents) may also accompany the prisoner to the USARCF-K.

f. An inventory of all property accompanying the prisoner to USARCF-K verified and signed by the prisoner and a witness.

g. An inventory verified by the prisoner and a witness of personal and issued government items left in the unit area.

h. DA Form 5112-R (Checklist for Pretrial Confinement) (or other service equivalent as applicable).

i. DA Form 4187 (Personnel Action) (or other service equivalent as applicable).

j. DA Form 4430-R (Department Of The Army Report Of Result Of Trial) (or other service equivalent signed by the summary court officer or trial counsel as applicable).

k. Special and general court-martial orders. Two copies of court-martial orders approving the sentence will be forwarded to USARCF-K upon publication (post-trial only).

I. DD Form 458 (Charge Sheet) (as applicable).

m. DD Form 93 (Record of Emergency Data).

- n. Servicemembers' Group Life Insurance (SGLI).
- o. Enlisted Record Brief (ERB) or service equivalent.

2-3. Pretrial Confinement

Pretrial confinement may be imposed when deemed necessary to ensure the presence of the accused for trial or upon a showing that there exists a danger that, unless pretrial confinement is imposed, the accused is likely to engage in serious misconduct, including but not limited to the infliction of serious bodily injury or death to others, gravely menacing the safety of command, or intimidating witnesses or otherwise unlawfully interfering with the administration of justice. Such confinement will be based on probable cause and limited to cases fully justifiable where no lesser degree of restraint will suffice. Normally, when pretrial restraint is deemed necessary, moral rather than physical restraint should be considered before any decision is made to use pretrial confinement.

2-4. Permanent Release from Confinement

a. Prisoners will be released from the USARCF-K upon execution of DD Form 2718 (Prisoners Release Order). The USARCF-K Commander is designated to release prisoners from the USARCF-K and will execute DD Form 2718. In addition, any commander in the prisoner's chain of command or a military judge after referral of charges to court-martial may order an individual released from pretrial confinement.

b. To secure the release of a prisoner in pretrial confinement, the unit commander will deliver a memorandum or letter addressed to the Commander, USARCF-K, APO 96271, at the time the prisoner is to be released, stating that pretrial confinement is no longer deemed necessary and briefly explaining the reason for the release. To avoid unreasonable delay in situations of extreme urgency, telephone coordination is authorized with the Staff Judge Advocate, the prisoner's unit, and USARCF-K.

c. To secure the release of a prisoner after approval by convening authority to remit or suspend sentence, the unit commander will immediately request the prisoner's release and promptly provide return transportation to the unit. Two copies of the approval action will be forwarded to the Commander, United States Army Correctional Activity-Korea, APO AP 96271, within 48 hours of publication of orders.

d. Upon the expiration of sentence to confinement, as determined by AR 633-30/AFR 125-30/SECNAVINST 1640.9C, the prisoner will be released to his unit. The Commander, USARCF-K, will ensure that the unit commander is notified at least 48 hours in advance of the prisoner's release date. No prisoner will be confined in the USARCF-K beyond the authorized date and time.

e. Upon approval of an administrative discharge in lieu of trial by court-martial, the cognizant commander will immediately notify the Commander, USARCF-K, and request the prisoner's release and provide return transportation.

2-5. Temporary Release from Confinement

a. When temporary release of a prisoner from the USARCF-K is required for investigation, trial, or other administrative action, the prisoner's unit commander will make the request by memorandum or letter. The request will be addressed to the Commander, United States Army Correctional Activity-Korea, APO AP 96271, and will cite the purpose of the release, the release date, the full names and social security numbers of the guards, and the estimated date and time of return to the

USARCF-K. Normally, requests for temporary release should be submitted 24 hours prior to time of release.

b. The prisoner's unit commander is responsible for furnishing the necessary guards and transportation IAW chapter 4, below. The commander will ensure safe custody, control, and welfare of the prisoner, and will ensure the return of the prisoner to the USARCF-K. In case a prisoner is released for a trial that results in a not-guilty finding or a sentence that requires no additional confinement, appropriate action will be taken IAW subparagraph 2-4b or 2-4c, above (as applicable).

c. In the event a prisoner in pretrial status is admitted to 121st Evacuation Hospital, Commander, USARCF-K, will notify the unit commander. The unit commander will be responsible for furnishing, within 24 hours after notification, guards necessary to retain custody of the prisoner until such time as the prisoner is released from the hospital or other disposition is determined.

d. The Commander, USARCF-K, will provide technical advice and equipment (such as hand and leg irons) for all prisoner escorts.

Chapter 3 Clemency Boards

3-1. Purpose

To assist commanders in exercising their responsibility for the remission or suspension of sentences.

3-2. Policy

a. A clemency board may be established by the general court-martial convening authorities IAW AR 190-47, chapter 6. Other services may establish clemency boards IAW applicable service regulations.

b. Commander of the USARCF-K is responsible for providing a representative to the clemency boards of all services upon request.

Chapter 4 Transfer of Prisoners

4-1. Transportation

a. A privately owned vehicle will not be used to transport prisoners. The use of commercial means is authorized if a government vehicle is not available.

b. When transporting prisoners, should the vehicle become disabled or an overnight stop is necessary, the nearest military police or security police office will be contacted for assistance in securing the prisoner.

4-2. Policy

a. At no time will a prisoner being transferred be allowed to consume alcohol or engage in recreational or leisure activities that are normally prohibited in a confinement/detention facility.

Commanders/escorts may coordinate with USARCF-K Commander or representative for further guidance.

b. The use of force in guarding, controlling, or preventing the escape of prisoners will be the minimum necessary IAW appendix E of this regulation and applicable regulations of other services. Weapons will not be used while escorting prisoners unless authorized by applicable service regulations.

Chapter 5 USARCF-K Correctional Holding Detachment (CHD)

5-1. Policy

US Army prisoners confined in Republic of Korea confinement facilities are the only prisoners to be assigned to the USARCF-K CHD. The unit commander of a prisoner transferred to the CHD will deliver the prisoner's personal property and military records to the USARCF-K within 48 hours of receipt of orders. Items other than those listed at appendix D, below, will be shipped IAW AR 190-47, subparagraph 5-7a.

5-2. Disposition of Prisoners

a. US Army prisoners will be transferred to the appropriate correctional facility IAW AR 190-47.

b. US Army prisoner escorts will be provided IAW appendix E of USFK Regulation 190-5.

c. US Air Force prisoners will be transferred IAW AFI 31-205, and escorts will be provided by the responsible unit, installation, or chief of security police, as applicable.

d. US Navy and Marine Corps prisoners will be transferred IAW SECNAVINST 1640.9A.

e. Whenever possible, a commissioned officer prisoner will be escorted by a commissioned officer.

f. Personal property of prisoners sentenced to a term of confinement of 1 year or more or adjudged a punitive discharge will be disposed of IAW AR 190-47, paragraph 5-7, or appropriate directives of other services.

Appendix A References

Section I REQUIRED PUBLICATIONS

AFI 31-205 (The Air Force Corrections System)

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

AR 27-10 (Military Justice)

AR 190-14 (Carrying of firearms and use of force for law enforcement and security duties)

AR 190-47 (The Army Corrections System)

AR 633-30 (Military Sentences to Confinement)

AR 635-200 (Active Duty Enlisted Administrative Separation)

DODI 4000.19, (Inter-service and Intra-government Support)

SECNAVINST 1640.9C (Department of the Navy Corrections Manual)

Section II RELATED PUBLICATIONS

AFI 36-2903 (Dress and Personal Appearance of Air Force Personnel)

AFI 36-3208 (Administrative Separation of Airmen)

AFI 36-3014 (Clothing Allowance for Air Force Personnel)

AR 670-1 (Wear and Appearance of Army Uniforms and Insignia)

AFJI 31-213 (Armed Forces Disciplinary Control Boards and off-installations liaison and operations)

Section III. Referenced Forms

DA Form 201 (Military Personnel Records Jacket, US Army)

DA Form 4187 (Personnel Action)

DA Form 4430-R (Department of the Army Report of Result of Trial)

DA Form 5112-R (Checklist for Pretrial Confinement)

DD Form 93 (Record of Emergency Data)

DD Form 458 (Charge Sheet)

DD Form 2707 (Confinement Order and Medical Examiners Report)

- DD Form 2708 (Receipt for Inmate or Detained Person)
- DD Form 2718 (Prisoners Release Order)
- DD Form 3444 (Inpatient Treatment Records and Dental Records (Orange))

Appendix B DD Form 2707 Confinement Order

CONFINEMENT ORDER					
1. PERSON TO BE CONFINED			2	DATE ()	YYYYMMDD)
a. NAME (Last, First, Middle)		b. SSN			
a. Home (cast, / hat, moore)		5. 5514			
c. BRANCH OF SERVICE d. GRADE	e. MILII	ARY ORGANIZATION (Fro	om):		
	TYPE OF C	ONFINEMENT			
3.a. PRE-TRIAL NO YES		b. RESULT OF NJP	N	0	YES
TYPE: SCM SPCM	GCM	VACATED SUSPE	NSION		
	REQUIRED UNDER 10	U.S.C. 1565.			
4. OFFENSES/CHARGES OF UCMJ ARTICLES	VIOLATED:				
5. SENTENCE ADJUDGED:					b. ADJUDGED DATE (YYYYMMDD):
6. IF THE SENTENCE IS DEFERRED, THE DATI	DEFERMENT IS TERM	NINATED:		I	
7. PERSON DIRECTING CONFINEMENT					
a. TYPED NAME, GRADE AND TITLE:	b. SIGNAT	URE		c. DATE	d. TIME
				(YYY)	(MMDD)
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW	AND APPROVAL	b. SIGNATURE:			c. DATE (YYYYMMDD)
	MEDICAL	CERTIFICATE			
9a. The above named inmate was examined by me at on					
c. HIV Test administered on (YYYYMMDD): d. Pregnancy test administered on (YYYYMMDD): N/A					
10. EXAMINER		—			
a. TYPED NAME, GRADE AND TITLE:	b. SIGNATURE		ς. DATE	YMMDD)	d. TIME
	RECEIPT	FOR INMATE			
11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT:					
ONAND TIME: (Facility Name and Location) (YYYYMMDD) (Time)					
b. PERSON RECEIPTING FOR INMATE	c. SIGNATURE:		d. DATE		e. TIME
TYPED NAME, GRADE AND TITLE:	. ordina forth.		1	YMMDD)	
DD FORM 2707, SEP 2005	PREVIOUS EDIT	TION IS OBSOLETE.	1	Reset	Adobe Professional 7.0

RECEIPT FOR INMATE OR DETAINED PERSON		
1. RECEIVED FROM (Unit or Agency and Station)	2. TIME	3. DATE (YYYYMMDD)
4. INMATE NAME (Last, First, Middle)	5. SSN	6. GRADE
7. ORGANIZATION	8. STATION	
9. OFFENSE		
10. PERSONAL PROPERTY		
11. REMARKS		
12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL	13. SSN	14. GRADE
15. RECEIVING UNIT OR AGENCY AND STATION	16. SIGNATURE	
DD FORM 2708, NOV 1999		Reset Adobe Professional 7.0

Appendix D Required Clothing for Prisoners in Confinement

D-1. Minimum Required for US ARMY and US AIR FORCE Male Prisoners

ITEM(S)	QUANTITY
a. Bag, Duffel	1ea
b. Bag, laundry	1ea
c. Belt, trousers, tan	1ea
d. Boots, combat tan	2pr
e. Drawers, brown or white (all white boxers are authorized)	6pr
f. Glove, shell, leather black	1pr
g. Gloves, inserts	1pr
h. Gortex or field jacket	1ea*
i. Polly pros	1pr*
j. Running Shoes (high tops are authorized)	1pr
k. ACU's or ABU's (Top/bottom & Patrol Cap)	Complete
I. Socks, boot (tan, black or green)	6pr
m. Socks, cotton, white (above the ankle)	6pr
n. Towels, bath (white or brown)	2ea
o. Towels, washcloths (white or brown)	2ea
p. Undershirt, tan	7ea

*Seasonal

D-2. Minimum Required for US ARMY and US AIR FORCE Female Prisoners

ITEM(S)	<u>QUANTITY</u>
a. All items listed above except # D-1e	
 Brassiere, white or skin tone (non-underwire) or sports bra, black, blue, gray or white 	7ea
 Panties, cotton, white or skin tone (no "G-strings" or similar styles) 	7pr

D-3. Nuclear, Biological, Chemical (NBC) GEAR

- a. NBC Protective Mask with carrier
- b. Mission-Oriented Protective Posture (MOPP) top and bottom (sealed)
- c. Rubber boots
- d. Rubber gloves with inserts
- e. NBC Bag
- f. Extra canister
- g. Chemical paper (M8/M9/M291/M295)

D-4. Class A Uniforms

Class A uniforms will be maintained at the unit for courts-martial and other court cases. Prisoners who must attend a court case will have their unit bring the Class A's to the facility.

Appendix E USARCF-K Duties and Responsibilities Acknowledgement Checklist for Escorting a Prisoner on Temporary Release

USARCF-K Standard Operating Procedure SOP B#12 (Escort Procedures) to Operations

Appendix 1 Duties and Responsibilities Acknowledgement Checklist for Escorting Prisoner on Temporary Release

Original maintained at facility / Copy to escort.

(SENIOR ESCORT WILL INITIAL IN FRONT OF EVERY NUMBER)

____1. I understand that the prisoner is on the following custody status: <u>CIRCLE ONE</u>

PRETRIAL: REQUIRING BODY CUFF, LEG RESTRAINTS

MINIMUM CUSTODY: REQUIRING BODY CUFF, LEG RESTRAINTS

MEDIUM CUSTODY: REQUIRING BODY CUFF, LEG RESTRAINTS

MAXIMUM CUSTODY: REQUIRING HAND RESTRAINTS, LEG RESTRAINTS, BELLY CHAIN, BLACK/BLUE BOX

_____2. I understand I am responsible for the custody and control of the prisoner. I will not turn custody of the prisoner over to another individual without prior approval from the correctional facility. The prisoner is not left unsupervised/unescorted at any time.

_____3. Positive physical control (hold on to) is maintained for prisoners in restraints that are walking, going up or down stairs, or getting into or out of vehicles, etc.

4. I understand that the prisoner remains in restraining devices at all times. Only a judge (normally for court proceedings) or <u>physician</u> (for purposes of conducting medical treatment) orders restraints to be removed. NOTE: A lawyer is not a judge. (For appointments at the legal center or courthouse, see your trial counsel for specific guidance from the judge.)

5. I have at least two escorts and a driver. Senior escort is (E-5) or higher and senior in rank if pre-trial prisoner. At least one escort is the same gender as the prisoner.

6. We are driving a military vehicle or government leased/rented vehicle. Prisoner is seat belted in the vehicle. Use of POV to transport prisoners is prohibited. The escorts and driver are prohibited from consuming alcoholic beverages.

7. Carrying or using weapons is prohibited unless preapproved by facility commander.

8. I understand that prisoners are prohibited from having access to phones or computers.

9. I understand that prisoners must be escorted directly to and from appointment location.

<u>10.</u> I must contact the correctional facility immediately upon arrival at destination, and then every two hours afterwards and finally, upon departing to return to the correctional facility.

____11. I have received instructions on the proper use and application for the restraining devices that I will be using for the prisoner escort. Prisoner will not be secured to any objects.

SOP B#12 -6

USARCF-K Standard Operating Procedure SOP B#12 (Escort Procedures) to Operations

Appendix 1 Duties and Responsibilities Acknowledgement Checklist for Escorting Prisoner on Temporary Release

19. I fully understand, and will comply with, all responsibilities of this temporary release. I accept full responsibility for the custody, control, safety, and conduct of this prisoner while on temporary release. Article 92, UCMJ, Releasing Prisoner Without Proper Authority provides punitive actions for causing or allowing a prisoner to escape.

20. I have received a copy of this agreement memorandum and have been briefed on the emergency actions in the event the prisoner attempts or escapes from my custody.

21		
Senior Escort Printed Name and Grade	Signature	Date
Unit/Contact Phone Number	Organization	
22		
Junior Escort Printed Name and Grade	Signature	Date
Unit/Contact Phone Number	Organization	
23		
Driver Printed Name and Grade	Signature	Date
Unit/Contact Phone Number	Organization	
24.		
BRIEFED BY: Printed Name/Grade/Title	Signature	Date
	(Version)	as of 15 February 2011)

MAY

SOP B#12 -8

Glossary Abbreviation

AFJI	Air Force Joint Instruction
AFR	Air Force Regulation
AR	Army Regulation
CHD	Correctional Holding Detachment
DA	Department of Army
DD	Department of Defense (forms)
DOD	Department of Defense
DODI	Department of Defense instruction
IAW	in accordance with
MP	Military Police
ROK	Republic of Korea
SECNAVINST	Secretary of the Navy Instruction
UCMJ	Uniform Code of Military Justice
USACA-K	United States Army Correctional Activity-Korea
USARCF-K	United States Army Regional Correctional Facility-Korea
USAF	United States Air Force
USFK	United States Forces Korea