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United States Forces Korea  
Regulation 190-50

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## Law Enforcement

### LAW ENFORCEMENT PROCEDURES IN KOREA

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**\*This regulation supersedes USFK Regulation 190-50, dated 9 February 2012.**

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FOR THE COMMANDER:

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**Summary.** This regulation establishes policies and explains procedures applicable to law enforcement in the Republic of Korea (ROK) for U.S. Army Military Police (MP), Korean Augmentation to the United States Army (KATUSA) personnel, U.S. Air Force Security Forces (SF), Naval Security Forces (NSF), 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. This revision includes the following changes:

- The Deputy Chief of Staff, United Nations Command/Combined Forces Command/United States Forces, Korea, may delegate to the Secretary, Combined Joint Staff (COL/O-6) the approval authority to grant waivers or exceptions to policy (ETP) for this regulation (para 1-5c).
- Added where to reference CAT III SIR (para 1-4d).

- Added clarification for whom USFK PM will be a liaison to in the Republic of Korea (para 1-7g).
- Added clarification in Status of Forces Agreement Incident Notification Procedures to indicate the responses by ground components (para 1-8a).
- Added distribution of CJ Form 1 for Joint Combined Provost Marshal (para 1-7g).
- Added clarification of how US Military Law Enforcement will properly receive and accomplish a Law Enforcement Report when Military Members, Dependents, and DoD Contractors are detained by ROK authorities (para 1-8d and para 1-8e).
- Changes to evaluating the degree of force required for specific law enforcement or security situations (para 2-1c)
- Added handcuffing procedures for officer safety (para 2-1d).
- Removes Military Working Dog in Chapter 2 “Use of Force” and is left up to component clarification on how to utilize Military Working Dogs for law enforcement on their installations.
- Created a new category “Launched Electrode Stun Device” (LESD) and clarified the use of LESD (para 2-1e)
- Removed “challenging an intruder, security personnel” paragraph because it was explained in other areas of this regulation.
- Added to para 2-4 “Concealed Weapons and Off-Installation Arming (Not Town Patrol related)” describing duties and responsibilities of USFK personnel (para 2-4).
- Added clarification to placing individuals in detention cells and supervision of individuals in a detention cell (para 3-3c).
- Updated the proper forms that are needed to hold an individual in a temporary confinement (para 3-4e.)
- Added clarification for Sexual Harassment Prevention and Response Program (SAPR) procedures for law enforcement first responders. (para 5-1a).
- Added clarification for Military and Civil Protective Orders (MPO and CPO) (para 5-3b and para 5-3c).
- Added instruction for Registered Sex Offenders to contact the nearest MP Desk, BDOC, NSF Security or Marine MP Desk for In and Out Processing (para 5-4h).
- Added instruction for a member declared AWOL or a Deserter for limiting any classified access (para 5-5g).
- Added clarification for Private Settlements to be reported (para 8h).
- Created new chapters and added clarification to “Off Post Patrol Activities and Town Patrol Procedure” (Chapter 9), “Off Limit Areas” (Chapter 10), “Photography of USFK Installations” (Chapter 11), “Suicide Prevention and Response” (Chapter 12), and “Tracking and Reporting of Criminal Acts in Korea” (Chapter 13).
- Paragraphs and numbers were adjusted to put into chronological order.
- Added additional criteria for CAT I Serious Incident Reporting in appendix F: Criteria for Serious Incident and Police Information Reports

**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 (SUSLAK), the United Nations Command (UNC) and Combined Forces Command (CFC).

**Forms.** USFK Forms are available on the USFK homepage at <http://www.usfk.mil>. Once on the USFK homepage select Resources and then USFK Regulations under the links section.

**Supplementation.** Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from USFK Provost Marshal (FKPM), Unit #15750, APO AP 96205-5237 or [usarmy.yongsan.usfk.mbx.jp-pic-desk@mail.mil](mailto:usarmy.yongsan.usfk.mbx.jp-pic-desk@mail.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 and USFK Regulation 923.1. Record titles and descriptions are available on the Army Records Information Management System (ARIMS) website at <https://www.arims.army.mil> and under USFK Regulation 923.1 Appendix H - K.

**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 #15750, APO AP 96205-5237 or [usarmy.yongsan.usfk.mbx.jp-pic-desk@mail.mil](mailto:usarmy.yongsan.usfk.mbx.jp-pic-desk@mail.mil).

**Distribution.** Electronic Media Only (EMO).

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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 USFK law enforcement duties or Military Criminal Investigative Organizations (MCIO) to include Defense Criminal Investigative Service (DCIS), Air Force Office of Special Investigation (AFOSI), Criminal Investigation Command (CID), and Naval Criminal Investigative Service (NCIS). 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. 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 USFK law enforcement duties.

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

### **1-4. Responsibilities**

a. The Commander, USFK, must maintain visibility on criminal activity impacting 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 law enforcement 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 law enforcement 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 such as; Suwon Air Base, Cheong Ju Air Base, Gwang Ju Air Base, Daegu Air Base, and Gimhae Air Base as defined in USFK Regulation 10-2.

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

d. The Commander, U.S. Naval Forces - Korea (NAVFOR-K) is delegated law enforcement responsibility for Chinhae Naval Base.

e. The Commander, Marine Corps Forces - Korea (MARFOR-K) is delegated law enforcement responsibility for Camp Mujuk as defined in USFK Regulation 10-2.

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

g. This headquarters (HQ) retains the responsibility for all command liaison in Law Enforcement matters with the ROK Government (ROKG). This HQ will maintain liaison with the Ministry of Security and Public Administration, the Ministry of Justice, the Ministry of Health and Welfare, Korean Customs Services, Korean Immigration Services and other ROK Law Enforcement investigative agencies.

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

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

(1) Shall serve as the Office of Primary Responsibility (OPR) for this regulation.

(2) Conduct in coordination when feasible annual law enforcement visits to the Directorate of Emergency Services (DES); 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 and each MCIO will:

(a) Support the joint exchange of information between service components' law enforcement, Military Criminal Investigation Organizations (MCIO) and Staff Judge Advocates (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. Provide monthly statistical analysis to the USFK J1 SAPR Program managers at [pacom.yongsan.usfk.mbx.j11-workflow@mail.mil](mailto:pacom.yongsan.usfk.mbx.j11-workflow@mail.mil).

(c) Send all Serious Incident Reports (SIR) on unrestricted Sexual Assault incidents to key agencies deemed appropriate by the USFK Provost Marshal. These agencies will include, but are not limited to, the USFK Chief of Staff (CofS), USFK PMO, USFK SJA, and the SAPR Program managers for USFK J1, Eighth Army, 7th Air Force, Commander Naval Forces Korea, and Commander MARFOR-K.

(d) Serve as a centralized collection point for all information regarding all law enforcement incidents to include Sexual Assault. Notifications will be sent through the USFK

Provost Marshal Law Enforcement Division Chief or Deputy. The preferred method for submitting this information will be through a CAT III SIR found in appendix F. A secondary, and less preferred, method to share the information is through a format that meets the minimum requirements of a 5W Report (Who, What, Where, When and Why). This information will be provided NLT 24 hours after an incident is reported. For further explanation of how to report reference chapter 7 of this regulation.

(4) Maintain 24 hour monitoring of and provide timely reporting from the Prostitution and Human Trafficking Hotline and the Suicide Prevention Hotline.

(5) Provide up-to-date information regarding road and traffic conditions throughout the peninsula. This information will be verified and updated daily or more frequently if conditions dictate IAW USFK Regulation 190-1, Motor Vehicle Traffic Supervision.

(6) Provide up-to-date information regarding off limits areas throughout the peninsula. This information will be verified and updated monthly or more frequently as locations are added or removed IAW USFK Regulation 190-2, Off-Limits Areas and Establishments.

## **1-5. Policy**

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

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

c. Exception. The Deputy Chief of Staff, United Nations Command/Combined Forces Command/United States Forces, Korea, may delegate to the Secretary, Combined Joint Staff (COL/O-6) the approval authority to grant waivers or exceptions to policy (ETP) for this regulation.

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

The Defense Biometric Identification System (DBIDS) is an electronic installation access control system used to register and verify authorizations and restrictions for access to USFK installations, and to facilitate visitor registration and control. DBIDS also includes features which enhance law enforcement operations in Korea, including vehicle registration, privately owned firearms registration, automated Barment lists, Wanted and BOLO notices, and electronic registry of lost/stolen installation access credentials. The DBIDS installation access control data can provide valuable information in support of law enforcement investigations. DBIDS is an OFFICIAL USE ONLY DoD information system and is managed by the USFK CJPM Security Division. The following policies and procedures will be adhered to when requesting DBIDS information or data or when operating or using DBIDS terminals.

a. USFK law enforcement personnel with an official requirement to operate DBIDS must submit a request for training and user account to CJPM Security Division. The request shall include a DD Form 2875 with justification for access, as well as individual and supervisor verification that the individual has completed mandatory DoD Information Assurance training. Once the application is approved and training successfully completed, users will receive a DBIDS user name and password.



b. Users accounts shall not be shared. Each user must log on to DBIDS using their own unique user ID and password or CAC logon. Law enforcement users shall log off whenever away from the DBIDS workstation.

c. Law enforcement user access may be provided to U.S. citizen law enforcement personnel and active duty military personnel working under direct supervision of U.S. law enforcement officials. Law enforcement account access is not be provided to foreign national employees nor contractors of investigative agencies. DBIDS contains both personal as well as official sensitive PII and FOUO information and data on DoD personnel and their activities. As such, investigative access will only be provided to the above credentialed law enforcement personnel.

d. Personnel DBIDS access logs are only authorized for official use, and will only be provided 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 escorted visitor logs, scanned personnel ID gate logs, vehicle access logs, site logs for installations, and personnel and vehicle registration data.

e. Law enforcement DBIDS users entering personnel flags, bars, wanted and lost or stolen reports will include a 24 hour a day law enforcement point of contact and a telephone.

f. BOLO (Be On the Look Out) Notices will be forwarded to the USFK CJPM Joint Police Information Center (JPIC) who will release them to other USFK Law Enforcement Agencies. The JPIC will also work with the BOLO issuing agency to determine releasability of the Notice to ROK Military and KNP counterparts.

g. All personnel flags, bars, wanted and lost or stolen reports within DBIDS are required to have a proper law enforcement point of contact and a telephone number that is manned 24 hours a day. Contact information must be input into the system so as to ensure proper law enforcement resources are used to enforce the regulations and policies. BOLO Notices will be forwarded to the JPIC who will release them to other USFK Law Enforcement Agencies. The JPIC will also work with the BOLO issuing agency to determine if the information also needs to be released to ROK Military and KNP counterparts.

#### **1-7. Status of Forces Agreement Incident Notification Procedures**

a. Notification procedures under SOFA Article XXII, subparagraph 1-7f and 1-7g below and instructions in USFK Regulation 1-44, appendices C through F will be followed. These duties are the responsibility of the local DES/PM, the local CSF, NSO, or U.S. Marine Corps Provost Marshal or equivalent who are responsible for ensuring that alleged violations of ROK criminal law committed within their respective areas of responsibility are properly and promptly reported to ROK Ministry of Justice SOFA Prosecutors and the Office of the Judge Advocate, USFK (FKJA-IL).

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 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 authorized for usage and list the intended purpose for use. 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-IA 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.

g. A copy of the CJ Form 1 will also be transmitted to the Joint Police Information Center (JPIC) by e-mail to: [usarmy.yongsan.usfk.mbx.jp-pic-desk@mail.mil](mailto:usarmy.yongsan.usfk.mbx.jp-pic-desk@mail.mil).

## **1-8. Custody**

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

a. Law enforcement 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 Law Enforcement personnel will be immediately dispatched to the place of detention to accept custody. After custody has been transferred to USFK Law Enforcement personnel, the individual will be returned to the appropriate 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 used by a USFK Law Enforcement 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 an off post incident, a USFK SOFA CJ Form 3 will be completed prior to transfer of custody from the ROK authorities to

the US authorities. A USFK SOFA CJ Form 3 will not be initiated until the person(s) 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 CSF office by the most expedient means available prior to the suspect's release from MP or SF custody. Any incident in which a CJ Form 3 is used by a USFK Law Enforcement 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.

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.

d. All personnel detained by ROK authorities and then released into U.S. Military Law Enforcement custody will be released via DD Form 2708 to a US Military Command Representative (for military members), a Sponsor (for Dependents) or for DoD Contractors (their Contract Supervisor or a Contracting Officer Representative. Releasing personnel on their own recognizance is discouraged as Violations of Korean Law (VOKL) are "International Incidents" that require command attention and flagging actions.

e. If a family member, DoD Civilian, or invited contractor is involved in an incident and they refuse to be released into USFK Custody, the responding USFK Law Enforcement Agency will collect enough information to complete a mandatory police report on the incident and the incident will be reported in an MP/SF/Navy Security or U.S. Marines incident report and published blotter entry on the matter as the incident can still be shared with the USFK and the Subjects Commander.

## **1-9. Investigations**

a. 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 Law Enforcement personnel will be processed through the local MP or SF evidence custodian. Evidence seized by United States Army Criminal Investigation Division Command (USACIDC), AFOSI or NCIS will be processed IAW their respective command regulations. The final disposition of evidence will not be accomplished without SJA coordination and legal opinion to release or destroy.

b. Whenever possible, USFK and Korean National Police (KNP) will conduct joint investigations. USFK Law Enforcement personnel will cooperate with and/or solicit the assistance of the KNP as appropriate. When conducting joint investigations Korean Law Enforcement Agencies will be the lead investigative agency.

c. All incidents investigated off-installation will be reported to Joint Police Information Center (JPIC) using service specific police reports (i.e. Army Law Enforcement Reporting and Tracking System (ALERTS)), Security Forces Management Information System (SFMIS), Department of Navy Criminal Justice Information System (DONCJIS) or the Consolidated Law Enforcement Operations Center (CLEOC)).

## **1-10. Traffic**

a. IAW USFK Regulation 190-1, on-installation traffic violations will be cited on a DD Form 1408 (Armed Forces Traffic Ticket) by USFK Law Enforcement 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 Law Enforcement 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 states 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 US Joint Service Regulation (AR 190-5, AFI 31-218, MCO 1110.1D, OPNAV 11200.5D) appendix B, table B-1 for state agency contact information).

#### **1-11. Witnesses and Evidence 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/NSO 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, 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 that authorities of the ROK may only question members of the U.S. armed forces or civilian component in the presence of a duly appointed U.S. representative. The U.S. representative is to be an impartial observer, 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 make the individual available, provide 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 or designee. When ROK authorities desire immediate questioning, the U.S.

representative will be en route within one 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 utilizing service specific evidence documentation. 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 Law Enforcement 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. Law enforcement 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. Law enforcement 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 reason for the release will be annotated on the service specific evidence form/tag. Evidence will only be released utilizing the appropriate service component chain of custody documentation.

(3) Permanent release of evidence is outlined in chapter 4 (Release of Seized Property).

#### **1-12. 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 Law Enforcement officials. USFK Form 142EK will be used only in conjunction with official police duties to identify the cardholder to ROK civil and military law enforcement 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 Law Enforcement 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 Chief (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/armistice. This guidance applies to all USFK military and civilian personnel engaged in law enforcement 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. Law enforcement and security personnel will apply common sense, consider the nature and seriousness of an offense, and use the minimum level of force necessary to fulfill assigned duties. When carrying non-lethal weapons (to include, but not limited to, the MP Club, nightstick, collapsible baton, PR-24, Chemical aerosol irritant projectors (subject to host nation or local restrictions), and/or Launched Electrode Stun Device (LESD). Law enforcement personnel will comply with service component regulatory guidelines, directives and requirements for training, certification and use, as well as procedures in Agreed Upon View #10 between local U.S. Military law enforcement officials and supported commanders.

b. Unless directed otherwise by the Commander, USFK or Service Component Commanders, Law enforcement personnel and 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 Law Enforcement 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 Law Enforcement officials and supported commanders.

c. In evaluating the degree of force required for specific law enforcement or security situations, the following level of force continuum will be considered and applied as appropriate by each service component.

- (1) Verbal persuasion.
- (2) Unarmed defense techniques.
- (3) Chemical aerosol irritant projectors (subject to host nation or local restrictions).
- (4) MP club.
- (5) Military working dogs (military working dogs will be used per AR 190-12).
- (6) Presentation of deadly force capability.
- (7) Deadly force (para 2-2)

d. Handcuffing. Handcuffs or plastic restraints are considered to be a Use of Force and are designed as temporary restraining devices that should only be used during an apprehension in

order to protect law enforcement personnel and others, protect the person placed in custody, and/or to prevent flight of the person placed in custody.

(1) Law enforcement 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. Law enforcement 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 (i.e. offender, detainee, or arrestee), observed or assessed drug or alcohol influence, number of subjects, behavior such as demonstrated belligerence, the presence of other law enforcement personnel who can control the individual, and the severity of the suspected offense. Law enforcement 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. Law enforcement personnel will take proper precautions to ensure the safety of all persons in restraints. Law enforcement 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), Law enforcement personnel, or the person being placed into custody are in immediate danger or physically threatened. When, due to exigent circumstances, Law enforcement personnel cannot clearly ascertain if an immediate danger or physical threat exists, handcuffs or plastic restraints may temporarily be used to protect law enforcement 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 temporarily detain them for the purposes of preventing injury to themselves, law enforcement 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 as United States federal employees or 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 Law Enforcement personnel have no jurisdiction over persons not subject to the UCMJ and, accordingly, they may not exercise any level of authority such as they do 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 or when exigent circumstances exist to protect life, limb or eyesight, handcuffs or plastic restraints will not be used off-installation on any 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 (e.g., 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 law enforcement 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 personnel involved in pass or escort violations and traffic or parking violators.

e. Launched Electrode Stun Device (LESD). LESD is intended as a control device to minimize injuries to law enforcement personnel, targeted subjects and bystanders. The timely and appropriate use of the LESD can de-escalate situations where an escalation of force is possible. Its purpose is to enable law enforcement personnel to perform their duties in a safe, efficient and professional manner.

(1) The LESD is an additional nonlethal weapons platform available to law enforcement personnel. Like the baton, O/C spray and empty hand techniques, the LESD may not be effective in every situation. When the LESD is deployed, law enforcement personnel must be able to determine if further application is warranted or if a different tactic should be used. The decision to use the LESD will depend upon the actions of the targeted subject, the threat facing LE personnel and the totality of circumstances surrounding the incident.

(2) The LESD is not a substitute for deadly force and should not be used in situations where deadly force is necessary. Deployment of the LESD, should be backed with availability of deadly force and is not intended to replace firearms or other self-defense techniques.

(3) Law enforcement personnel will be trained and certified in accordance with service component standards. Law enforcement personnel will be in compliance with local policy prior to receiving authorization to carry and deploy the LESD.

(4) LESD training will include classroom instruction and practical application to include deployment against simulated targets and successful completion of the service components written and/or practical examination.

(5) Only those personnel who have successfully completed USAMPS, or service component equivalent, validated instructor certification and those whose certification is current will administer training, examination and practical application.

(6) LESD training will be documented in a local training record that will include at a minimum: the trainers name and rank; the trainee's name and rank; the date, time, and location of training; and type of training was conducted.

(7) Training will be conducted annually at a minimum. Trainees must successfully complete service component approved training, to include a practical examination, maintain certification.

(8) DES, PM and/or service component equivalent will report operational deployments of the LESD for any of the following application on service specific Police Report:



- (a) Spark display of the device
- (b) Drive stun firing of the device
- (c) Probe firing of the device

(d) Un-holstering the device and aiming the device at a targeted subject where law enforcement personnel perceived the actions of the subject as a potential threat justified by the use of force.

(9) In the event of probe deployment law enforcement personnel will ensure the serial number of the LESD and cartridge(s) are included in the police report. In addition, the Anti-Felon Identification System (AFID) tags will be collected as evidence.

(10) Photographs should be taken of the probe impact sites and any related injuries, and be included in the police report.

(11) An LESD deployment report should be downloaded from the LESD and will include the date prior to the deployment, the date of deployment on the targeted subject, and the day after if available. This report should be downloaded by a certified LESD instructor and will be attached to the original police report for inclusion in the case file as evidence IAW service component regulation or manual of instructions.

## **2-2. Deadly Force**

USFK Law Enforcement 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 Law Enforcement 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. The use of deadly force applies equally to installation law enforcement/guard forces 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.

f. 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 law enforcement 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. Warning shots are not authorized.

c. 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 security or to do harm to the public.

d. Further guidance regarding the use of firearms will be followed as prescribed in service component policies and regulations.

### **2-4. Concealed Weapons and Off-Installation Arming (Not Town Patrol related)**

a. On-installation:

(1) Personnel conducting duties within USFK requiring the use of firearms will be required to follow the rules and guidelines in DoD Directive 5210.56.

(2) USFK Law Enforcement personnel conducting joint operations/missions with DoD component agencies will afford them the right to carry concealed weapons IAW DoD Directive 5210.56.

(3) USFK personnel not associated with law enforcement or DoD Law Enforcement may not carry concealed weapons at any time.

b. Off-installation:

(1) The utmost care and respect for host nation cultural sensitivities to firearms must be observed. Thus, to the very maximum extent possible, minimize any exposure of the weapon (concealed or open carry) while performing duties. If possible, though not required, obtain an understanding from the local agency/MCIO counterpart that applicable USFK personnel carry weapons in the execution of their daily duties. Personnel authorized to be armed shall be thoroughly briefed on their individual responsibilities and shall receive mandatory training in accordance with DoD Directive 5210.56, applicable DoD issuances, and DoD Component requirements and standards when performing:

(a) Duties related to security or law and order duties, criminal investigations, or counterintelligence investigations, to include MP patrols (non-Town Patrol) responding to off-installation incidents/requirements.

(b) Personnel security.

(c) High value monetary/item escorts.

(2) USFK personnel conducting joint operations/missions with DoD component agencies may carry concealed weapons IAW DoD Directive 5210.56.

## **2-5. Training**

Training on the use of 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 the understanding of the procedures for the use of their assigned 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.

**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 and training governing use of force and guidelines issued by subordinate commanders are clear and well understood.

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 guardmount 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 law enforcement 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**

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) convening 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 31-105, USN and USMC standards are contained in SECNAVINST 1640.9C, which 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 agency's service component regulations.

c. All individuals placed in a detention cell will have all items that could cause self-harm or harm to law enforcement personnel removed, i.e. shoe laces, belts, and sharp objects. Procedures should also be put into place to feed the detained individual and for the unit to provide supervision/guards while the individual is detained. Any further clarification should be stated in station SOP.

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

d. 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.

e. 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).

f. 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)

### **3-5. 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/law enforcement personnel at all times. Closed circuit television may be used to satisfy the requirement. Detainees will be furnished normal rations of food and water by their assigned unit, or organization, 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 submit a request for search, seizure, or inspection directly to the commander, officer in charge, or DES/PM/CSF/NSO or Security Chief of the U.S. facility or area 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 31-118, 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 Law Enforcement 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 detention.

(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 Law Enforcement 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 suspected/subject 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 Law Enforcement 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 Law Enforcement 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 court-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 receives either ROK court judgments or orders affecting private personal property belonging to U.S. personnel, he/she 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 Law Enforcement 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, 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 AR 195-5 or AFI 31-118, OPNAVINST 5530.14D and AFI 31-206, as appropriate. However, USACIDC, AFOSI, and NCIS will adhere to their command regulations regarding evidence procedures.

#### **4-2. Coordination and Approval**

USFK Law Enforcement 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 31-206, or OPNAVINST 5530.14E.

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

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. 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 Law Enforcement 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. USFK Law Enforcement 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 Law Enforcement 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 Law Enforcement 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 PIR form submitted to the JPIC within 24 hours of the initial incident. U.S. Military officials are reminded that the U.S. Military has no UCMJ authority over any ROK Military or KATUSA personnel.

d. Local law enforcement personnel will immediately notify the local DES/PM/CSF/NSO or Security Chief following the apprehension or detention of any E-9, O-6 and DoD civilian GS-15 and above and/or family members thereof. For further notification information see Chapter 7. Initial notification will be made telephonically and will include a brief synopsis of the incident.

e. The U.S.-ROK SOFA requires KNP authorities to cooperate and assist in apprehending U.S. military personnel off-installation. 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. U.S. military personnel assigned to the U.S. Embassy or Joint United States Military Advisory Group - Korea (JUSMAG-K) 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 of egregious rape and those perceived as crimes 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 advise 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 Law Enforcement authorities. At the request of ROK authorities, USFK Law Enforcement personnel will complete the USFK SOFA Form 2. The USFK Law Enforcement 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/garrison commander, KNP may make apprehensions within USFK installations.

(1) USFK Law Enforcement personnel will stop 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/garrison commander.

(2) Under no circumstances will USFK Law Enforcement 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 Law Enforcement authorities will escort the suspect to the boundary of the USFK installation and deliver the person to the KNP. If the KNP 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement 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), Law Enforcement 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, 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 Law Enforcement 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 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 law enforcement context, but will be taken under the temporary physical control of law enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement personnel and KNP are present, apprehension of U.S. military personnel will normally be accomplished by USFK Law Enforcement personnel. Outside USFK installations, USFK Law Enforcement 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 Law Enforcement personnel will be taken to the nearest USFK Law Enforcement 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 should be made available to ROK authorities for questioning.

(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 one hour of the request, the unit commander should make all reasonable 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 Law Enforcement personnel at that installation will contact the installation/garrison commander to arrange for a U.S. representative to be provided within the one hour time limit.

#### **4-6. Requests for Assistance in Apprehension**

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

b. USFK Law Enforcement 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 Law Enforcement 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: BOLOs and Amber Alerts.

## **Chapter 5 Special or Restricted Reporting Procedures**

### **5-1. Sexual Assault Reporting Procedures**

USFK Law Enforcement will be familiar and follow Sexual Assault Reporting Procedures (SARP) and guidelines established in accordance with DoDD 6495.01, DoDI 6495.02, component respective regulations, and USFK Regulation 600-20 described reporting programs that apply to Service members and their military dependents. Procedures for law enforcement personnel are as follows:

a. All law enforcement personnel will complete the initial and annual SAPR training and the Sexual Assault First Responder training in accordance with DoD policy, USFK policy, and additional training which may be outlined in Service Component policy. Training will be conducted by the Service Component and documented in service specific training records.

b. If information about a restricted report sexual assault is disclosed to law enforcement from a source independent of the restricted reporting source, an investigation must be initiated. The Area SARC must be notified to support the victim.

c. 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.

d. 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 law enforcement reporting and investigative procedures. All reported domestic violence incidents will be entered into their respective Police Reporting System (i.e., ALERTS, SFMIS, DONCJIS).

d. Restricted reporting requires that law enforcement 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 law enforcement.

e. A victim's disclosure of his/her domestic violence incident to persons outside the protective sphere (e.g. VA, SJA, Law Enforcement, etc.) 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 law enforcement, medical and social work personnel, to include sharing information and records as permitted by law and regulation. USFK Law Enforcement personnel will request assistance from KNP when responding to any off-installation domestic violence incident.

b. A Military Protective Order (MPO) is a written lawful order issued by a commander that prevents a U.S. Military member from contact with his or her spouse and/or children, another Service Member or any other named party. 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 base/garrison Law Enforcement. 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). 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.

c. 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 effect on a military installation as such an order has within the jurisdiction of the court that issued the order. Law enforcement 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 and/or children or orders an individual to avoid contact with his or her military spouse or family members.

d. When either an MPO or a CPO is reported to Military Law Enforcement authorities, the chain of command and servicing SJA will immediately be 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 Law Enforcement Agency to formally register themselves after being convicted in the U.S. of a sex crime. If this situation occurs, all USFK Law Enforcement 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 Law Enforcement 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. While recording the passport information, if a ROK VISA is found stamped in the document, the expiration date of the visa will be collected (e.g. personnel who arrive as a tourist will normally have a visa that will expire within 90 days).

(4) Status, pay grade or affiliation to the U.S. Military (e.g. 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. If need be, obtain a hand drawn strip map to locate the 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 DES/PM/CSF/NSO or Security Chief to the following entities: 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 Law Enforcement Division Chief and the Senior U.S. Military Law Enforcement Agency that provides Criminal Investigative Support to the area where the offender will reside (i.e. CID, AFOSI and NCIS).

f. The Senior Law Enforcement Officer assigned to where the Sex Offender will reside and place of business must ensure that the matter is discussed with the Installation or Area Commander and that any restrictions on movement, contact with juveniles or other restrictions that the commanding officer directs are 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 include the Department of Defense Dependent Schools, Child and 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 and/or work. While the Korean Government has a sex offender registry, USFK personnel are not mandated to notify or register when arriving to Korea and residing off the installation.

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

h. All Registered Sex Offenders will be instructed to return to the nearest MP Desk, BDOC, NSF Security Dispatch Center or Marine MP Desk and announce their pending departure. Registered Sex Offenders need to “clear” their Law Enforcement Registration prior to departing Korea. This is important as the offender needs to be de-registered and the gaining location needs to be notified of their pending arrival.

#### **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 law enforcement Desk will verify that a personnel action has been initiated by the respective unit declaring the person AWOL (i.e., placing the AWOL or Deserter into a “No Pay Status”).

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

d. The receiving Law Enforcement Desk will initiate a BOLO utilizing the DBIDS BOLO function. This BOLO will be digitally scanned and forwarded to the JPIC, who, in turn, will distribute it to all USFK Law Enforcement 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.

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 Law Enforcement 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 Law Enforcement Agency).

g. When any U.S. Military member is declared AWOL or a Deserter, the unit should be reminded to account for any sensitive equipment or information that person may have access to. For example, if the person was an Armorer prior to their disappearance, then an inventory of the weapons they could access should take place. If the person has a security clearance, then the Unit Security Manager should be notified to ensure that any classified access they had can be checked to ensure that classified information is protected.

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

Area DES/PM/CSF/NSO and Security Chiefs while conducting “Town Patrols” with KNP counter parts will report possible 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/CSF/NSO or Security Chief.

(3) The local DES/PM/CSF/NSO or Security Chief will determine the correct investigative agency, identify the point of contact, and provide the appropriate information received by the JPIC desk.

(4) Document the report in the service component blotter/journal.

(5) Provide the JPIC desk with the notification time of the DES/PM/CSF/NSO or Security Chief, and appropriate MCIO. In addition law enforcement agencies will provide a point of contact and phone number for the assigned investigator.

b. When a law enforcement agency receives P&HT report from another source other than the JPIC, the agency will complete a P&HT Report and submit the report to the local DES/PM/CSF/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 USFK personnel. In order to facilitate that requirement, the USFK Provost Marshal's Law Enforcement Division (FKPM-LE) is designated as the collection point for crime statistics information.

a. Each Area will submit its Law Enforcement Blotter/Journal to the JPIC Desk NLT 24 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 (e.g., fraud, ID theft), Sex Crimes, Property, ID Media, DUIs, Drugs, 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 to all subordinate commands.

## **Chapter 7 Law Enforcement 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 7-3(a).

(3) Initial notification will be followed up with a completed SIR routed through the JPIC as outlined in Appendix E.

b. Provides the chain of command with timely information to respond to queries from the 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 law enforcement SIR Officer for Headquarters, USFK with the responsibility to determine the category (CAT) of the 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 I, II and III SIRs to Headquarters, USFK, to include CC Seoul, Eighth Army Watch Team Emergency Operations Center (CC Seoul EOC), 7th Air Force Command Center, and Command Naval Forces Korea.

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

(6) Review PIRs and forward information to Headquarters, USFK, to include CC Seoul and Eighth Army Watch Team EOC, 7th Air Force Command Center, and Command Naval Forces Korea, as warranted based on the situation and component SOPs.

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

c. DES/PM/CSF/NSO or Security Chiefs will make notifications in accordance with paragraph 7-1 to the JPIC via telephone (DSN 738-8070/6374) or electronic media (usarmy.yongsan.usfk.mbx.jp-pic-desk@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), BDOC, Naval Security Desk or Marine MP Desk receives a case within the investigative purview of CID, OSI, NCIS or other higher investigative agency, as outlined in service component regulations, the originating installation PMO (DES), BDOC, Naval Security Desk will:

(1) Notify the appropriate agency.

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

(3) Make a telephonic or electronic media notification to the JPIC, which will be followed up with a completed SIR based on the information known at the time. It will be the responsibility of the installation DES/PMO, BDOC, Naval Security Officer or Marine MP Security Officer to generate the SIR. Senior Criminal Investigations Offices or MCIOs will ensure required information for reporting will be supplied to the respective PMO (DES), Security Forces Commander, Naval Security Officer or Marine Security Officer.

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

g. MCIO may specifically direct information regarding an ongoing investigation or incident not be released due to the nature of the incident or person(s) involved. This is the only authorized deviation from these reporting guidelines.

(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 notify 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 I: 6 hours.

(2) CAT II: 12 hours.

(3) CAT III: 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 I and CAT II 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 I and CAT II SIRs due to death from a traffic accident will include information regarding seatbelt usage by all parties involved in the accident and will indicate any alcohol usage.

e. CAT I and CAT II 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: Initial Report or 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 may be utilized 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 law enforcement personnel are dispatched to investigate, or when conducting a joint investigation with KNP, a Police Incident Report will be generated and recorded in the service component police reporting system.

b. USFK Law Enforcement personnel will not become involved in a private settlement process. The law enforcement 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 Law Enforcement personnel are to remain neutral.

c. Private settlements are not authorized when US Government Property is damaged or destroyed or 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 U. S. 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 are not allowed if a 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 Law Enforcement police reporting system.

h. Regardless of any decision to conduct a Private Settlement, if the MP/SF, Navy Security or US Marine MP patrol responds, they will complete an incident report in their respective Official Police Reporting System. (I.E. There is no difference in the handling of an accident report. It will be reported as an Accident Report even if the parties indicate they want to conduct a private settlement.) There are often instances where claims come in after the fact and having a police report on record facilitates recalling the information.

## **Chapter 9**

## Off-installation Patrol Activities

a. Per SOFA Agreed View No.10 the establishment and operation of joint patrols will be in cooperation and coordination with the appropriate authorities of the United States armed forces and the Republic of Korea. For the purpose of this regulation, the authorized joint patrol members who are part of the United States armed forces will be called Town Patrol.

b. The United States Armed Forces Military Police shall patrol jointly with KNP officers outside United States Military installations in the Republic of Korea. The KNP will provide officers for these joint patrols.

(1) Coordination will be conducted each evening a Town Patrol is to be sent off installation to conduct patrol activities. The contact will be via a telephone call, or in person, to the local police station. If the KNP Officer states that they do not have sufficient manpower or offer another reason for not conducting the patrol, this communication will be recorded with the individual's name and the time of the declination for conducting the joint patrol.

(2) It is recommended that this declination be recorded in the US Army MP Journal, SF Blotter or Naval Security Journal.

c. If, after coordination (prior notification to the KNP that a Town Patrol is in operation), KNP officers are unavailable for joint patrol, these military police may patrol independently.

d. United States armed forces military police Town Patrols will be led by a noncommissioned officer or commissioned officer. There are no exceptions to this.

e. It is understood that while patrolling USFK law enforcement authorities have no authority or responsibility to enforce the laws of the Republic of Korea against anyone other than members of United States Armed Forces. If KNP are not available, and there is reasonable suspicion that the person is a U.S. Service Member, Town Patrol personnel may request the person to provide their identification. If the person is not cooperative and KNP is not with the Town Patrol, law enforcement personnel will attempt to maintain visual contact of the individual and summon KNP. Upon the arrival of KNP the Town Patrol may request that KNP identify the party suspected to be a U.S. Service Member. Law enforcement personnel do not have the authority to detain any individual unless positively identified as a U.S. Service Member. Town Patrol members may ask the party suspected to be a U.S. Service Member to return to the nearest U.S. Military Installation Gate to check their identity via DBIDS; however, unless positively identified as a Service Member they cannot compel or force them to accompany them. While performing Town Patrol activities, USFK Law Enforcement personnel may detain or apprehend any person(s) subject to the UCMJ who has committed or is suspected of committing an offense under the UCMJ.

f. While patrolling, and in coordination with KNP, the United States armed forces military police will carry non-lethal weapons for self-defense. Under routine circumstances, they will not carry firearms. However, in coordination with KNP, these patrols may carry firearms during emergency situations for the safety of the United States armed forces patrols.

(1) Authorized non-lethal weapons for the purpose of this regulation are LESDs, OC-Chemical Spray, MP Clubs, PR-24 Batons or ASP Tactical Batons.

(2) Additionally, the decision authority to arm the patrol(s) rests at the USFK level; subsequently, a component commander must receive approval from the USFK commander prior to arming/executing those patrols.

g. Per SOFA Agreed View No 12, USFK Law Enforcement personnel may have access to areas frequented by USFK personnel, such as public recreational areas and public entertainment establishments. This access is for the purpose of ensuring military members compliance with the UCMJ and USFK regulations. Bar Owners, Shop Owners and other property owners have the right to limit or refuse Town Patrol personnel access to their facility.

(1) Upon notification of such a restriction of the expressed desire to deny them entry, Town Patrol personnel will inform the owner/manager of the facility that the incident will be documented and forwarded to the Installation Commander and they might be placed "Off Limits."

(2) Town Patrol members will then cease their attempt to enter the facility and will contact their Installation Law Enforcement Chief (e.g. DES/PM/CSF/NSO or Security Chief) for further guidance.

h. Traffic enforcement in areas not under U.S. military control (off-installation) belong solely to ROK authorities. This includes patrolling, overtaking or halting vehicles, conducting parking enforcement or activities concerning the placement of barriers or barricades.

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

j. 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 law enforcement personnel of the DoD and USFK policies and encouraged to support those policies.

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

## **Chapter 10**

### **Off Limit Areas**

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, and updated monthly by each area commander.

## **Chapter 11**

### **Photography of USFK Installations**

a. USFK Law Enforcement, Security, or Contract Security Guards have no authority to enforce the laws of the Republic of Korea concerning photography of any USFK Installation or activity when those photos are taken from outside the post viewing inward. Only the KNP or National Intelligence Service have that authority. If an individual is detected photographing a USFK Installation, contact KNP immediately. Town Patrol and base patrol personnel have no authority to respond off-post, nor can they detain or restrain anyone found photographing the installation.

Photographs which are taken on installations must be in accordance with local regulations and policy regarding such.

## **Chapter 12**

### **Suicide Prevention and Response**

a. Suicidal Acts (Ideations or Thoughts, Gestures or Attempts) occur in Korea. They are often brought to the attention of USFK Law Enforcement when they are notified to respond to an “active” incident scene. As “First Responders”, Law Enforcement must understand that the person committing the suicidal act is crying out for help and Law Enforcement has a duty to respond and prevent his or her actions.

b. As First Responders, when a victim of a Suicidal Act is discovered, the first and most important step is provide first aid to the victim and summon medical and/or command assistance. In the event that medical assistance is not available or incapable of making a timely response, U.S. Law Enforcement Patrols are authorized to assist in the transportation of the suicidal party to the nearest medical facility. It is understood that U.S. Law Enforcement Patrol vehicles have no life support or medical equipment and are not the preferred method of transport. The use of patrol vehicles for emergency medical transportation will only be used to save life or limb.

c. As part of the Suicide Prevention Network, each Law Enforcement Control Center (Army PMO, BDOC, Naval Security Desk or US Marine MP Desk) and JPIC have requirements to support immediate response forces in attempts to intercede or prevent suicidal acts. Calls to these centers could come in from locations in Korea or be received from the U.S. Veterans Affairs Crisis Centers in the U.S. A written agreement has been established with these Veteran Manned Centers to refer incidents where an immediate response or intervention is needed. If a call is received that identifies an off-installation location, KNP must be contacted via their 119 emergency reporting system. It should be noted that they are the primary response agency and law enforcement personnel must support KNP responses pertaining to rules about entering any off-post facilities and what actions to take if a suicidal person is encountered. Except for U.S. Military members, USFK Law Enforcement personnel have no authority to compel personnel to return to a base to seek treatment or assistance, nor can the person be detained and escorted onto an installation.

## **Chapter 13**

### **Tracking and Reporting of Criminal Acts in Korea**

Installation DES/PM/CSF/NSO or Security Chiefs will ensure that when personnel are identified in a Serious Incident Report, Blotter Entry or Naval Security Journal that any subject is listed with the current unit of assignment, and the next two higher command units in the offender’s chain of command. Guidance for proper personnel listing is provided in appendix H.



## **Appendix A References**

### **Section I. Required Publications**

DoD Directive 5200.31E, DoD Military Working Dog Program

DoD Directive 5210.56, Aiming and the Use of Force

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

DoD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel

DoD Instruction 6495.02, Sexual Assault Prevention and Response Program Procedures

DoD Personnel Engaged In Security, Law And Order, Or Counterintelligence Activities

AFI 31-101, Integrated Defense

AFI 31-118, Security Forces Standards and Procedures

AFI 31-105, Air Force Corrections System

AFI 31-206, Security Forces Investigations Program

AFI 31-117, Arming and Use of Force by Air Force Personnel

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

AR 381-10, Army Intelligence Activities

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

MCO 5500.6H Ch 1, Arming of Law Enforcement and Security Personnel, and the Use of Force

MCO 5580.2B Ch 1, Law Enforcement Manual

OPNAVINST 5530.14E Ch2, Navy Physical Security and Law Enforcement Program

Status of Forces Agreement between the United States of America and the Republic of 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 190-7, Installation Access Control  
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**

AFMAN31-201V3, Flight Operations

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 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

## **Section III. Referenced Forms**

DD Form 2718, Prisoner Release Order

DD Form 2710, Prisoner Background Summary

DD Form 503, Health Assessment Certificate for Segregation

DD Form 1408, Armed Forces Traffic Ticket

DD Form 2707, Confinement Order

DD Form 2708, Receipt for Pre-Trial/Post-Trial Prisoner or Detained

DD Form 2873, Military Protective Order (MPO)

DD Form 2875, System Authorization Access Request (SAAR)

USFK Form 142EK, USFK Police Identification Card

USFK Form 144EK-E, Agreement and Receipt for Evidence

USFK Form 237-E, Request for Provost Marshal Record Check

USFK SOFA CJ Form 1EK-E, 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	730-4418/4417
Camp Red Cloud PMO	732-6693/6027
Camp Stanley PMO	732-5310/5319
Yongsan PMO	724-3004/6695/4258
Camp Humphreys PMO	753-3111/3112
Camp Walker PMO	764-4141/5647
Camp Carroll PMO (Walker Substation)	765-8509/8511/7909/7912
Kunsan AFB BDOC	782-4944/49647383
Osan AFB BDOC	784-5515
Camp Muju (Marine)	767-4080/3080
Commander 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, Naval Security Forces, 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 (PI)**

"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, 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. PI status is granted by grade, not position.
- e. Locations or other related persons, whose identification in the blotter would lend to identifying 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. DES/PM/CSF/NSO or Security Chiefs 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 #00288-2014."
- 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. Offense:** Indicate the offense, i.e. Violation of Korean Law (VOKL), Abusive Sexual Contact, etc...

**E-2. Date/Time/Location of Occurrence:** Indicate the date, time and location of the incident.

**E-3. Date/Time Reported:** Indicate the date and time the incident was reported to MP/SF/NSF, Marine MP.

**E-4. Investigated By:** Indicate personnel who investigated the incident. In the case of reports received from outside law enforcement agencies indicate the Desk Sergeant who received the report.

**E-5. Subject/Suspect:** Enter the full name and unit of the subject, or suspect, of the occurrence. For unit reporting guidance see appendix H.

**E-6. Victim:** Enter the full name and unit of the victim of the occurrence. For unit reporting guidance and formats see appendix H

**E-7. Report Summary:** 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-8. Unique Circumstances:** Provide any additional information regarding the subject or victim.

**E-9. Media Interest:** Note the extent and type of news media coverage that has occurred or is anticipated, if known.

**E-10. Additional Details:** Provide any additional information, if needed, regarding the incident which is not explained in the summary of incident.

**E-11. Exhibits:** Provide any exhibits pertaining to this report.



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**DEPARTMENT OF THE ARMY**  
Office Letterhead

OFFICE SYMBOL

(date)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Law Enforcement Report – SIR (Category I)/Initial– 160001-2014-MPC999-004321-5H1

1. Offense: Murder (Under Investigation)
2. Date/Time/Location of Occurrence: 2330, 1 Apr 14 – 2345, 1 Apr 14; Room 100, Bldg 99, Iwo Jima Way, Fort Swampy, XY
3. Date/Time Reported: 2400, 1 Apr 14
4. Investigated By: SGT Mark A. Friday; SA Jimmie J. Jones
5. Subject/Suspect: Unknown; Murder (Under Investigation)
6. Victim: Smith, Kaaytee Test (Deceased); SSG; XXX-XX-1234; Age 30; Female; Native American; HHC, 1/1st Mess Kit Bn, 1 BCT, 999th Sustainment Div, Fort Swampy, XY; Murder(Under Investigation)
7. Report Summary: Information in this report is based upon an allegation or preliminary investigation and may change prior to completion of the report.

This office was notified by the CQ, HHC, 1/1st Mess Kit Bn, that SSG Smith was shot in his barracks room.

Preliminary investigation determined that person(s) unknown apparently shot SSG Smith in the chest with an unknown caliber weapon for unknown reasons. EMS responded and pronounced SSG Smith deceased at 0001, 2 Apr 14. Witnesses reported hearing a shot come from the room between 2330 and 2345, 1 Apr 14. Witnesses reported seeing a male flee the area in a black van (NFI). Investigation continues by CID.

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**Figure E-1. SIR (Category 1) Initial Report**

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OFFICE SYMBOL

SUBJECT: Law Enforcement Report – SIR (Category I)/Initial – 160001-2014-MPC999-004321-5H1

8. Unique Circumstances:  
Subject Position: Unknown  
Victim Position: Battalion SHARP representative  
Relationship: Unknown
9. Media Interest: Local
10. Additional Information: None
11. Exhibits: None

Commanders are reminded of the provision of AR 600-8-2 pertaining to suspension of favorable personnel actions (flagging) and AR 380-67 for the suspension of security clearances of persons under investigation. Army law enforcement reports are exempt from automatic termination of protective marking IAW Chapter 3, AR 25-55. IAW AR 340-21, AR 190-45 and DODI 5400.7-R, information contained in this report is law enforcement sensitive, confidential and private in nature, and any further distribution (forwarding to unauthorized personnel) without the authorization of the Provost Marshal General will be in violation of the UCMJ and USC.

Report Prepared By

Report Approved By:

SGT Friday

1LT Dudley

Signature Authority

PM John Johnson

DISTRIBUTION:  
Cdr, Ft Swampy  
C/S, Ft Swampy  
PM, Ft Swampy  
SJA, Ft Swampy  
Etc

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**Figure E-1. SIR (Category 1) Initial Report - Continued**

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## Police Information Report

1. Category: Police Information Report
2. Korean National Involvement: No
3. Type of Incident: Loss of MPI Credentials
4. Incident Timeline:  
  
Date/time of Incident: 0800 Hours, 12 JAN 15
5. Location: On-post, USAG-Yongsan Gate #21, Seoul, South Korea
6. Personnel Involved:

- a. *Subject:*

- (1) Name: REMUS, Robert
- (a) Pay Grade: E-5
- (b) Race: White
- (c) Sex: Male
- (d) Age: 21
- (e) Position: Investigator
- (f) Security Clearance: Secret
- (g) Unit and Station of Assignment: 188th MP Co, 94th MP BN, 501st SBDE,  
USAG-Yongsan

- b. *Victim:*

- (1) Name: U.S. Government

7. Summary of Incident: At 0800 hrs, 12 JAN 15, the USAG-Yongsan PMO was notified by REMUS of a Loss of Government Property on-post. Investigation revealed while in transit from his residence to his place of work REMUS lost his Government Issues Military Police Investigator Credentials near the pedestrian gate (Gate #21) of USAG-Yongsan. A search of the area for the credentials by REMUS met with negative results. The credentials have been flagged and local authorities notified. Investigation continues by MPI.

8. Remarks: None

9. Publicity: None

10. Reporting Agency: Terry G. Bollea  
CPT, MP  
Provost Marshal, USAG-Yongsan

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### Figure E-2. Police Information Report

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## **Appendix F**

### **Criteria for Serious Incident and Police Information Reports**

#### **F-1. Criteria for Category I SIR**

a. On-/Off- installation riots, serious disturbances, or demonstrations targeted against USFK or involving USFK personnel.

b. War Crimes (including mistreatment of Enemy Prisoners of War (EPW), detainees, Displaced Persons (DP), Retained Persons (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. Incidents involving Army BSAT listed below will be reported. The list of select agents is reviewed and updated by the Centers of Disease Control and Prevention and the Animal and Plant Health Inspection Service and is found in 42 CFR 73; 7 CFR 331; and 9 CFR 121. These agents are also known as high-consequence, nonoverlap agents and toxins; overlap agents and toxins; and listed plant pathogens. The list includes specific genetic elements, recombinant nucleic acids, and recombinant organisms. The list also identifies exclusions—things that are not considered as select agents or toxins (see <http://www.cdc.gov/od/sap/docs/salist.pdf>).

(1) The theft, loss, recovery, suspected theft, inventory shortage or overage, wrongful disposition, and unauthorized use and/or destruction of Army-owned BSAT.

(2) Attempts to steal or divert Army BSAT outside of physical security controls.

(3) Actual or attempted housebreaking or unauthorized access at an Army BSAT facility or laboratory.

(4) Actual or attempted housebreaking or unauthorized access at an off-post BSAT facility or laboratory under contract to the U.S. Army for BSAT research.

(5) Significant or disabling damage to an Army-owned BSAT facility.

(6) Discharge of a select agent or toxin external to the containment laboratory and into the ambient air or environment.

(7) Mishaps in which there was direct evidence of an exposure to Army-owned BSAT, such as a measurable rise in specific antibody strength to the causal agent in question, or a confirmed diagnosis of intoxication or disease.

(8) Other incidents at Army-owned BSAT facilities not identified above that the commander determines to be of immediate concern to HQDA based on the nature, gravity, and potential for adverse publicity, or potential consequences of the incident.

j. Incidents involving Army chemical agents, or research chemical agents, listed below will be reported:

(1) The theft, loss, recovery, suspected theft, inventory shortage or overage, wrongful disposition, and unauthorized use and/or destruction of Army chemical agents or Army research chemical agent.

(2) Attempts to steal or divert Army chemical agents or Army research chemicals outside of physical security controls.

(3) Actual or attempted housebreaking, or unauthorized access at an Army chemical facility or laboratory.

(4) Actual or attempted housebreaking, or unauthorized access at an off-post chemical facility or laboratory under contract to the U.S. Army for chemical research.

(5) Significant or disabling damage to an Army chemical facility.

(6) Mishaps that result in observable or known occupational exposures to Army chemical agents due to failure of personal protective equipment (PPE) to provide protection (such as malfunctions, improper, or inadequate use of PPE).

(7) Other Army chemical or Army research chemical agent incidents not identified above that the commander determines to be of immediate concern to HQDA based upon the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

(8) Any other incident the commander determines to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

k. 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 II 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 as part of a law enforcement investigation.

(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>

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 or SPICE – 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 U.S. 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 reporting 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; or 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 III 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. Any Violation of Korean Law (VOKL) involving the arrest, detention or subsequent charging of a USFK member, contractor or family member when they are released into to MP/SF/NSF or U. S. Marine MP forces via a CJ Form 2/Custody Request or Receipt or when a Status of Forces Agreement (SOFA) Prisoner escapes from a Republic of Korea (ROK) correctional facility. Excluded in this reporting requirements are minor traffic accidents where the offender is released on the incident scene.

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 amount 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, abusive sexual contact, sexual assault or another other sexual assault listed in Article 120 of the UCMJ, 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 II 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 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 (U.S. Embassy Employees to include U.S. Military personnel assigned to the U.S. Embassy).

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.

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 LESD while performing law enforcement duties.
- c. Any handcuffing incident involving non-SOFA personnel.
- d. Loss or theft of Military Customs Inspector, Military Intelligence, MP/SF Investigator, or CID, OSI, NCIS credentials.
- e. Any incident where a USFK Law Enforcement member is listed as a subject or a victim of a criminal act to include any on-duty accident and/or any accident where a member of the USFK Law Enforcement community is injured in the line of duty.

**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 (e.g. tourist)	YES	YES	YES
Non-USFK 3rd Country National	YES	YES	YES

## **Appendix H**

### **Listing of Personnel for Reporting and Tracking**

#### **H-1. Personnel assigned in Korea**

- a. Bravo Company  
2-1 Attack Aviation Battalion  
2d Combat Aviation Brigade  
USAG Humphreys
  
- b. 25th Fighter Squadron  
51st Operations Group  
51st Fighter Wing  
Osan AB

#### **H-2. Personnel on Temporary Duty (TDY) or Deployed to Korea**

- a. US Army Operation Test Command  
TDY IN SUPPORT OF: USFK J-35  
Fort Hood, TX
  
- b. 177th Fighter Wing (Air National Guard)  
TDY IN SUPPORT OF: 8th Fighter Wing, Kunsan AB  
Atlantic City Air National Guard Base, New Jersey
  
- c. USS Antietam  
TDY IN SUPPORT OF: CNFK  
Yokosuka, Japan

## **Glossary**

### **Section I. Abbreviations**

ALERTS	Army Law Enforcement Reporting and Tracking System
BOLO	Be On the Lookout
BSAT	Biological Select Agents and Toxins
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
FPCON	Force Protection Condition
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
LESD	Launched Electrode Stun Device
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 Investigations
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
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
UVA	Unit Victim Advocate
VOKL	Violation of Korean Law

## Section II. Terms

**Apprehend.** 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.

**Detain.** 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.

**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.

**Reasonable Suspicion.** Reasonable suspicion is defined as an evaluation based on specific and articulable facts upon which a reasonable person, or officer, may be led to a decision or conclusion. Reasonable suspicion is not probable cause.

**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, NSF, 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.