



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON DAEGU
UNIT #15746
APO AP 96218-5746

IMDA-ZA

31 October 2013

MORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Garrison (USAG) Daegu Policy Letter #54, Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

1. The proponent for this policy is the Directorate of Emergency Services.
2. This policy is effective immediately. It remains in effect until rescinded or superseded.
3. References.
 - a. USFK Regulation 60-1, Ration Control Policy Access to Duty Free Goods, 2 August 2013.
 - b. USFK Regulation 190-1, Motor Vehicle Traffic Supervision, 10 May 2012.
 - c. USFK Regulation 190-7, Installation Access Control System, 28 March 2013.
 - d. USFK Regulation 600-52, Civilian and/or Family Member Misconduct, 27 Feb 12.
4. Applicability. This Command Policy Memorandum is applicable to:
 - a. Appropriated and Non-appropriated Fund Department of Defense (DoD) civilian employees, their Family members, and members of their households residing in Area IV.
 - b. Family members and members of households of USFK military personnel residing in Area IV.
 - c. US military retirees and their Family members residing in Area IV.
 - d. US embassy personnel and their Family members residing in Area IV.

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e. Family members of civilian components as defined by Article I (DoD civilians, Technical Representatives, etc.) and Article XV (Invited Contractors) of the US-ROK SOFA.

f. Widows and/or widowers of US Armed Forces residing in Area IV.

5. Purpose. To establish the procedures and guidelines for the processing of civilian and Family member misconduct.

6. Responsibilities.

a. Civilian Misconduct Actions Officer (CMAO). The Director of Emergency Services (USAG Daegu) is the CMAO and is the USAG Daegu Commander's primary staff representative for all actions covered by this Command Policy. The CMAO:

(1) Screens military police blotter reports daily for potential cases of civilian or Family member misconduct.

(2) Prepares and issues show-cause memoranda on behalf of the Commander, USAG Daegu.

(3) Coordinates all actions to set up a Family Member Conduct Review Board (FMCRB) on a case-by-case basis, as needed.

(4) Acts as the Recorder for all FMCRBs.

(5) Prepares record of proceedings of FMCRBs.

(6) Prepares memoranda outlining recommended sanctions for approval and signature by the Commander, USAG Daegu.

(7) Plans, coordinates, and supervises the performance of community service imposed as a corrective action.

b. Command Sergeant Major (CSM), USAG Daegu:

(1) Sits as a voting member of the FMCRB in cases where the sponsor is an enlisted service member.

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(2) Plans, coordinates, and supervises execution of essays written as corrective actions.

c. Commander, USAG Daegu serves as the President on all FMCRBs or designates a representative to serve as President when absent or otherwise unable to do so.

d. Provost Marshal Office (PMO), Area IV:

(1) Ensures Provost Marshal Sergeant provides daily blotter reports to the CMAO.

(2) Ensures that Provost Marshal Administrative Personnel provides final MP reports, upon request, to the CMAO as expeditiously as possible.

(3) Coordinates cases involving US Embassy personnel or their Family members as set forth in paragraph seven (7).

e. Area IV Legal Center:

(1) Ensures that a legal advisor is available to the President, FMCRB, on an "on-call" basis.

(2) Provides legal review of FMCRB proceedings or other related documents as requested.

f. Tenant Commanders will ensure that civilian or Family member misconduct cases are referred to the CMAO, subject to the procedures outlined in paragraph seven (7) below.

g. The following will serve as, or provide, a voting member on FMCRBs as requested:

(1) Garrison Commander—President.

(2) Command Sergeant Major for cases involving enlisted sponsors.

(3) Social Worker.

(4) Director of Human Resources.

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(5) Commander Medical Company Area Support (MCAS) (only needed on a case-by-case basis).

(6) Provost Marshal

(7) Other representatives should be added only on a case-by-case basis such as those from the sponsor's unit, Installation Chaplain, and DoDDS School Principal.

7. Procedures. The Republic of Korea exercises primary criminal jurisdiction over civilians until released to US authority. Within the parameters of US authority:

a. Managers and supervisors retain primary responsibility to take action to resolve or correct misconduct committed by their civilian employees. The Labor/Management Employee Relations Office in the Area IV Civilian Personnel Advisory Center (CPAC) will provide advice and assistance in resolving these cases.

b. The Commander, USAG Daegu, or designated representative, has primary responsibility for cases of misconduct committed by Family members.

c. The Commander, USAG Daegu, or designated representative, will determine whether a civilian or Family Member misconduct case will be resolved by the show-cause letter procedures or FMCRB hearing.

d. Upon receipt of a civilian or Family Member misconduct case, the CMAO will prepare and issue a show-cause letter with proposed sanctions. Upon request, the Area IV Legal Center will provide a legal review prior to issuance.

e. Civilians, Family Members or parents if the case involves a minor (under 18 years old), in receipt of a show-cause letter.

(1) Elect not to contest the allegation and accept the proposed sanctions outlined in the show-cause letter. The CMAO will prepare a memorandum for the USAG Daegu Deputy Commander's signature imposing those sanctions.

(2) Submit a written response and any documents to be considered to the CMAO within three business days of receipt of the order to show cause letter. The USAG Daegu Deputy Garrison Commander will review all of the information submitted by the

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CMAO and the individual and determine whether the misconduct occurred and, if so, what sanctions should be imposed.

f. A FMCRB will be conducted according to this Command Policy. Upon completion of the record of proceedings, the CMAO will prepare a decision memorandum for approval by the USAG Daegu Commander.

g. This program is not intended to limit the discretion of military police personnel to handle incidents as they occur.

8. Notes on Sanctions. This program does not dictate specific sanctions. The Commander, USAG Daegu, encourages all personnel involved in the disposition of civilian or Family Member misconduct cases to ensure that any sanctions and corrective actions imposed are commensurate with the offenses that were committed, taking into account the totality of circumstances surrounding each individual case.

9. US Embassy Personnel. Military Police personnel apprehending US Embassy personnel or their Family Members will report immediately through supervisory and command channels to the Provost Marshal, who will coordinate with the Joint Police Information Center for notification to the Regional Security Officer of the Embassy. The Embassy will determine whether to initiate proceedings under Department of State misconduct procedures within five (5) working days. The Embassy will inform the Deputy Garrison Commander of any actions taken. The Embassy may elect to refer the case to USAG Daegu for appropriate action in accordance with this Program.

10. Point of contact for this policy is Law and Order Officer at 768-7387.


JIM M. BRADFORD
COL, IN
Commanding

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