



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON HUMPHREYS
UNIT #15228
APO AP 96271-5228

IMHM-HR

1 August 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison Humphreys Policy Letter #3, Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

1. The proponenty for this policy is the Directorate of Human Resources.
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 It remains in effect until rescinded or superseded.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, 23 May 11.
 - b. USFK Regulation 190-1, Motor Vehicle Traffic Supervision, 27 Apr 05.
 - c. USFK Regulation 190-7, Installation Access Control System, 11 May 12.
 - 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 Nonappropriated Fund Department of Defense (DoD) civilian employees, their Family members, and members of their households residing in Area III.
 - b. Family members and members of households of USFK military personnel residing in Area III.
 - c. US military retirees and their Family members residing in Area III.
 - d. US embassy personnel and their Family members residing in Area III.
 - 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 III.

IMHM-HR

SUBJECT: United States Army Garrison Humphreys Policy Letter #3, Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

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 Human Resources (USAG Humphreys) is the CMAO and is the USAG Humphreys 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 Humphreys.

(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 Humphreys.

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

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

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

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

c. Deputy to the Garrison Commander, USAG Humphreys 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 III:

IMHM-HR

SUBJECT: United States Army Garrison Humphreys Policy Letter #3, Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

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

(2) Ensures that Deputy Provost Marshal 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 III 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) Deputy to the Garrison Commander—President.

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

(3) Social Worker.

(4) Director of Human Resources.

(5) Commander 75th Medical Company Area Support (MCAS) (only needed on a case-by-case basis).

(6) Other representatives should be added only on a case-by-case basis such as those from the sponsor’s unit, Provost Marshal’s Office, Installation Chaplain, and DoD 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:

IMHM-HR

SUBJECT: United States Army Garrison Humphreys Policy Letter #3, Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

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 III Civilian Personnel Advisory Center (CPAC), DSN 753-8762, will provide advice and assistance in resolving these cases.

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

c. The Commander, USAG Humphreys, 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 III 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 Humphreys 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 Humphreys Commander will review all of the information submitted by the 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 the sample procedures in Appendix A to this Command Policy. Upon completion of the record of proceedings, the CMAO will prepare a decision memorandum for approval by the USAG Humphreys 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 Humphreys, 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.

IMHM-HR

SUBJECT: United States Army Garrison Humphreys Policy Letter #3, Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

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 Humphreys for appropriate action in accordance with this Program.

10. Point of contact for this policy is Directorate of Human Resources at 753-6736.

3 Appendices
A - Family Member Conduct Review
 Board Procedural Guide
B - Sanctions
C - Sample Forms



DARIN S. CONKRIGHT
COL, SF
Commanding

DISTRIBUTION:
A&B

Appendix A to United States Army Garrison Humphreys Policy Memorandum #3

FAMILY MEMBER CONDUCT REVIEW BOARD PROCEDURAL GUIDE

I. PRELIMINARY MATTERS

PRESIDENT (Pres): This session of the Family Member Conduct Review Board will come to order. This Board is convened under authority of USFK Reg 600-52 and USAG Humphreys Command Policy Memorandum, Procedures and Guidelines for the Processing of Civilian and Family Member Misconduct Occurring in Area III. This session of the Board has been called to consider the alleged misconduct of _____ . This Board seeks to determine the facts and make a recommendation to the Commander, USAG Humphreys, as to proper disposition. These proceedings are informal, non-adversarial, and administrative, not criminal, in nature. Each member of the Board will respect the privacy of the individuals involved by not discussing this case outside of these proceedings except as required in an official capacity.

PRES: You may present any relevant documentary evidence on your own behalf for Board's consideration.

PRES: You or your spokesperson may also make a statement on your behalf to the Board. Should you or your spokesperson choose to make a statement you will be subject to questioning by this Board. This option is entirely your own choice.

II. PRESENTATION OF DOCUMENTARY EVIDENCE

PRES: The Recorder will identify the documentary evidence that the board currently has in its possession that it plans to consider.

PRES: Do you desire to offer any documents for consideration by the Board?

III. ORAL OR WRITTEN STATEMENT

PRES: _____ [Sponsor and Family member], you may now submit a written statement or make a statement on your own behalf. Do you wish to make a statement?

PRES: Do you wish to present anything further?

PRES: There being nothing further, this proceeding is adjourned for the members to deliberate. The Commander, USAG Humphreys, will inform you in writing of his decision in this case.

IV. DELIBERATIONS.

(NOTE: In closed session, the Board will make findings based on the evidence and provide recommendations regarding disposition of the matter by simple majority vote. A minority opinion also may be submitted to the Commander if desired. The President will summarize the findings and recommendations on the record of the proceedings form.)

Appendix B to United States Army Garrison Humphreys Policy Memorandum #3

SANCTIONS

I. GENERAL CONSIDERATIONS

The following is a list of general factors that may be considered in arriving at appropriate sanctions, for substantiated misconduct:

- a. Seriousness of misconduct (eg, felony/misdemeanor, maliciousness).
- b. Relationship of the sanctions to the misconduct (eg, suspension of shopping privileges for shoplifting).
- c. Individual's past history and prior record of misconduct to the extent relevant to the case at hand.
- d. Age and maturity of offender.
- e. Compensation to victim.
- f. Acceptance of responsibility and expression of remorse by the offender.
- g. Notoriety or impact of misconduct on both the military and the local Korean Community.
- h. Whether the misconduct may impact on the civilian's continued qualification for employment (eg, security clearance).
- i. Consistency with sanctions imposed for similar offenses under similar circumstances.
- j. Adequacy of sanctions to deter others.
- k. The availability of community agencies to support corrective actions (eg, long-term psychiatric treatment programs for seriously disturbed offenders, or Adolescent Substance Abuse Counseling Service (ASACS)).
- l. Punishment imposed by the offender's sponsor or supervisor.
- m. Other evidence in aggravation or mitigation.

II. SAMPLE SANCTIONS

Examples of some administrative sanctions applicable to cases involving civilian or Family member misconduct are indicated below. Sanctions imposed on any individual should be tailored to the specific offenses, the offender, and the circumstances surrounding the offenses. The following list is not all inclusive, but may assist in determining appropriate sanctions.

- a. Counseling the sponsor regarding the conduct of the Family member.
- b. Letter of warning.
- c. Suspension or revocation of privileges (commissary, exchange, and recreation services).
- d. Suspension, revocation, or denial of driving privileges (IAW USFK Reg 190-1).
- e. Bar from the installation (IAW USFK Reg 190-7), tailored as necessary to permit access to medical and dental care or to place of employment.
- f. Revocation of ration control privileges (IAW USFK Reg 60-1).
- g. Curfew for youthful offenders.
- h. Direction to attend counseling.
- i. Community service which bears a direct relationship to the misconduct. Menial details are not permitted.
- j. Termination of government quarters (IAW AR 210-50).
- k. Early return of Family members to CONUS as discussed in USFK Reg 600-52, para 8c(9).
- l. Request for revocation of SOFA status for dependents of invited contractors/technical representatives.
- m. Request for revocation of a civilian or Family member's visa (IAW USFK Reg 600-52, para 8e).

III. SPECIFIC EXAMPLES

- a. Offense: Multiple daily purchases to avoid shelf limits (first offense)

Possible Sanctions: Bar from PX, shoppette, and commissary for six months. Revoke ration control plate for six months.

- b. Offense: Violating ration control quantity limits (first offense)

Possible Sanction: Verbal or written counseling.

- c. Offense: Petty shoplifting (under \$100 in value)

Possible Sanctions: Bar from PX, shoppette, and commissary for six months. Revoke ration control plate for six months. Screening appointment with Adolescent Substance Abuse Counseling Service (ASACS). Fifty hours of community service.

- d. Offense: Fighting/breach of peace with no injuries or weapons (depending on age and prior record of offender)

Possible Sanctions: Fifty hours of community service. Fourteen day curfew for youthful offenders.

- e. Offense: Failure to properly sign out guest or violating post pass time limits (first offense)

Possible Sanction: Warning letter.

- f. Offense: Underage drinking

Possible Sanctions: Screening appointment with ASACS. Fifty hours of community service.

- g. Offense: Underage purchasing, possessing, or smoking of cigarettes.

Possible Sanctions: For first offense, counseling and referral to a smoking cessation program. For subsequent offenses: Bar from the facility where the offense took place for three months. Screening appointment with ASACS. Twenty-five hours of community service.

- h. Offense: Inhaling or purchasing noxious chemical material

Possible Sanctions: Screening appointment with ASACS. Fifty hours of community service.

- i. Offense: Intentional Destruction of Government or Private Property

Possible Sanctions: Screening appointment with ASACS. Fifty hours of community service.

j. Offense: Bomb threat

Possible Sanction: Early return of Family member to CONUS

SUBJECT: Notice to Show Cause -- Family Member Misconduct (*Name of Offender*)

Appendix C to United States Army Garrison Humphreys Policy Memorandum #3

SAMPLE FORM Form #1: Notice to Show Cause – Dependent Child



**DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
HUMPHREYS
UNIT #15228
APO AP 96271-5228**

REPLY TO THE
ATTENTION OF:

IMKO-ACH-ZA (USFK Reg 600-52)

Date

MEMORANDUM FOR *Sponsor's Name and Complete Address*

SUBJECT: Notice to Show Cause -- Family Member Misconduct (*Name of Offender*)

1. On *date*, your dependent, *name of offender*, was apprehended for larceny of AAFES property of a value of less than \$100 from the Post Exchange (PX), USAG Humphreys by (*state summary of facts here*). The *item* was owned by AAFES and had a retail value of *retail price*.

2. For this misconduct, I am recommending that the Commander, USAG Humphreys, impose the following sanctions on *name of offender*.

- a. Perform fifty hours of community service on or before (*date*).
- b. Attend and participate in a screening appointment with Adolescence Substance Abuse Counseling Service (ASACS).
- c. Suspend *his/her* ration control plate until (*date*).
- d. Bar *him/her* from all Area III shopettes, exchanges and commissaries until (*date*), unless escorted by you and in your immediate presence.

3. If community service is imposed, it will be your responsibility to find an organization where your child can volunteer to perform these hours. The Civilian Misconduct Actions Officer must approve the organization where your child will perform the community service, and you must provide the Civilian Misconduct Actions Officer with a statement from the organization verifying that your child completed the hours required within 72 hours after completion.

SAMPLE FORM FORM #2: DECISION MEMORANDUM --- DEPENDENT CHILD



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
HUMPHREYS
UNIT #15228
APO AP 96271-5228

REPLY TO THE
ATTENTION OF:

IMKO-ACH-ZA (USFK Reg 600-52)

Date

MEMORANDUM FOR *Sponsor's Name and Complete Address*

SUBJECT: Family Member Misconduct (*Name of Offender*)

1. On *date*, your child, *name of offender*, was apprehended for larceny of AAFES property of a value of less than \$100 from the Post Exchange (PX), USAG Humphreys by (*state summary of facts here*). The *item* was owned by AAFES and had a retail value of *retail price*.

2. I have determined that your child committed the above titled offense. Therefore, I am imposing the following sanctions on *first name of offender*.

- a. Perform fifty hours of community service on or before (*date*).
- b. Attend and participate in a screening appointment with Adolescence Substance Abuse Counseling Service (ASACS).
- c. Revoke *his/her* ration control plate until (*date*).
- d. Bar from all Area III shopettes, exchanges and commissaries until (*date*), unless escorted by you and in your immediate presence.

3. It will be your responsibility to find an organization where your child can volunteer to perform these hours. The Civilian Misconduct Actions Officer must approve the organization where your child will perform the community service, and you must provide the Civilian Misconduct Actions Officer with a statement from the organization verifying that she completed the hours required within 72 hours after completion.

4. At the conclusion of your child's ASACS screening, the counselor will determine whether additional counseling is recommended. You may accept or reject such counseling. However, if you reject the recommended counseling, your rejection may be taken into consideration in the event that your child engages in any future misconduct.

SUBJECT: Decision Memorandum --- Dependent Child

In addition, your Family will have the opportunity to attend some free classes. Attendance at these classes is not mandatory. Attendance at counseling or classes by your Family could earn your child up to 25 hours of credit toward any community service requirement imposed. You must contact ASACS at 753-7367 within 72 hours of this notice.

5. Questions concerning this memorandum may be directed to the Civilian Misconduct Actions Officer at 753-6736.

JOSEPH P. MOORE
COL, EN
Commanding

We received a copy of the foregoing memorandum. We understand that *first name of offender* must perform fifty hours of community service. We also understand that it is our responsibility to locate an agency to perform the community service. We also understand that we must contact ASACS within 72 hours of receipt of this notice to set a screening appointment.

Name of Sponsor

Date

Name of Offender

Date

SAMPLE FORM FORM #3: COMMUNITY SERVICE MEMORANDUM --- DEPENDENT CHILD



**DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
HUMPHREYS
UNIT #15228
APO AP 96271-5228**

REPLY TO THE
ATTENTION OF:

IMKO-ACH-ZA (USFK Reg 600-52)

Date

MEMORANDUM FOR Sponsor, Family Members, and Community Services Agencies

SUBJECT: Community Service

1. This letter provides information and guidance concerning the community service at the direction of the Commander, USAG Humphreys.
2. The purpose of community service is to teach the assigned youth accountability for their misconduct. It also gives the youth an opportunity to contribute positively to the community. The work performed by the youth is volunteer work and the youth must be treated as a volunteer. At the termination of the community service, the agency needs to provide to the Civilian Misconduct Actions Officer with a certification of the completion of volunteer hours.
3. The youth and the sponsor are required to locate an organization, unit, or agency to perform community service.
4. The following guidelines will be adhered to while the youth is performing the service:
 - a. All youth performing volunteer services will be supervised at all times by an adult.
 - b. Community service will consist of light labor, i.e., trash pickup, emptying wastebaskets, vacuuming carpets, filing, copying, typing, etc. In the presence of the youth's sponsor, the supervisor should explain to the youth exactly what is required. If the sponsor or the youth believe that the youth cannot perform the tasks assigned, the sponsor and youth must find another agency to complete the community service requirements.
 - c. The supervisor should schedule the youth so that the required hours will be completed by the completion date. Work should be scheduled in increments of at least two hours for a day. In no case, will work exceed eight hours in any one day. The youth will receive a ten minute break each hour. When applicable, the youth will receive a one

SUBJECT: Community Service Memorandum --- Dependent Child

hour lunch break. During the summer, work may commence as early as 0700 hours and must be completed by 2100 hours. The youth must complete at least six hours of community service per week.

d. The youth is responsible for obtaining permission from the supervisor to be excused from scheduled work hours. The youth is responsible for completing all the community services hours by the completion date.

5. Community service is not mandatory. However, failure to enroll and complete service by the completion date could result in the youth receiving other forms of sanctions. Those sanctions could include restriction from certain facilities or areas, debarment from USAG Humphreys, or early return to CONUS.

6. Questions concerning this memorandum may be directed to the Civilian Misconduct Actions Officer at 753-6736.

JOSEPH P. MOORE
COL, EN
Commanding

I have received a copy of this memorandum.

Sponsor

Date

Print Name

Youth

Date

Print Name

FORM # 4

FAMILY MEMBER CONDUCT REVIEW BOARD

RECORD OF PROCEEDINGS

Name of Respondent _____

Date Convened _____ **Time** _____ **hours**

BOARD MEMBERS PRESENT

Print Name

Title

President _____

RESPONDENT

Father _____

Mother _____

Representative _____

EXHIBITS

1. Family Member Conduct Review Board Memorandum of Appointment, dated _____

2. Notice of Hearing, dated _____

3. Military Police Report Number _____

4. _____

WITNESSES

Print Name

Title

CLOSING STATEMENT BY RESPONDENT, PARENT, OR REPRESENTATIVE

Yes _____

No _____

Respondent _____

Father _____

Mother _____

Representative _____

HEARING ADJOURNED

Time _____ hours

BOARD RECOMMENDATION

Misconduct Found _____

No Misconduct Found _____

The Board has found by the preponderance of the credible evidence that the Respondent committed the following offenses:

The Board recommends the following sanctions:

Date

Board President