



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

AMIM-HMG-ZA (100)

12 Oct 2023

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy #⁹ United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB), Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

1. References.

- a. United States Forces Korea Regulation Instruction 1501, Exchange, and Commissary Privileges - Access to Duty Free Goods, 30 June 2022
- b. United States Forces Korea Regulation 190-1, Motor Vehicle Traffic Supervision, 18 Feb 21.
- c. United States Forces Korea Regulation 190-7, Installation Access Control System, 13 Jul 20.
- d. United States Forces Korea Regulation 600-52, Civilian and/or Family Member Misconduct, 17 Feb 14.

2. Applicability. This Command Policy Memorandum is applicable to:

- a. Appropriated and Non-appropriated Fund Department of Defense (DoD) civilian employees, their sponsored family members residing in Area III.
- b. Family members and members of households of United States Forces Korea military personnel residing in Area III.
- c. U.S. military retirees and their family members residing in Area III.
- d. U.S. 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 U.S. Armed Forces residing in Area III.

3. Purpose. To establish the procedures and guidelines for the processing of civilian

AMIM-HMG-ZA (100)

SUBJECT: Command Policy # 9, United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

and sponsored family member misconduct.

4. Point of contact for this policy is USAG Humphreys Administration Office, Civilian Misconduct Officer at DSN 315-757-0508.

3 Encls

1. Roles & Responsibilities

2. Procedures

3. Appendix A:

CMRB guidelines and procedures



RYAN K. WORKMAN

Colonel, U.S. Army

Commanding

DISTRIBUTION: A

AMIM-HMG-ZA (100)

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB), Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

Enclosure 1

1. Roles & Responsibilities.

a. Civilian Misconduct Officer (CMO). The CMO is the USAG Humphreys Commander's primary staff representative for all actions covered by this Command Policy. The CMO:

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

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

(3) Coordinates all actions to set up a Civilian Misconduct Review Board (CMRB) on a monthly case-by-case basis, as needed.

(4) Acts as the Recorder for all CMRBs.

(5) The CMO will immediately report misconduct to the CMAA (Garrison Commander).

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

(7) Coordinate with the SJA for a legal review of the contemplated action if the offender appeals an adverse administrative action, in complex cases, or if the action is a barment action IAW USFK 190-7 (Written legal review required).

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

(1) Sits as a voting member of the CMRB in cases where the sponsor is an enlist Service Member (SM).

(2) Coordinates Community Service for Service Member's (SM) dependents for administrative sanctions.

c. Deputy to the Garrison Commander, USAG Humphreys serves as the President on all CMRBs and the Directorate of Plans, Training, Mobilization and Security (DPTMS) Director will serve as alternate President and hold board meetings when the Deputy to the Garrison Commander is unable to do so.

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

Enclosure 1 (cont'd – 1)

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

- (1) Ensures Deputy Provost Marshal provides daily blotter reports to the CMO.
- (2) Ensures that Deputy Provost Marshal provides final MP reports, upon request, to the CMO as expeditiously as possible.
- (3) Coordinates cases involving US Embassy personnel or their Family members.

e. Area III Legal Center:

- (1) Ensures that a legal advisor is available to the President, CMRB, on an "on-call" basis.
- (2) Provides legal review of CMRB proceedings or other related documents as requested.

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

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

- (1) Deputy to the Garrison Commander-President
- (2) USAG Humphreys Garrison Command Sergeant Major
- (3) Director of Plans, Training, Mobilization and Security
- (4) USAG Humphreys Director Directorate of Emergency Services
- (5) Area III Criminal Investigation Division
- (6) USAG Humphreys ASAP (Drug or Alcohol involved)
- (7) Unit Sponsor (Battalion/Brigade)
- (8) Other representatives should be added only on a case-by-case basis such as Installation Chaplain, and DoD School Principal.

h. The following will serve as, or provide, none-voting members on the CMRB as requested:

- (1) Director of Behavioral Health

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

Enclosure 1 (cont'd – 2)

(2) Family Advocacy Program (Managers)

(3) Army Adolescent Support and Counseling Services (ASACS)

(4) Civilian Misconduct Office (CMO) recorder

(5) Legal Advisor: 8th Army

***Note all non-voting members will leave the board meeting during deliberations by voting board members.

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

Enclosure 2

1. 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 III Civilian Personnel Advisory Center (CPAC), DSN 757-7797, will provide advice and assistance in resolving these cases.

b. The Garrison Commander may, in his discretion, appoint a civilian misconduct review board.

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

d. 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 CMRB hearing.

e. The Garrison Commander will coordinate with the USFK Assistant Chief of Staff, Acquisition Management. This will ensure the government's legal obligations are met and that the contract will not be adversely affected.

f. Civilians, Family members or parents if the case involves a minor (under eighteen years old), in receipt of a show-cause letter will report to the CMRB during board hearings.

g. The Garrison Commander may, in his discretion, appoint a civilian misconduct review board to recommend sanctions.

(1) Elect not to contest the allegation and accept the proposed sanctions outlined in the show-cause letter. The CMO 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 CMO 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 CMO and the individual and determine whether the misconduct occurred and, if so, what sanctions should be imposed.

h. A CMRB will be conducted monthly and as needed on a case-by-case basis. Upon completion of the record of proceedings, the CMO will prepare a decision

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

memorandum for approval by the USAG Humphreys Commander.
Enclosure 2 (cont'd)

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

2. 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.

3. Recommendations of the board should be considered as appropriate alternatives to administrative sanctions. These may include community-based programs offering training, restitution, rehabilitation, constructive work projects, special counseling and a firm program directed at encouraging sponsor supervision, care, and responsibility. In serious cases where alternatives such as those suggested above are not appropriate and the continued presence of the member in the command would be contrary to the best interests of the community, an embarrassment to the US, or detrimental to good order, morale, or discipline, the CMRB can recommend returning individuals to CONUS because of unsuitability to the overseas environment.

Enclosure 3

APPENDIX A CIVILIAN MISCONDUCT BOARD GUIDELINES AND PROCEDURES

(All ITALICIZED not to be read out)

Note: Each time the board reconvenes the board president must formally call the board to order, and include the time, date, place and station in the record.

(The board is reconvened, let the record reflect that all parties present when the board last recessed are again present (with the exception of _____) it is _____ hours _____ (date) and the board is being reconvened at _____.)

PRELIMINARY MATTERS

PRESIDENT: This board will come to order, it is _____ hours on XXXX October 20XX; we are convening this board at BLDG 6400, Camp Humphreys, Republic of Korea. This board has been called to determine whether administrative sanctions will be applied for the following case/s.

PRESIDENT: The following members of the board are present

President: DGC

Member: DPTMS

Member: CSM

Member: DES

Member: CID

Member: ASAP (Drug or Alcohol involved)

Member: Unit Battalion/Brigade Rep (When military or civilian employees involved)

Non-Voting members

Member: FAB

Member: PAO

Member: Behavior Health

Member: ASACS (Juvenile/s involved)

Recorder: CMO

Legal Advisor: 8th Army

Offender's sponsor or parents

Sponsor's commander or supervisor

PRESIDENT: The Recorder will read any statement or call any witnesses into the room to address the board (Offender/s and Subject/s separately)

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

RECORDER: Will announce/introduce the submitter of the statement or the witness.

PRESIDENT: This hearing will be conducted in accordance with the general guidance and procedural rules for formal boards contained in USFK Reg-600-52. This board will, however, observe reasonable restrictions regarding relevancy and competency of evidence. This board has three duties.

- 1.) It will determine whether each allegation/offense is supported by a preponderance of the evidence.
- 2.) It will determine whether its findings concerning those allegations warrant sanctions; and
- 3.) If it determines that sanctions are warranted, it will recommend terms and limitations of those sanctions.

Presentation of Evidence by the Offender/Sponsor/Parents

For civilian witnesses: State your full name and address for the record

For military witnesses: Grade, branch of service, unit and unit's location

Presentation of Witness Testimony

(Board members may question the witness, but President may limit or control questions by the board.)

For civilian witnesses: State your full name and address for the record

For military witnesses: Grade, branch of service, unit and unit's location

PRESIDENT: *(When all questioning of a particular witness has ended:)* The witness is excused and reminded not discuss your testimony in this case with anyone.

Presentation of Respondent's Evidence

Each recommendation, even a negative one (e.g., that no further action be taken) must be consistent with the findings. The Board members should make their recommendations according to their understanding of the rules, regulations, policies, and customs of the service, guided by their concept of fairness both to the Government and to individuals.

This board should consider all evidence that has been received and all arguments heard. The deliberations will be in closed session, that is, with only voting members present. Non-voting members of the board do not participate in the board's deliberations but may be consulted. This board may request the legal advisor to assist in putting

SUBJECT: United States Army Garrison Humphreys Civilian Misconduct Review Board (CMRB) Procedures and Guidelines for Processing of Civilian and Family Member Misconduct

findings and recommendations in proper format after their substance has been adopted by the board.

A board composed of more than one voting member arrives at its' Findings and Recommendations by voting. All voting members present must vote. After thoroughly considering and discussing all the evidence, the board should propose and vote on findings of fact. The board should next propose and vote on recommendations. If additional findings are necessary to support a proposed recommendation, the board must vote on such findings before voting on the related recommendation. A majority vote of the voting members present determines questions before the board. In a case of a tied vote, the president's vote is the determination of the board.

PRESIDENT: Does any of the parties have anything else to address at this time?

The time is now _____. The hearing is closed for deliberations.

Deliberations

(Deliberation procedures are covered in Reg. 600-52 or appropriate regulation. Everyone except the board members leaves the room so that the board may deliberate. The board analyzes the documentary evidence and the testimony and reaches findings concerning the reasons warranting sanctions based on its analysis of the evidence.)

Announcement of Findings and Recommendations

(President reads the findings and recommendations after voting board member's consensus voting)

PRESIDENT: Does anyone have anything further for consideration by this Board?

PRESIDENT: The time is now _____. This Board stands adjourned.