

Headquarters
United States Forces Korea
Unit #15237
APO AP 96205 -5237

United States Forces Korea
Regulation 190-3

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Military Police

**ADMINISTRATIVE AND LOGISTICAL SUPPORT FOR STATUS OF FORCES AGREEMENT
PERSONNEL CONFINED IN REPUBLIC OF KOREA CORRECTIONAL INSTITUTIONS**

This regulation supersedes USFK Regulation 190-3, 10 August 1989.

FOR THE COMMANDING GENERAL:

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Summary. This regulation outlines responsibilities for administrative and logistical support of personnel covered under the Status of Forces Agreement (SOFA) who are confined in Republic of Korea (ROK) penal institutions.

Applicability. Pursuant to the US-ROK SOFA, the support requirements stipulated in this regulation will be provided to the following categories of personnel when they are confined in ROK prisons or correctional institutions (normally the Cheonan Correctional Institution):

- a. United States Forces Korea (USFK) , military personnel.
- b. Dependents of USFK military personnel.
- c. US nationals and third-country nationals serving with, employed by, or accompanying the US Armed Forces.

d. Dependents of US nationals and third-country nationals defined in c above.

e. US invited contractors and their employees, and their dependents accorded SOFA status.

Proponent. The proponent of this regulation is the International Law Division of the United States Forces Korea, Office of the Judge Advocate (HQ USFK, FKJA-IL), APO AP 96205-5237.

Forms. USFK forms are available at <http://www.usfk.mil/USFK/index.html>.

Supplementation. Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from HQ USFK, ATTN: FKJA-IL, APO AP 96205-5237.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System (ARIMS) website at <https://www.arims.army.mil>.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028, Recommended Changes to Publications and Blank Forms, to Eighth Army Special Troops Battalion-Korea (STB-K), Eighth Army Headquarters Command-Administrative (EAHC-A), Unit #15171, APO, AP 96205-5171.

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1. Purpose

This purpose of this regulation is to outline responsibilities for administrative and logistical support of personnel covered under the Status of Forces Agreement (SOFA) who are confined in Republic of Korea (ROK) penal institutions.

2. References: Related publications

- a. AR 27-50/SECNAVINST 5820.4G/AFI 51-706, Status of Forces Policies, Procedures, and Information. Cited in paragraph 4, and subparagraphs 5d(3).
- b. AR 190-47, The Army Corrections System. Cited in subparagraphs 5a(3)(b)/(d) and 5e(1).
- c. DOD Directive 5525.1, Status of Forces Policy and Information. Cited in paragraph 4.
- d. Status of Forces Agreement, Agreed View No. 13, Minimum Standards for Confinement Facilities. Cited in subparagraph 5b(1).
- e. USFK Reg 1-44, Criminal Jurisdiction Under Article XXII, Status of Forces Agreement. Cited in subparagraphs 5a(5) and 5g(1).

3. Explanation of Abbreviations

Abbreviations used in this regulation are explained in the glossary.

4. Authority

DOD Directive 5525.1 and AR 27-50/SECNAVINST5820.4G/AFI 51-706 give the Commander, USFK, the authority to ensure that SOFA personnel (confined at the Cheonan Correctional Institution and other ROK penal institutions) are properly supported in accordance with (IAW) the SOFA and references cited in paragraph 2 above.

5. Responsibilities

a. Commander, 249th Military Police Detachment (as Commander, Correctional Holding Detachment) will –

(1) Give each prisoner when initially confined a thorough orientation concerning proper procedures to follow in registering complaints and will inform each prisoner of local agencies available to assist in resolving such complaints.

(2) Provide health and comfort supplies on a monthly basis as needed. (See Appendix A, *Health and Comfort Supplies*.)

(3) Provide timely and efficient mail delivery service for prisoners. Handling of mail will be accomplished IAW the following procedures:

(a) Prisoners will be permitted to send and receive mail through Box 5000, APO AP 96271-0129. Any mail other than letters or written correspondences (*e.g.*, books, CDs, DVDs, video games, and clothes) will be pre-approved using a DD Form 510, *Request for Interview/Grievances*, before the item or package is received in the mail at P.O. Box 5000. If such a package is received in the mail before the DD Form 510 is approved, the package will be returned to sender and the SOFA prisoner will be given a letter of rejection explaining why his mail/package was rejected.

(b) All mail procedures will be accomplished IAW AR 190-47.

(c) Incoming mail will be delivered to, and outgoing mail will be picked up from, each ROK correctional facility in which SOFA inmates are incarcerated at least twice each week. Efforts will be made to provide similar mail service to inmates at other institutions when applicable.

(d) A representative of US Forces (mail clerk, Eighth United States Army Confinement Facility (EACF)) will have the option to inspect mail in coordination with ROK correctional institution authorities as provided by AR 190-47. Prisoners will be permitted to receive articles of personal property through the mail to the extent not prohibited by the ROK correctional institution authorities.

(4) Provide prisoners with wholesome and sufficient food from US-issued rations of the type, quality, and quantity furnished to US forces personnel. Food will not be provided to other US personnel confined in the facility that are not subject to the US-ROK SOFA. Food service will be accomplished by:

(a) Providing wholesome food from a US Army dining facility.

(b) Providing food supplies for prisoners to prepare their own meals. Adequate facilities and equipment will be provided to store and cook the food. A variety of food will be provided consisting of meat, fowl, fish, canned and fresh vegetables, potatoes, rice, breads, canned fruits, and condiments. Food provided to prisoners will not be derived from excess rations. Food supplies will be delivered to the penal institution as often as deemed necessary but not less than once each week. Cleaning supplies will be delivered as often as necessary and the SOFA prisoners will ensure that their living areas, kitchen, and food storage area remain clean, organized, and free from dirt and trash.

(5) Maintain names of US Army prisoners on the Correctional Holding Detachment Standard Installation/Division Personnel System report, the Army Corrections Information System (ACIS) and perform the duties and responsibilities of unit commanders outlined in USFK Regulation 1-44. (See subparagraph 5g(3))

(6) Arrange for the prisoners' transportation to and from ROK correctional institutions, as required. All movements will be coordinated with the USFK Judge Advocate, International Law Division, USAG-Yongsan, DSN telephone number: 738-7170. When transferred to ROK correctional institution authorities, SOFA prisoners will be transferred with required clothing. (See Appendix B, *Clothing Allowance for Military Prisoners.*)

(7) Transport SOFA prisoners for temporary absences from ROK correctional facilities. Custody and control of prisoners, to include providing guard and escort personnel, is the responsibility of the applicable ROK correctional institution. In cases where prisoners are to remain in the 121st Combat Support Hospital or other US military medical facilities at USAG-Yongsan for a prolonged period of time, qualified guard personnel will be provided as designated by the USFK Provost Marshal.

(8) Coordinate and conduct weekly visits to ROK correctional institutions, in conjunction with para 5a(3) mail service and para 5a(4) food delivery, for the purpose of ascertaining the welfare and treatment of SOFA inmates. During such visits, any DD Form 510s the SOFA prisoners prepared will be received and subsequently forwarded through the Eighth Army Provost Marshal Office (PMO) chain of command with a cover sheet including comments to USFK PMO. A report of each such visit will be accomplished using a DD Form 1602, which will be forwarded through the Eighth Army PMO chain of command to USFK PMO within 72 hours of the visit.

b. Provost Marshal, USFK, will –

(1) To the extent it is practicable, coordinate and conduct monthly visits to ROK correctional institutions for the purpose of visiting SOFA prisoners and ensuring that prison facilities meet standards outlined in SOFA, Agreed View 13.

(2) Complete a report of each such visit using a DD Form 1602, *Report of Visit, US Personnel in Foreign Penal Institutions*, incorporating information provided by other USFK representatives who participated in the visit, *i.e.*, the USFK Surgeon; the USFK Judge Advocate; and the USFK Chaplain; or their designated representatives. The original DD Form 1602 will be forwarded to the Judge Advocate, USFK, ATTN: FKJA-IL.

(3) Review and compile all reports submitted by Eighth Army PMO and forward them to the Judge Advocate, USFK, ATTN: FKJA-IL.

(4) Coordinate with Eighth Army PMO to ensure qualified guard personnel are provided when prisoners are admitted to the 121st Combat Support Hospital or other US military medical facilities at USAG-Yongsan for a prolonged period of time.

(5) Provide staff and technical advice to Eighth Army PMO as required.

c. Provost Marshal, Eighth Army, will –

(1) Ensure qualified MOS-qualified Military Police personnel are provided as guards when prisoners are admitted to the 121st Combat Support Hospital or other US military medical facilities at USAG-Yongsan for a prolonged period of time.

(2) Receive and forwarded through the chain of command to USFK PMO any DD Form 510s the SOFA prisoners prepared and submitted to 249th MP Detachment personnel during their visits, and all DD Form 1602s prepared by 249th MP Detachment personnel following their visits.

d. Judge Advocate, USFK, will –

(1) To the extent it is practicable, ensure that SOFA prisoners confined in ROK correctional institutions are visited on a monthly basis by USFK representatives, *i.e.*, the USFK Surgeon; the USFK Provost Marshal; the Eighth Army Provost Marshal; the USFK Judge Advocate; the USFK Chaplain; or their designated representatives.

(2) Provide information in regard to such visits to the Provost Marshal for incorporation into the Provost Marshal's DD Form 1602 report on the visit IAW with paragraph 5b(2).

(3) Maintain all original DD Form 1602s prepared by the USFK Provost Marshal, and forward copies thereof as required by AR 27-50/SECNAVINST 5820.4G/AFI 51-706, Chapter 3.

(4) Ensure that prisoners are treated humanely.

(5) Process complaints lodged by prisoners.

(a) Complaints concerning logistical support may be made directly to 249th Military Police Detachment support personnel. If the complaint is not resolved at that level, it will be referred to the Eighth Army Provost Marshal. If the complaint is not resolved at that level, it will be referred to the USFK Judge Advocate, International Law Division.

(b) Other complaints will normally be directed to the USFK Judge Advocate. Prisoners will be permitted, however, to present oral or written complaints to USFK representatives during the monthly visits. Complaints lodged in this manner will be reported to the USFK Provost Marshal for incorporation into the USFK Provost Marshal's DD Form 1602 report on the visit IAW with paragraph 5b(2).

(c) The USFK Judge Advocate, International Law Division, will refer all complaints to the appropriate organizations or activities for resolution and will monitor the responsiveness to such complaints.

e. Surgeon, USFK, will –

(1) To the extent it is practicable, conduct monthly visits to ROK correctional institutions to ensure that prisoners' necessary medical and dental care is provided. In the event that a prisoner is hospitalized in a US military medical facility, the custody and control of the prisoner will be IAW AR 190-47, paragraph 7-11.

(2) Provide information in regard to such visits to the USFK Provost Marshal for incorporation into the Provost Marshal's DD Form 1602 report on the visit IAW with paragraph 5b(2).

f. Chaplain, USFK, will –

(1) To the extent it is practicable, conduct monthly visits to ROK correctional institutions to provide religious service support and ensure the spiritual needs of prisoners are met.

(2) Provide information in regard to such visits to the USFK Provost Marshal for incorporation into the Provost Marshal's DD Form 1602 report on the visit IAW paragraph 5b(2).

g. Unit commanders of confined military personnel, the agency or contractor employing confined civilians, and the unit commander, employer, or sponsors of confined dependents will –

(1) Ensure that prior to incarceration their prisoners are administered a physical examination IAW AR 27-50/SECNAVINST 5820.4G, subparagraph 3-4a and USFK Reg 1-44, subparagraph 10b.

(2) Upon notification from the USFK Judge Advocate, deliver prisoners with clothing of the type and quantity required (see Appendix B, *Clothing Allowance for Military Prisoners*) to the Commander, 249th Military Police Detachment, or other authority, as directed, for further delivery to ROK correctional institution authorities. Transfer documentation reflecting receipt of a prisoner at the applicable ROK correctional institution will be forwarded to the Commander, 249th Military Police Commander, who will file them in the SOFA inmate's Correctional Treatment File (CTF).

(a) For US Army prisoners, appropriate orders will be issued transferring the prisoner to the correctional holding detachment, (UIC: WBY7VU), APO AP 96271, effective on the date physical custody is transferred to ROK correctional institution authorities. Prior to the prisoner's transfer orders being issued, the SOFA prisoner's unit commander will ensure the SOFA prisoner is involuntarily extended past his/her DEROS to complete the confinement sentence. A Chapter 14 will also be submitted and approved by the approving authority, but it will not be executed until the SOFA prisoner is released from confinement, and transferred back to CONUS for out-processing. A copy of the prisoner's transfer orders, and Chapter 14 will be provided to the 249th Military Police Detachment Commander, who will file them in the SOFA inmate's Correctional Treatment File (CTF).

(b) US Air Force, US Navy, US Marine Corps, and US Coast Guard prisoners will remain assigned to their respective units. Commands who fail to initiate or choose not to separate their service members who have been convicted by the foreign court will receive the service member upon completion of the prisoner's SOFA confinement. The host unit is responsible for initiating an involuntary curtailment for the service member to immediately depart the ROK. Under no circumstances will the service member be allowed to return to the ROK to fulfill his or her remaining service obligation.

(3) Provide assistance with personal affairs and financial matters as necessary. The personal property of military prisoners will be inventoried and retained by the unit commander or shipped to an address in the US specified by the prisoner.

Appendix A

Health and Comfort Supplies

A-1. Commander, 249th Military Police Detachment, or a designated representative, will provide the initial issue of the following health and comfort supplies, as required:

- a. Disposable shaving razors (except where withdrawal is recommended by a medical officer).
- b. Shaving soap or cream.
- c. Comb, rubber or plastic.
- d. Tooth brush.
- e. Toothpaste or toothpowder.
- f. Soap—bathing, dishing washing and laundry.
- g. Towels--bath and face.
- h. Body deodorant.
- i. Shampoo.
- j. Hair cream (for African-American prisoners).
- k. Hand lotion, plastic bottle.
- l. Pen, writing, ball point (2 ea).
- m. Envelopes (box of 20, self-sealing).
- n. Pad, writing paper, lined (2 ea).
- o. Feminine hygiene items (female prisoners only).
- p. Such other items as authorized by the correctional institution's Warden.

A-2. SOFA prisoners are authorized to submit a monthly request for the above-referenced health and comfort items as the need arises.

Appendix B

Clothing Allowances for Military Prisoners

Commander, 249th Military Police Detachment, or a designated representative, will ensure upon delivery to a ROK correctional institution, that each military prisoner has the following items of clothing:

Belt, trousers, tan, web	1 ea
Boots, combat, leather	1 pr
Buckle, belt, black	1 ea
Drawers, cotton, white	4 pr
Drawers, wool, winter	2 pr
Glove, inserts, wool	1 pr
Glove, shells, leather	1 pr
Handkerchief, cotton	4 ea
Shoes, dress, black	1 ea
Shoes, tennis, hook & pile closure	1 ea
Socks, cotton, black	2 pr
Socks, cushion sole 06-408	4 pr
Towel, bath, white	2 ea
Undershirts, cotton	4 pr
Undershirts, wool, winter	2 ea

Glossary
Abbreviations

AR	Army Regulation
DA	Department of Army
DOD/DD	Department of Defense
EUSA	Eighth United States Army
IAW	in accordance with
MP	Military Police
PMO	Provost Marshal Office
ROK	Republic of Korea
SOFA	Status of Forces Agreement
US	United States
USAG	United States Army Garrison
USFK	United States Forces Korea