

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

United States Forces Korea
Regulation 27-7

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Legal Services

REPORTING INTER-SERVICE CRIMINAL MISCONDUCT AND INVESTIGATIONS OF
UNC/USFK STAFF MEMBERS

*This regulation supersedes USFK Regulation 27-7, dated 4 February 1994.

FOR THE COMMANDING GENERAL:

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OFFICIAL:



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Summary. This regulation prescribes responsibilities, policies, and procedures for reporting crimes when the accused and the victim are from different military services and the crimes are committed by members of the United Nations Command/United States Forces Korea (UNC/USFK) staff.

Summary of Changes. This publication has been substantially changed. A full review of its contents is required.

Applicability. This regulation applies to all commanders, supervisors, and Staff Judge Advocates (SJAs) assigned or attached to the UNC or USFK.

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

Supplementation. Supplementation of this regulation by subordinate commands is prohibited unless prior approval is obtained from Office of Judge Advocate, USFK (FKJA), Unit #15237, APO AP 96205.

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. The proponent of this regulation is the Office of the Judge Advocate, United Nations Command, Combined Forces Command, United States Forces Korea, and 8th Army. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Office of Judge Advocate, USFK (FKJA), Unit #15237, APO AP 96205.

Distribution. Electronic Media Only (EMO).

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Glossary

1. Purpose

This regulation prescribes responsibilities, policies, and procedures for reporting crimes when the accused and the victim are members of different military services, and the crimes are committed by members of the United Nations Command/United States Forces Korea (UNC/USFK) staff.

2. References

Required and related publications are listed in appendix A.

3. Explanation of Abbreviations and Terms

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

4. Responsibilities

a. Reports required by this regulation will be forwarded to the USFK Commander, through the Office of the Judge Advocate, USFK, Unit #15237, APO AP 96205.

b. Commanders will -

(1) Promptly inform their servicing Staff Judge Advocate (SJA) of allegations of inter-service criminal misconduct committed by members of their command.

(2) Promptly inform their servicing SJA of allegations of criminal misconduct committed by members of the USFK or UNC staff.

(3) Provide full support to the Victim/Witness Assistance Program as requested by their servicing SJA.

c. SJAs will -

(1) Establish and implement a comprehensive Victim/Witness Assistance Program consistent with the regulations of their respective military service.

(2) Promptly report, using the memorandum format shown in appendix B, each crime involving a victim or witness associated with a different military service from the suspect/accused, to the USFK Commander, through the Office of the Judge Advocate, as specified in paragraph 4a above.

(3) Promptly report to the USFK Commander, through the Office of the Judge Advocate, as specified in paragraph 4a above, each incident of criminal misconduct alleged to have been committed by a service member or civilian employee assigned to the staff of USFK or UNC, using the memorandum format shown in appendix C.

5. Objectives

a. To ensure the separate service regulations that implement the mandates of Department of Defense Directive 1030.01 (Victim and Witness Assistance), Department of Defense Instruction 1030.2 (Victim and Witness Assistance Procedures), the Victim and Witness Protection Act of 1982, codified at 18 USC §§ 1512-1515, and 18 USC § 3771 (Crime Victim Rights), attain comprehensive and meaningful application by requiring prompt reports to the USFK Commander of cases involving inter-service victims or witnesses.

b. To require prompt reporting of crimes committed by personnel assigned to the UNC/USFK staff to the USFK Commander.

6. Justification

a. Providing prompt, effective assistance to victims of crimes within USFK is an important function of the criminal justice system and is required by federal law. Experience in this command has shown that although each military service has its own regulations establishing a program to assist victims/witnesses, gaps in implementation may occur when the accused and the victim/witness are in different military services. Such "inter-service" incidents require special coordination to ensure each victim/witness has been identified and is properly served.

b. Although military justice is the day-to-day responsibility of service component commanders, the USFK Commander must be informed about misconduct allegedly committed by members of his or her staff.

Appendix A References

Section I. Required Publications

Crime Victim Rights, codified at 18 USC § 3771.

Department of Defense Directive (DODD) 1030.01 (Victim and Witness Assistance,) 23 April 2007.

Department of Defense Instruction (DODI) 1030.2 (Victim and Witness Assistance Procedures) 4 June 2004.

Section II. Related Publications

Army Regulation 27-10 (Military Justice)

Air Force Instruction 51-201 (Administration of Military Justice)

Marine Corps Manual for Legal Administration (LEGADMINMAN), MCO P5800.16A W/CH 1-5 (Victim and Witness Assistance Program) Chapter 6, 31 August 1999.

Secretary of the Navy Instruction (SECNAVINST) 5800.11B (Victim and Witness Assistance Program (VWAP)) 5 January 2006.

Victim and Witness Protection Act of 1982, codified at 18 United States Code (USC) §§ 1512-1515

Appendix B
Report of Inter-Service Victim Memorandum

<Letter Head>

OFFICE SYMBOL

DATE

MEMORANDUM THRU Office of the Judge Advocate, USFK, Unit #15237, APO AP 96205

FOR Commander, USFK, Unit #15237, APO AP 96205

SUBJECT: Report of "Inter-Service" [(Victim/Witness)]

1. On [date], [rank, name, SSN, service, unit, unit location], [(was accused) (became a suspect) (was listed as a subject)] of committing [list the suspected offense(s) here]. [(The victim) (An adversely affected witness)] of this crime has been identified as a [(service member) (civilian employee) (dependant of a service member) (dependant of a civilian employee)] of a military service different than that of the [(accused) (suspect)].
2. Pursuant to USFK Regulation 27-7, the following information regarding the [(victim) (witness)] is provided: [rank, name, SSN, service, address, and phone number]. [If the victim/witness is a dependant, also include rank, name, unit and duty phone number of the sponsor].
3. The following action is being taken to ensure prompt and professional assistance is provided to the victim/witness: [include specific actions taken to date and identify coordination or other difficulties (if any) posed by the inter-service nature of the incident].
4. Point of contact for this action is the [(Victim/Witness Liaison) (Trial Counsel)]: [rank, name, phone number, and email].

Signature Block

Appendix C
UNC/USFK Staff Personnel Suspected of Criminal Misconduct Memorandum

<Letter Head>

OFFICE SYMBOL

DATE

MEMORANDUM THRU Office of the Judge Advocate, USFK, Unit #15237, APO AP 96205

FOR Commander, USFK, Unit #15237, APO AP 96205

SUBJECT: UNC/USFK Staff Personnel Suspected of Criminal Misconduct

1. On [date], [rank, name, SSN], who is assigned as [position] on the UNC/USFK staff, [(was listed as a subject) (was accused) (became a subject)] of [list the suspected criminal offenses here].
2. Specific facts available at this time regarding the allegation are as follows: [summarize the facts and include a copy of any available reports, such as the MP blotter, Serious Incident Reports, CID/OSI/NIS reports, etc.].
3. Point of contact for this action is [rank, name, phone number, and email].

Signature Block

Glossary

Section I. Abbreviations

DOD	Department of Defense
SJA(s)	Staff Judge Advocate(s)
UCMJ	Uniform Code of Military Justice
UNC	United Nations Command
USFK	United States Forces Korea

Section II. Terms

Inter-service. This term as used herein, refers to those cases in which the victim/witness is associated with a different military service from the accused.

Military Service. This term as used herein, refers to the Army, the Navy, the Air Force and the Marine Corps.

Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DOD components. Such individuals will include, but are not limited to, the following:

- a. Military members and their family members.
- b. When stationed outside the continental United States, DOD civilian employees and contractors and their family members. This applies to services not available to DOD civilian employees and contractors, and their family members, in stateside locations, such as medical care in military medical facilities.
- c. When a victim is under 18 years of age, incompetent, incapacitated or deceased, the term includes one of the following (in order of preference): a spouse; legal guardian; parent; child; sibling; another family member; or another person designated by a court or the Component responsible official, or designee.
- d. For a victim that is an institutional entity, an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

Witness. A person who has information or evidence about a crime and provides that knowledge to a DOD component concerning an offense within the component's investigative jurisdiction. When the witness is a minor, this term includes a family member or legal guardian. The term "witness" does not include a defense witness or any individual involved in the crime as a perpetrator or accomplice.

Adversely Affected Witness. A witness who has suffered indirect or direct physical, emotional, or pecuniary harm as a result of the commission of a crime and has been aggrieved, hurt, ill-treated, impaired, injured, or wronged by the witnessing of such event.