



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND INFANTRY DIVISION
UNIT #15041
APO AP 96258-5041

EAID-CG

JUL 20 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Letter #10-1, Leave and Off-Post Pass Privileges

1. This policy supersedes the previous 2nd Infantry Division (2ID) Command Policy #7, Leave and Off-Post Privileges dated 6 November 2012, 2ID Policy Letter #32, Leave and Pass Policy, dated 30 June 2010, the 2ID Policy Letter #40, Off-Post Pass Privileges, dated 22 April 2010, and 2ID Policy Letter #10-1, Leave and Off-Post Pass Privileges, dated 23 January 2012.

2. **References.**

- a. AR 600-8-10, Leaves and Passes, 15 February 2006, RAR 4 August 2011.
- b. USFK Command Policy, General Order Regarding Off-Installation Curfew, 30 December 2011.
- c. Eighth United States Army (EUSA) Command Policy Letter #35 – Suspension of Pass Privileges for Soldiers Under Investigation by Republic of Korea (ROK) Authorities for Assaulting Korean Nationals, 27 April 2011.
- d. 2ID Policy Letter #7, General Order Regarding Off-Installation Curfew, 7 October 2011.
- e. 2ID Policy Letter #32, Leave and Pass Policy, 30 June 2010.
- f. 2ID Policy Letter #40, Off-Post Pass Privileges, 22 April 2010.
- g. Rule for Courts-Martial (RCM) 304(h), Manual for Courts-Martial, United States (2012 Edition).

3. **Purpose.** This policy consolidates multiple 2ID policies regarding off-post activities and restrictions.

4. **Applicability.** This policy applies to all military personnel subject to the general court-martial jurisdiction of the Commander, 2ID. Violation of this policy may subject Soldiers to punishment under Article 92 of the Uniform Code of Military Justice.

5. **Definitions.** For the limited purpose of this policy:

- a. **Curfew.** Curfew is an order that specifies certain times during which Soldiers and service members assigned to USFK and its subordinate elements have restricted off-post privileges. The curfew does not affect limitations or restrictions imposed on Soldiers in accordance with the UCMJ. Provisions and restrictions associated with curfews are specific to mission requirements and Commander's stated intent and specifications for each curfew.

EAID-CG

SUBJECT: Policy Letter #10-1, Leave and Off-Post Pass Privileges

b. Annual Leave. Annual leave is chargeable, authorized absence from post or place of duty during normal off-duty hours. Annual leave begins and ends on post, at a duty location, or at the location where the Soldier normally commutes to duty. Annual leave requires a properly approved DA Form 31 for each Soldier.

c. Pass. A regular pass is a short, non-chargeable, authorized absence from post or place of duty during normal off-duty hours. A regular pass only begins and ends (1) on the Soldier's assigned duty installation, (2) at the Soldier's assigned duty location, or (3) at the Soldier's permitted off-post residence. A regular pass will normally start at the end of the Soldier's duty hours on a duty day and end at the beginning of the Soldier's working hours the next duty day. No pass shall extend beyond four (4) days in length.

d. Alcohol-related Incident. Any incident occurring on or off-post that is prejudicial to good order and discipline, which is more likely than not attributed to the consumption of alcohol.

e. Disorderly Conduct. A Soldier's conduct which is of such a nature as to affect the peace and quiet of persons who may witness it and who may be disturbed or provoked to resentment thereby. It includes conduct that endangers public morals or outrages public decency and any disturbance of a contentious or turbulent character.

f. Possession and Use of Illegal Substances or Drugs. Consists of, but is not limited to, any use or possession of illegal drugs or substances, to include spice and other synthetic drugs, under ROK law, DoD Directive 1010.4, *Drug and Alcohol Abuse by DoD Personnel*, 11 January 1999, AR 600-85, *The Army Substance Abuse Program*, 2 February 2009, and the Uniform Code of Military Justice (2012).

g. Offenses Under the Status of Forces Agreement (SOFA). An alleged offense by a Soldier or service member against a Korean National (KN) where the Soldier or service member may be placed on International Hold (I-Hold) at the request of the Republic of Korea (ROK) authorities. If such an offense under the SOFA occurs in conjunction with an alcohol related incident, the procedures for suspending off-post pass privileges are found in paragraph 8 of this policy.

6. **Curfew.**

a. Curfew. At a minimum, all Soldiers and service members assigned to 2ID are subject to the provisions of the USFK Curfew, when such a curfew is in effect.

b. The USFK Curfew requires Soldiers and service members to be either: (1) on a U.S. military installation, (2) off the installation in a private residence, or (3) in the reserved room of an off-post place of lodging (such as a hotel) between the specified hours.

c. 2ID Soldiers and service members that have a properly authorized DA Form 31, for annual leave or regular pass, are exempt from the USFK Curfew, except the night before they are scheduled to report back to work.

d. Due to conditions, mission requirements, or force protection concerns, O-6 level Commanders and above, after first consulting the Division Commander, may impose a curfew more restrictive than the USFK Curfew.

EAID-CG

SUBJECT: Policy Letter #10-1, Leave and Off-Post Pass Privileges

7. Leave and Passes.

a. Leave & Pass Requests. Leave and pass requests are approved by the first O-5 level Commander. This authority may be delegated to the first O-3 level Commander. Leave and pass requests must use DA Form 31. Except:

(1) Leave & Pass Requests (2ID Headquarters). Staff Section principals in the 2ID Headquarters have approval authority for leave and pass requests within the Korean peninsula from Soldiers and service members assigned to their staff sections. Staff Section principals, or person to whom the responsibility is delegated, must notify the Soldier's or service member's Company Commander for accountability purposes.

(2) Leave & Pass Requests (WRC In-Processing Soldiers). Soldiers in-processing at the WRC are not authorized passes; however, exceptions may be granted pursuant to a unit sponsorship program in which an NCO or Officer from that unit specifically sponsors an individual Soldier at the WRC for a short period of time (e.g. on the weekend) to show that Soldier his or her new installation. Any such requests must be approved in advance by the appropriate WRC authority. Leave requests by in-processing Soldiers at WRC must be approved by the Soldier's O-5 level Commander.

b. Additional Guidance for Leave and Pass Requests On-Peninsula. For all leave and passes on-peninsula utilizing the DA Form 31, Soldiers must provide an address and phone number of the location where that Soldier will be residing and Soldiers must be available to be contacted telephonically.

c. Limitations. Unless on official duty status, a 2ID Soldier or service member assigned to Areas I, II, or III is required to have an authorized DA Form 31, leave or pass, to travel beyond the southern boundary of Area III. For the purposes of this policy, Osan and Suwon U.S. Air Force Bases are considered included within Area III. In the event of an alert or recall, Soldiers must make a diligent effort to return to their unit of assignment as soon as possible.

d. Commanders retain the right to deny Soldiers and service members the privilege if it is abused or for other compelling reasons. A summary of authorized privileges when curfews are in effect are included as Annex A of this Policy Letter.

8. Suspension of Off-Post Privileges

a. Any Soldier accused of an alcohol related incident, possession and/or use of an illegal substance or drug, engaging in disorderly conduct, or accused of certain offenses under the SOFA, as defined above, shall have his or her off-post privileges immediately suspended as follows:

(1) First incident: suspension for 30 days.

(2) Second incident: suspension for 90 days.

(3) Third and subsequent incidents: suspension for 180 days.

b. Any Soldier accused of certain offenses under the SOFA shall have his or her off-post pass privileges suspended for the duration of the I-Hold, pending completion of the investigation and any host nation judicial action that may follow. Once I-Hold status has been removed, pass privileges shall be reinstated unless justified by reasons independent of this policy.

EAID-CG

SUBJECT: Policy Letter #10-1, Leave and Off-Post Pass Privileges

c. Soldiers who have their off-post privileges suspended shall not be restricted in any way on post unless the unit commander determines that such restriction is necessary in a particular case and only after consulting with the unit's trial counsel. A commander who believes that suspension of pass privileges is not warranted under the specific facts and circumstances may request an exception. The exception must be approved through the Soldier's Summary Court-Martial Convening Authority (SCMCA), which is normally the Soldier's Battalion Commander.

(1) Requests for exception to policy shall specify why retention of pass privileges is in the best interests of the command when submitted to the SCMCA.

(2) Pass privileges remain suspended while exemption requests are under consideration.

d. Soldiers residing off-post shall be moved into on-post quarters unless approval to remain off-post has been given by the SCMCA. The approval to remain off post will be specifically tailored by the Soldier's chain of command to minimize off-post movement while considering the Soldier's individual circumstances.

e. The performance of official duties shall not be affected by a suspension of off-post privileges or curfew. Soldiers whose off-post pass privileges have been suspended, who must travel off-post for official duties, or who reside off-post will be signed out each day by their First Sergeant during the period of the suspension. When a curfew is in effect, a Soldier or service member may travel as necessary to accomplish official duties during curfew hours.

9. Procedures and Responsibilities

a. Company/Battery/Troop Commanders:

(1) Monitor all incidents that require processing in accordance with this policy.

(2) For all incidents that do not include certain offenses under SOFA such as assaults, conduct a preliminary investigation to verify the authenticity of any initial report that a Soldier committed an alcohol related incident or engaged in disorderly conduct. If a commander verifies the authenticity of the report, immediately notify the Soldier, in writing, that his or her off-post privileges are suspended in accordance with paragraph 8 of this policy. The commander will ensure the incident is investigated to determine if it is more likely than not that the Soldier committed an alcohol related offense or engaged in disorderly conduct. Company, battery, and troop commanders are delegated authority to immediately reinstate off-post pass privileges which resulted from any unsubstantiated misconduct.

(3) Provide a list of Soldiers who have had their off-post pass privileges suspended to the Battalion Staff Duty Officer and Battalion S-1.

b. Battalion Commanders:

(1) Monitor enforcement of this policy.

(2) Ensure that Staff Duty Officers (SDO) have a current list of Soldiers who have had their off-post pass privileges suspended.

(3) Ensure that the Battalion S-1 forwards a current list to the Military Police Desk Sergeant and that Military Police Desk Sergeant has a current copy of the SDO duty roster.

EAID-CG

SUBJECT: Policy Letter #10-1, Leave and Off-Post Pass Privileges

c. Provost Marshal's Office (PMO):

- (1) Furnish unit commanders with supporting documentation IAW this policy.
- (2) Maintain a current list of Soldiers who have had off-post pass privileges suspended.
- (3) Ensure that the Desk Sergeant or other appropriate official briefs all Military Police patrols and Courtesy Presence Patrols (CPPs) on the list of Soldiers who have had their off-post pass privileges suspended.

d. Requests for Reinstatement. A Soldier may request reinstatement of suspended privileges and request limited pass privileges unless the suspension was a result of a SOFA assault. The authority to reinstate pass privileges is delegated to the Soldier's SCMCA in the Soldier's chain of command. The authority to grant limited or temporary pass privileges can be delegated to the company or battery level commander. The Soldier's SCMCA will determine whether to reinstate pass privileges based on factors such as subsequent good conduct and successful completion of ASAP training (if appropriate); a company or battery level commander may grant limited or temporary pass privileges if the Soldier demonstrates a specific need to go off-post and when the Soldier has shown good cause.

10. The proponent for this policy is the Office of the Staff Judge Advocate, Camp Red Cloud, at DSN 732-9529.



EDWARD C. CARDON
Major General, USA
Commanding

Annexes

A – Table of Privilege Authorizations under Curfew

DISTRIBUTION:

A

Annex A: Table of Privilege Authorizations Under Curfew

Type of Authorization	Who needs?	Allowed out of installation, residence or other lodging during curfew hours?	Forms Required	Approval Authority
On-Peninsula Leave	Any Soldier, not in-processing with WRC, who is not on regular pass and wishes to take chargeable leave.	Yes, UNLESS the curfew policy in effect states otherwise.	DA-31 leave form	<p>1. Soldier's first O-5 level Commander, or if delegated to first O-3 level Commander in Chain of Command</p> <p>2. If assigned to 2ID HQ, Staff Section Principals in the HQ (Principals must notify Soldier's first O-3 level Commander)</p>
On-Peninsula Pass	Any Soldier, not in-processing with WRC, who wishes to leave for a period beginning at the end of normal duty hours on a duty day to the beginning of working hours the next duty day greater than 24 hours but less than 96 hours.	Yes, UNLESS the curfew policy in effect states otherwise.	DA-31 leave form	<p>1. Soldier's first O-5 level Commander, or if delegated to first O-3 level Commander in Chain of Command</p> <p>2. If assigned to 2ID HQ, Staff Section Principals in the HQ (Principals must notify Soldier's first O-3 level Commander)</p>