



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT HUACHUCA
2837 BOYD AVENUE
FORT HUACHUCA, ARIZONA 85613-7001

IMHU-ZA

AUG 09 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: POLICY 018 – Installation Bar Letters

1. References:

- a. Title 18, United States Code, Section 1382.
- b. AR 190-16, Physical Security, 31 May 1991.
- c. AR 190-45, Law Enforcement Reporting, 30 March 2007.
- d. AR 600-20, Army Command Policy, 18 March 208/RAR 04 August 2011.
- e. Memorandum for Garrison Commander, subject: Delegation of Authority.

2. Background. Commanders have inherent authority to act in order to avert dangers to morale, welfare, and discipline on an installation. This authority includes authority to enforce the removal of, or denial of access to, persons who threaten order, security, or discipline of the installation. This policy implements the Commanding General's delegation of authority for the Garrison Commander to establish policy for issuing, revoking or modifying bar letters that deny or limit an individual's access to the installation.

3. Authority. Under the authority of reference 1e, the Garrison Commander has authority to issue a bar letter to any civilian person upon finding credible evidence that the person committed an offense listed on Enclosure 1. The list of offenses is not exclusive and does not limit the Garrison Commander's authority to bar individuals for other reasons. In his discretion, the Garrison Commander may deviate from the recommended exclusion period. Bar letters will NOT be issued to active duty Soldiers. Nothing in the Commanding General's delegation of authority limits the Commanding General's right to issue a bar letter in appropriate circumstances.

4. Violation of Bar Letter. Any person in violation of bar letter provisions may be prosecuted in federal court under Title 18, United States Code, Section 1382. This violation carries a maximum of six months in federal prison per violation.

5. Limited Bar Letters. Limited bar letters will be issued to the individuals listed below. The limited bar letter shall describe the access that is permitted.

a. Family Members of Active Duty Soldiers: Bar letters will permit access to AAFES, commissary, medical, and dental facilities.

b. Retirees: Bar letters will permit access to AAFES, commissary, medical and dental facilities.

c. Civilian/Contract Employees: Bar letters will permit access to place of employment while the employment continues. Termination of employment will result in a total bar from the installation unless the subject holds another status requiring a limited bar letter.

d. Multi-Status: If an individual has more than one status, the bar letter must grant access to all facilities to which the individual is entitled, e.g., retirees who are civilian employees receive access to facilities enjoyed by retirees, as well as civilian employees.

6. Minors. Minors will be issued a bar letter only upon recommendation of the Youth Council or in circumstances where the minor refuses to cooperate with the Youth Council.

7. Requests for Bar Letter Reconsideration.

a. Bar letters are effective upon service of the individual except in the case of family members living in on-post quarters.

b. Family members living in on-post quarters will have 5 days from the service of a bar letter to comply with its terms. In the event the family member requests reconsideration of the bar within 5 days from service in accordance with paragraph 7.d., the bar will not become effective until 5 days after the family member is served with the decision on the request for reconsideration. Requests for reconsideration after 5 days will result in the terms of the bar remaining in place while the request is processed.

c. Individuals may request that the Garrison Commander modify or remove a bar letter at any time. Requests for reconsideration should include matters in extenuation or mitigation that support the request to modify or remove the bar. Except for the circumstances detailed in paragraph 7.b., the bar letter will remain effective while the request for reconsideration is processed.

d. All requests for bar letter reconsideration will be addressed to the United States Army Garrison, ATTN: Provost Marshal. The provost marshal will coordinate with the Office of the Staff Judge Advocate for legal review prior to the Garrison Commander's decision.

8. Bar Process. Any DoD organization on the installation may request the Garrison Commander issue a bar letter to an individual. Requesting agencies will include substantiating documentation for their request. Requests will be forwarded to the Director of Emergency Services. All bar

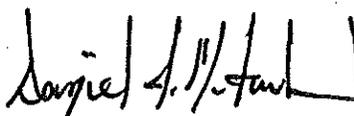
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letter requests will be forwarded through the Staff Judge Advocate to the Garrison Commander for approval and signature.

9. Extraordinary Circumstances. If extraordinary circumstances require temporary access to certain Fort Huachuca facilities by an individual who has received a bar letter or limited bar letter, the individual must contact the Military Police Desk at (520) 533-3000 in advance of the visit to those facilities. Prior to visiting those Fort Huachuca facilities, the individual must provide to the Military Police the date, data, and facilities to be visited, and must receive permission for that temporary access. An example of an extraordinary circumstance that may be grounds for this temporary permission is a subpoena requiring court-martial testimony.

10. The proponent for this policy is the Directorate of Emergency Services, US Army Garrison, Fort Huachuca, Arizona 85613-7012.

11. This memorandum supersedes policy memorandum USAG, IMWE-HUA-ES, 17 Dec 07, subject: POLICY 018 – Installation Bar Letters.



Encl

DANIEL J. MCFARLAND
Colonel, MI
Commanding

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Enclosure 1

<u>OFFENSE</u>	<u>RECOMMENDED EXCLUSION PERIOD</u>
1. Simple Assault	1 Year
2. Assault by striking, beating, or wounding	1 Year
3. Disorderly Conduct	1 Year
4. All other assaults/Resisting Arrest	3 Years
5. Shoplifting by non-affiliated civilian (person not entitled to military ID card)	3 Years
6. Robbery	Permanent
7. Burglary	Permanent
8. Housebreaking	Permanent
9. Illegal entry of on-post housing of government buildings	3 Years
10. Homicides	Permanent
11. Rape, sodomy, sexual assault	Permanent
12. Larceny of government property/private property other than shoplifting	3 Years
13. Solicitation without a permit	1 Year
14. Violating a previous letter of exclusion	Permanent
15. Carrying a concealed weapon and/or unregistered weapon	3 Years
16. Willful damage to government property	3 Years
17. Being in a posted off-limits area	1 Year
18. Possession of a controlled substance	5 Years
19. Manufacture or distribution of a controlled substance	Permanent
20. Being in possession of a firearm while committing any Offense listed above which carries an exclusion period of 5 or more years	Permanent
21. Forgery	1 Year