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US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT LEE
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FORT LEE VA 23801

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FEB 20 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Fort Lee Installation Bar Letter Policy

1. References.

- a. 18 U.S.C. § 1382, Commander's Authority to Protect the Installation
- b. DODI 5200.08, Security of DoD Installations and Resources and the Physical Security Review Board, 20 NOV 15
- c. AR 190-45, Law Enforcement Reporting, 27 SEP 16
- d. AR 420-1, Army Facilities Management, 24 AUG 12
- e. AR 600-20, Army Command Policy, 6 NOV 14
- f. AR 635-200, Active Duty Enlisted Administrative Separations, 19 DEC 16
- g. USACASCOM, Supplement 1 to AR 27-10, dated 7 AUG 15

2. Purpose. Installation Commanders have inherent authority to control installation access. The authority of an installation commander to exclude individuals from a military installation is a proprietary right and does not depend upon statute or legislative jurisdiction. However, statutory authority to exclude is provided in Section 1382, Title 18, United States Code. The Fort Lee Garrison Commander (GC) has the inherent authority to bar individuals exhibiting adverse behavior or misconduct which may be disruptive to the good order, discipline, welfare, health or safety of the Fort Lee community and when an individual's misconduct establishes that his or her continued presence on the installation is not in the best interests of the Army. This policy establishes procedures to generate installation bar letters, assigns responsibilities, and outlines procedures to control installation bar actions.

3. Authority to Request/Initiate Bar Actions. Any individual currently assigned, working, or living on Fort Lee may request a bar action on an individual he or she believes meets the criteria above. Bar requests must be thoroughly documented

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with sufficient justification for such action. Ordinarily, bar requests should be initiated by commanders, directors, the Staff Judge Advocate (SJA), or the Provost Marshal (PM).

4. Types of Bar Action. Temporary, Permanent, Limited Entry Authorized. Bars to the installation ordinarily are permanent and apply to the Fort Lee installation, including Jackson Circle and North Fort Lee except for public roads that traverse the installation (e.g., Route 36). However, in appropriate circumstances, bars may be tailored.

a. Temporary bars may be specified for a period of time. The authority to temporarily bar individuals from Fort Lee is delegated to the PM in certain instances as described below. However, should the recipient of a temporary bar fail to appeal a temporary bar within the time prescribed below, a temporary bar will automatically become permanent.

b. Permanent bars have no specified end date and will only terminate upon written request by the barred individual and approval by the GC. The GC has the authority to permanently bar individuals from Fort Lee, VA.

c. Both temporary and permanent bars may be tailored to allow limited access to certain places for certain purposes, such as treatment at the health or dental clinic. The bar letter will specify those places/purposes and will ordinarily require barred individuals to report to the Fort Lee Provost Marshal's Office (PMO) immediately upon entrance onto the installation. There may be an escort requirement and all limited entries will require the individual to proceed in the most direct route from the gate to and from the allowed location, further requiring the individual to leave immediately upon completing the purpose for the visit and checking back out through the Fort Lee PMO. Such entries will be documented by the Military Police.

5. Procedures for Submission, Review and Approval/Disapproval of Bar Actions. All bar requests will be thoroughly documented with attachments sufficient to justify the barred individual's negative impact on good order, discipline, welfare, health or safety of the Fort Lee community. Military and civilian initiated bar requests will be submitted through the applicable Commander/Director to the PM. Bar requests for affiliated and non-affiliated civilians will be submitted to the PM. The PM will generate a bar request packet, providing all information relevant to the bar request. All requests will then be submitted to the SJA, who will review the bar request for legal sufficiency and draft a bar letter to be added to the packet in those cases determined to be sufficient. If the subject of a bar request is an affiliated Family member or dependent of a Service-member stationed or living on Fort Lee, the packet will also be coordinated with the unit legal advisor for the Service member's

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chain of command prior to submission. The bar packet will then be provided to the GC for a decision. Decisions will be made on a case-by-case basis dependent on the facts and severity of misconduct or behavior.

a. **Data Required.** All bar requests must include the following before they are forwarded to the GC: name, date of birth, social security number, current address, and any other identifying information available on the individual. If the individual is a military dependent, the request must so indicate and must include the name, social security number, and current unit and address of the dependent's military sponsor. If the individual is a civilian employee on Fort Lee, a retired Service-member, or has any similar relationship with Fort Lee, the request must include this information. If the individual is being administratively separated for misconduct, the request must include the last day that the Service-member will be with his/her unit to ensure issuance of the bar prior to separation.

b. **Supporting Memorandum.** A memorandum signed by the requesting individual detailing the misconduct that is the basis of the request accompanied by supporting documents (witness statements, military police reports, administrative discharge documents, etc.).

c. **Legal Review.** The Criminal Law Division, Office of the Staff Judge Advocate (OSJA), will conduct a legal review of the bar request to ensure legal sufficiency. Requests with insufficient supporting documentation will not be forwarded to the GC for action until the Criminal Law Division receives all required information.

6. **Judicial Bars and Bars Pursuant to Chapter 10, AR 635-200.** Federal Judges with jurisdiction over offenses committed on Fort Lee may impose installation bars as part of sentencing civilians convicted for committing misconduct on Fort Lee. Additionally, in the capacity of General Court-Martial Convening Authority, the CG may impose installation bars when Soldiers are discharged in lieu of court-martial IAW Chapter 10, AR 635-200. Such bar actions will be processed as described in paragraph 7 below, with the OSJA acting as the originating office.

7. **Bars for Soldiers Administratively Separated from the Army.** All Soldiers discharged administratively under the provisions of Chapter 14, AR 635-200, will be permanently barred from Fort Lee with no limited access allowed by the Commander who approved the discharge. A possible exception to this policy exists where a Soldier being administratively eliminated is married to another Soldier stationed on Fort Lee and possesses a valid dependent military identification card. In such a case the bar request will be coordinated with the unit legal advisor for the sponsor Service-member's chain of command and be initiated as articulated in paragraphs 3 and 4.

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8. Service and Filing of Approved Bar Letters. Proper service of the bar letter, proof of service, and maintenance of the bar letter files are critical to enforcement of the bar.

a. Where a Soldier is administratively discharged in accordance with the processes described in paragraphs 6 and 7 above, the bar letter will be served upon the discharged Soldier at the same time they receive their separation packet. The file and documentation for such a bar will be maintained at the appropriate Brigade or Group level. The individual will sign and date the bottom of the bar letter indicating receipt. A copy of the bar letter will be provided to the individual and PMO (for inclusion on the Master Installation Bar List (MIBL)) and the original bar letter will be maintained with the bar packet. If the individual refuses to sign, the person serving the bar letter will so note on the bottom of bar letter and legibly print, sign, date the letter and provide a copy to PMO for inclusion on the MIBL. The date, time, and type of notification will be documented and kept on file. This information will be crucial in prosecuting any future case of trespass in violation of a bar.

b. In all other cases, once approved, the bar packet will be returned to PMO for service on the barred individual. Bar actions will be served by having the bar letter provided by hand to the barred individual whenever possible. The individual will sign and date the bottom of the bar letter indicating receipt. A copy will be provided to the individual and the original maintained with the bar packet. If the individual refuses to sign, the person serving the bar letter will so note on the bottom of bar letter and legibly print, sign, and date the letter. If personal service is impractical, the originating office will deliver the letter by certified mail to the most recent address of the barred individual. The date, time, and type of notification will be documented and kept on file. This information is crucial in prosecuting any future case for trespassing in violation of a bar.

c. The PMO will maintain a master file copy of every bar letter. Upon completion of service of a bar letter, the PMO will update the Army Law Enforcement Reporting System and will also place the barred individual into the Master Rapid Gate/RCX scanner system that is accessible at each access control point. System input will include all personally identifiable information which gate guards will verify upon encountering a barred individual at the access control patrol point. All access control points and PMO patrol officers will have access to the list for use in screening persons occupying vehicles stopped for traffic violations on the installation. The bar list information will also be available to commanders, directors, and the SJA through the PMO Desk Sergeant.

d. Permanent bar files must be maintained permanently with PMO for court retrieval if a trespassing occurs. Temporary bar files will be maintained for six months after the bar expiration.

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9. Appeals and Requests to Terminate Previously Imposed Bars. All bar letters will specify that barred individuals may request reconsideration at any time by written submission through the PM, to the GC. Written appeals and requests to terminate bars will be received by the PM and forwarded to the GC for action.

10. Delegation of Authority to the Provost Marshal to Issue Temporary Bars under Certain Circumstances. The PM is authorized to issue bar letters for the following offenses without prior legal review when committed by non-military offenders who cannot provide proof of a bona fide installation residential address:

- a. Any offense involving or the threat of violence against another individual
- b. Vandalism
- c. Larceny of Government property or personal property
- d. Unauthorized use of U.S. identification cards, badges, or insignia
- e. Possession or distribution of a controlled substance
- f. Entry of a military reservation for a purpose prohibited by law (trespassing)
- g. Carrying a concealed weapon on or about a person
- h. Breaking into or unauthorized entry into any building
- i. Possession of burglary tools
- j. Prostitution offenses
- k. Breaking and entering into a motor vehicle
- l. Driving under the influence of alcohol or other intoxicants
- m. Resisting arrest or apprehension
- n. Disorderly conduct

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The authority outlined above is not re-delegable beyond the PM. Barred individuals will have ten (10) business days to appeal the letter through the GC's office, after which time the bar will automatically become permanent. After a bar has become permanent, the individual may submit a written request for reconsideration through the PM to the GC. The GC is the final authority for reconsideration requests.

11. This policy supersedes Fort Lee Policy 8-04 dated 1 August 2014.

12. The point of contact for this policy is the Provost Marshal Office at 734-7402 or the Office of the Staff Judge Advocate at 765-1361.


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Commanding

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