

**XVIII Airborne Corps and Fort Bragg
Regulation 190-1**

Military Policy:

**BARS FROM ENTRY
ONTO FORT BRAGG
AND CAMP MCKALL**

**Headquarters
XVIII Airborne Corps and Fort Bragg
Fort Bragg, NC
8 May 2007**

Military

BARS FROM ENTRY ONTO FORT BRAGG AND CAMP MACKALL

FOR THE COMMANDER:	Instruction (MOI) Number 23 Bars from Entry onto Fort Bragg and Camp Mackall, dated 1 Nov 99.	Proponent. The proponent is the Provost Marshall Office (PMO).
//approved// FREDERICK B. HODGES COL, GS Chief of Staff	Summary. This regulation provides guidance of the policies, local procedures, and format of bar letters for the XVIII Airborne Corps & Fort Bragg.	Distribution. This publication is available electronically.
Official:		Restrictions. Approved for public release; distribution unlimited. Local reproduction is authorized.
//signed// NAN C. SANDERS Installation Adjutant General	Applicability. This regulation applies to all personnel, military and civilians under XVIII Airborne Corps and Fort Bragg command.	
History. This publication replaces the Memorandum of		

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*This regulation supersedes Memorandum of Instruction (MOI) Number 23, 1 Nov 99, Bars from Entry onto Fort Bragg and Camp Mackall

1-1. Purpose. To provide information concerning the policies, local procedures, and format of bar letters.

2. References.

a. 42 U.S.C § 14071(f), the “Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act” of 1994.

b. 18 U.S.C. 1382, Commander’s Authority to Protect the Installation.

c. DODI 5200.08, Security of DoD Installations and Resources, Dec 10, 05.

d. AR 27-10, Military Justice, 16 Nov 05.

e. N.C.G.S § 14-208.6, North Carolina Reportable Conviction Registration Requirements.

f. The North Carolina Sex Offender & Public Protection Registration Program, 20 Dec 06, (available at www.jus.state.nc.us/NCJA/sexofreg.htm).

g. XVIII Airborne Corps and Fort Bragg Master Policy No. 17, Bar Memorandum for Soldiers Administratively Separated for Misconduct, 31 Jan 05.

3. Explanation and abbreviation of terms. Abbreviations and terms used in this regulation are explained in the glossary.

4. Responsibilities.

a. **Authority.** Installation commanders have inherent authority to control installation access. The authority of an installation commander to exclude individuals from a military post 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 (U.S.C). Only the Commander, XVIII Airborne Corps and Fort Bragg, and the Garrison Commander, XVIII Airborne Corps and Fort Bragg, have the authority to bar persons from Fort Bragg, which includes the area of Camp Mackall.

b. **Who May be Barred.** Persons whose presence on the installation adversely affects maintenance of good order and discipline may be barred from the installation. Bars may be based on a single act of misconduct. Bars may also be directed in accordance with XVIII Airborne Corps and Fort Bragg Master Policy No. 17, Bar Memorandum for Soldiers Administratively Separated for Misconduct, dated 31 Jan 05.

c. Procedures.

(1) Bar Requests. Bars may be requested by Brigade or higher level commanders,

director level supervisors, the Provost Marshal (PM), the XVIII Airborne Corps Staff Judge Advocate, or their designees. Bar request packets will be forwarded to the Garrison Commander through the Administrative Law Division (ALD), Office of the Staff Judge Advocate, XVIII Airborne Corps and Fort Bragg, Fort Bragg, North Carolina 28310. Following legal review of the packet, the ALD will prepare the bar letter and will forward it and the request packet to the Garrison Commander. All bar requests will include the following:

(a) Name, social security number (SSN), current address, and any other identifying information available on the individual. If the individual is a military family member, the request must so indicate and must include the name, social security number, and current unit address of the family member's sponsor. If the individual is a civilian employee at Fort Bragg, a retired service member, or has any similar relationship with the military or Fort Bragg, 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 a bar letter prior to separation.

(b) A memorandum signed by an appropriate commander or director detailing the misconduct that is the basis for the request. Copies of supporting documents (i.e., witness statements, military police reports, administrative discharge documents, etc.) should be attached.

(2) The Garrison Commander may delegate authority to the PM to issue a bar letter without prior legal review for the following offenses when committed after hours by non-military offenders who cannot provide proof of a bona fide installation address:

- (a) Assault (18 USC § 113(A)(4) AND (5)).
- (b) Larceny of Government property and larceny of personal property (18 USC § 641 & § 661).
- (c) Unauthorized use of U.S. identification (ID) cards, badges, and insignia (18 USC § 701).
- (d) Prostitution near military establishments (18 USC §1384).
- (e) Simple possession of a controlled substance (21 USC § 844(a)).
- (f) Entry of military reservation for a purpose prohibited by law (trespassing) (18 USC § 1382).
- (g) Concealed weapon on or about person (NCGS 14-269(a) and (a)(1)).
- (h) Breaking and entering any building (NCGS 14-54(b)).
- (i) Possession of burglar tools (NCGS 14-55).

(j) Breaking and entering a motor vehicle (NCGS 14-56).

(k) Braking and entering or damaging or destroying a vending machine (NCGS 14-56.1 and 56.2).

The authority outlined above is not re-delegable beyond the PM. Barred individuals will have five business days to appeal the letter through the Garrison Commander's Office, after which time the bar will become permanent. After a bar has become permanent, the individual involved may submit a written request for reconsideration or modification through the ALD to the Garrison Commander. The Garrison Commander is the final authority for reconsideration requests. If a bar is rescinded or modified, the same notification procedures stated in paragraph 2(b)(5) of this regulation will be followed.

(3) Legal Review. The ALD will review requests to ensure legal sufficiency. Requests with insufficient supporting documentation will not be forwarded to the Garrison Commander for action until the ALD receives all required information.

(4) Letter Drafting. The ALD will prepare and deliver to the Garrison Commander all bar letters for the Garrison Commander's signature. If the dependent of a service member is barred from post, two notification letters will be drafted to notify the individual subject to the bar and the affected service member. Only one letter will be prepared for Soldiers, civilian employees who are not family members, and individuals who have no affiliation with Fort Bragg. The letters will advise that the bar is effective immediately upon receipt of the bar letter.

(5) Notification. Signed bar letters will be personally delivered to the barred individual by the Garrison Commander or his designee, delivered to a Soldier's unit prior to separation by the ALD, or sent by certified mail, with return receipt requested, by the ALD. The Garrison Commander or his designee should personally notify military dependents, and their sponsors, of a bar.

(6) Filing. The ALD will consolidate and maintain a listing of approved bars and any subsequent modifications. The data base will use the existing Corps standard software program (currently Microsoft Access). Each entry must include the barred individual's name, SSN, date of birth (DOB), date of bar, military police report (MPR) number, and a legend describing any modifications. The ALD will provide Police Services of the Installation Provost Marshal's Office (PMO) an updated comprehensive bar database on the first day of the week. This system will be used for retrieval by Military Police. A copy of the bar letter, proof of notice (i.e., a copy of the letter with acknowledgement signed by the barred individual or a returned receipt from the U.S. Postmaster), and the original bar request packet will be maintained by the ALD. Upon request of Police Services or the PM, ALD will provide a copy of a bar letter.

(7) Requests for Reconsideration. Individuals barred from post may submit written requests for reconsideration or modification through the ALD to the Garrison Command. The

Garrison Commander is the final authority for reconsideration requests. If a bar is rescinded or modified, the same notification procedures stated directly above will be followed.

(8) All bar and reconsideration requests, upon decision by the Garrison Commander, will be returned to the ALD to ensure compliance with notice and filing procedures.

d. Special Procedures regarding Registered Sex/Kidnap Offenders Residing or Employed on Fort Bragg.

(1) The Cumberland County Sheriff's Department notifies the PM when a registered sex/kidnap offender lives or works on Fort Bragg. When this notification occurs, the Garrison Commander will be notified so that a decision can be made whether to allow the person to continue to reside or work on post, or to bar them from the installation.

(2) When such notification is made to the Provost Marshal, the PMO will be responsible for staffing the action through the appropriate installation agencies (DES, SJA, etc.) to the Garrison Commander.

(3) In North Carolina, there are six types of offender classifications:

(a) Offender (One reportable conviction; does not fall into the other classifications).

(b) Sexually Violent Predator (Person convicted for sexually violent offense and who suffers from a mental abnormality or personality disorder making the person likely to engage in sexually violent offenses directed at strangers or at a person with whom a relationship has been established or promoted for the primary purpose of victimization).

(c) Recidivist (Person with a second or subsequent "reportable conviction").

(d) Aggravated Offender (Person convicted of an "aggravated offense" such as sexual acts involving penetration on victims through the use of force or threat of serious violence, or engaging in a sexual act involving penetration with a victim less than 12 years old).

(e) Non-Resident Student. (Non-North Carolina resident but enrolled in school in the State on a full or part-time basis). These individuals must register if they have a reportable conviction or are required to register in their state of residency.

(f) Non-Resident Worker. (Non-North Carolina resident employed or carries a vocation in the State, on a full or part-time basis, with or without compensation or government or educational benefit, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year). Registration is required for reportable convictions or if required to register in their state of residency.

(4) The Garrison Commander has several options regarding offenders in any of the above classifications. One option is to take no action and allow the offender to reside and/or work on Fort Bragg. A second option is to issue a warning letter to the offender. The warning letter will advise the offender that the installation chain of command is aware of their criminal background; that their ability to reside and/or work on Fort Bragg is dependent upon their good behavior on post, that they must comply with regulatory registration requirements, and that any misconduct while on post may result in their being barred from the installation. A third option is to issue a debarment order. The debarment order may be limited in nature, where the individual is only allowed on Fort Bragg for a specific purpose (e.g., medical treatment at Womack Army Medical Center, etc.), or total in nature, where no installation access is allowed.

(5) Factors: In selecting the appropriate option, the Garrison Commander may consider, on a case-by-case basis, the following factors:

- (a) the individual's registration classification as described in para 3d(3) above;
- (b) the offender's status (service member, civilian dependent, contractor, etc.);
- (c) the offender's underlying conduct (when the violation occurred, seriousness of the violation); the likelihood that the offender will re-offend);
- (d) the individual's compliance and cooperation with registry and procedural processes;
- (e) the threat posed to the Fort Bragg community by the offender either residing or working on the installation;
- (f) when the individual established residency in the community (North Carolina law prohibits individuals required to register from residing within 1,000 feet of the property on which any public or nonpublic school care center is located. This residency restriction, however, only affects persons required to register who are seeking residence near such areas after December 1, 2006); and
- (g) the potential for disruptive effect on good order or discipline within the Fort Bragg community.

The Garrison Commander is not limited to these factors and may take into consideration any relevant factors bearing upon final determination.

(6) All letters of warning or debarment sent to offenders will indicate that a copy of the action has been forwarded to the residential housing office, the sponsor's unit, and/or their place of employment. A letter of warning or debarment will only be sent to the offender's place of employment if the employer is a DOD agency or a DOD contractor or subcontractor. This provides the individual notice of the collateral consequences of their actions.

(7) Individuals receiving a debarment letter may appeal the decision but must do so as described above. The process by which they can appeal will be explained in the bar letter.

e. Period of Bar.

(1) All bar orders, subject to reconsideration and the discretion of the Garrison Commander, will be permanent.

(2) This action is administrative. It does not affect any criminal action of trespass that may be pursued through the Office of the U.S. Attorney for the Eastern District of North Carolina.

f. Tailoring of Bar Letters. Bar letters may be tailored to facilitate the use of medical or other facilities a barred individual may be entitled to use on the installation. Such tailoring will be as narrow as possible and may include routes of travel, PMO notification, escort requirements, or time restrictions. Subject to the discretion of the Garrison Commander, the bar letter should be tailored to allow use of medical facilities by those entitled to them. Whether medical care may be received elsewhere may be a consideration for the Garrison Commander.

g. Extenuating Circumstances. If extenuating circumstances dictate, the PM or PM Operations Officer may initiate a request for expedited notification procedures. Under these circumstances, a PM representative will hand-carry the request for the bar and all supporting documentation to the ALD, which will immediately draft the bar letter(s). The PM representative will hand-carry the packet to the Garrison Commander for signature. Once signed, the PM representative will ensure service of process on the barred individual. The PM representative will immediately deliver a copy of the service of process to ALD for filing. During non-duty hours, for offenses listed in paragraph 3(c)(2) where the offender has no clear, bona fide address, the MP duty officer will contact the PM, relay the facts and circumstances surrounding the misconduct, and request his approval to issue a bar letter to the offender. Upon approval by the PM, the MP duty officer will prepare a bar letter, serve it upon the offender, and note the date and time served on the Government's copy. The MP duty officer will also state on the Government's copy that he personally contacted the PM and will indicate the PM's decision.

Glossary

Section 1 Abbreviations

ALD
Administrative Law Division
AR
Army Regulation

DOB
Date of birth

DOD
Department of Defense

ID
Identification

MOI
Memorandum of Instruction

MP
Military Police

PM
Provost Marshall

PMO
Provost Marshall Office

U.S.C
United States Code

**Section II
Terms**
This section contains no entries