



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY GARRISON BADEN-WUERTTENBERG  
UNIT 29237  
APO AE 09014-9237

IMEU-BW-ZA

7 July 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison (USAG) Baden-Wuerttemberg Policy Memorandum #16, Policy on Nuisance and Juvenile Curfew within the Heidelberg and Mannheim Military Communities

1. PURPOSE. The primary purpose of this policy is to establish curfew times for minors in the Heidelberg and Mannheim Military Community. This policy also serves to highlight parental responsibilities and empower military law enforcement to take minors who violate the curfew into temporary custody.

2. APPLICABILITY. This policy applies to all community members on installations in the Heidelberg and Mannheim Military Communities

3. DEFINITIONS:

a. Nuisance: An activity that arises from an act or failure to act by one party that results in the annoyance, inconvenience, or discomfort to another party to such a degree as to harm the community in general.

b. Curfew: An ordinance requiring that individual persons remove themselves from community locations on or before a specified time at night.

c. Community location: A location on the installation where community members have an interest in the safety, health, morale and welfare of the community. Any place on the installation where all or a substantial group of community members have access, including, but not limited to, streets, sidewalks, curb areas, alleys, parks, playgrounds, or other community-accessible grounds or buildings. Community locations specifically include common areas of any school, hospital, military housing building, office building, transport facility, shop, or place of business.

4. POLICY:

a. Individuals will not engage in any activity, whether an act or a failure to act, that constitutes a nuisance.

b. Individuals will be removed from community locations when their behavior constitutes a nuisance.

IMEU-BW-ZA

SUBJECT: United States Army Garrison (USAG) Baden-Wuerttemberg Policy Memorandum #16, Policy on Nuisance and Juvenile Curfew within the Heidelberg and Mannheim Military Communities

- c. A curfew will be in place for all juveniles within the Heidelberg and Mannheim Military Communities.

(1) Curfew hours are as follows:

<u>Curfew Age</u>	<u>School in Session</u>	<u>Weekends/ Holidays/Summer</u>
Age 10 and younger	2000-0500	2200-0500
Age 11 to 14	2100-0500	2300-0500
Age 15 to 17	2200-0500	2400-0500

(2) Military Police will temporarily detain on the spot a juvenile found in a community location in violation of the curfew and will ascertain the juvenile's name, age, home address, sponsor's name, and sponsor's unit. If the juvenile is in close proximity to his or her address, an MP patrol will escort him or her there to determine if the sponsor is home and if so give custody of the juvenile to the sponsor and explain the USAG-BW Command Policy Letter to the sponsor. If the sponsor is not home, the MPs will escort the juvenile to the MP station where the MP Desk Sergeant will attempt to contact the sponsor by phone or by information already given by the juvenile. If no information is given, the MP Desk Sergeant will locate the juvenile's sponsor's phone number and address on the housing roster. If after 30 minutes of detention no contact of the sponsor is made, the MP Desk Sergeant will notify the sponsor's chain of command. Prior to removing the juvenile from the MP station, the sponsor will sign a document acknowledging that the juvenile was temporarily detained for violation of the curfew policy. Upon a second violation of the curfew, the juvenile will be subject to civilian misconduct action, and the Civilian Misconduct Action Authority will determine appropriate disciplinary and/or administrative action to be taken according to AER 27-9.

(3) Juveniles engaged in the following activities will be exempt from detention by the MPs for violating the curfew policy:

(a) On an errand at the direction of the juvenile's parent or guardian, so long as the juvenile does not make unnecessary detours or stops.

(b) In a motor vehicle involved in travel.

(c) Leaving or returning home by a direct route to or from a lawful employment activity, without unnecessary detours or stops.

(d) Responding to a bona fide emergency or on an errand made necessary by a bona fide emergency.

IMEU-BW-ZA

SUBJECT: United States Army Garrison (USAG) Baden-Wuerttemberg Policy Memorandum #16, Policy on Nuisance and Juvenile Curfew within the Heidelberg and Mannheim Military Communities

(e) Traveling to or from a school, religious, recreational or other activity supervised by adults, without unnecessary detours or stops, or participating in such activities in a community location.

(f) Lawfully present within an establishment or going to or returning from such establishment without unnecessary detours or stops.

(g) Traveling to or returning from the residence of another person, without unnecessary detours or stops, when such visit is done with the knowledge and consent of the juvenile's parent or guardian.

5. ENFORCEMENT: Community Members found in violation of this policy may receive nonjudicial or judicial action or adverse civilian misconduct action under appropriate laws and regulations including, but not limited to, the UCMJ, AER 27-9 (Civilian Misconduct) and USAREUR 600-1 (Regulated Activities of Members of the Force). (Note: This policy does not replace the IMCOM and USAREUR Child Supervision Guidance, nor does it in any way limit the Garrison Commander's right to take action under AER 27-9.)

6. POC for this policy is USAG-BW Provost Sergeant at DSN 388-2222.

  
BRYAN D. DECOSTER  
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Commanding

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