DEPARTMENT OF THE ARMY
U.S. ARMY MANEUVER SUPPORT CENTER AND FORT LEONARD WOOD
320 MANSCEN LOOP STE 316
FORT LEONARD WOOD, MISSOURI 65473-8942

REPLY TO
ATTENTION OF:

ATZT-JA

04 APR

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy #08-05, Drunk or Drugged Driving

1. PURPOSE. To establish policy and procedures for processing cases of drunk or drugged driving by military personnel.

2. GENERAL.

a. I will be personally involved in drunk or drugged driving offenses by military personnel as directed by the provisions of AR 190-5, Motor Vehicle Traffic Supervision. I have an additional and independent interest in such cases because I wish to deter military personnel from endangering themselves and others when they exercise the poor judgment to drive while impaired by intoxicants.

b. The term "motor vehicle" in this policy includes impaired operation of any vehicle driven by mechanical power manufactured primarily for use on public streets, roads, and highways. Furthermore, this policy includes impaired operation of motorized watercraft (boats, jet skis, etc.) or non-motorized watercraft in excess of 12 feet in length (larger sailcraft) operated on rivers, lakes, streams, etc. It does not include water craft propelled solely by oars or paddles.

3. DISCUSSION:

a. I will issue a written reprimand to military personnel, regardless of rank, assigned or attached to Fort Leonard Wood, who are involved in any of the following types of intoxicated driving misconduct:

(1) Conviction of intoxicated driving or driving under the influence of alcohol or drugs either on or off the installation; or

(2) Refusal to take or failure to complete a lawfully requested test to measure alcohol or other drug content of the blood, breath or urine, on or off the installation when there is reasonable belief of driving under the influence of alcohol or drugs; or

(3) Driving or being in physical control of the above-mentioned motor vehicles or watercraft on-post when blood alcohol content (BAC) is 0.08 or higher, irrespective of other charges, or off-post when the BAC is in violation of state laws, irrespective of other charges; or

(4) Driving or being in physical control of the above-mentioned motor vehicles or watercraft - either on or off post when lawfully requested chemical tests of blood, breath or urine reflect the presence of illegal drugs.

b. Reprimands are administrative sanctions and will be processed through the chain of command for service on the soldier and for recommendations whether I should file the reprimand in the Official Military Personnel File (OMPF) or temporarily (not to exceed three

years) in local files. Reprimands filed locally will be maintained in the Office of the Staff Judge Advocate with copies furnished to the Soldier and the Soldier's unit of assignment.

c. Commanders will refer all Soldiers apprehended for drunk or drugged driving offenses to the installation Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) for clinical evaluation within ten days of the report of the incident. Commanders will also require them to conduct a safety evaluation of the Soldier's assigned duties to determine whether to temporarily reassign the Soldier with particular concern for Soldiers whose regular duties require them to carry arms or ammunition or to operate military vehicles (tactical or non-tactical).

d. Additionally, commanders will review the service records of Soldiers apprehended for drunk or drugged driving offenses to determine whether the incident warrants any of the following actions:

(1) Administrative reduction in accordance with AR 600-8-19.

(2) Bar to reenlistment in accordance with AR 601-280.

(3) Administrative discharge in accordance with AR 635-200.

e. In addition to the actions I have already discussed, the Provost Marshal's Office will continue administering the provisions of AR 190-5, paragraphs 2-5 and 2-6 regarding suspension and revocation of installation driving privileges of persons involved in alcohol or drug-related driving misconduct.

f. All persons cited for drunk or drugged driving on post will be prosecuted through the U.S. Magistrate Court. Commanders desiring to exercise UCMJ authority over military personnel involved in on-post drunk or drugged driving offenses for good cause (i.e. imminent PCS, multiple offenses, repeat offenses, etc.) may request jurisdiction from the Staff Judge Advocate. Release of Magistrate Court jurisdiction is an exceptional measure and commanders should not seek UCMJ jurisdiction absent exceptional circumstances.

4. SUPERSESSION. This memorandum supersedes the previous memorandum dated 8 May 1998 or any previous command policy regarding drunk or drugged driving.

5. PROPONENCY. The Staff Judge Advocate and Provost Marshal are the proponents for this command policy. Direct any questions to the Military Justice Division at 6-0630 or Law Enforcement Command at 6-1820.

RANDAL R. CASTRO
Major General, USA
Commanding

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