DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON MANNHEIM
UNIT 29901
APO AE 09086-9901

IMEU-MAN-ESP 22 December 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison Mannheim (USAG-M) Command Policy Memorandum # 4, Loitering, Public Nuisance and Juvenile Curfew at Facilities within the USAG-M Area of Operation

1. **Objective.** This policy defines loitering, public nuisance and juvenile curfew; it also defines the areas where loitering and public nuisance are prohibited. The intent of this policy is to establish limitations on loitering and public nuisance within the Mannheim community.

2. **Applicability.** This policy applies to all community members – military, family members, and members of the Civilian component – appropriated fund (AF) and non-appropriated fund (NAF).

3. **Definitions.** The following definitions apply within this memorandum:

a. Loitering: To remain, delay, linger, saunter, be slow in moving, or to lag behind in a public place for no obvious reason. This definition does not apply to participants in any activity sponsored or recognized by the command, or to persons present in an area for the purpose of purchasing goods or services from an authorized vendor.

b. 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 cause injury to the other party. Nuisances are classified in three categories: public, private, and mixed. Public nuisances are created by an act or failure to perform a legal duty that intentionally causes or permits a condition to exist that injures public health, safety or welfare. Private nuisances are acts, or failures to act, that destroy or deteriorate the property of an individual or of a few persons. Private nuisances may also be actions, or failures to act, that interfere with another party's lawful use or enjoyment of their property. Mixed nuisances are both public and private, causing widespread harm to a large group of people and separate, individual harm to a smaller group of people.

c. Curfew: An ordinance requiring that individual persons (particularly children) remove themselves from public gathering spots on or before a certain specified time at night.

d. Public Place: A location where the public has an interest as affecting the safety, health, morale and welfare of the community. Any place on the military installation where the public of a substantial group of the public has access, including, but not limited to: streets, sidewalks,

avenues, roads, curb areas, alleys, parks, playgrounds, or other public ground or public buildings. Public places specifically include the common area of any school, hospital, military housing building, office building, transport facility, shop, or any place of business operated for a profit to which the public is invited.

e. Juvenile: Any unmarried person who has not yet reached 18 years of age and is not a Soldier.

f. Parent: The lawful mother or father of a person.

g. Guardian: Any person other than a parent who has legal guardianship of a juvenile.

h. Custodian: Any person, not a juvenile, who has lawful care and custody of a juvenile (i.e., babysitter).

4. Policy.

a. Individuals, including juveniles, will not loiter in public areas.

b. Individuals will be removed from public places when their behavior constitutes a public nuisance. This memorandum adopts the general definition of "public areas" as stated above. These areas specifically include (but are not limited to):

(1) Benjamin Franklin Village (BFV) Bowling Center, includes areas inside and outside of the Center.

(2) BFV Skate Park.

(3) The grounds surrounding activities intended for community support (i.e., shopping centers, hospitals, restaurants and clubs).

(4) The grounds surrounding military housing buildings.

(5) Attics and basements of buildings.

(6) The gazebo located behind BFV Chapel.

(7) The playing fields located behind the Mannheim Youth Center to include the dugouts.

(8) Picnic pavilions located throughout the community.

(9) Playground areas located throughout the community.

c. A curfew will be in place for all juveniles in the USAG-M area of operation. Curfew hours are as follows:

Curfew Age	School in Session	Weekends/Holidays/Summer
Ages 10 and younger	1900-0500	2100-0500
Ages 11 to 14	2100-0500	2300-0500
Ages 15 to 17	2200-0500	2400-0500

d. Military Police (MP) will detain juveniles found in public places in violation of the curfew and immediately notify appropriate parents, guardians, or custodians of such detention. Prior to removing their juvenile from the MP station, parents/guardians will be required to sign a document acknowledging that their juvenile has been detained for violation of the curfew. Upon an individual juvenile's second violation of the curfew, the juvenile offender will be required to appear before the USAG-M Family Member Action Officer with his or her parents, guardians, or custodians. The Civilian Misconduct Authority Officer will determine appropriate disciplinary and/or administrative action at that time.

e. The following are exceptions to the curfew policy. Juveniles engaged in the following activities will be exempt from detention by the MPs for violating the curfew policy:

(1) 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.

(2) In a motor vehicle involved in travel.

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

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

(5) 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 public place.

(6) Lawfully present within an establishment or going to or returning from such establishment without any unnecessary detours or stops; or

(7) 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. Community Members (Military, Family Members, Civilian Component – NAF and AF) found in violation of this policy may receive punishment under appropriate laws statutes and regulations including, but not limited to UCMJ, AER 27-9 (Civilian Misconduct) and USAREUR 600-1 (Regulated Activities of members of the Force). (**Note:** This policy does not replace the IMA-E Child Supervision policy, nor does it in any way limit the Garrison Commander's right to take action under AER 27-9.)

6. The point of contact for this policy is the USAG-M Provost Marshal Office at 385-2541/3200 or CIV 0621-730-2541/3200.

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Commanding

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