

DEPARTMENT OF THE ARMY  
HEADQUARTERS FORT MONROE  
FORT MONROE, VIRGINIA 23651-6200

FM Regulation  
Number 190-7

18 Nov 1985

MILITARY POLICE  
SUSPENSION/REVOCATION OF INSTALLATION DRIVING PRIVILEGES

1. REFERENCES.

a. AR 190-5, Motor Vehicle Traffic Supervision, dated 1 August 1973, with changes.

b. Interim Change IO6, AR 190-5, dated 17 July 1985.

2. PURPOSE. The purpose of this regulation is to establish administrative procedures and delineate staff responsibilities for the suspension/revocation of driving privileges on Fort Monroe of those individuals apprehended or convicted of Driving While Intoxicated (DWI).

3. GENERAL. Intoxicated driving is incompatible with the maintenance of high standards of performance, military discipline, and readiness, and is a serious threat to the health and welfare of the Fort Monroe community. The Commander, Fort Monroe, will ensure that intoxicated drivers are removed from the road as quickly as possible and that appropriate sanctions are expeditiously applied.

4. APPLICABILITY. This supplement applies to active duty personnel and their dependents, civilian employees, and others with installation driving privileges.

5. POLICY.

a. Suspension of Driving Privileges.

(1) An individual's installation driving privileges will be suspended when any of the following occurs:

(a) Lawful apprehension for driving while intoxicated, regardless of geographic location.

(b) Refusal to submit to or complete a lawfully requested chemical test to determine blood alcohol content.

(c) Driving or being in physical control of a motor vehicle when the Blood Alcohol Content is 0.10 percent or higher, regardless of other charges.

(2) Prior to suspension action as a result of a lawful DWI apprehension, the best evidence readily available will be presented to the Post Judge Advocate for review. The Provost Marshal will conduct the review and authorize suspension in those instances when the Post Judge Advocate is not reasonably

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available and, in the judgement of the Provost Marshal, such immediate action is warranted. Review by the Post Judge Advocate will follow as soon as practicable.

(3) Suspension letters will be prepared by the Post Judge Advocate and will include the following:

(a) The fact that the suspension can be made a revocation upon conviction, nonjudicial punishment, or an administrative determination in civilian channels (i.e., suspension or revocation of state driver's license) for DWI, or for refusal to submit to or complete a test to measure blood alcohol content required.

(b) The right of the individual to request, in writing, a hearing before the installation commander to determine if post driving privileges will be restored pending resolution of the charge.

(c) A written request for a hearing must be made within five working days of the notice of suspension.

(d) The right of civilian employees to have a personal representative present at the administrative hearing.

(4) If a hearing is requested, it must take place within ten working days of receipt of the written request. The suspension will remain in effect until a decision has been made by the installation commander. If a decision has not been made within seven working days after the hearing, full driving privileges will be restored until the accused is notified in writing of a decision to continue the suspension.

(5) Hearings on suspension actions will cover only the pertinent issue(s) of whether----

(a) The apprehending officer had reasonable grounds to believe the person charged was driving or in actual physical control of the motor vehicle while under the influence of an intoxicating substance;

(b) The apprehension was lawful;

(c) The person charged was lawfully requested to submit to a Blood Alcohol Content Test, and had been informed of the consequences of refusal.

(d) The person refused to submit to the Blood Alcohol Content Test, or failed to complete the test, or submitted to the test and the result was 0.10 percent or higher.

(e) The testing method used was valid and reliable and the results were accurately evaluated.

b. REVOCATION OF DRIVING PRIVILEGES.

(1) The installation driving privileges of an individual will be revoked for a mandatory period of one year when----

(a) The person lawfully apprehended for DWI refused to submit or complete a lawfully requested Blood Alcohol Content Test;

(b) The person charged has been convicted of DWI. Appropriate official documentation of such conviction is required as the basis for revocation.

(2) An individual whose driving privileges have been revoked may request consideration of imposing driving restrictions in lieu of revocation when extraordinary circumstances exist wherein the revocation of driving privileges would result in an adverse military mission impact, severe family hardship, or be detrimental to the effectiveness of an ongoing or contemplated alcohol/drug treatment/rehabilitation program.

(3) Written requests for restricted driving privileges in lieu of suspension/revocation will be referred to the general courts-martial convening authority.

c. Administrative Actions. The following administrative actions will be initiated against drunk drivers:

(1) Alcohol and Drug Abuse Prevention and Control Program (ADAPCP).

(a) Active duty personnel apprehended for DWI, on or off post, will be referred by their commander to the Fort Monroe Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) within seven working days for evaluation. The ADAPCP Office will be notified of the DWI apprehension as soon as possible after the incident by the Provost Marshal Office. The notification will be in the form of a Military Police Report and will be forwarded within two working days.

(b) Civilian employees apprehended for DWI off-duty will be advised by their supervisor of the ADAPCP services available. If the civilian employee is apprehended for DWI while on-duty, he/she will be referred to ADAPCP for evaluation.

(2) General Officer Letter of Reprimand. A General Officer Letter of Reprimand, administrative in nature, will be given to active duty personnel in the following cases:

(a) Conviction of DWI either on or off post.

(b) Refusal to take or failure to complete a lawfully requested Blood Alcohol Content Test, either on or off post.

(c) Driving or being in physical control of a motor vehicle when Blood Alcohol Content is 0.10 percent or higher, regardless of other charges.

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(3) The commander of active duty personnel apprehended for offenses described in paragraph 5c(2) above will review the service records of these individuals to determine if the following is warranted:

- (a) Administrative reduction IAW AR 600-200;
- (b) Bar to reenlistment IAW AR 601-280;
- (c) Administrative discharge IAW AR 635-100 or AR 635-200, Chapter 14.

ATZG-PM

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