



UNITED STATES MARINE CORPS
MARINE CORPS BASE

QUANTICO, VIRGINIA 22134-5000

MCBO 5800.5
B 0525
9 Jun 98

MARINE CORPS BASE ORDER 5800.5 w | chr

From: Commanding General, Marine Corps Base
To: Distribution List

Subj: DEBARMENT PROCEDURES

Ref: (a) MCO 5510.15
(b) Title 50, United States Code, Chapter 23, Section 797
(Internal Security Act of 1950) (NOTAL)
(c) Title 18, United States Code, Section 1382 (NOTAL)
(d) MCBO P11101.1

Encl: (1) Guidelines for Disposition of Reports of Misconduct
(2) Sample Letter of Debarment for Issue to Civilians
(3) Sample Letter of Debarment for Issue to Recently
Discharged Personnel

1. Purpose. To provide guidance to commanders and staff aboard MCB, Quantico, regarding the standards and procedures for issuing letters of debarment aboard this installation. Regulatory and statutory authority for debarment and other forms of administrative action is vested in the CG MCB, Quantico by the references.

2. Backaround

a. Reference (a) outlines the broad discretion vested in the commander of a military installation to exclude certain persons from the installation. That authority encompasses excluding civilians, including family members of servicemembers, whose presence on the installation threatens its peace and security. Such exclusion must be reasonable and not arbitrary or discriminatory.

b. References (a) through (d) provide the CG MCB with a range of actions to take with respect to civilians who violate regulations or commit criminal offenses aboard this installation. These options include, but are not limited to, prosecution in United States District Court, permanent debarment from the Base, eviction from military family housing, restriction of Base privileges, restriction from certain areas and facilities, probation, and similar administrative actions.

c. Marines who are separated punitively or administratively may reasonably represent a threat to the peace or security of the installation. Servicemembers being discharged who have demonstrated unacceptable conduct and civilians who have

demonstrated undesirable conduct may pose a threat to the peace and security of the installation. When commanders or the Provost Marshal believe, respectively, that a servicemember or civilian poses such a threat, a report stating why an individual should be issued a debarment letter will be forwarded to the CG MCB via the Base Inspector and the Staff Judge Advocate. When exigent circumstances dictate, the report should be forwarded directly to the CG MCB for consideration with a view toward immediate debarment.

3. Policy

a. The CG MCB requires all personnel aboard this installation, regardless of status, to adhere to established rules, regulations, and state and Federal law. Individuals who violate such requirements or threaten the peace and security of this installation will be dealt with expeditiously and in consonance with the violation committed.

b. All requests for debarment will be reviewed by the Decision Advisory Panel prior to the CG MCB taking any action on an individual, military or civilian.

c. The military chain of command will resolve instances of misconduct committed by military personnel. While military personnel who are separated punitively or administratively (under other than honorable conditions) may have demonstrated conduct which is of an unacceptable nature for the purpose of continued active service, such conduct in most cases does not pose a threat to the peace and security of the Base. Therefore, although all cases of punitive or involuntary administrative discharges should be reviewed to evaluate the underlying activities, commanders should recommend debarment only in those cases involving serious criminal activity which inherently poses a danger to peace and security. Crimes of moral turpitude or violence such as aggravated assault with a deadly weapon, armed robbery, rape, murder, and other major felonies such as incest, arson, burglary, and drug-related offenses constitute such a threat. Cases in which the above listed offenses are the basis for separation should be carefully scrutinized to determine if debarment should be ordered.

d. Pursuant to reference (c), military family members, whether residing in Base housing or otherwise present aboard this installation, are subject to the authority of the CG MCB, as are contractors and casual visitors, including juveniles on the Base as guests. Civilians, including juveniles, may be issued a letter of debarment when the CG MCB determines their conduct is a threat to the peace and security of the installation. Access to MCB, Quantico, typically will be restricted or denied according to the following guidelines:

(1) Warning letters may be issued by the Base Inspector, MCB, Quantico, to civilians and dependents of military personnel for minor violations of Base regulations or state or Federal law.

(2) Debarment letters may be issued by the CG MCB, Quantico to:

(a) Dependents of military personnel, for serious violations of Base regulations or state or Federal law and for second or subsequent minor violations of the same, and

(b) Civilians who are not dependents of military personnel and who are not DoD employees for any violation of Base regulations or state or Federal law that results in issuance of DD Form 1805, United States District Court Violation Notice, or prosecution in Federal District Court.

(c) Enclosure (1) contains guidelines outlining possible disposition of various types of misconduct. Enclosure (1) is not all-inclusive and does not impede the CG MCB, Quantico from taking other action or no action under the CG's discretionary powers.

e. Only an individual committing misconduct or violating regulations will be debarred; other family members will not. However, under some circumstances misconduct may trigger dispossession of quarters under reference (d), an action which affects all residents of the quarters. Servicemembers occupying Base quarters are responsible for the conduct of their family members and civilian guests when the good order and peaceful environment of the neighborhood are disrupted. Residing in Base quarters is a privilege, not a right. Moves related to forced dispossession may be at no cost to the Government. Eligibility of school-age family members to attend Base schools may also be affected.

f. Debarment takes effect immediately upon notification unless a later effective date is stated in the notification letter signed by the CG MCB.

g. Debarred individuals retain the right to travel on Fuller Road from Gate #1 to the Town of Quantico without deviation. Those debarred from the Base who rate appropriate privileges will be authorized access to medical and dental facilities.

4. Reporting/Investigating Procedures

a. Instances of on-Base misconduct involving civilians shall be reported to the Provost Marshal without delay. Reports shall be as detailed as possible to enable the Provost Marshal to determine the circumstances of the incident, the identity of the participants, the extent of damages, where relevant, and any other facts required for appropriate disposition of the case.

b. The Provost Marshal shall investigate the alleged misconduct, if appropriate, or refer the matter to the Naval Criminal Investigative Service (NCIS), if NCIS has jurisdiction over the matter. In appropriate cases, coordination may be made with local civilian law enforcement agencies.

c. Upon completion of the investigation, in addition to any other required distribution, copies of reports shall be distributed to:

(1) The Staff Judge Advocate (B 0525) for review and initiation of criminal prosecution, or civilian personnel action if appropriate. Initial notification of misconduct may be made by blotter entries followed by detailed reports.

(2) The Base Inspector (B 051), for review and initiation of administrative action, if appropriate.

5. Action

a. Commanders of organizations aboard MCB, Quantico, including all tenant activities, will:

(1) Report instances of civilian misconduct to the Provost Marshal as stated in this Order.

(2) Review every case of individuals separated from the military service under other than honorable conditions, or with a punitive discharge to determine if the separation is predicated upon conduct which clearly evidences a threat to the peace or security of the Base. In cases where the conduct which led to the discharge clearly evidences such a threat, prepare a recommendation for debarment using enclosure (3) as guidance and forward the proposed letter with supporting documentation to the Staff Judge Advocate, MCB (B 0525).

(3) Upon approval by the CG MCB of a recommendation for debarment, deliver the debarment letter to the servicemember in conjunction with discharge, ensure the individual acknowledges receipt of the letter, and forward the acknowledged copy to the Base Inspector.

(4) Provide a recommendation to the CG MCB whenever debarment is contemplated for the dependent of one of their members.

b. The Base Provost Marshal will:

(1) Investigate instances of civilian misconduct and distribute the reports of such investigations per regulations and as stated in this Order.

(2) Process personnel who have been barred from reentering the Base and who attempt to reenter the Base for prosecution before the Magistrate, as appropriate, by forwarding the processing documents to the Staff Judge Advocate and Base Inspector.

(3) Sit as a member of the Decision Advisory Panel and the Appeal Advisory Panel.

c. The Staff Judge Advocate will:

(1) Review proposed letters of debarment submitted by commanders on individuals who are being separated under other than honorable conditions or have received an adjudged punitive discharge and forward them to the CG MCB for signature.

(2) Review completed reports of civilian misconduct occurring aboard this installation and initiate prosecution or civilian personnel action in appropriate cases.

(3) Sit as a member of the Decision Advisory Panel and the Appeal Advisory Panel.

d. The Base Inspector will:

(1) Review reports of investigations of civilian misconduct occurring aboard MCB, Quantico, take appropriate administrative action as provided for in enclosure (1), or forward the report along with recommended action and appropriate correspondence for signature to the CG MCB.

(2) Ensure all individuals, upon whom administrative action is pending, receive timely notification and all administrative due process privileges as provided for in this Order.

(3) Notify the sponsor's command immediately when debarment or dispossession of quarters is contemplated in cases involving dependents.

(4) Receive and process, on behalf of the CG MCB, all appeals from administrative action taken against civilians or juveniles per the provisions of this Order.

(5) Meet with individuals upon request to explain the debarment process.

(6) Deliver, at a conference with the juvenile and their sponsor, when practicable, signed letters of administrative action against juveniles who reside in government quarters.

(7) Acting on behalf of the CG MCB, impose any administrative action (other than civilian personnel action) due to civilian misconduct short of evicting individuals from government quarters and issuing debarment letters. This includes issuing warning letters to civilians whose misconduct does not rise to the level requiring debarment.

(8) Maintain records on administrative action taken against civilians and ensure appropriate agencies are notified of the action taken.

(9) Serve as Chairman, Decision Advisory Panel and sit as a member of the Appeal Advisory Panel.

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e. The Chief of Staff, MCB, will serve as Chairman, Appeal Advisory Panel.

f. The CG MCB will:

(1) Determine whether to issue a letter of debarment. There is no requirement to delay this decision pending a criminal court action since the standard of proof is different. The CG MCB need only determine that the individual is a reasonable threat to the peace and security of the Base based on a preponderance of evidence. Typically, debarment letters may be issued to:

(a) Family members of military personnel, for serious violations of Base regulations or state or Federal law and for second or subsequent minor violations of the same, and

(b) Civilians who are not family members of military personnel and who are not DOD employees for any violation of Base regulations or state or Federal law that results in issuance of a DD Form 1805 or prosecution in United States District Court.

(2) Reconsider the issuance of debarment letters when appeals are submitted within 10 calendar days.

(3) Review the administrative actions taken by the Base Inspector when appealed.

(4) The CG may issue a suspended debarment in which case the individual will be allowed to maintain privileges aboard MCB, Quantico in a "probationary" status. If the individual is involved in another misconduct incident during the period of suspension, the CG may immediately vacate the suspended debarment without another hearing or he may elect to convene the Decision Advisory Panel to hear the case again before making his decision.

g. The Decision Advisory Panel will:

(1) Be chaired by the Base Inspector. It will consist of the Provost Marshal, Staff Judge Advocate, and in all cases involving enlisted personnel, the MCB Sergeant Major.

(2) Advise and recommend to the CG MCB what action, if any, should be taken against an individual being considered for debarment.

(3) Consider all reasonably available evidence before making any recommendation. This includes the initial offense report along with more detailed reports such as Criminal Investigation Division reports, NCIS reports, Judge Advocate General Manual investigations, etc. Any written materials timely offered by the individual, either in extenuation or mitigation, should be considered. In the case of a dependent of a servicemember assigned aboard MCB, Quantico, any written matters submitted by the sponsor's command will also be considered.

h. The Appeal Advisory Panel will:

(1) Be chaired by the Chief of Staff, MCB. It will consist of the Base Inspector, Provost Marshal, Staff Judge Advocate, and in all cases involving enlisted personnel, the MCB Sergeant Major.

(2) Consider the original debarment package and any written materials timely submitted by the individuals in support of their appeals. If the appellant is a military dependent, written material submitted by the sponsor's command will also be considered.

(3) Permit a personal appearance by the debarred individual provided such appearance can be made in a timely fashion.

(4) Advise and recommend to the CG MCB whether a debarment declaration should be removed or maintained.

6. Removal from Debarment Status

a. The authority to bar an individual from the Base is discretionary and rests solely in the sound judgment of the installation commander. When any individual so barred from entry aboard the Base ceases to be a threat, the debarment may be removed by the CG MCB.

b. Requests for removal from debarment status may be made in writing, after one year, to the CG MCB (Attn: Inspector B 051) stating the reasons why the debarment should be lifted.

7. Records

a. All records relating to civilian and juvenile misconduct are considered sensitive and shall be maintained by the Base Inspector and Base Provost Marshal in restricted access containers separate from general correspondence files. The Base Inspector and Provost Marshal shall ensure the privacy of these files is maintained and disclosure to third parties is strictly controlled.

b. Access to civilian and juvenile files shall be limited to those individuals who have an official need to know such information. Additionally, the individual upon whom the files relate, may, under certain circumstances, authorize the limited release of such files to third parties. The Privacy Act or Freedom of Information Act governs access to such files by the offender or third-party requester.

c. All files relating to juveniles and not including a declaration of debarment shall be destroyed four years after the last recorded incident.

d. Debarment files shall be maintained by the Base Inspector indefinitely.

e. All other files shall be maintained for a period determined by the Base Inspector based upon the severity of the misconduct.

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8. Appeals. Personnel against whom administrative action is taken, including debarment, may request reconsideration of the decision by the CG MCB. Such appeals must be forwarded in writing to the Base Inspector within 10 calendar days of notification of the action. Personnel desiring a personal appearance to discuss their appeals shall include such request in their appeal packages.



F. C. WILSON

DISTRIBUTION: A



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

MCBO 5800.5 Ch 1
B 0525
MAR 01 2002

MARINE CORPS BASE ORDER 5800.5 Ch 1

From: Commanding General, Marine Corps Base
To: Distribution List

Subj: DEBARMENT PROCEDURES

1. Purpose. To transmit a pen change to the basic Order.
2. Action. Page 6, paragraph 5f, add "(4) The CG may issue a suspended debarment in which case the individual will be allowed to maintain privileges aboard MCB, Quantico in a "probationary" status. If the individual is involved in another misconduct incident during the period of suspension, the CG may immediately vacate the suspended debarment without another hearing or he may elect to convene the Decision Advisory Panel to hear the case again before making his decision."
3. Filing Instructions. File this change transmittal immediately following the signature page of the basic Order.


D. L. WRIGHT
Chief of Staff

DISTRIBUTION: INTERNET

GUIDELINES FOR DISPOSITION OF REPORTS OF MISCONDUCT

These guidelines list potential actions and the conduct which normally triggers sanctions at each level. It is an informal guide and not all seriousness dictates. More or less severe action may be taken based upon the circumstances of the individual case and more than one action may result from a single offense.

1. Conduct which normally results in an oral admonition: Particularly minor offenses, especially when juveniles are involved.
2. Conduct which normally results in a Warning Letter: Commission of minor offenses, as defined in this Order; unresolved neighborhood disputes; minor domestic disputes; failure to exercise control or supervision over minor children; minor affrays; violation of housing regulations; violation of motor vehicle traffic regulations when action in addition to that of the Traffic Court Officer or action taken in United States District Court is appropriate; minor violation of Base hunting regulations.
3. Conduct which normally results in suspension of privileges or restriction to specified areas and/or a period of probation: Shoplifting or theft from any activity/location aboard this Base (regardless of value of property taken); abuse of privileges; sponsorship of an individual not otherwise entitled to use facilities where such individual violates regulations or commits criminal misconduct aboard this Base; repeat of minor offenses where warning letter has previously been issued without results.
4. Conduct which normally results in dispossession of government quarters: Repeated violation of housing or other regulations; a pattern of an inability to live peaceably with neighbors; waste or mismanagement of government provided utilities; willful destruction of property including assigned government quarters; child or spouse abuse/neglect; commission of a felony or any offense involving drug activity or weapons in or involving government quarters. Personnel who lose eligibility to live in family housing when their family member(s) have been debarred may be dispossessed.
5. Conduct which normally results in debarment: Commission of any offense involving a weapon or drug related activity; commission of a felony; repeated minor violations of Base regulations where the individual has been previously warned or lesser administrative action taken without results; serious domestic disturbances; serious spouse or child abuse/neglect; aggravated assault; theft; burglary; any offense or misconduct which threatens the peace and security of this installation.
6. Referral to Federal authorities: Any violation of Federal or state law, especially serious offenses of trespassing after previous debarment, will be referred to the Special Assistant, United States Attorney for action.

ENCLOSURE (1)

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SAMPLE LETTER OF DEBARMENT FOR ISSUE TO CIVILIANS



**UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001**

IN REPLY REFER TO:
5800
B 0525
(Date)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John A. Civilian
1234 Bethel Church Drive
Woodbridge, Virginia 22192

Dear Mr. Civilian:

On (set forth the date and reasons why the action is being taken with specific reference to the act or acts that have cause a determination that the persona non grata letter is required). Such conduct will not be tolerated. Consequently, and per Title, 18 United States Code, Section 1382 (1948), you are hereby notified that, effective immediately upon receipt of this letter, you are ordered not to reenter or be found within the limits of Marine Corps Base, Quantico, Virginia, with the exception of using Gate #1 and Fuller Road to go to and from the Town of Quantico. This order of debarment will remain in effect indefinitely.

Should you reenter or be found upon the limits of this installation, except for the purpose of going to and from the Town of Quantico, in violation of this order, you will be apprehended, delivered to appropriate civilian authorities, and promptly prosecuted.

You may appeal this order of debarment in writing within 10 days of your receipt of this notice. While I am considering your appeal, this order of debarment shall be effective and enforced.

After one year, if you believe any compelling reason exists sufficient to justify a modification or termination of this order, you may submit a request to the Commanding General, Marine Corps Base (Attn: Base Inspector) for consideration.

Sincerely,

I. M. GENERAL
Brigadier General
U.S. Marine Corps
Commmanding General

copy to:
CO, SctyBn
Inspector

ENCLOSURE (2)

MCBO 5800.5
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SAMPLE LETTER OF DEBARMENT FOR ISSUE TO RECENTLY
DISCHARGED PERSONNEL



UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 221346001

IN REPLY REFER TO:
5800
B 0525
(Date)

From: Commanding General, Marine Corps Base, Quantico
To:

Subj: DEBARMENT

1. You are being separated under other than honorable conditions due to (set forth the reasons why the action is being taken with specific reference to the act or acts that have caused a determination that the persona non grata letter is required), and having thereby demonstrated conduct of a nature such that your future presence aboard this installation would threaten the peace and security of the installation, you are hereby notified that, effective upon separation from the United States Marine Corps, you are ordered not to reenter, or be found within the limits of, the United States military reservation at Quantico, Virginia, with the exception of using Gate #1 and Fuller Road to go to and from the Town of Quantico.

2. The following information has been extracted from Title 18, United States Code, Section 1382 (1948). It is being provided so that you might be aware of the seriousness of the consequences should you violate the restriction levied upon your further entry to this installation:

"Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation; or

"Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station or installation after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof;

"Shall be fined not more than \$500 or imprisoned not more than six months, or both."

3. Should any compelling reason exist which you believe would be sufficient to justify a modification or termination of this order, you may submit such a request to the CG MCB, Quantico (B051) after one year for consideration.

ENCLOSURE (3)

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Subj: DEBARMENT

4. You are further informed that should you reenter or be found upon the limits of the United States military reservation at Quantico, Virginia, in violation of this order, you will be subject to apprehension and detention by the military for prompt delivery to appropriate civil authorities.

I. M. GENERAL

copy to:

CO, (Org)
SJA
PMO
INSP
NISRA
CHRO
Dir, MWR

RECEIPT ENDORSEMENT

I hereby acknowledge receipt of this letter.

Signature of Addressee

Date: _____

Time: _____

Witness

Witness

ENCLOSURE (3)