



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

MCBO 5800.5A
B 0525
13 Aug 10

MARINE CORPS BASE ORDER 5800.5A

From: Commander
To: Distribution List

Subj: DEBARMENT PROCEDURES

Ref: (a) MCO 5530.14A
(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 P11101.1A
(e) MCBO 10570.2D

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 Marine Corps Base, Quantico (MCBQ), 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 Commander MCBQ by the references.

2. Cancellation. MCBO 5800.5

3. Summary of Revision. This Revision contains a significant number of changes and should be reviewed in its entirety.

4. Background

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 service members, 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 Commander MCBQ 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 causing dispossession of privatized 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. Service members being discharged who have demonstrated unacceptable conduct will be recommended to the Commander MCBQ for debarment.

d. 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 that a civilian poses such a threat, a report stating why an individual should be issued a debarment letter will be forwarded to the Decision Advisory Panel (DAP) via the Command Inspector General (CIG) and/or the Staff Judge Advocate (SJA).

5. Policy

a. The Commander MCBQ 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 the debarment of civilians will be reviewed by the DAP prior to a decision being made.

c. The military chain of command will resolve instances of misconduct committed by military personnel. All persons separated punitively or administratively (under other than honorable conditions) will be recommended by SJA to Commander MCBQ for debarment.

d. Pursuant to reference (c), military family members, whether residing in privatized housing or otherwise present aboard this installation, are subject to the authority of the Commander MCBQ, 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 DAP determines their conduct is a threat to the peace and security of the installation. Access to MCBQ, typically will be restricted or denied according to the following guidelines:

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

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(2) Debarment letters may be issued by the Chairperson, DAP, by direction of the Commander, MCBQ, 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 Commander MCBQ, or his designees from taking other action or no action under the Commander's discretionary powers.

e. Only the individual committing misconduct or violating regulations will be debarred; other family members will not. However, under some circumstances misconduct may trigger dispossession of privatized housing under reference (d), an action which affects all residents of the quarters. Service members occupying privatized housing 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 privatized housing 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. In accordance with reference (e), violations pertaining to the pet policy may lead to the debarment of animals and their owners. Specifically, any animal that is determined by procedures set out within reference (e) to be a dangerous or a vicious animal is prohibited and will be debarred from the Base. This includes full or mixed breeds of Pit Bulls and/or Rottweilers, canine/wolf hybrids, any wild animal or any dog crossed with a wild animal (e.g., wolf).

g. Debarment takes effect immediately upon notification unless a later effective date is stated in the notification letter signed by the Commander MCBQ or Chairperson, DAP.

h. 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.

6. 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 CIG (B 051), for review and initiation of administrative action, if appropriate.

7. Action

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

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

(2) Upon approval by the Commander MCBQ of a recommendation for debarment, deliver the debarment letter to the service member in conjunction with discharge, advise the service member their appeal rights and deadline to submit an appeal, ensure the individual acknowledges receipt of the letter, and forward the acknowledged copy to the CIG.

(3) Provide a recommendation to the DAP via CIG or SJA whenever debarment is contemplated for the dependent of one of their members.

(4) Provide an endorsement if a service member appeals their debarment.

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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 U.S. Magistrate, as appropriate, by forwarding the processing documents to the Staff Judge Advocate and CIG.

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

c. The Staff Judge Advocate will:

(1) Make recommendations of debarment to Commander MCBQ for individuals who are being separated under other honorable conditions or have received an adjudged punitive discharge.

(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 CIG will:

(1) Acting on behalf of the Commander MCB, impose any administrative action (other than civilian personnel action) due to civilian misconduct, to include issuing debarment letters by direction of the Commander. This also includes issuing warning letters to civilians whose misconduct does not rise to the level requiring debarment.

(2) Review reports of investigations of civilian misconduct occurring aboard MCBQ, take appropriate administrative action as provided for in enclosure (1) including, drafting debarment letters.

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

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

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

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

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

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

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

(10) Upon receiving a report of serious misconduct committed by civilians/juveniles, is authorized to debar an individual until such time as the normal decision process is complete. This authority is limited to emergency cases where the peace and security of the installation is disrupted or there is a bona fide, imminent threat of injury to an individual if the civilian/juvenile is not immediately removed from the Base. DAP will review all temporary debarments within one month of notifying the individual that he/she is temporarily debarred.

e. The Chief of Staff (COS), MCBQ, will serve as Chairperson, Appeal Advisory Panel.

f. The Commander MCBQ will:

(1) Determine whether to issue a letter of debarment in cases of service members separated administratively (under other than honorable conditions) or punitively. There is no requirement to delay this decision pending a criminal court action since the standard of proof is different. The Commander MCBQ need only determine that the individual is a reasonable threat to the peace and security of the Base based on a preponderance of evidence.

(2) Determine whether to issue a letter of debarment in cases of:

(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.

(c) The Commander may delegate the authority to sign debarment letters to the Chairperson, DAP.

(3) Reconsider the issuance of debarment letters when appeals are submitted by service members within 10 calendar days.

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

(a) The Commander may delegate the authority to sign responses to appeals to the Chairperson, AAP.

(5) The Commander, or his designee, may issue a suspended debarment in which case the individual will be allowed to maintain privileges aboard MCBQ in a "probationary" status. If the individual is involved in another misconduct incident during the period of suspension, the Commander, or his designee, 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 CIG. It will consist of a Provost Marshal representative, a Staff Judge Advocate representative, and in all cases involving enlisted personnel, the MCBQ Sergeant Major.

(2) Advise and make recommendations as to 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 service member assigned aboard MCBQ, 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, MCBQ. It will consist of the CIG, Provost Marshal, Staff Judge Advocate, and in all cases involving enlisted personnel, the MCBQ Sergeant Major.

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(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 make recommendations as to whether a debarment declaration should be removed or maintained.

8. 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 or his designee. When any individual so barred from entry aboard the Base ceases to be a threat, or corrected the deficiency that caused the debarment, the debarment may be removed by the Commander MCBQ, or his designee.

b. Requests for removal from debarment status, or limited re-instatement, may be made in writing, after one year, to the Commander MCBQ (Attn: CIG B 051) stating the reasons why the debarment should be lifted/modified.

9. Records

a. All records relating to civilian and juvenile misconduct are considered sensitive and shall be maintained by the CIG and Base Provost Marshal in restricted access containers separate from general correspondence files. The CIG 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 CIG indefinitely.

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

10. Appeals. Civilian personnel against whom administrative action is taken, including debarment, may request reconsideration of the decision to the COS MCBQ. Service members who have been debarred, may request reconsideration of the decision to the Commander MCBQ. All appeals must be forwarded in writing to the CIG within 10 calendar days of notification of the action. Individuals desiring a personal appearance to discuss their appeals shall make a request in their appeal packages.

/s/

D. J. CHOIKE

DISTRIBUTION: A

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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 debarment causing dispossession of privatized housing: 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 privatized 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

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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.

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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, except as authorized by MCBO 5800.5A. This order of debarment will remain in effect indefinitely.

Should you reenter or be found within the limits of this installation, except as authorized by MCBO 5800.5A, in violation of this order, you will be detained, 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 your appeal is being considered, 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 following address for consideration:

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Commander (B 051)
3250 Catlin Avenue, Suite 116
Marine Corps Base
Quantico, VA 22134

Sincerely,

I. M. Inspector
U.S Marine Corps
Command Inspector General

Copy to: CO, SctyBn
CIG

ENCLOSURE (2)

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**SAMPLE LETTER OF DEBARMENT FOR ISSUE TO RECENTLY DISCHARGED
PERSONNEL**

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

**IN REPLY REFER TO:
5800
B 0525
(Date)**

From: Commander, Marine Corps Base, Quantico
To:

Subj: DEBARMENT

1. You are being punitively/ administratively 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 your separation from the United States Marine Corps, you are ordered not to reenter, or be found within the limits of, the Marine Corps Base Quantico, Virginia, except as authorized by MCBO 5800.5A.

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."

ENCLOSURE (3)

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 Commander MCBQ, (B051), via CIG, after one year for consideration.

4. You are further informed that should you reenter or be found within the limits Marine Corps Base, Quantico, Virginia, in violation of this order, you will be subject to detention by the military for prompt delivery to appropriate civil authorities, and promptly prosecuted.

5. 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.

I. M. COLONEL

Copy to: CO, (Org)
SJA
PMO
CIG
NISRA CHRO
Dir, MWR

RECEIPT ENDORSEMENT

I hereby acknowledge receipt of this letter.

Signature of Addressee

Date: _____

Time: _____

Witness

Witness

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