



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NC 28542-0004

BO 1752.1G
CIG
AUG 13 2008

BASE ORDER 1752.1G

From: Commanding Officer
To: Distribution List

Subj: CIVILIAN, DEPENDENT, AND JUVENILE MISCONDUCT

Ref: (a) Title 18, U.S. Code (NOTAL)
(b) MCO 5510.15A
(c) Title 50, U.S. Code, Section 797 (NOTAL)
(d) MCIEAST CG Policy Letter 009-06
(e) BO P11101.33A

Encl: (1) Definitions
(2) Disposition Guidelines

1. Situation. The Commanding Officer (CO), Marine Corps Base (MCB), Camp Lejeune (CamLej), requires all personnel who come aboard this installation, regardless of status, to adhere to established rules, regulations, and Federal and State law. Those individuals who choose to violate such requirements or threaten the peace and security of this installation will be dealt with expeditiously and in consonance with the violation committed. This Order establishes a MCB, CamLej policy for civilian, dependent, and juvenile misconduct occurring aboard MCB, CamLej, in accordance with references (a) through (e).

2. Cancellation. BO 1752.1F.

3. Mission

a. This Order outlines the CO, MCB, CamLej's authority over all personnel and activities within this installation. The CO, by virtue of his/her office, exercises authority over offenses committed by civilians (as defined in enclosure (1)). Additionally, the CO exercises authority over all personnel in administrative matters which include, but are not limited to: housing affairs, traffic/motor vehicle and hunting regulations,

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shoplifting, juvenile misconduct, and other similar functions. This Order will also be applied to Marines who are separated punitively or administratively (under other than honorable conditions) that represent a reasonable threat to the peace and security of this installation.

b. Summary of Revision. This Order has been revised and should be thoroughly reviewed in its entirety.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To maintain the peace and security of this installation through judicious, timely, and coordinated administrative responses to all reported instances of civilian misconduct.

(2) Concept of Operations

(a) The military chain of command will resolve instances of misconduct committed by military personnel. Misconduct committed by civilians will be resolved administratively and/or through prosecution in criminal proceedings. Additionally, offenses committed in the local community wherein there is a potential to threaten the peace and security of this installation will be handled in accordance with this Order and civilian personnel regulations. All administrative action taken in accordance with this Order shall be based upon a preponderance of evidence available.

(b) The Command Inspector General (CIG), acting on behalf of the Commanding Officer, shall impose any administrative action (other than civilian personnel action) due to civilian misconduct short of evicting individuals from base housing and declaring individuals Persona Non-Grata (PNG).

(c) The CIG, upon receiving a report of serious misconduct committed by civilians/juveniles, is authorized to declare an individual PNG 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. The temporary debarment will be periodically reviewed and will be lifted upon such time as the individual debarred no longer poses a threat.

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b. Tasks(1) Commanders of MCB, Camp Lejeune organizations, including all outlying camps and tenant activities

(a) Report instances of civilian misconduct to the Provost Marshal.

(b) Review every case of individuals separated from the military service under other than honorable conditions to determine if the separation is predicated upon conduct which clearly evidences a threat to or a tendency to threaten, the peace and security of the Base. In cases wherein a determination is made that the conduct which led to the discharge clearly evidences such a threat, prepare a recommended declaration of PNG and forward the proposed letter with supporting documentation to the Staff Judge Advocate (SJA), MCB, CamLej.

(c) Upon approval by the CO, MCB, of a PNG letter, deliver the letter to the service member in conjunction with discharge, ensure the individual acknowledges receipt of the letter, and forward the acknowledged copy to the CIG.

(2) Base Provost Marshal

(a) Investigate instances of civilian misconduct and distribute the results of such investigations per regulations and as provided for in this Order.

(b) 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 SJA and the CIG.

(3) Staff Judge Advocate

(a) Review proposed letters of PNG submitted by commanders on individuals who are being separated under other than honorable conditions or receive an adjudged punitive discharge and forward them to the CO, MCB, CamLej, for signature.

(b) Forward a copy of the signed debarment letter on military personnel to the Commandant of the Marine Corps (JA) for information and filing.

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

(4) Command Inspector General

(a) Review investigations and reports of civilian misconduct occurring aboard the installation, take appropriate administrative action as provided in enclosure (2), or forward such report along with recommended action to the CO.

(b) Ensure all individuals upon whom administrative action is pending receive administrative due process privileges as provided in this Order. Ensure, through periodic review, that the reasons individuals having been temporarily debarred remain valid.

(c) Receive and process, on behalf of the CO, all appeals from administrative actions taken against civilians or juveniles in accordance with the provisions of this Order.

(d) Conduct administrative hearings as required, and with individuals who request such a hearing.

(e) For cases dealing with juvenile misconduct, conduct a board hearing with the juvenile and his/her parent(s) and representatives from the Base, keeping in mind the age of the juvenile, and their rehabilitative potential. Not all cases are required to have a board hearing; minor cases may be processed without a board, and major criminal or repeat offenses could result in a recommendation for PNG without a board.

(f) Maintain records on administrative action taken in accordance with applicable directives.

4. Administration and Logistics

a. Administration

(1) All records and materials relating to incidents involving civilian and juvenile misconduct are considered sensitive material and shall be maintained by the CIG and the Provost Marshal in restricted access containers separate from general correspondence files. The privacy/sensitivity of these files should be maintained and disclosure to third parties is strictly controlled.

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(2) Access to civilian and juvenile files shall be limited to those individuals who have an official need to know such information. The individual upon whom the files relate can request copies of information on file through a Freedom of Information (FOIA) request.

(3) All files relating to juveniles and not including a declaration of PNG shall be destroyed four years after the last incident therein.

(4) PNG files shall be maintained by the CIG indefinitely.

(5) All other files shall be maintained for a period as determined by the CIG.

b. Logistics. All administrative actions are subject to appeal to the CO (Attn: CIG).

5. Command and Signal

a. Command. This Order is applicable to MCB, CamLej.

b. Signal. This Order is effective the date signed.


W. A. MEIER
By direction

DISTRIBUTION: A

DEFINITIONS

1. Civilian. A civilian is anyone who is not a member of the Armed Forces on active duty and has attained his or her 18th birthday.
2. Juvenile. A juvenile is a person who has not yet attained his or her 18th birthday and is not a member of the Armed forces on active duty.
3. Criminal Offense. A violation of the law of the United States or of the law of the State of North Carolina as assimilated pursuant to section 13 of reference (a).
4. Minor Offense. A misdemeanor, the penalty which does not exceed one year of imprisonment or a fine of not more than \$1,000, or both.
5. Administrative Due Process. Administrative due process includes notification of intent to take certain administrative action, the opportunity to respond, either in writing or in person, and the opportunity to appeal any administrative action to the Commanding Officer, Marine Corps Base, via the Command Inspector General. Administrative due process is separate and distinct from due process afforded an individual facing criminal prosecution. Nothing herein prevents the Commanding Officer, Marine Corps Base, or other designated official from taking administrative action, in appropriate cases, prior to providing due process, against personnel who pose an immediate threat to the peace and security of this installation or has committed serious offenses.

Note: All definitions are for the purposes of this Order only.

DISPOSITION GUIDELINES

The below listing of misconduct, along with action normally imposed is a guide and is not all inclusive. Where any instance of misconduct is not listed herein, action will be taken consistent with the seriousness of the misconduct. More/less severe action may be taken based upon the circumstances of the individual case. Also, more than one action may result from a single offense.

1. Conduct which normally results in an oral admonition: particularly minor offenses, especially when younger children are involved.
2. Conduct which normally results in a Warning Letter: Commission of minor offenses, unresolved neighborhood disputes; minor domestic disputes; failure to exercise control or supervision over minor children; minor affrays; violation of motor vehicle traffic regulation when action in addition to that of the Traffic Court Officer is appropriate.
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 the Base; repeat of minor offenses, where warning letter has previously been issued without results.
4. Conduct which normally results in a recommendation for eviction from 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; commission of any offense involving drug activity or weapons.
5. Conduct which normally results in a declaration of Persona Non-Grata: 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/child

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neglect or abuse; aggravated assaults; theft; burglaries; any offense/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 or trespassing after having been ordered from this installation, will be referred to the Special Assistant, United States Attorney for action.