



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST
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MCIEASTO 11103.1
SJA
8 Jul 10

MARINE CORPS INSTALLATIONS EAST ORDER 11103.1

From: Commanding General
To: Distribution List

Subj: MARINE CORPS INSTALLATIONS EAST (MCIEAST) ORDER
REGARDING MILITARY HOUSING RESIDENCY RESTRICTIONS FOR
REGISTERED SEX OFFENDERS

- Ref: (a) Secretary of Navy Memo of 7 Oct 08 "Policy for Sex
Offender Tracking and Assignment and Access"
(b) CMC (I&L) ltr 11000 LFF of 31 Dec 2008
(c) CMC (LFF) ltr 11000 LFF-3 of 03 Feb 2009
(d) Cafeteria Workers v. McElroy, 367 U.S. 886 (1961)
(e) Berry v. Bean, 796 F.2d 713 (4th Cir. 1986)
(f) Serrano Medina v. United States, 709 F.2d 104
(1st Cir. 1983)
(g) SECNAV Memo of 11 Jun 2008 "Delegation of Authority
to Issue Debarment Letters"
(h) South Carolina Code Annotated §23-3-400 et. seq.
(i) Official Code of Georgia Annotated §42-1-12 et. seq.
(j) North Carolina General Statute §14-208.5 et. seq.

1. Situation. Reference (a) prohibits registered sex offenders from having access to Department of Navy (DON) facilities and from occupying DON owned or leased military housing or Public-Private Venture housing. Additionally, registered sex offenders could detrimentally affect the good order and discipline of the installation. References (b) and (c) direct procedures needed to comply with reference (a). This Order provides supplemental direction to ensure compliance with references (a) through (c), and to ensure the good order and discipline of MCIEAST installations.

2. Cancellation. CG's Policy Letter 005-07 of 14 Aug 07.

3. Mission. To establish policy and procedures regarding the implementation of military housing residency restrictions for registered sex offenders.

DISTRIBUTION STATEMENT A: Approved for public release;
distribution is unlimited.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. The good order and discipline of military installations is a matter of paramount importance in safeguarding national security. The proper stewardship of the morale of a command is likewise essential in order to support the undivided commitment of our deployed personnel to their duties. Military personnel must be afforded every opportunity to fully focus on the military mission, while relying on the command structure to safeguard personal property and family interests while they are away. It is this trust and reliance upon tranquility on the home front that helps to ensure our Marines are mission-focused when they go into harm's way. Courts have consistently held that military commanders have broad authority to prohibit entry onto a military reservation by certain persons in order to maintain good order and discipline, and to ensure operational readiness under references (d) through (f).

(2) Concept of Operations. Pursuant to references (a) through (c) and in order to preserve morale, welfare, and good order and discipline registered sex offenders will be denied residence in housing aboard our installations, unless waived by "competent authority" in accordance with reference (g), and paragraph 2c of reference (b). Accordingly, assignment of military personnel, civilians, and their dependents to housing shall include a determination of whether the military applicant, or any dependent otherwise authorized to reside in housing, is considered a sex offender under the definitions of enclosure (2) to reference (c) or under references (h) through (i).

b. Subordinate Element Mission. To effect this Order, the following procedures shall be implemented:

(1) Housing Officer. The Housing Officer for each installation will:

(a) Screen the names of all military members, civilians, and dependents applying for housing against the Dru Sjodin National Sex Offender Public website maintained by the United States Department of Justice.

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(b) Screen the names of all military members, civilians, and dependents applying for housing against the sex offender registry website of the state wherein the installation is located.

(c) Conduct recurring screenings of current occupants in accordance with reference (c).

(d) Utilizing enclosure (1) of reference (c), or a similar written or electronic questionnaire, inquire of all applicants for housing whether the applicant or any person who will reside with the applicant is, or has ever been, required to register as a sex offender under the laws of the United States or any state.

(e) Consult the local Staff Judge Advocate in any case involving a military or civilian applicant, or dependent, whose screening reveals their status as a registered sex offender.

(f) In the event that any applicant or dependent is revealed to be a registered sex offender, deny the application for housing and inform the applicant as follows:

1. "It is the policy of the Department of Navy and Marine Corps Installations East, that a person required to register as a sex offender under federal or state law not be granted access to Department of Navy facilities, including housing."

2. "The denial of your application for housing based on a sex offender registration requirement of a family member may be appealed to the Deputy Commandant of the Marine Corps (Installation and Logistics), via the Installation Commander and CG MCIEAST, who will decide each appeal on a case-by-case basis. Any appeal must be filed in writing within 10 days of any denial of housing. The appeal should address at least the following factors, but may include any other additional written information the applicant deems relevant:

a. The nature and circumstances of the offense;

b. The precise criminal statute or law of which the person was convicted;

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c. The state(s) or jurisdiction(s) in which the offense occurred and was adjudicated;

d. The dates of the offense, and the conviction;

e. The age of the offender at the time the offense was committed;

f. The age of the victim at the time the offense was committed;

g. Evidence which tends to demonstrate the applicant's subsequent rehabilitation, exemplary conduct, or other commitment to legal obedience;

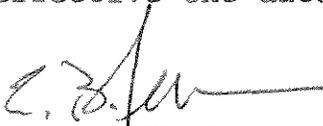
h. Whether the conviction requiring registration has been reversed, vacated, or set aside, or if the registrant has been granted an unconditional pardon of innocence for the offense requiring registration."

5. Administration and Logistics. None.

6. Command and Signal

a. Command. This Order is applicable to MCIEAST.

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


C. B. JENSEN

DISTRIBUTION: A