



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 1752.1A
LSSS
APR 16 2019

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
1752.1A

From: Commanding General
To: Distribution List

Subj: CIVILIAN, DEPENDENT, AND JUVENILE MISCONDUCT

Ref: (a) MCO 5530.14A
(b) Title 18, U.S.C., Crimes and Criminal Procedure
(c) Title 50, U.S.C. § 797, Penalty for Violation of Security
Regulations and Orders
(d) MCIEAST-MCB CAMLEJO 11101.31
(e) MCIEAST-MCB CAMLEJO 5530.2A
(f) MCIEAST-MCB CAMLEJO 5500.5A Ch 1

Encl: (1) Definitions
(2) Disposition Guidelines

1. Situation. The Commanding General (CG), Marine Corps Installations East-Marine Corps Base Camp Lejeune (MCIEAST-MCB CAMLEJ), requires all personnel who come aboard MCB CAMLEJ, 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 policy for civilian, dependent, and juvenile misconduct occurring aboard MCB CAMLEJ, in accordance with references (a) through (f).

2. Cancellation. MCIEAST-MCB CAMLEJO 1752.1.

3. Mission

a. This Order outlines the authority of the CG MCIEAST-MCB CAMLEJ, over all personnel and activities within MCB CAMLEJ. The CG, by virtue of his office, exercises authority over offenses committed aboard this installation by civilians, as defined in enclosure (1), including Service Members previously separated punitively or administratively. The CG also exercises authority over all personnel in administrative matters which include, but are not limited to, traffic/motor vehicle and game warden regulations, domestic animal control, juvenile misconduct, and similar functions.

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

b. Summary of Revision. This Order has been updated to change the organizational structure for processing civilian violations/misconduct aboard MCB CAMLEJ and should be 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 MCB CAMLEJ through judicious, timely, and coordinated administrative responses to all reported instances of civilian misconduct.

(2) Concept of Operation

(a) Misconduct committed by civilians aboard MCB CAMLEJ will be resolved administratively and/or through prosecution in criminal proceedings.

(b) Offenses committed by civilians outside the jurisdictional boundaries of MCB CAMLEJ constituting a potential threat to the peace and security of this installation will be handled in accordance with references (b) and (c) of this Order and applicable civilian personnel regulations. All administrative action taken in accordance with this Order shall be based upon facts and conclusions supported by a preponderance of the available evidence.

(c) Personnel residing in Privatized Housing shall conduct themselves in accordance with the rules and regulations as outlined in reference (d).

(d) Commanders, including MCB CAMLEJ organizations, outlying camps and tenant activities, shall report instances of civilian misconduct to the Provost Marshal Office (PMO).

b. Tasks

(1) Provost Marshal, MCIEAST-MCB CAMLEJ, shall:
Investigate instances of civilian misconduct and distribute the results of such investigations in accordance with current regulations and this Order. Documents related to instances of personnel barred from this installation reentering, or attempting to reenter, MCB CAMLEJ shall also be forwarded to the Special Assistant United States Attorney (SAUSA) and the Magistrate. Upon receiving a report of serious misconduct committed by civilians/juveniles, PMO is authorized to deny such individuals installation access or, if they are already aboard the Installation, process for debarment in accordance with reference (e) when it is determined that there is a bona-fide threat to the peace and security of this installation, including any imminent threat of injury to any individual.

(2) Magistrate, MCIEAST-MCB CAMLEJ shall: Review investigations and reports of civilian misconduct occurring aboard MCB CAMLEJ, take appropriate administrative action as provided in enclosure (2), or forward such report along with recommended action to the CG MCIEAST-MCB CAMLEJ. Acting on behalf of the CG MCIEAST-MCB CAMLEJ, the Magistrate shall impose appropriate administrative action—short of declaring individuals debarred or imposing civilian personnel action—and receive and process all appeals of administrative actions taken against civilians or juveniles pursuant to this Order. For cases dealing with juvenile misconduct, the Magistrate conducts a Juvenile Disciplinary and Rehabilitation Board (JDRB) in accordance with reference (f). Not all cases require a JDRB hearing. Minor cases may be processed without a board, and major criminal or repeat offenses could result in a debarment recommendation without a board.

(3) Staff Judge Advocate (SJA), MCIEAST-MCB CAMLEJ, shall: Review proposed recommendations to debar any civilians and forward with an SJA recommendation to the CG MCIEAST-MCB CAMLEJ, for a decision.

(4) SAUSA shall: Exercise prosecutorial discretion on bringing criminal action in U.S. Federal District Court for all cases of reported serious misconduct committed by civilians/juveniles aboard MCB CAMLEJ.

5. Administration and Logistics

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

b. 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 Act request.

c. All files relating to juveniles and not including a declaration of debarment shall be destroyed four years after the last incident therein. SAUSA shall maintain juvenile files in accordance with Department of Justice regulations.

d. Debarment files shall be maintained by the Magistrate indefinitely.

e. All other files shall be maintained for a period as determined by the Magistrate.

f. All administrative actions are subject to appeal to the CG MCIEAST-MCB CAMLEJ (Attn: Magistrate).

6. Command and Signal

a. Command. This Order is applicable to MCB CAMLEJ subordinate and all tenant commands.

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


S. A. BALDWIN
Deputy Commander

DISTRIBUTION: A/C (Plus H&S Bn and WTBn)

Definitions

1. Civilian. A civilian is anyone who is not a member of the Armed Forces on active duty.
2. Juvenile. A juvenile is a person who has not attained their 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 (b).
4. Minor Offense. A nonviolent misdemeanor, the penalty for which does not exceed six months imprisonment, a fine of not more than 5,000 dollars, or both.
5. Administrative Due Process. Administrative due process includes notification of intent to take certain administrative action, the opportunity to respond in writing, or the opportunity to appeal any administrative action to the CG MCIEAST-MCB CAMLEJ via the Magistrate. Administrative due process is separate and distinct from due process afforded an individual facing criminal prosecution. Nothing herein prevents the CG MCIEAST-MCB CAMLEJ, or other designated official from taking appropriate administrative action prior to providing due process in response to personnel who pose an immediate threat to the peace and security of MCB CAMLEJ or have committed serious offenses.

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

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Disposition Guidelines

The below listing of misconduct, along with action normally imposed, is a guide and is not all inclusive or binding in any specific case. 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. Additionally, more than one action may result from a single offense.

1. Conduct which normally results in an oral admonition: minor offenses, especially when younger children are involved.
2. Conduct which normally results in a Warning Letter: minor offenses; unresolved neighborhood disputes; minor domestic disputes; failure to exercise control or supervision over minor children; and motor vehicle traffic regulations violations when action beyond that of 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 installation (regardless of property value involved); abuse of privileges; sponsorship of an individual not otherwise entitled to use facilities where such individual violates regulations or commits criminal misconduct aboard the installation; repeated minor offenses despite a warning letter.
4. Conduct which normally results in a recommendation for termination of Privatized Housing lease: 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, child or spouse abuse/neglect, a felony, any offense involving drug activity or weapons.
5. Conduct which normally results in a declaration of debarment: any offense involving a weapon or drug related activity, a felony, repeated minor violations of base regulations after previous warnings or lesser administrative action, serious domestic disturbances, serious spouse/child neglect or abuse, theft, any offense/misconduct which threatens the peace and security of this installation.
6. Referral to SAUSA: any violation of Federal or state law, especially serious offenses or trespassing after previous debarment from this installation.