



UNITED STATES MARINE CORPS
MARINE CORPS BASE HAWAII
BOX 63002
KANEHOE BAY, HAWAII 96863-3002

IN REPLY REFER TO:
BaseO 5510.20A
IS
18 JUL 2002

BASE ORDER 5510.20A

From: Commanding General
To: Distribution List

Subj PROCEDURES TO BAR INDIVIDUALS FROM ACCESS TO MARINE CORPS
BASE HAWAII OR TO IMPOSE OTHER ADMINISTRATIVE SANCTIONS

Ref: (a) MCO 5500.13A
(b) MCO 5510.15A
(c) 18 USC, Sect. 1382 (NOTAL)
(d) Executive Order 8681 of 14 Feb 41
(e) 32 CFR 761.4
(f) 18 USC, Sect. 2152
(g) MCO P5512.11A

Encl: (1) Recommended Administrative Actions (Sample)
(2) Bar Letter (Sample)

1. Purpose. To establish procedures to bar, restrict access to, and to modify, suspend or revoke privileges of military, retired personnel and their family members aboard MCB Hawaii per references (a) through (g).

2. Cancellation. BaseO 5510.20

3. Background. The Commander of a Marine Corps installation has the authority to exclude from that installation persons, both civilian and military, whose presence threatens the order, security, and discipline of that installation.

4. Summary of Revision. This Order contains numerous changes and should be reviewed in its entirety.

5 Definitions

a. Marine Corps Base Hawaii (MCBH). MCBH includes Kaneohe Bay, Camp H. M. Smith, Pu'uloa Range Facility, Manana Family Housing Area, Pearl City Warehouse Annex, Marine Corps Training Area Bellows, Molokai Training Support Area, and Waikane Valley Marine Corps Training Area.

b. Kaneohe Bay Defensive Sea Area (DSA). The buffer zone of water surrounding Mokapu Peninsula extending from the high water mark to 500 yards at sea.

c. Privileges. Privilege is defined as a benefit, advantage or favor provided for the convenience or enjoyment of an individual.

6. Bar Orders

a. Issuing Authority. The decision to permanently bar an individual may only be made by the Commanding General, MCBH, or in his absence, by the Deputy Commander.

b. Procedures. Follow these procedures concerning issuance of a Bar letter or other sanctions:

(1) Military Personnel

(a) Service members receiving a punitive discharge or an administrative discharge under other than honorable conditions or at the CG's discretion are discharged for any reasons that affect the good order and discipline of the base will be barred from MCBH facilities indefinitely.

(b) Other active duty military personnel may have the following sanctions imposed against them by the Commanding General.

Letter of Warning

2. Suspension or Revocation of Privileges. Examples of privileges that may be temporarily withheld are: special command programs, access to base libraries, theater, enlisted or officer clubs, parking, driving privileges, and MWR facilities and events.

(2) Civilians. A report shall be made to the Commanding General (Attn: Base Inspector and Human Resource Offices) whenever appropriate to impose administrative sanctions against a civilian, including all cases when a civilian is detained for violation of a law or regulation aboard MCBH. It will include the identity of the alleged violator, a permanent home address, a copy of the violation notice. Federal Magistrate Ticket

(DD Form 1805 15) is not always necessary; an incident could be recorded in an Incident/Complaint Report issued by MPs, CID report or NCIS report) and a brief written description of the circumstances of the incident. Upon receipt of the report, the Base Inspector shall determine whether administrative sanctions are appropriate.

(a) If sanctions are appropriate and the offender is neither entitled to an Armed Forces Identification Card nor employed aboard MCBH, the Inspector will forward report to the Commanding General, with appropriate recommendations, without benefit of a hearing. See enclosure (1).

(b) If the offender is entitled to an Armed Forces Identification Card (e.g., retired or family member's card), is employed aboard MCBH, or has a property interest at MCBH, and it appears sanctions may be appropriate, the Inspector will schedule a Base Magistrate hearing and notify the individual. The notification shall contain a proposed hearing date, time and place of the hearing, the allegations supporting the proposed bar order and a summary of the evidence. The notification will also advise the individual of the opportunity to present evidence, either written or oral. Failure to request a hearing within ten days of receipt of notification will constitute waiver of the opportunity for a hearing. The hearing will be conducted by the Base Magistrate, who will evaluate the circumstances of the alleged wrongdoing and recommend appropriate sanctions, if any. In addition to the sanctions mentioned in paragraph 3b above, the following actions may be taken:

1. Claim on Behalf of the Government. If a persons' misconduct or criminal act involves damage to government property, the Base Magistrate may request the person voluntarily repay the government for the damages. If the person refuses to make payment voluntarily, the Base Inspector may refer the matter to the Staff Judge Advocate who may initiate action on behalf of the government for payment of damages.

2. Probation of One Year or Less. To impress upon an individual the seriousness of misconduct, a period of probation, not to exceed one year, may be imposed under terms, as the Commanding General deems appropriate.

3 Issuance of Bar Letter

a. Bar letters may be issued to persons involved in misconduct aboard the Base, or whose presence threatens security, safety or good order of the Base. Bar letters authorizing limited access to base facilities shall normally be issued in cases involving military family members and military retirees. However, if the Commanding General determines that the presence of the family members or retiree aboard the Base for even limited purposes would adversely affect command security, safety or good order, the Commanding General may issue a standard Bar letter to family members or retirees. When appropriate, civilian employees may also be issued a limited bar letter authorizing access only on the shortest route from one gate to their places of employment and return to that gate.

b. The bar period is at the discretion of the Commanding General

c. SJA will write bar letters for service members receiving punitive discharges or administrative discharges characterized as Other Than Honorable (OTH). These are included in the discharge package. A copy of the signed bar letter is forwarded to the Base Inspector.

d. The Base Inspector will maintain a database of all barred individuals. This information will be forwarded to PMO and law enforcement activities aboard other military installations in Hawaii. The Base Inspector will also add individuals barred from other bases on Hawaii for serious offenses to the bar list.

4. Delivery and Recording. Upon approval by the Commanding General, the bar letter or other sanctions (enclosure 2) are served personally or delivered by certified mail. A copy of the bar letter, and copies of related correspondence relating is maintained in the Base Inspector's Office. Copies are forwarded to and retained by the Provost Marshal. If the bar letter forwarded to the individual is returned to the command as undeliverable, the envelope, the undeliverable letter and copies of correspondence relating to it will be maintained in the Base Inspector's Office for retention for up to two years and personal delivery to the individual, should the individual attempt to gain access to MCBH.

a. Apprehension of Barred Individuals.

Barred individuals apprehended aboard MCBH may be issued a DD Form 1805 for trespassing pursuant to reference (c) and escorted off the Base. Barred individuals apprehended in the Defensive Sea Area may be issued a DD Form 1805 pursuant to reference (f) and escorted off base or out of the DSA.

b. Appeals. Persons issued a bar letter may seek modification, suspension or reconsideration by submitting a written request within ten days of the issuance of the letter. Requests should be addressed to the Commanding General, MCBH Kaneohe Bay (Attn: Deputy Commander).

7. Confiscation, Modifications and Reissue of Identification Cards and Common Access Cards (CAC). ID cards are government property. They indicate what privileges a service member, retiree or family members are entitled to. At the discretion of the Commanding General, these privileges may be restricted, suspended or revoked. The following actions may be taken for abuse of privileges.

a. Notification

(1) Active Duty Marine Corps Personnel. The Base Inspector will issue a letter to the Commanding Officer of the Marine requesting specific actions be taken to retrieve the current DD-Form 2MC and reissue a new DD Form 2MC or CAC, with appropriate modification, withdrawing such privileges as determined by the Commanding General.

(2) Family Members of Active Duty Marine Corps Personnel. The Base Inspector will issue a letter to the Commanding Officer of the sponsor of the dependent, requesting specific actions be taken to retrieve the current DD Form 1173 and reissue a new DD Form 1173, withdrawing or modifying privileges as determined by the Commanding General.

(3) Active Duty Members of Other Services. The Base Inspector will issue a letter to the member's Commanding Officer or appropriate administrative command, advising of the offense committed and action taken by this command.

(4) Family Members of Active Duty Members of Other Services. The Base Inspector will issue a letter to the

member's Commanding Officer or appropriate administrative command, advising of the offense committed and the action taken by this command. A copy of the letter will be forwarded by certified U.S. Mail to the member's home address.

(5) Retired Marines and their Family Members. The Base Inspector will forward a letter by Certified U. S. Mail, to the member's home address. A copy of the letter explaining the nature of the abuse and action taken by this command will be forwarded to the Commandant of the Marine Corps (MHP-20).

(6) Retired Members of Other Services and Their Family Members. The Base Inspector will forward a letter by U. S. Mail, certified, return receipt to the member's home address. The letter will explain the nature of the abuse and the action taken by this command.

b. The Defense Enrollment Eligibility Reporting System (DEERS). The ID Card Office is furnished a copy of all correspondence issued by the Base Inspector's Office in matters pertaining to withdrawal or modification of privileges due to abuse. The ID Card Office will reissue cards:

(1) Upon receipt notification of reissue, modification or revocation of privileges. The ID Card Office will monitor the required completion date and advise the Base Inspector in writing those not completed.

(2) Upon reissue of cards withdrawing/modifying privileges for active duty Marines and their family members over stamp in red ink the withdrawn/modified privileges.

(3) Maintain a case file for each person who is reissued a card with withdrawn/modified privileges to include copies of all official correspondence, requests for reissue of DD Form 1173 and copies of identification cards issued.

(4) Notification. After an ID card is issued, the ID Card Office will forward a copy of the completed DD Form 1173 with attached information letter to:

(a) The active duty member's command

(b) The Commandant of the Marine Corps (MHP-20) in the case of retirees and their family members.

c. Temporary Confiscation. Only DD Form 2MC and DD Form 1173 of active duty Marines and their family members are subject to confiscation if an ID card expired Commissioned, non-commissioned officer or military policeman in the performance of his/her duties may confiscate an ID card.

d. Appeal Process.

(1) Written appeals from active duty Marines and their family members as the result of withdrawal of privileges may be addressed to the Commanding General (Attn: Deputy Commander). This appeal must be received within ten working days of the suspension of privileges. The Deputy Commander will consider each appeal on its own merit and provide the Commanding General with a recommended course of action. The decision on appeals rests solely with the Commanding General or the appropriate officer acting in his absence.

(2) After a decision by the Commanding General, the Inspector will reply in writing to the individual requesting appeal, with a copy to the active duty member's commanding officer.

(3) The Inspector will provide a copy of all appeal process documentation to the ID Card Office for inclusion in individual's case file.

(4) Written appeals from retired members and their family members must be forwarded to Commandant of the Marine Corps (MHP-20). Other service members and their family members must address appeals to the service office listed in paragraph 4011.4 of reference (g).

8. Applicability. This Order is applicable to all commands, organizations, units, activities and individuals located at MCBH.


M. A. O'HALLORAN
Deputy Commander

DISTRIBUTION: A



UNITED STATES MARINE CORPS
MARINE CORPS BASE HAWAII
BOX 63002
KANEHOE BAY, HAWAII 96863-3002

IN REPLY REFER TO:
5510.20A
IS

RECOMMENDED ADMINISTRATIVE ACTIONS (SAMPLE)

From: Base Inspector, Marine Corps Base Hawaii
To: Commanding General, Marine Corps Base Hawaii
Via: Staff Judge Advocate, Marine Corps Base Hawaii

Subj: RECOMMENDED ADMINISTRATIVE ACTIONS

Ref: (a) BaseO 5510.20

Encl: (1 Report of Misconduct of

1. The following recommendations and comments are made per the reference after receipt of the enclosure.

a. The status of the individual named is:

- Active duty military _____
- Military dependent _____
- Military retired _____
- Civilian employee _____
- Civilian _____

b. The misconduct alleged is -----

c. A hearing was/was not afforded

d. The following opinions are made regarding the allegations:

() The presence of----- on Marine Corps Base Hawaii, threatens or tends to threaten the peace and security of Marine Corps Base Hawaii.

() The Conduct of-----was a violation of the law or a lawful regulation constituting a breach of peace, to wit:

ENCLOSURE (1

Subj: RECOMMENDED ADMINISTRATIVE ACTIONS

() The presence of-----on Marine Corps Base Hawaii, threatens or tends to threaten the morale and discipline of Armed Forces personnel aboard this Base.

() Other comments:-----

The following recommendations are made:

Commander's Options	Commander's Decision	
Letter of Warning, Suspension, or Revocation of Privileges:		
1. Special Services/Athletic Events		
2. Recreation Events		
3. Club Facilities		
4. Commissary		
5. Theater		
6. Exchange		
Claim on behalf of the Government		
Suspended Bar Order		
Limited Bar Order (Access to Dental/Medical		
Bar Order		
Other:		
Comments		

Inspector

ENCLOSURE 1



UNITED STATES MARINE CORPS
MARINE CORPS BASE HAWAII
BOX 63002
KANEHOE BAY, HAWAII 96863-3002

IN REPLY REFER TO:

BAR LETTER (SAMPLE)

From: Commanding General, Marine Corps Base Hawaii
To: Subject's name
Via: To Appropriate Commanding Officer if barring a family member

Subj: BAR LETTER

Ref: (a) BaseO 5510.20A
(b) Military Police Blotter Entry #

1. Per reference (a), the Commanding General is entrusted with the responsibility for the safety of all persons using the facilities of this Base as well as for military security and law enforcement. It is essential that Base regulations and the applicable state and city laws be strictly obeyed by all members of our community.

2. Reference (b) indicates that you were a suspect in the following: list offense(s). Your behavior here is not conducive to the order and discipline aboard Marine Corps Base Hawaii. Behavior of this nature cannot and will not be tolerated.

3. In view of the above circumstances, I have determined that your presence aboard this Base is not in the best interest of this command. Under the authority of the Commanding General, I am ordering you not to re-enter all military reservations designated as United States Marine Corps Base Hawaii, effective the date of this letter, for a period of (length of barment).

4. Should you be discovered within the confines of MCBH, you will be subject to prosecution in the United States Federal Court under Title 18, U. S. Code Section 1382, which states:

"Whoever, within the jurisdiction of the United States, goes upon any military, naval, Coast Guard reservation, post, fort, arsenal, yard station, or installation, for any purpose prohibited by law or lawful regulations; or who ever re-enters or is found within any such reservation, after having been removed there from or ordered not to re-enter by any officer or person in command or charge thereof, shall be fined [not more than \$5,000] or imprisoned for not more than six months or both."

ENCLOSURE (2)

Subj: BAR LETTER

5. Should any compelling reasons exist which you believe would be sufficient to justify a modification or termination of this order, you should contact the Base Inspector within ten days of issuance of this order in writing, to request an appeal of this Order.

I. M. MARINE
By direction

Copy to:
Provost Marshal, USARHAW
CDR (a), 14 CG District
Commander, Hickam AFB
COMNAVBASE, Pearl Harbor (Code NOOJ)
PMO, Camp H. M. Smith
PMO, MCBH Kaneohe Bay

ENCLOSURE (2)