



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT/EASTERN RECRUITING REGION
P.O. BOX 19001
PARRIS ISLAND, SC 29905-9001

DepO 5370.11B
SJA

DEPOT ORDER 5370.11B

MAR 19 2021

From: Commanding General
To: Distribution List

Subj: DEBARMENT PROCEDURES

Ref: (a) 18 U.S.C. § 1382 (Entering military, naval, or Coast Guard property)
(b) DODI 5200.08 (Security of DoD Installations and Resources and the DoD Physical Security Review Board)
(c) SecNav Memo of 7 Oct 08 (Policy for Sex Offender Tracking and Assignment and Access Restrictions with the DoN)
(d) 10 U.S.C. § 809 (Imposition of restraint)
(e) 50 U.S.C. § 797, (Penalty for violation of security regulations and orders)
(f) 32 CFR § 809a.3 (Unauthorized entry)

Encl: (1) Temporary Order Of Debarment

1. Situation. The Commanding General (CG) is responsible for maintaining law and order aboard the Marine Corps Recruit Depot, Parris Island, South Carolina (MCRDPI), and requires all personnel who come aboard this installation, regardless of status, to adhere to established rules, regulations, and Federal and State law. Any persons who threaten or impede the normal functioning of the command by conduct which is criminal or otherwise proscribed by appropriate regulations, may be subject to administrative sanctions, citation to a U.S. Magistrate Court, prosecution by indictment in U.S. District Court, or temporary restraint by military police pending expeditious transfer to appropriate federal authorities.

2. Cancellation

a. This Order cancels DepO 5370.11A, Civilian Misconduct.

b. Summary of Revisions. This Order contains significant revisions and should be reviewed in its entirety.

3. Mission. By virtue of the office, and pursuant to the references, the CG possesses the authority to allow or disallow access to the Depot. In keeping with the CG's responsibilities to maintain law and order, to promote secure and effective workplaces, and to meet the missions of the Depot, the CG's debarment authority is used when deemed appropriate in order to promote secure and orderly execution of Depot missions.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To establish specific guidelines regarding the debarment authority, and to provide standards and procedures for issuing letters of debarment.

(2) Concept of Operations. Debarments fall into one of two general categories: (a) Debarment of former service members separated from the Marine Corps for misconduct; and, (b) Debarment of civilians who pose a threat to law, order, impede mission success, or otherwise interfere with the operations of MCRDPI/ERR or subordinate commands. The second category is further broken down into two different subcategories: (1) Immediate emergency debarment, and (2) Non-emergency debarment.

(a) Former service member debarment. Former service members separated punitively or administratively for misconduct no longer have a purpose to remain on the installation, and represent a potential interference to mission accomplishment. The Unit Commanding Officer (CO) of all Depot units, tenants, and activities shall submit a request for debarment to the CG, MCRDPI for all service members separated for misconduct via a punitive discharge (i.e., bad conduct discharge, dishonorable discharge, or dismissal) or administrative separation with an other than honorable characterization of service. Unit CO discretion shall be used in considering and submitting requests to the CG for service members separated for misconduct with a general (under honorable conditions) characterization of service.

(b) Civilian Debarment

1. Immediate Emergency Debarment. In an emergency situation involving serious misconduct or where a bona fide threat of injury or security violation exists, the CG, Chief of Staff (CoS), and PMO Watch Officers (only after business hours), may issue an immediate emergency temporary debarment order. If such order is issued by the PMO Watch Officer, it will be reviewed by the CG (or by direction) within three (3) business days of issuance of the order. Such order will remain in effect until after the CG has determined whether to continue, modify, or terminate the debarment. The Staff Judge Advocate shall notify the respondent by U.S. Mail and/or electronic mail with the CG's final determination.

2. Non-Emergency Debarment. In non-emergency situations, if a civilian is considered to be a threat to peace, safety, security, daily operations, training mission, or good order and discipline, the concerned chain of command may request the CG debar the individual. The request should include an action memorandum with background information containing the 5Ws, any available evidence/substantiating documentation, and include a recommendation(s) for course(s) of action to the CG for a decision. The request will be addressed to the Staff Judge Advocate. The CG will consider the case and make a determination. The Staff Judge Advocate will mail the decision to the respondent via first class U.S. Mail, return receipt requested. Alternatively, the decision may be sent via electronic mail. If a respondent is debarred, they will be considered debarred on the date the letter is signed.

(c) Only the individual committing misconduct or violating regulations will be debarred; other family members will not. However, under some circumstances misconduct and/or debarment of an individual may preclude access to privatized housing, the workplace, or other facilities onboard the installation including child care, government medical care, or school - all of which are secondary to maintaining the safety, security, good order, and mission accomplishment of the Depot. Moves related to forced dispossession shall be at no cost to the Government.

(d) Debarment takes effect immediately upon signing unless a later effective date is stated in the notification letter signed by the CG, MCRDPI. Debarment notification will be forwarded throughout the tri-command area to the CO, Marine Corps Air Station Beaufort and to the CO, Navy Medicine Readiness and Training Command (NMRTC) Beaufort.

(e) Those debarred from MCRDPI who show eligibility for particular services may, upon written request, and at the CG's sole discretion, be authorized limited access to the installation to make use of specific facilities or services. Requests for authorized access will be submitted in writing to CG, MCRDPI (Attn: Inspector General). The CG will make a determination and Staff Judge Advocate will notify the requestor, in writing, of that decision.

b. Definitions

(1) Civilians. All nonmilitary personnel, including but not limited to nonmilitary government employees, retired military personnel, and dependents of active duty military personnel.

(2) Criminal Offense. Violation of the law of the United States or violation of the law of the State of South Carolina.

c. Tasks

(1) Provost Marshal

(a) Shall investigate alleged misconduct, if appropriate, or refer the matter to 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.

(b) Upon receipt of information that an individual is a threat to the peace, safety, security, daily operations, training mission, or good order and discipline of the Depot, forward an initial report to the Staff Judge Advocate with recommendation for debarment. Provide an information copy to the Command Inspector General and Security Manager.

(c) Process personnel who have been barred from reentering the Depot and who attempt to reenter the Depot for prosecution before the U.S. Magistrate, as appropriate, by forwarding the processing documents to the Special Assistant United States Attorney.

(d) Enter all temporary and permanent debarments into the indices of the Defense Biometric Identification System (DBIDS) to ensure compliance with local and regional access control procedures and ensure debarments are

removed from DBIDS upon a successful appeal or expiration of debarment period.

(2) Staff Judge Advocate

(a) Review requests for debarment and forward them to the CG/CoS for signature.

(b) Review investigations/reports of misconduct occurring aboard this installation and forward such report along with recommended action and appropriate correspondence for signature by the CG/CoS.

(3) Security Manager

(a) Maintain records on administrative action taken against individuals and ensure appropriate agencies are notified of action taken.

(b) Forward debarment orders throughout the tri-command area to the CO, Marine Corps Air Station Beaufort and to the CO, (NMRTC) Beaufort.

(c) On a weekly basis, coordinate with the other tri-command area Security Managers regarding debarment on Marine Corps Air Station Beaufort and NMRTC Beaufort.

(4) Inspector General

(a) Facilitate administrative hearings with those individuals who request such a hearing.

(b) Receive and process, on behalf of the CG, all appeals from administrative action taken against individuals in accordance with the provisions of this Order.

d. Coordinating Instructions. The military chain of command will resolve instances of misconduct committed by military personnel. Misconduct committed by civilians will be resolved administratively by the Civilian Human Resources Office and/or through prosecution in U.S. Federal District Court 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.

5. Administration and Logistics

a. Administration

(1) Initial Appeal of the Decision. Civilian personnel and former service members against whom a debarment action is taken may request reconsideration of the decision to the CG. All appeals must be forwarded in writing to the Depot Inspector General within 10 calendar days of notification of the action. The Individuals who do not appeal within the 10 calendar day timeframe, or who appeal but the appeal is subsequently denied, may submit a request for removal from debarment status after one year from the notification of debarment action. Individuals desiring a personal appearance to discuss their appeals shall include that in their written request for appeal. This does not create a right to a personal appearance.

(2) Removal from Debarment Status

(a) The authority to bar an individual from the installation is discretionary and rests solely in the judgment of the CG. When any individual so barred from entry onboard the Installation ceases to be a threat, or has corrected the deficiency that caused the debarment, the debarment may be removed by the CG, CoS, or the CG's designee.

(b) Requests for removal from debarment status, or limited reinstatement, may be made in writing, after one year of the date of debarment, to the CG, MCRDPI (Attn: Staff Judge Advocate) providing sufficient justification for lifting or modifying the debarment. Specifically, the requester should show that the requestor's presence onboard the Depot no longer presents a threat to the peace, safety, security, daily operations, training mission, or good order and discipline.

(c) Upon completion of the prescribed period of debarment, with no further violation of laws or regulations, an individual should request that the debarment be terminated and privileges restored. Notice will NOT be sent upon the expiration of a debarment period. In order to avoid any potential misunderstandings or violations of the law, it is advisable for individuals to contact the Security Manager prior to attempting to access the Installation.

(d) Subsequent offenses may increase a period of debarment and thereby preclude removal from debarment status.

(3) Records

(a) All records relating to civilian and juvenile misconduct are considered sensitive and shall be maintained by the Security Manager and Provost Marshal in restricted access containers separate from general correspondence files in accordance with reference (g). The 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 to 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 two years after the last recorded incident.

(d) Debarment files shall be maintained by the Security Manager in both electronic and paper form.

1. Paper files will be more inclusive and maintained for a period of two years after the expiration of the prescribed period of debarment.

2. Electronic files will be maintained in the form of a database and contain at a minimum personal identifiers, period of debarment,

and a brief summary of the circumstances resulting in debarment. All database entries will be maintained indefinitely.

b. Logistics. Notices of debarment results will be sent via the U.S. Postal Service Certified Mail Return Receipt mail program. Notices of debarment may be sent via electronic mail as well; however, electronic mail will not substitute the requirement to send the notification via certified mail.

6. Command and Signal

a. Command. This Order is applicable to all MCRDPI/ERR subordinate and tenant commands and all individuals accessing MCRDPI/ERR.

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



J. L. NETHERCOT

DISTRIBUTION: A



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT/EASTERN RECRUITING REGION
P.O. BOX 19001
PARRIS ISLAND, SC 29905-9001

5800
PMO

From: Provost Marshall
To: Last Name, First Name, MI, Address

Subj: TEMPORARY ORDER OF DISBARMENT

Ref: (d) DepO 5370.11B

1. Descriptive narrative of the actions that have led to the issuing of a temporary disbarment order. Mr. I. M. Civilian was apprehended by PMO, Cpl. Motivator, on the evening of 20 July for aggressively harassing a post exchange employee.

2. Under authority of the Commanding General, you are hereby ORDERED not to enter Marine Corps Recruit Depot Parris Island, South Carolina for a period of no less than three days (72 hours). It will be your responsibility to contact the Provost Marshall's Office or the Office of the Security Manager to verify if your temporary disbarment has been suspended.

3. You are hereby given NOTICE that any attempt to enter this installation without the requisite authority will constitute a violation of Title 18, United States Code, Section 1382, which is printed below for your information.

Title 18 United States Code Section 1382, Entering Military, Naval, or Coast Guard Property

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 under this title or imprisoned not more than six months, or both.

4. In accordance with Depot Order 5370.11B, you have the right to appeal this decision by requesting rescission of this Order in writing, or by requesting an administrative hearing to decide your appeal. Please direct your correspondence to the attention of the Depot Inspector: P.O. Box 19580, MCRD/ERR, Parris Island, SC 29905-9580

I. M. COMMANDING
PMO Watch Officer
By direction

DISTRIBUTION: SJA