



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, DC 20380-0001

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MARINE CORPS ORDER 5510.15A

From: Commandant of the Marine Corps
To: Distribution List

Subj: SECURITY OF MARINE CORPS INSTALLATIONS AND RESOURCES

Ref: (a) SECNAVINST 5511.36A
(b) Section 21 of Internal Security Act of 1950
(50 U.S.C. 797)
(c) 18 U.S.C. 1382
(d) 32 CFR Part 770
(e) SECNAVINST 5720.45
(f) DoD 5200.2-R (NOTAL)
(g) OPNAVINST 5510.1

Encl: (1) Extracts of United States Code Pertaining to
Protection and Security of DoD Property and
Places

1. Purpose. To establish policy and procedure for Marine Corps commanders who are authorized to issue regulations for the protection or security of property or places under their command pursuant to the provisions of references (a) and (b), and to provide guidance relative to the enforcement of the law that prohibits unlawful entry per reference (c).

2. Cancellation. MCO 5510.15.

3. Background

a. Reference (b) provides penalties for violations of such regulations or orders as have been promulgated or approved by "any military commander designated by the Secretary of Defense" for the protection or security of Department of Defense (DoD) property or places.

(1) Military commanders designated by the Secretary of Defense include the commanding officers of all Marine Corps bases, camps, stations, and supply activities (hereafter referred to as "Marine Corps installation commanders").

(2) DoD property or places must be subject to the jurisdiction, administration, or in the custody of DoD.

(3) Security regulations or orders are those relating to fire hazards; fire protection; lighting; machinery; guard service; disrepair, disuse or unsatisfactory conditions on DoD property; provisions for the entry, exit, and removal of persons from DoD property or places; and, the safeguarding against destruction, loss, or injury by accident, or enemy action, or by sabotage, or subversive actions.

(4) Such security regulations or orders must be conspicuously and appropriately posted.

b. Reference (a) limits the authority of Marine Corps installation commanders to property or places "under their command" and requires Marine Corps installation commanders to comply with implementing policies and procedures established by the Secretary of the Navy.

c. Reference (c) also provides penalties for persons who unlawfully enter or reenter military installations. See the enclosure for the key provisions of references (b) and (c).

d. A National Defense Area (NDA) is an area temporarily established on non-Federal lands located within the United States, U.S. possessions, or U.S. territories. The purpose of an NDA is to safeguard classified information, or protect DoD equipment and/or material.

(1) Establishment of a NDA temporarily places such non-Federal lands under effective control of DoD and results only from an emergency event.

(2) An example of an emergency is an accident site (e.g. aircraft mishap) involving DoD personnel on official business or DoD equipment.

(3) If the property or place is under the command of a Marine Corps installation commander, then reference (a) conveys authority to establish an NDA.

(4) Otherwise, a military commander:

(a) When apprised, must request proper authority to establish an NDA from the National Command Authorities (NCA) (i.e. Secretary of Defense) through the Marine Corps Command Center.

(b) Should immediately dispatch a liaison to any proposed NDA to:

1 Coordinate potential DoD involvement or assistance with local law enforcement agencies; and,

2 Serve as a communication link to provide information to the NCA for use in deciding whether to establish an NDA.

(5) Military authorities should obtain the respective land owner's consent and cooperation to establish an NDA, whenever possible.

(6) Military necessity alone should dictate the final decision on location, shape, and size of an NDA.

e. Installation commanders should specifically review the following categories of cases to determine if the individual is a reasonable threat to the security of the installation and warrants denial of installation access ("debarment").

(1) Military personnel who have been punitively discharged or administratively separated under other than honorable conditions because of their previous unacceptable conduct, if the facts or circumstances of an individual's unfavorable discharge lead the installation commander to believe that the individual is a reasonable threat to the "good order and discipline" of the installation.

(2) Civilian employees and dependents of service members who have been detained or investigated for misconduct.

(3) Contractor employees who receive a negative result or information from a facility access determination, and upon a final (non-appealable) trustworthiness determination that the investigation resulted in evidence of a threat to the security of an installation.

f. Occasionally, situations will arise in which the installation commander allows some members of the public aboard an installation while excluding others. For example, a regulation, uniformly applied, which prohibits any individual from coming aboard the installation for political purpose is permissible. However, in such instances, installation commanders must be able to articulate a reason for granting some individuals installation access while denying others. This standard is not readily bound by rigid rules; accordingly, installation commanders may only make such discretionary determinations on a case-by-case basis, after consulting with the staff judge advocate.

g. The authority of Marine Corps installation commanders, pursuant to this directive and the references, is discretionary. Nevertheless, installation commanders may not exercise this authority in an arbitrary, capricious, or discriminatory manner. Removal or denial actions must be based on reasonable and articulate grounds and be judiciously applied.

h. In order to criminally prosecute and judicially enforce their promulgated or approved regulations or orders, Marine Corps installation commanders must be able to prove beyond a reasonable doubt that either:

(1) defendants had actual notice of those regulations or orders, or

(2) those regulations or orders were published in the Federal Register.

i. Barred individuals found on an installation may be detained and transported or turned over to civilian law enforcement or judicial authority for custody and/or subsequent prosecution.

(1) Custodial transfers of any detained individual to federal authorities (except for the Federal Bureau of Investigation or any of the defense criminal investigative agencies) are normally made through arrangements with the nearest U.S. Marshal.

(2) Custodial transfers are normally made by prior arrangement in those cases where local law enforcement authorities have proprietary or concurrent jurisdiction of the installation or cases involving juvenile offenders.

j. Most violators may be cited with a U.S. District Court Violation Notice, DD Form 1805 or referred to a U.S. Magistrate or District Court by filing a "criminal information". Consult with the Special Assistant U.S. Attorney or staff judge advocate for guidance.

4. Action. Marine Corps installation commanders shall:

a. Issue necessary regulations for the protection and security of DoD property or places under their command, per the references.

(1) Submit all security orders and regulations to the supporting staff judge advocate for review of legal sufficiency.

(2) Conspicuously post and vigorously enforce the security orders and regulations issued, per this directive and the references.

(3) Consider publishing both permanent and temporary regulations or orders in the Federal Register. Permanent regulations should be codified in reference (d). Staff judge advocates are authorized direct liaison with NAVY JAG (Code 13) for rule making per reference (e).

b. Plan in advance for the protection or security of NDA's. Consider administrative requirements for "fill in the blank" forms and pre-staging of equipment/tools to mark or physically secure NDA's.

c. When so directed, enforce regulations or orders which may be promulgated or approved by the Secretary of Defense for the protection or security of NDAs.

d. Cause a complete review to determine if individuals in the following categories present a reasonable threat to the security of an installation and therefore warrant denial of installation access:

(1) Any service member punitively discharged or separated under other than honorable conditions from active service while assigned to the installation.

(2) Any civilian, to include civilian employees and dependents of service members, detained or investigated for misconduct aboard the installation.

(3) Any contractor employee for whom negative information results from a facility access determination, per references (f) and (g).

e. When warranted in any case, prepare a debarment letter notifying an individual who was removed not to reenter the specific installation. The debarment letter must also cite the penalty for any subsequent unlawful entry onto the installation.

f. Deliver the debarment letter by attaching it to the debarred individual's discharge or having it delivered to the individual before release from military custody, by registered letter, or in some other appropriate manner.

g. Furnish copies of debarment letters to the installation provost marshal and other military agencies as appropriate.

h. Refer for prosecution by DD Form 1805, U.S. District Court Violation Notice, or "criminal information" any violator who goes upon, reenters, or is found within any Marine Corps installation under their command in violation of reference (c).

i. Coordinate, in advance, with the U.S. Marshal and local law enforcement authorities on the custodial transfer of violators as appropriate.

j. Rescind debarment letters when they have served their purpose.

5. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.



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EXTRACTS OF UNITED STATES CODE PERTAINING TO
PROTECTION AND SECURITY OF DoD PROPERTY AND PLACES

A. Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797) states, in part:

"Security regulations and orders; penalty for violation"

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than 1 year, or both."

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places."

B. 18 U.S.C. 1382 states:

"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 not more than \$500 or imprisoned not more than six months, or both."

ENCLOSURE (1)