DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL BASE SAN DIEGO
3455 SENN ROAD
SAN DIEGO, CALIFORNIA 92136-5084

NAVBASESANDIEGOINST 5520.3B
N00
NOV 14 2011

NAVBASE SAN DIEGO INSTRUCTION 5520.3B

Subj: POLICY REGARDING OFFENSES THAT WARRANT BARRING, SUSPENSION OR REVOCATION OF PRIVILEGES AT NAVAL BASE SAN DIEGO (NBSD)

Ref: (a) Navy Regulations (1990)
(b) U.S.C., Title 18
(c) SECNAVINST 5822.1B
(d) OPNAVINST 5527.2B
(e) OPNAVINST 11200.5D
(f) Uniform Code of Military Justice
(g) COMNAVREGINST 5512.1
(h) NEXCOMINST 5800.1B
(i) CNICINST 1752.1

Encl: (1) Sample Naval Base San Diego 30-Day Base Barring Order
(2) Sample Navy Exchange/Commissary Suspension Letter to Active Duty Member
(3) Sample Driving Privilege Revocation Letter
(4) Sample Region-Wide Barment Letter
(5) Sample Temporary Barment Letter
(6) Sample Navy Exchange/Commissary Suspension Letter to Dependent's Sponsor
(7) Sample Permanent Base Barring Letter

1. Purpose. To set forth policy regarding command action against persons committing offenses that warrant barring, suspension, or revocation of privileges at NBSD. This instruction addresses actions taken by Navy Exchange Loss Prevention Department, NBSD Security/Force Protection, Personnel Support Detachment (PSD), and NBSD Command Judge Advocate when offenses are committed in the jurisdiction controlled by the Commanding Officer (CO). This instruction has been completely revised and should be reviewed in its entirety.

2. Cancellation. NAVBASESANDIEGOINST 5520.3A. This instruction reflects changes to the references and temporary passes for DoD and Veterans Administration benefits.

3. Policy. References (a) through (i) list standard Department of the Navy (DON) policy that forms the basis of this instruction. These policies shall be adhered to.

4. Scope. Per references (a) through (i), this instruction sets forth specific policy and procedures for dealing with all persons committing violations at NBSD. Specifically, this instruction entails proper procedures for administratively processing persons committing offenses at Navy Exchange (NEX), Commissary, clubs, Morale, Welfare and Recreation (MWR) facilities, cafeterias, restaurants, housing and other common areas and facilities located at NBSD. Furthermore, this instruction includes notification procedures for potential punitive action of military offenders by parent command or of civilian offenders by federal court.

5. Definitions. For the purpose of this instruction, the following definitions apply:

a. Bar refers to withholding of all privileges at the installation or region specified where an offense was committed. The offender still has full privileges at other Department of Defense (DoD) facilities worldwide.

b. Offense means any act, conspiracy, or attempt to violate any law, rule, instruction, policy, procedure, order or regulation. The term includes, but is not limited to, the following list of offenses: theft, fraud, destruction of property, disorderly conduct, trespassing, underage drinking, inappropriate use of military or state identification card or driver's license, traffic violations and contributing to the delinquency of a minor.

(1) Major offenses. Per references (c) and (f), a major criminal offense (felony) is punishable by death or imprisonment for a term exceeding one year.

(2) Minor offenses. Per references (c) and (f), a minor criminal offense (misdemeanor) is any offense where penalty does not exceed imprisonment for a term exceeding one year.

(3) Petty offense. A petty offense is any misdemeanor, the penalty for which does not exceed imprisonment for a period of six months.

c. Revoke means to withhold privileges at DON facilities worldwide.

d. Suspend means to withhold privileges for a particular period of time. The privilege shall continue to be withheld until certain conditions are satisfied. The offender can utilize

other privileges on the installation where the offense was committed.

6. Discussion. Patronage of the commissary store, NEX, MWR facilities and other NBSD facilities are privileges accorded to specified categories of personnel. It is DON policy that these privileges be suspended or revoked when abused and that appropriate administrative or judicial action with respect thereto shall be effected by the CO. Administrative processing varies depending upon the offender's category, status and type of offense committed. Each type of violation is processed uniquely. Details of NBSD suspension of privileges are contained below.

7. Apprehension

a. Notification of rights. The apprehending Patrol Officer shall identify him/herself and shall place the subject(s) under apprehension and or detention. For larceny cases at NEX, shoplifters shall be detained at NEX Security Office. For larceny cases at the commissary, shoplifters shall be detained in the commissary spaces. The suspect shall be advised of their rights by the patrol officer.

(1) Active duty and reserve personnel. OPNAV 5527/3, DON Military Suspect's Acknowledgment and Waiver of Rights shall be administered prior to questioning and the suspect(s) shall be required to initial each line of the Rights Section and applicable lines of the Waiver of Rights Section.

(2) Retirees, dependents, civilian, and other personnel. DON Civilian Suspect's Acknowledgment and Waiver of Rights shall be administered for civilian personnel, dependents, and retired military, prior to questioning. The suspect(s) shall be required to initial each line of the Rights Section and applicable lines of the Waiver of Rights Section.

(3) Juvenile. A juvenile is defined as any person who has not attained 18 years of age. Whenever a juvenile is apprehended or detained for an act of abused privileges, the juvenile must be provided with constitutional warnings against self-incrimination and the right to legal counsel. The warning shall be provided in a language understood by the juvenile. Prior to the interview, or following the execution of the waiver of juvenile's rights, the parent, guardian, or custodian must be given reasonable opportunity to be present during any questioning of the juvenile. These provisions do not apply to active duty military personnel under the age of 18, as they are

subject to reference (h), and therefore not categorized as a juvenile under the purview of this instruction. Parents shall be held responsible for their child's the actions.

b. Investigation

(1) Minor criminal offense. A Patrol Officer shall interview the suspect in accordance with current procedures and guidelines, complete an investigation as necessary, and prepare a written report. The report shall be obtained from the Force Protection Department Watch Captain on the date of the incident and entered into the appropriate block of the Incident Complaint Report (ICR). Information is obtained from the military identification card, witnesses, and or through cursory questioning of the suspect.

(2) Major criminal offense. NBSD senior military patrol supervisor and or officials shall contact Naval Criminal Investigative Service (NCIS) immediately of actual, suspected, or alleged, major criminal offenses.

(3) Larceny cases at NEX/Commissary. Incidents where the value of stolen merchandise exceeds $5K shall be referred to NCIS for possible acceptance of jurisdiction over the investigation. If NCIS declines jurisdiction, the case shall be referred to Regional Security Investigations. The NEX Loss Prevention detectives shall conduct investigation similar to Force Protection Officer as indicated in paragraph (b) (1). Thereafter, the NEX Loss Prevention personnel shall forward the NEX Loss Prevention investigation to NBSD Force Protection within five days so that it can be added as an enclosure to the ICR.

c. Identification card. The arresting Patrol Officer shall ensure all necessary identification card information is included in the ICR. In NEX larceny cases, NEX Loss and Prevention shall ensure a copy of the identification card is provided to the Patrol Officer for the report.

d. Thirty-day base barring order. Enclosure (5) shall be prepared by patrol officers. NBSD Security/Force Protection shall report to location where the suspect is detained. A 30-day barring order shall be issued.

(1) Active duty and DoD employees. DoD employees who report to NBSD for employment shall be given a 30-day barring order suspending their privileges to all facilities with exception of their work station.

(2) Retirees, dependents, and other personnel. Other categories of personnel shall be given a 30-day barring order excluding them from entering NBSD. This includes entering barracks, MWR facilities, clubs, NEX, commissary, and gas stations.

e. Armed Forces citation. For minor traffic violations, all active duty personnel, foreign military personnel, DoD employees, and personnel attached to agencies affiliated with the government (i.e., MWR, NEX, and commissary facilities) shall be issued an Armed Forces citation as per reference (f).

f. Magistrate's citation. All reservists, retirees, dependents, and other personnel not falling within the category of personnel listed in subsection (e), above, shall be issued DD Form 1805, U.S. Magistrate Citation, per reference (c). The military justice system has no jurisdiction over civilians, but civilians who commit criminal offenses on military (federal) property can be prosecuted in federal court. When such prosecution is contemplated, Security Personnel must determine if the place of offense was proprietary, concurrent, or exclusive federal jurisdiction. Civilians who commit offenses in either concurrent or exclusive federal jurisdiction may be prosecuted in federal court. For crimes occurring in proprietary jurisdiction, the local civilian law enforcement authorities are responsible for investigation and prosecution. Per reference (e), the Navy has representation in the United States Attorney's Office by the Special Assistant United States Attorney, whose duties include prosecuting such civilians. These prosecutions may be based on a magistrate's citation (for less serious offenses) or a filed complaint (for more serious offenses).

8. Disposition of offender. NBSD Security/Force Protection shall escort the suspect per the following guidelines:

a. Officers. The Command Duty Officer (CDO) of the subject's command shall be notified, without delay, of circumstances surrounding apprehension. If the parent command authorizes release, the officer shall be released under their own cognizance. Otherwise, NBSD Security/Force Protection shall be contacted to provide a courtesy turnover to the parent command.

b. Enlisted. The CDO of the subject's command shall be notified, without delay, of circumstances surrounding apprehension. NBSD Security/Force Protection shall be contacted to provide a courtesy turnover to parent command. Personnel in paygrade E-7 and above may be released under their own cognizance at the discretion of the parent command's CDO.

c. Foreign military personnel. Foreign military personnel shall be transported to NBSD Police Headquarters by Security/Force Protection personnel with a copy of an ICR and/or NEX Loss Preventions report. The member shall be returned to the parent command per agreement with its command authority, or via the local liaison officer.

d. Retirees, dependents, visitors, and other personnel. NBSD Force Protection shall escort these personnel off base and release them under their own recognizance.

e. Juveniles. Juveniles can only be released under the supervision of a parent or legal guardian. Civil authorities shall be called if a parent or legal guardian is unavailable.

9. Administration

a. ICR processing. NBSD Security/Force Protection and Navy Region Southwest Public Safety shall process and complete the ICR. In larceny cases at NEX, NEX Loss Preventions shall also complete and route a NEX Loss Prevention investigation report within five days to NBSD Force Protection for processing. Navy Region Southwest Public safety shall forward a copy of the completed ICR to NBSD CJA.

b. Pass and Decal notification. In situations where the offender has been barred from the installation, NBSD Security/Force Protection shall notify Pass and Decal within 24 hours so that member's driving privileges can be taken away.

10. Punishment

a. Command punishment

(1) Active duty and Reserve personnel. Only the CO of the parent command can award disciplinary measures. In addition to administrative action, NBSD CJA shall forward a copy of the ICR to the offender's command for possible counseling or disciplinary action per reference (f).

(2) Retirees, dependents, civilian, and other personnel. The offender shall be issued a U.S. Magistrate Citation. The offender shall receive by mail the date and time to appear for trial before the U.S. Magistrate for possible disciplinary action.

b. Larceny at NEX/Commissary

(1) Youth Educational Shoplifting (YES)/Shoplifters Alternative (SA) Course. Per reference (h), the YES program and the SA course are provided by the National Association for Shoplifting Prevention (NASP), a civilian company contracted by military to administer shoplifter home study courses. The NBSD CJA shall inform the offender of the home study program with information necessary to register for the correct course with NASP. All other categories of shoplifters shall be permanently barred from NBSD. All other non-military affiliated shoplifters shall be issued region-wide barment.

(a) YES program. Designed to educate first time youthful offenders on the impact of engaging in criminal activity.

(b) SA course. Designed to remind first time adult offenders of the consequences of shoplifting.

(c) Home study course completion. The shoplifter is required to enclose $75 and mail it to the YES/SA program. The shoplifter shall complete the course when received via mail, take the test, and mail the completed examination to the YES/SA program. The YES/SA shall grade the test and send the offender a certificate of completion, or the shoplifter may take the course online.

(2) Payment of civil recovery. California State Law gives the merchant the right to collect a monetary civil demand from a criminal committing theft or other crime resulting in the loss of merchandise. The Civil Recovery amount will be $200 in all cases and is non-negotiable. This payment is to offset the administrative burden resulting from shoplifters and is unrelated to the value of the merchandise stolen. Payment of the Civil Recovery does not preclude additional criminal fines or punishment issues during criminal proceedings.

11. Suspension and Revocation

a. Suspension of privileges. CO NBSD shall decide final disposition of case. The decision may consider the following:

(1) Length of suspension. CO NBSD has discretion as to the time frame of the suspension based on the severity of the case.

(2) Facilities applicable to suspension. The offender could be barred from entering restaurants housing, MWR facilities, etc. The suspension of privileges does not necessarily apply to the type of facility where violation was committed. For example, violations committed at NEX shall generally result in suspension of privileges from NEX and commissary facilities. Violations committed at the bowling alley may result in suspension of all MWR facilities such as other NBSD gyms, Recyard, etc. The offender shall retain full privileges at other DoD facilities worldwide.

(3) Permanent bar from NBSD. The offender shall have all privileges withheld from NBSD, including all facilities and driving privileges. Individuals barred by the CO are not allowed to enter NBSD. However, the offender shall retain full privileges at other DoD facilities worldwide.

(4) Region-wide barment. Pursuant to reference (h), the offender shall have all privileges, including driving and access, withheld from all Naval Installations and facilities within Navy Region Southwest (NRSW), including but not limited to NBSD. If an individual requires access to facilities to obtain DoD or VA benefits, the individual must coordinate with the security department to obtain a temporary pass.

b. Notification letters. Once CO determination of a case is made, the offender shall be informed in writing as to this decision. The CJA shall prepare and the NBSD Admin Office shall mail the following letters of notification only after receiving the CO's final disposition of the case.

(1) Active duty military. A letter shall be forwarded to the offender via member's CO. Enclosures (1) through (7) shall be forwarded for review.

(2) Dependents, retirees, civilian, and other personnel. A letter shall be forwarded to the offender or offender's sponsor (if applicable), informing the member of suspension or barment and the conditions required for re-entry per enclosures (4) and (6).

c. Consolidated Law Enforcement Operations Center (CLEOC) database entry. If the CO orders permanent barring, the CJA shall enter the offender's name into the CLEOC database. The CLEOC database keeps a record of all personnel barred in Commander, Navy Region Southwest's jurisdiction.

12. Reviews and appeals

a. Appeals. All personnel with suspended or revoked privileges have the right to submit a written appeal to the installation CO (ICO) issuing the suspension or barment.

b. CJA review. Once the appeal is received and Navy Region Southwest Public Safety has submitted the ICR, the CJA shall review the incident and recommend a disposition of the case; to the CO.

c. CO determination. CO NBSD shall make the final determination and inform the offender in writing as to the decision regarding continuance of suspension or revocation of privileges.

d. Region-wide barments only. If the issuing ICO denies the appeal for a region-wide barment, personnel may appeal the decision to CNRSW via the ICO issuing the barment. The bar remains in effect until a reply to the contrary is received.

13. Restoration of privileges

a. Termination of suspension period. Once the period of suspension has elapsed and requirements satisfied, offenders are allowed to return to NBSD with restored privileges. In cases where the offender is barred from the base, the offender must submit a written application requesting re-instatement of driving privileges to the CO via Pass and Decal Office.

b. Larceny cases. The shoplifter must present to NEX Loss Prevention management personnel their YES/SA completion certificate. NEX Loss Prevention management shall ensure completion of 12-month suspension.

14. Action. All military personnel and civilian employees shall:

a. Comply with all requirements of this instruction and references (a) through (h).

b. COs, Officers-in-charge, and Department Heads shall ensure all personnel read and become familiar with this instruction.

F. W. SMITH, JR.

Distribution:
Electronic only, via CNIC web-site
https://cnicgateway.cnic.navy.mil/sites/SWNBSD/N00/

SAMPLE NAVAL BASE SAN DIEGO 30 DAY BASE BARRING ORDER

Date/Case Number

Offender:_____
(first name) (middle name) (last name) (ssn)

_____
(street address) (city/state) (zip code) (phone number)

You were detained onboard Naval Base San Diego on _____.

Your conduct is detrimental to good order and discipline and will not be tolerated. You are ordered not to reenter Naval Base San Diego including but not limited to all buildings, facilities, barracks, clubs, gyms, the bowling alley, Navy Exchange, Commissary Store, Package Store and gas stations for a period of 30 days effective immediately pending final review of this matter by me. If you violate this barring order and are apprehended again onboard Naval Base San Diego within this 30 day period, you will be immediately referred to the United States Attorney for prosecution in Federal Court.

This action is taken under the authority vested in me by [Title 18, United States Code, Section 1382], which provides:

"Whoever, within the jurisdiction of the United States, goes upon any Military, Naval Base or Installation, for any purpose prohibited by law or lawful regulation; or

Whoever reenters or is found within any such...Base or Installation after having been removed therefore or ordered not to reenter by any officer or person in charge thereof,

Shall be fined not more than $500 or imprisoned not more than six months or both."

If there is any compelling reason which you believe sufficient to justify a modification or termination of this order, you should submit such request in writing to me for consideration and review within five calendar days.

EXCEPTION: DoD employees shall be authorized entry to perform official duties.

ACKNOWLEDGEMENT:
I (have read/had read to me) the excerpts from Title 18, Section 1832, United States Code as outlined above:

Signature of person receiving Barring Order:_____
(date)

Signature of Police Officer:_____
(date)

Signature of Witness:_____
(date)

F. W. SMITH, JR.
Captain, U.S Navy
Commanding Officer

Enclosure (1)

Sample Navy Exchange/Commissary Suspension Letter to Active Duty Member

5800
Ser N05M/

From: Commanding Officer, Naval Base San Diego
To: SA Joe Navy, USN, 123-45-6789
Via: Commanding Officer, Transient Personnel Unit, San Diego

Subj: SUSPENSION OF NAVY EXCHANGE/COMMISSARY STORE PRIVILEGES

Ref: (a) NAVBASESDIEGOINST 5520.3B

1. Your Navy Exchange/Commissary Store privileges have been suspended for a period of 12 months commencing 13 March 2000, per reference (a). This suspension is a result of your abuse of those privileges by unlawfully taking Navy Exchange merchandise from Naval Base San Diego on 13 March 2000 (Case: 13MAR00-462620-0123-23C).

2. You are ordered not to enter any Navy Exchange/Commissary Store facility (except Navy Exchange Uniform Shop) during the period of your suspension. Any attempt by you to enter, shall be a violation of the Uniform Code of Military Justice, Article 92: Failure to Obey a Lawful Order.

3. In addition, the Navy Exchange has implemented mandatory shoplifting educational courses: the Shoplifter's Alternative intended for adults and the Youth Educational Shoplifting program for juveniles. Order forms for these courses are provided to you by the Navy Exchange Loss Preventions Department. You must successfully complete the applicable courses and complete the one year suspension to restore your privileges. Please contact the Navy Exchange Loss and Preventions Coordinator at extension (619) 544-2100 for information on the Shoplifter's Alternative programs or Youth Educational Shoplifting Program.

4. You have the right to appeal in writing, via your Commanding Officer, to show cause why these privileges should not be suspended. The suspension shall be final if such an appeal is not received within 15 days from the date of this letter.

F. W. SMITH, JR.

Copy to:
NEX
DECA

Enclosure (2)

SAMPLE DRIVING PRIVILEGE REVOCATION LETTER TO ACTIVE DUTY MEMBER

5800
Ser N03M/

From: Commanding Officer, Naval Base San Diego
To:
Via: Commanding Officer, Command

Subj: REVOCATION OF DRIVING PRIVILEGES

Ref: (a) OPNAVINST 11200.5C
(b) OPNAVINST 5350.4C
(c) DoD DIRECTIVE 1010.9
(d) NAVBASESANDIEGOINST 5560.5F

1. Per references (a) through (d), your driving privileges onboard Naval Base San Diego have been revoked for a period of twelve months commencing 15 April 2002, the date of your violation, for driving under the influence of alcohol/drugs. Your privileges will be reinstated on 15 April 2002. Conduct such as yours is detrimental to the good order and discipline of this installation and will not be tolerated. (Case: 15APR01-46262-0475-90D).

2. You are ordered not to park, drive, or operate any government, private, or commercial vehicle, including motorcycles, or motor driven bicycles on board Naval Base San Diego during the period of suspension. Any attempt by you to drive on base during the period of your suspension will be in violation of the Uniform Code of Military Justice, Article 92: Failure to Obey a Lawful Order.

3. You have the right to appeal this suspension in writing, via your Commanding Officer, to show cause why these privileges should not be suspended. This suspension will be final if such an appeal is not received within 15 days from the date of this letter.

F. W. SMITH, JR.

Copy to:
Pass and Decal

SAMPLE REGION-WIDE BARMENT LETTER

5512
Ser N00/
Date

From: ***Installation Commanding Officer***
To: ***Name of Person to be barred if known***

Address of Person to be barred if known

Subj: NAVY REGION SOUTHWEST INSTALLATION BARMENT

1. You were involved in an incident at ***location of incident*** on ***date of incident,*** in which you ***brief description of incident.*** Due to your actions you are hereby notified that, effective upon receipt of this letter, you are prohibited from entering U.S. Navy property within Navy Region Southwest on a permanent basis. Prohibited areas include, but not limited to, Naval Air Weapons Station China Lake, Naval Air Station Lemoore, Naval Air Station Fallon, Naval Base Ventura County, Navy Region Southwest, Naval Air Station North Island, Naval Base Coronado, Naval Base San Diego, Naval Base Point Loma, Naval Air Facility El Centro, Naval Weapons Station Seal Beach, all off-base Naval housing and facilities, and three hundred feet into the water from all piers, drydocks, or shoreline. Prohibited areas also include the Naval Postgraduate School Monterey, Naval Regional Medical Center and their detachments, except for medical emergencies. If you are eligible for Department of Defense or Veterans Administration benefits and require access to facilities in order to access those benefits, you must coordinate directly with the Security Department of the installation you wish to access in order to receive a temporary pass.

2. You are further informed that should you re-enter or be found within the limits of U.S. Navy property located within Navy Region Southwest, you are subject to prosecution for violation of Title 18, United States Code, Section 1382, which provides for a fine of up to $5,000.00, and/or imprisonment up to six months for those who re-enter a military installation after having been barred.

3. Barment letters are issued for the protection and security of persons and property on these Installations. The issuance of a barment letter is an administrative matter that is non-punitive in nature and is entirely independent of any judicial or disciplinary action.

4. Any compelling reason which you believe would be sufficient to justify a modification or termination of this order should be submitted in writing to the Commanding Officer, ***name of base issuing the order,*** for consideration. If your request is denied by the Commanding Officer, you may submit an appeal to Commander, Navy Region Southwest.

Installation Commanding Officer

RECIEPT ACKNOWLEDGED: _____
Signature/Date

DELIVERED BY: _____
Full Name, Position, Phone Number

SAMPLE TEMPORARY BARMENT LETTER

5512
Ser N00/
Date

From: ***CDO/SECO/ETC (must be authorized by ICO to issue)***
To: ***Name of Person to be barred***

Address of Person to be barred if known

Subj: NAVY REGION SOUTHWEST TEMPORARY INSTALLATION BARMENT

1. You were involved in an incident at ***location of incident*** on ***date of incident,*** in which you ***brief description of incident.*** Due to your actions you are hereby notified that, effective upon receipt of this letter, you are prohibited from entering U.S. Navy property within Navy Region Southwest on a temporary basis for a period of ____ months/years. Prohibited areas include, but not limited to, Naval Air Weapons Station China Lake, Naval Air Station Lemoore, Naval Air Station Fallon, Naval Base Ventura County, Navy Region Southwest, Naval Air Station North Island, Naval Base Coronado, Naval Base San Diego, Naval Base Point Loma, Naval Air Facility El Centro, Naval Weapons Station Seal Beach, all off-base Naval housing and facilities, and three hundred feet into the water from all piers, drydocks, or shoreline. Prohibited areas also include the Naval Postgraduate School Monterey, Naval Regional Medical Center and their detachments, except for medical emergencies. If you are eligible for Department of Defense or Veterans Administration benefits and require access to facilities in order to access those benefits, you must coordinate directly with the Security Department of the installation you wish to access in order to receive a temporary pass.

2. You are further informed that should you re-enter or be found within the limits of U.S. Navy property located within Navy Region Southwest, you are subject to prosecution for violation of Title 18, United States Code, Section 1382, which provides for a fine of up to $5,000.00, imprisonment up to six months for those who re-enter a military installation after having been barred. This barment is effective until _____ ***(no more than 96 hours from time and date barment commenced.)***

3. Barment letters are issued for the protection and security of persons and property on these Installations. The issuance of a barment letter is an administrative matter that is non-punitive in nature and is entirely independent of any judicial or disciplinary action.

4. Any compelling reason which you believe would be sufficient to justify a modification or termination of this order should be submitted in writing to the Commanding Officer, ***name of base issuing the order,*** for consideration.

Name of Issuing authority
Position of Issuing Authority

RECIEPT ACKNOWLEDGED: _____
Signature/Date

DELIVERED BY: _____
Full Name, Position, Phone Number

5800
Ser N03M/

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HMC Sam Navy, USN, Ret
6377 ABC Avenue
San Diego, CA 92114

Dear Chief Petty Officer Navy:

The Navy Exchange/Commissary Store privileges of your **son/daughter**, Joe Navy, was suspended for a period of 12 months commencing January 14, 2000 per NAVBASESANDIEGOINST XXXX.XX and BUPERSINST 1750.10B. This suspension is a result of his/her abuse of those privileges by unlawfully taking Navy Exchange merchandise from Naval Base San Diego on January 14, 2000. (Case: XXXXXXXXX)

The Navy Exchange has implemented shoplifting educational courses: the Shoplifter's Alternative geared towards adults, and the Youth Educational Shoplifting program geared towards juveniles. Your **son or daughter** must successfully complete the applicable course to have suspended privileges restored. Order forms for these courses are provided to you by the Navy Exchange Loss Preventions Department.

You have the right to appeal in writing, to show cause why these privileges should not have been suspended. The suspension will be final if such an appeal is not received within 15 days from the date of this letter.

Any attempt by your **son or daughter** to enter any Navy Exchange/Commissary Store facility during the period of suspension will be in violation of Title 18, United States Code, Section 1382, which reads as follows:

"Whoever, within the jurisdiction of the United States, goes upon military, naval...base, or installation, for any purpose prohibited by law or lawful regulation; or

Whoever reenters or is found within any base, or installation after having been removed from or ordered not to reenter by any officer or person in command or charge thereof...

Shall be fined not more than $500.00 or imprisoned not more than six months or both."

Your **son or daughter's** Uniformed Services Identification and Privilege Card (DD Form 1173) was confiscated for destruction. At that time, a 30-day temporary letter entitling your **son or daughter** to medical care was issued. Your **son or daughter** was instructed to present that letter to the Personnel Support Detachment, Building 3135, Naval Base San Diego within 15 working days of issuance to receive another Identification Card (DD Form 1173) documenting these limited privileges. Upon termination of this suspension on January 14, 2001, you may submit an application, along with a copy of the Youth Educational Shoplifting program, for a new identification card for your son or daughter with all privileges restored.

Sincerely,

F. W. SMITH, JR.

5800
N05M/

Mr. Jim Civilian
1234 Ship Drive #218
San Diego, CA 92123

Dear Mr. Navy:

On April 14, 2000, you were detained on board Naval Base San Diego by base police for theft of government property. Conduct such as yours is detrimental to the good order and discipline of this installation and will not be tolerated. (Case: 14APR00-46262-0123-23C).

Consequently, effective immediately, you are permanently barred from entering Naval Base San Diego, including but not limited to all buildings, facilities, barracks, clubs, gyms, the bowling alley, Navy Exchange, Commissary, Package Store, and gas stations.

Any attempt by you to enter Naval Base San Diego will be in violation of Title 18, United States Code, Section 1832, which reads:

"Whoever within the jurisdiction of the United States, goes upon any military, naval...base, or installation for any purposes prohibited by law or lawful regulation; or

Whoever reenters or is found within such...base or installation after having been removed therefrom or ordered not to reenter by any officer or person in command...

Shall be fined not more than $500.00 or imprisoned for not more than six months, or both.

You are hereby warned that should you reenter or be found within the limits of the Naval Base San Diego, in violation of this order, you will be subject to apprehension and detainment by the military for prompt delivery to the appropriate civil authorities.

If there is any compelling reason, which you believe sufficient to justify a modification or termination of this order, you should submit such requests to Commanding Officer Naval Base San Diego for consideration and review.

Sincerely,

F. W. SMITH, JR.