



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
PSC BOX 8003
CHERRY POINT, NC 28533-0003

AirStaO 11101.4
FAC
28 Aug 07

AIR STATION ORDER 11101.4

From: Commanding Officer, Marine Corps Air Station, Cherry Point
To: Distribution List

Subj: INTERIM POLICY REGARDING THE ASSIGNMENT OF REGISTERED SEX
OFFENDERS TO HOUSING VIA THE MILITARY HOUSING OFFICE

Ref: (a) MCO P11000.22 W/CH 1-4
(b) AirStaO 11101.2H
(c) 42 U.S.C. §14071 (The Jacob Wetterling Act)
(d) 42 U.S.C. §16921 (Megan Nicole Kanka and Alexandra
Nicole Zapp Community Notification Program)
(e) Public Law 109-248 [H.R. 4472] (Adam Walsh Child
Protection and Safety Act of 2006)
(f) North Carolina General Statute §14-208.5
(g) North Carolina General Statute §14-208.7
(h) North Carolina General Statute §14-208.16
(i) Cafeteria Workers v. McElroy, 367 U.S. 886 (1961)
(j) Berry v. Bean, 796 F.2d 713 (4th Cir. 1986)
(k) Serrano Medina v. United States, 709 F.2d 104 (1st
Cir. 1983)
(l) MCO 1710.30E
(m) AirStaO 1710.30B
(n) SECNAVINST 5800.14A

Encl: (1) Map of restricted areas of Nugent Cove housing area
(2) Map of restricted areas of MCAS Cherry Point mainside

1. Situation

a. The good order and discipline of military installations is a matter of paramount importance in safeguarding national security. The proper stewardship of the morale of a command is likewise essential in order to support the undivided commitment of our deployed personnel to their duties. Military personnel must be afforded every opportunity to fully focus on the military mission while relying on the command structure to safeguard personal property and family interests while they are away. It is this trust and reliance upon tranquility on the home front that helps ensure our Marines are mission-focused when they go into harm's way.

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b. Military installations are also a specialized community with unique standards and demands regarding discipline, duty and morale. These installations are populated by personnel who move frequently due to their military duties, and are therefore required to rapidly formulate new friendships and establish bonds of trust and community which are slower to cultivate in the civilian world. MCAS Cherry Point is home to several child care facilities, a teen center, and other institutions to which our military and civilian personnel entrust their children, and is in close proximity to civilian schools attended by our dependents. These services represent a significant benefit to our personnel. Individual family members may become certified as childcare providers within their assigned military housing neighborhoods, providing much-needed child care within the community in which our personnel reside. It is essential that personnel have complete trust and confidence in our housing areas, child care centers, and other facilities providing care and services for minors. These unique demands and sense of community are of a special nature not found in the civilian sector, and therefore merit specialized consideration when establishing policy which impacts the good order, discipline and morale of this installation.

c. As demonstrated by the legislative history of the various state and federal laws requiring registration of sex offenders, the presence of registered sex offenders (RSOs) within the MCAS Cherry Point housing community is a direct threat to the good order, discipline, morale and welfare of this Air Station. The laws of the United States and the State of North Carolina require persons convicted of certain offenses to register as sex offenders. North Carolina law further prohibits registered sex offenders from living within 1000 feet of the property on which a school or certain child care facilities are located (reference (h)). Because of the close proximity of several schools, and child care facilities located aboard the Air Station, effectively managing assignment of RSOs to housing units would be impractical. Assigning RSOs to housing units without violating the "1000-foot rule" would result in congested enclaves, in the relatively rare units, as shown in enclosures (1) and (2).

d. Registered Sex Offenders residing in base housing would also cause substantial harm to the special trust and confidence our residents have in our housing community. It would significantly undermine and degrade the desirability of our housing, resulting in fewer Marines seeking to live on base.

Over time, this would lead to an elimination of each of the positive tangible effects that our base housing community currently provides. Perhaps most importantly, allowing RSOs in Air Station housing will have a direct and significant impact upon the peace of mind of our deployed Marines. The morale and mental focus of our fighting force is directly related to their effectiveness in combat.

2. Mission. To protect the good order, discipline, morale and welfare of military and civilian personnel and their dependents stationed aboard Marine Corps Air Station Cherry Point.

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. My intent is to preserve morale, welfare, and good order and discipline by denying RSO's residence in housing aboard the Air Station or within Slocum Village. Assignment of military personnel and their dependents to adequate housing shall include a determination of whether the military applicant or any dependent otherwise authorized to reside in housing aboard MCAS Cherry Point or within Slocum Village is required to register as a sex offender under the laws of the State of North Carolina or the United States, as defined in references (c) through (f).

(2) Concept of Operations. This Order provides guidance required for the processing of housing applications until such time as superior competent authority publishes detailed guidance on the subject. This policy also prevents legal complications to the applicant which might result from the inadvertent assignment of an RSO to a housing unit in violation of North Carolina law.

b. Tasks

(1) Housing Officer. The Housing Officer will:

(a) Screen the names of all military members, civilians, and dependents applying for housing aboard the Air Station or within Slocum Village against the Dru Sjodin National Sex Offender Public website maintained by the United States Department of Justice, www.nsopr.gov.

(b) Screen the names of all military members, civilians, and dependents applying for housing aboard the Air Station or within Slocum Village against the North Carolina Sex Offender and Public Protection Registry website maintained by the North Carolina State Bureau of Investigation, <http://ncfindoffender.com>.

(c) Complete inquiries of all applicants for housing whether the applicant or any person who will reside with the applicant is, or has ever been, required to register as a sex offender under the laws of the United States or any state.

(d) Consult the Staff Judge Advocate in any case involving a military or civilian applicant, or dependent, identified as a registered sex offender.

(e) In the event that any applicant or dependent is revealed to be a registered sex offender, deny the application for housing and inform the applicant as follows:

1. "It is the policy of this Air Station that housing will not be provided to otherwise eligible applicants whose family unit to be housed includes a person required to register as a sex offender under the laws of the State of North Carolina or the United States;" and

2. "The denial of your application for housing may be appealed to the Commanding Officer, who will decide each appeal on a case-by-case basis, after examining a totality of the circumstances. Any appeal must be filed in writing within 10 days of any denial of housing made under this Order. The appeal should address at least the following factors, but may include any other additional written information the applicant deems relevant:

a. The nature and circumstances of the offense(s);

b. The precise criminal statute(s) or law(s) of which the person was convicted;

c. The state(s) or jurisdiction(s) in which the offense(s) occurred and was adjudicated;

d. The time which has passed since the offense(s) was committed;

e. The age of the offender at the time the offense(s) was committed;

f. The age of the victim(s) at the time the offense(s) was committed;

g. Evidence which tends to demonstrate the applicant's subsequent rehabilitation, exemplary conduct, or other commitment to obedience to law;

h. Whether the conviction requiring registration has been reversed, vacated, or set aside, or if the registrant has been granted an unconditional pardon of innocence for the offense requiring registration.

(2) Staff Judge Advocate. Ensure that all background checks, screens and resulting action are conducted in accordance with state and federal law.

4. Administration and Logistics. None.

5. Command and Signal

a. Command. This Order is applicable to all personnel, whether military or civilian, who apply for housing available on or through MCAS Cherry Point.

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


F. P. BOTTORFF

DISTRIBUTION: A

Child Protected Areas

-  1000ft Buffer
-  Protected
-  Fences
-  Railroad
-  CP Installation
-  Havelock Area



This map produced on: 23 July 2007
 By: [unreadable]
 Facility: [unreadable]
 Source: MCA's Child Care GIS
 Map Projection: NC State Plane (NAD83, GRS 1980)

Scale: 1:9,000 Feet
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 TO BE USED FOR REFERENCE ONLY
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 their contractors by the U.S. Government and
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