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Section 3

Base Magistrate

1. General. The Office of the Base Magistrate operates under the supervision and direction of the office of the Staff Judge Advocate. The Office of the Base Magistrate is responsible for six primary functional areas, specifically:

a. To serve as the Traffic Hearing Officer in the adjudication of all traffic violations which occur aboard MCB CamPen.

b. To serve as the Hearing Officer in the adjudication of incidents of misconduct which occur aboard MCB CamPen involving residents and bona-fide guests within Public Private Venture (PPV) and Government housing, incidents involving theft of monies and merchandise from the MCCS facilities, incidents of juvenile misconduct, pet revocation hearings, and other acts of misconduct occurring aboard the Base.

c. To identify, train, and supervise qualified Field Grade Officers to serve as the Initial Review Officer (IRO) in order to review the probable cause determination and necessity for continued pre-trial confinement for personnel held in a pre-trial confinement status within the MCB CamPen Brig Facility.

d. To serve as the primary liaison between the personnel who are stationed, work, and reside aboard MCB CamPen and authorized civilian personnel and agencies who are permitted to conduct service of process aboard MCB CamPen.

e. To serve as the primary liaison between the commands aboard MCB CamPen and the civilian law enforcement agencies concerning Military Protective Orders.

f. To serve as the Base Insurance Officer.

2. Traffic Court

a. General. This section of the Base Regulations is derived and governed by MCO 5110.1, which establishes the policy, responsibilities, and procedures for motor vehicle traffic supervision on military installations in the continental United States. Information not specifically addressed within this Order can be found within the governing reference.

b. Information. Driving a government-owned vehicle, or privately-owned vehicle (POV) aboard MCB CamPen is a privilege, not a right. Persons who accept the privilege will:

(1) Comply with all Federal and applicable California motor vehicle laws and regulations while operating a motor vehicle aboard MCB CamPen;

(2) Comply with installation vehicle registration requirements outlined in MCO 5110.1 and

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(3) While operating a motor vehicle, produce, on demand, to law enforcement personnel the following documents:

(a) Proof of vehicle ownership or state registration.

(b) Proof of automobile insurance.

(c) A valid state driver's license or OF346 (U.S. Government Motor Vehicle Operator's Identification Card), and an Armed Forces Identification Card, or other appropriate identification for non-DoD civilians.

c. Implied consent. Persons who accept Base driving privileges implicitly give their consent to evidentiary tests. The tests are used to determine the alcohol or drug content of their blood, breath, or urine for the purpose of determining the apparent influence of alcohol or drugs when lawfully stopped, apprehended while driving, or in physical control of a motor vehicle aboard MCB CampPen.

d. California Penal Code. By virtue of the Assimilative Crimes Act, 18 U.S.C. Section 13 the provisions of the California Vehicle Code (C.V.C.), California Penal Code (C.P.C.) and other applicable state laws are made a part of Federal law applicable aboard MCB CampPen.

e. Applicability. This Order applies to all military and civilian personnel who operate a motor vehicle aboard MCB CampPen and Naval Weapons Station, Fallbrook. Violations of any provision of this Order or applicable Federal or State laws and regulations may provide a basis for both administrative action and criminal prosecution. Administrative action may include the assessment of points, temporary suspension, or revocation of an operator's Base driving privileges for both privately-owned vehicles and government-owned vehicles. Administrative action does not preclude criminal action taken by the U.S. Government in Federal Court to prosecute military members or civilians, nor does it preclude action by a military member's command to prefer charges under the Uniform Code of Military Justice (UCMJ). Likewise, civil service personnel may be administratively disciplined under the respective laws and regulations governing their specific Labor Agreement.

f. Issuance and Processing of Traffic Citations

(1) General. Military Police will cite/issue alleged violators with an Armed Forces Traffic Ticket (DD Form 1408) or a Violation Notice (DD Form 1805) depending upon the status of the alleged violator.

(2) Armed Forces Traffic Ticket (DD Form 1408)

(a) The Military Police shall generally issue the DD Form 1408 to Active Duty, Reserve personnel (while in a duty status), Retired Military personnel, DoD Civilian personnel, and military family members.

(b) Upon the issuance of a DD Form 1408, the Military Police Officer shall indicate the place, time, and date that the alleged violator is required to appear before the Base Magistrate on the DD Form 1408.

(c) In addition, if the alleged violator fails to appear or to request a continuance that action may constitute a waiver of the right to

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appear before the Base Magistrate, and that the Base Magistrate may resolve the matter in the alleged violator's absence.

(3) United States District Court Violation Notice (DD Form 1805)

(a) The Military Police shall generally issue the DD Form 1805 to "non-DoD connected" civilian personnel; i.e., vendors, contractors, visitors, and military personnel who will be separating from Active Duty within 30 days from the date of the citation.

(b) Upon the issuance of a DD Form 1805, the Military Police officer shall explain the process involved in having this matter adjudicated by the United States District Court.

g. Adjudication Procedures

(1) The CG MCIWEST-MCB CAMPEN delegates the authority to take administrative action in traffic violation matters to the Base Magistrate. The Base Magistrate may appoint and supervise Alternate Traffic Hearing Officers as needed to ensure timely due process of traffic violation cases.

(2) Security Battalion, PMO, Police Records prepare all relevant documentation of traffic violations for submission and adjudication by the Base Magistrate.

h. Administrative Due Process

(1) A person issued a traffic citation which may result in point assessment, temporary suspension, or revocation of driving privileges, has the right to appear before the Base Magistrate for a hearing on the matter. Failure to appear at the time designated shall constitute a waiver of the right to a hearing and the Base Magistrate may resolve the matter on the basis of the available evidence. The citation issued by the Military Police Officer, with a notice of the violation and of the time and place to appear, shall constitute proper notice.

(2) In those cases which do not require a mandatory appearance before the Base Magistrate, the violator may waive their right to appear in person and enter a plea of guilty, by contacting Police Records, Building 1523, (760) 725-0819.

(3) Individuals shall have the following rights during the Hearing before the Base Magistrate:

(a) To make a statement or remain silent;

(b) To enter a plea of "not guilty," "nolo contendere," "guilty," or "guilty with an explanation." A plea of nolo contendere (no contest) is considered the equivalent of a plea of guilty;

(c) To present all reasonably available witnesses or documents;

(d) To require the Military Police Officer's presence;

(e) To representation by civilian counsel at the individual's expense, assuming it will not create a delay in the hearing;

(f) To request a private hearing, based upon good cause;

(g) To appeal to the CIG, the decision of the Base Magistrate.

i. On-Base Drinking Under the Influence (DUI) Offenses

(1) Per MCO 5110.1, personnel, to include active duty, reserve personnel (while in a duty status), retired members, DoD civilian personnel, and military family members cited for an on-base DUI driving offense will be cited and issued a DD Form 1408 and a Preliminary Letter of Suspension which shall remain in effect pending the final adjudication by the Base Magistrate.

(2) Per MCO 5110.1, non-DoD connected personnel and active duty personnel separating from service within 30 days of the citation date for an on-base DUI driving offense will be cited and issued a DD Form 1805 and will be required to appear before the United States District Court for adjudication of the offense. In addition, these individuals will be issued the appropriate Bar Letter.

j. Off-Base DUI Offenses. Per MCO 5110.1, active duty, reserve personnel (while in a duty status), and DoD Civilian personnel, cited for an off-base DUI will be issued a Preliminary Letter of Suspension via their chain of command by the PMO (Police Records). Additionally, upon notification of the incident by the appropriate civilian law enforcement agency active duty family members, who reside aboard MCB CampPen; will also be issued a Preliminary Letter of Suspension via certified mail. All DUI citations, whether on or off-base require a mandatory appearance before the Base Magistrate.

k. Use of Illegal Drugs

(1) Per MCO 5110.1, active duty, reserve personnel (while in a duty status), DoD civilian personnel, and military family members cited for the wrongful possession of drugs or drug paraphernalia aboard MCB CampPen will be immediately issued a DD Form 1408 and a Preliminary Letter of Suspension which shall remain in effect pending the final adjudication by the Base Magistrate.

(2) Per MCO 5110.1, non-DOD connected personnel cited for the wrongful possession of drugs or drug paraphernalia aboard MCB CampPen will be immediately cited and issued a DD Form 1805 and will be required to appear before the United States District Court for adjudication of the offense. This provision also applies to Active Duty personnel that are separating from service within 30 days from the date of the citation. In addition, these individuals will be issued the appropriate Bar Letter.

(3) When a commander possesses credible evidence of the use, possession, or distribution of illegal drugs which pose a threat to safety, good order and discipline, the commander may request that the CG MCIWEST-MCB CAMPEN (Attn: Base Magistrate) suspend/revoke the driving privileges of the offender for a period not to exceed 12 months (see Figure 4-8).

l. Base Traffic Court Violations Sentencing Matrix

(1) The Base Traffic Court Violations Sentencing Matrix establishes a uniform administrative system to adjudicate traffic violations which occur

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aboard MCB CamPen. The system is based upon the assessment of "points" for minor violations and increases in severity of penalty, which may include Suspension or Revocation of driving privileges for more serious offenses (see Figure 4-11).

(2) In addition to the assessment of points, suspension, or revocation of driving privileges, an individual may be subject to the following remedial measures:

(a) Required attendance and completion of Remedial Driver Course.

(b) Required attendance and completion of the Motorcycle Safety Training Course.

(c) Referral to an appropriate level Alcohol and Drug Program.

(3) Military and/or civilian personnel licensed to operate government-owned vehicles (both tactical and commercial), and who have had their state driving privileges suspended or revoked for any reason, are prohibited from operating government owned vehicles until their state driving privileges have been reinstated.

(4) Military and/or civilian personnel licensed to operate government-owned vehicles (both tactical and commercial), and who have had their on-base driving privileges suspended or revoked for any reason, are prohibited from operating government-owned vehicles during the stipulated period of suspension or revocation, unless specifically authorized, in writing, by their Battalion/Squadron Commanding Officer.

m. Appeal Procedures

(1) Individuals may appeal the decision of the Base Magistrate; however, the grounds for the appeal must be based upon fact that the sanction was unjust or that the sanction was disproportionate for the offense. An individual's personal belief that they are not guilty of the violation is not a basis for an appeal.

(2) Appeals must be submitted in writing within 10 working days from the date of the hearing, and must be directed to the Office of the Command Inspector via the Base Magistrate. Appeals submitted after the 10 working day submission requirement will not be heard.

(3) Point assessments, suspensions, and revocations shall remain in effect pending the final resolution of the appeal.

n. Request for Limited Driving

(1) Individuals whose driving privileges have been suspended or revoked may request "Limited Driving Privileges."

(2) All requests shall be submitted in writing using the format in Figure 4-10.

3. Misconduct Hearings

a. General. This section of the Base Regulations establishes the policy, responsibilities, and procedures for adjudicating incidents of misconduct, to include family member misconduct within the designated PPV Housing, PPV Housing termination appeal hearings, pet revocation appeal hearings, and other similar type matters. Information not specifically addressed within this Order can be found within BO P11101.31, (Base Housing Regulations).

b. Information. The Base Magistrate is delegated the authority by the CG to convene misconduct hearings, PPV Housing termination appeal hearings, pet revocation appeal hearings, and other similar type matters upon presentation of official investigative complaints, reports, or by direction of the CG or his designee. Upon the conclusion of the hearing and based upon the facts, evidence, and testimony as provided, the Base Magistrate shall take action as follows:

(1) For matters involving PPV Housing, the Base Magistrate shall provide a disposition recommendation to the Director, Central Housing via the AC/S G-F, for final decision.

(2) For all other matters, the Base Magistrate shall have the final decision authority.

c. Notification. The Base Magistrate is responsible for notifying the respondent and the appropriate staff agency of the date, time, and location of the hearing. In addition, prior to the hearing, this Office will provide the respondent with all reports and documents that will be presented at the hearing in order to allow the respondent sufficient opportunity to familiarize themselves with all matters to be presented at the hearing.

d. Rights. Respondents appearing at a hearing before the Base Magistrate will be afforded the following rights:

(1) To receive written notification of the requirement to appear before the Base Magistrate;

(2) To appear in person before the Base Magistrate;

(3) To request, confront, and cross-examine adversarial witnesses;

(4) To present witnesses and evidence on their behalf;

(5) To receive written notification of the final adjudication of the alleged incident of misconduct; and

(6) To appeal the decision of the Base Magistrate to the Command Inspector General (the exceptions are PPV Housing and pet removal hearings where the Base Magistrate is the appeal authority).

e. Recommendation. Upon the conclusion of the hearing, and prior to dismissing all parties, the Base Magistrate will announce his recommendation(s) for the adjudication of the matter. Recommendations may include, but are not limited to:

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- (1) A letter of warning;
- (2) Referral to an appropriate counseling program;
- (3) Restitution to indemnify any loss suffered by a party or parties;
- (4) Strict curfew on weekdays and weekends (juveniles);
- (5) Community service;
- (6) Suspension of the sponsor's and/or family member's MCCS privileges;
- (7) Probation or termination of entitlement to PPV Housing;
- (8) Issuance of a temporary or permanent Bar Order; and/or,
- (9) Referral to the Special Assistant U.S. Attorney for prosecution in Federal Court.

f. Post Hearing

(1) The Base Magistrate shall prepare a summarization of the testimony of all parties and exhibits, with the recommended adjudication action, and forward the report to the appropriate Staff Agency via the SJA for review and final decision.

(2) Once the final decision has been rendered, the Base Magistrate will prepare a "Final Disposition Letter" which will contain the final decision and the procedures for appeal and this information will be mailed via certified mail to the respondent.

g. Appeal Procedures. Except for PPV housing termination and pet removal hearings, individuals may appeal the final decision to the CIG. However, the grounds for appeal must be based upon fact that the sanction was unjust or that the sanction was disproportionate for the offense. An individual's personal belief that he/she is not guilty of the violation is not a basis for an appeal.

4. Initial Review Officer (IRO)

a. General. This section of the Base Regulations establishes the policy, responsibilities, and procedures for the conduct of the IRO hearings. Information not specifically addressed within this Order can be found within the Manual for Courts-Martial, specifically Rule 305, and I MEF/MCB MOA of 9 October 2009.

b. Information. The Base Magistrate is delegated the authority by the CG to identify, train, assign, and supervise qualified Field Grade Officers to serve as IROs. The primary responsibilities are to review the probable cause determination and necessity for continued pre-trial confinement for personnel held in a pre-trial confinement status within the MCB Campen, Brig Facility.

(1) Identification of IROs. Per the I MEF/MCB MOA of 9 October 2009, the Base Magistrate shall identify a sufficient number of qualified Field Grade Officers from within I MEF commands and MCIWEST-MCB CAMPEN to fulfill the IRO requirement.

(2) Training of the IROs. Prior to assignment as an IRO, each officer will be required to complete the required training as directed by the Base Magistrate and to observe an IRO Hearing.

(3) Assignment of the IROs. Officers assigned as IROs will generally serve this duty for 6 months, unless otherwise coordinated. The Base Magistrate is responsible for publishing the monthly IRO Duty Schedule.

5. Civil Processing

a. General. This section of the Base Regulations establishes the policy, responsibilities, and procedures for the conduct of all civil processing matters, to include delivery of civil documents and subpoenas, the surrender (turn-over) of military and civilian personnel to civilian law enforcement agencies, coordination of vehicle repossessions, the processing of Military Protection Orders (MPO), and other such related actions. Information not specifically addressed within this Order can be found within the JAGINST 5800. All civil processing matters aboard MCB CamPen will be coordinated by the Base Magistrate. For questions regarding civil processing matters, call (760)725-5561. The Base Magistrate shall be immediately notified in the event that the command receives notification of a pending felony arrest warrant on a member of their command.

(b) Felony Arrest Warrants. The Base Magistrate (Civil Processing Section) is responsible for coordinating the turn-over of personnel when requested by civilian law enforcement agencies and upon the presentation of a felony arrest warrant. Upon receipt of a felony arrest warrant, the Base Magistrate (Civil Processing Section) will notify the military member's command, civilian supervisor, or active duty sponsor as appropriate when military members, civilian personnel, or family members are named in the warrant. All turnovers will only be conducted at the Base Magistrate, Building 22161.

(1) Military personnel directed to report to the Base Magistrate in connection with a felony arrest warrant will arrive in civilian attire (no military uniforms or gear), and military personnel will be escorted by a senior person from within his/her command. In addition, both the individual named within the warrant and the law enforcement agent taking custody of the individual will sign a Delivery Agreement as required by paragraph 0602 of the JAGINST and copy of this document will be provided to the command representative.

(2) Civilian personnel directed to report to the Base Magistrate in connection with a felony arrest warrant will arrive in civilian attire and the individual will be escorted by a supervisor from within their organization.

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(3) Family members directed to report to the Base Magistrate in connection with a felony arrest warrant will arrive in civilian attire and the individual will be escorted by their active duty sponsor. The individual named in the warrant will be informed of the charges as stated within the warrant and will be given instructions on the turn-over process prior to the turn-over.

(c) Subpoenas and Civil Process. The Civil Processing Section shall coordinate the service and delivery of all subpoenas and civil process served aboard MCB CampPen, as such, organizations or units receiving a subpoena or similar type documents should contact the Civil Processing Section for guidance at (760)725-5561. Attempts to serve individuals at their unit or other locations are not authorized and should be redirected immediately to the Civil Processing Section. Service of civil process may be executed only by officers of the court, i.e., Law Enforcement personnel or California licensed or credentialed Process Servers. The process service of legal documents will not be executed under any circumstances by military personnel, to include, Commanding Officers, Legal Officers, Officers-in-Charge, or civilian supervisors.

(d) Repossession of Property. In order to protect the legal rights of both the debtor and creditor and maintain peace and security aboard MCB CampPen, involuntary repossessions of personal property located aboard MCB CampPen will be coordinated through the Civil Processing Section. The Civil Processing Section shall be responsible for notifying the military member of the "request for repossession." In addition, the Civil Processing Section will recommend that the military member contact the Joint Legal Assistance Office (Building 22161) for guidance prior to taking any action in regard to the "request for repossession."

(1) Voluntary Vehicle Repossessions. Voluntary repossessions are accomplished with the consent of the property owner. Upon receipt and verification of a "request for repossession," the Base Magistrate will contact the military member and inform him/her of the request for repossession of their vehicle. In addition, the Base Magistrate will normally offer the member an opportunity to resolve the matter with their finance company (normally five days). If the member is unable to resolve the matter, they will be directed to deliver the vehicle to the Base Magistrate (Building 22161) for repossession. If the vehicle is inoperable, the military member will inform the Base Magistrate of the location of the vehicle and the civil processing clerk will escort the Repossession Agent to the vehicle location in order to repossess the vehicle. Prior to releasing any vehicle to the Repossession Agent, an "Authorization for Voluntary Vehicle Repossession" form will be completed by the Repossession Agent and the civil processing clerk and the DoD Base Decal will be removed from the vehicle. Only California licensed or credentialed Repossession Agents are permitted to repossess vehicles aboard MCB CampPen.

(2) Involuntary Vehicle Repossessions. Involuntary repossessions require a Court Order, a Repossession Order, a copy of the title, contract, and the statement of default authorizing the repossession of the vehicle. Once the Base Magistrate receives and verifies the above documents, the individual will be directed to bring the vehicle to the Base Magistrate (Building 22161) for repossession. Only California licensed or credentialed Repossession Agents are permitted to repossess vehicles aboard MCB CampPen.

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(e) MPOs. The Installation Military Commander (Base Magistrate) is mandated to notify the Military Police or appropriate civilian law enforcement agencies upon the issuance, subsequent change, or termination of a MPO. All military commanders located on MCB CamPen will forward a copy of all MPOs to the Base Magistrate (Civil Processing Section) within 24 hours of the issuance, change, or termination of the Order. This information may be provided via fax transmittal (760)725-5920.

6. Base Insurance Officer

a. This section of the Base Regulations is derived and governed by SECNAVINST 1740.2 and MCIWEST-MCB CAMPENO 1741.1 and establishes the policies, responsibilities, and procedures for testing, certifying, and issuing licenses to securities and life insurance sales agents to conduct business aboard MCB CamPen.

b. The Base Magistrate serves as the Base Insurance Officer for matters in connection with testing, certifying, and issuing licenses to securities and life insurance sales agents to conduct business aboard MCB CamPen.



MCIWEST-MCB
CAMPENO 5000.2

AUG 1 4 2013

UNITED STATES MARINE CORPS
(LETTERHEAD)

SSIC
Code
Date

From: Commanding Officer, (BATTALION/SQUADRON)
To: Commanding General, MCIWEST-MCB CAMPEN
(Attn: Military Magistrate)

Subj: REQUEST REVOCATION OF BASE DRIVING PRIVILEGES

Ref: (a) MCO 5110.1D

Encl: (1) Notification Letter to Member and Endorsement

1. Per the reference, request that the Base driving privileges of (MARINE/SAILOR) be revoked for (number of months) for the use, possession, or distribution of illegal drugs.
2. (Statement by the Commanding Officer as to why the revocation of driving privileges is warranted in this situation. Include all relevant information, i.e., page 11's, pro/cons, and previous violations of the UCMJ).
3. I believe that in this situation the continued operation of a motor vehicle by (MARINE/SAILOR) poses a threat to the safety, good order and discipline aboard Marine Corps Base, Camp Pendleton.

(COMMANDER)

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UNITED STATES MARINE CORPS
(LETTERHEAD)

SSIC
Code
Date

From: Commanding Officer, (BATTALION/SQUADRON)
To: (MARINE/SAILOR)

Subj: NOTIFICATION OF INTENT TO REVOKE DRIVING PRIVILEGES

Ref: (a) MCO 5110.1D

1. Per the reference, you are notified of the command's request that the Commanding General (CG), Marine Corps Installations West-Marine Corps Base, Camp Pendleton (MCIWEST-MCB CAMPEN) revoke your Base driving privileges for (number of months) based on your recent use, possession, or distribution of illegal drugs as evidenced by your (Court-martial/office hours/PMO report/positive urinalysis) on (date).

2. You may request a hearing before the Military Magistrate prior to a final decision being rendered in your case. At the hearing, you may examine the evidence against you and present any evidence or other matters you desire to be considered.

3. You have five working days from the date of this letter to complete the endorsement and advise the command if you desire a hearing in this matter. While this request is being processed, you are ordered not to drive your vehicle or any other aboard Marine Corps Base, Camp Pendleton.

COMMANDER

Figure 4-9.--Notification of Intent to Revoke Driving Privileges

MCIWEST-MCB
CAMPENO 5000.2
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UNITED STATES MARINE CORPS
(Unit Letterhead)

(SAMPLE)

(Date)

From: **Major I. M. Marine XXX XX 9876/MOS USMC**
To: Commanding General, Marine Corps Installations West-Marine Corps Base,
Camp Pendleton (Attn: Military Magistrate)
Via: (1) Commanding Officer, (Company)
(2) Commanding Officer, (Battalion)

Subj: REQUEST FOR LIMITED DRIVING PRIVILEGES

Ref: (a) MCO 5110.1C; Motor Vehicle Traffic Supervision Violations

Encl: (1) **List Required Documents**

1. Per the reference, my driving privileges to operate a motor vehicle aboard Marine Corps Base, Camp Pendleton and all other military installations under the jurisdiction of the Armed Forces of the United States of America were **(suspended/revoked on (date))** for **(time period)** due to **(specific traffic violation(s))**.

2. It is requested that I be authorized Limited Driving Privileges due to the following reason: **(Rationale must be clear and demonstrate either extreme personal hardship or an extreme impact upon your ability to accomplish your assigned military duties)**.

I. M. MARINE

Military Magistrate Disposition:

Approve/Disapprove

Date: _____

Signature _____

Figure 4-10.--Request for Limited Driving Privileges

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Base Traffic Court Sentencing Matrix

The Base Traffic Court Sentencing Matrix establishes the Traffic Suspension/Revocation of Driving Privileges/Point Assessment System, which shall serve as a uniform administrative device to impartially adjudicate traffic violations which occur aboard MCB CamPen. The current edition of MCO 5110.1 establishes the policy, regulations, and procedures for motor vehicle traffic supervision and related matters on military installations in the continental United States (CONUS) and overseas.

Prior to the final adjudication by the Base Magistrate, the violator has the following rights:

- To appear in person before the Base Magistrate.
- To be represented at the Hearing by a civilian attorney (at no expense to the United States government).
- To present witnesses on their behalf.
- To review all citations, reports, and other documents relative to their case.
- To present evidence in support of their case.
- To request the presence of the law enforcement personnel who issued the citation.
- To request a Private Hearing with the Base Magistrate.
- To appeal the decision of the Base Magistrate.

Figure 4-11.--Base Traffic Court Sentencing Matrix

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Class A Violations

APPEARANCE IS	OFFENSE	MCO 5110.1C	BASE MAGISTRATE
MANDATORY	Failure to Appear (FTA) in Traffic Court	N/A	Penalty/Points automatically assessed based on offense.
MANDATORY	Driving on Base While on Suspension/ Revocation	Mandatory Revocation for 24 months	Mandatory Revocation for 24 months
MANDATORY	Driving on Base While on Suspension/ Revocation-second offense within 5 years	6 months or less revoked/ not to exceed 12 months	6 months or less revoked/ not to exceed 12 months
MANDATORY	Refusal to submit to or failure to complete chemical tests (Implied Consent)	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months
MANDATORY	Manslaughter (or negligent homicide by vehicle	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months
MANDATORY	DUI (Alcohol) .08 or greater (On-base)	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months/Remedial/CSACC
MANDATORY	DUI (Alcohol) .05-.07 (On-base)	6 Points	Discretionary Revocation for 12 months/Remedial Driving/CSACC
MANDATORY	DUI (Alcohol) .01 or greater (On-base-under 21 years)	N/A	Mandatory Revocation for 12 months/Remedial Driving/CSACC
MANDATORY	DUI (Alcohol) .08 or greater (Off-base)	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months/Remedial Driving/CSACC
MANDATORY	DUI (Alcohol) .01-.07 (Off-base)	N/A	Discretionary Revocation for 12 months/Remedial/CSACC
MANDATORY	DUI (Drugs)	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months/Remedial Driving/CSACC
MANDATORY	Possession/Storage of Open Alcoholic Beverage container in vehicle	N/A	Mandatory Revocation for 1 month/Remedial Driving/CSACC
MANDATORY	Use of motor vehicle in commission of a felony	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months
MANDATORY	Fleeing the scene of an accident involving death or serious injury	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months
MANDATORY	Perjury or false statements to a Police Officer regarding operation or ownership of a Vehicle	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months

Figure 4-11.--Base Traffic Court Sentencing Matrix-Continued

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APPEARANCE IS	OFFENSE	MCO 5110.1C	BASE MAGISTRATE
MANDATORY	Unauthorized use of motor vehicle belonging to another, when act does not constitute a felony	Mandatory Revocation for 12 months	Mandatory Revocation for 12 months
MANDATORY	Mental or physical impairment—unable to operate vehicle	Mandatory Revocation for 6 months	Mandatory Revocation for 6 months
MANDATORY	Commission of an offense in another State, if committed aboard MCIWEST-MCB would constitute suspension	Mandatory Revocation for 6 months	Mandatory Revocation for 6 months
MANDATORY	Fleeing/Eluding Military Police	Mandatory Revocation for 6 months	Mandatory Revocation for 6 months
MANDATORY	Racing upon Highway	Mandatory Revocation for 6 months	Mandatory Revocation for 6 months
MANDATORY	Habitual Violation of Traffic Laws or Regulations (accumulation of 12 points in 12 months, or 18 points in 24 months)	N/A	Mandatory Revocation for 12 months/Remedial Driving
MANDATORY	Accumulation of five (5) or more Non-Moving Violations within a 12 month period	N/A	Discretionary Revocation for a period not to exceed 12 months/Remedial Driving
MANDATORY	Accumulation of three (3) or more Violations of the Same Type (e.g., speeding, failure to register, no insurance) within a six month period	N/A	Discretionary revocation for a period not to exceed 12 months/Remedial Driving
MANDATORY	Reckless Driving (wanton/willful disregard for safety of persons or property)	6 Points	6 Points
MANDATORY	Owner knowingly and/or willfully permitting a physically impaired person to operate their vehicle	6 Points	6 Points

Figure 4-11.--Base Traffic Court Sentencing Matrix-Continued

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APPEARANCE IS	OFFENSE	MCO 5110.1C	BASE MAGISTRATE
MANDATORY	Fleeing the scene (hit and run)-Property damage only	6 Points	6 Points
MANDATORY	Unlawful or Fraudulent use of Driver's License or permitting such use	N/A	Discretionary suspension for a period of up to 6 months
MANDATORY	Unauthorized alteration of State license plates, or registration	N/A	Suspension for 1 month
MANDATORY	Unauthorized alteration of Base decals or passes	N/A	Suspension for 1 month
MANDATORY	Carrying a concealed weapon or possession of an unregistered/illegal weapon	N/A	Mandatory Revocation for 6 months
MANDATORY	Parking in disabled person space without displaying appropriate license plate or placard	N/A	6 Points <u>or</u> Suspension for 1 month
MANDATORY	Failure to wear required personal protective equipment (PPE) or clothing while driving or riding on motorcycle.	3 Points	3 points <u>or</u> Suspension for 1 month/Remedial Driving/Motorcycle Safety Course
MANDATORY	Operating a <u>motorcycle</u> on Base without meeting minimum safety standards and/or satisfactorily completing the appropriate course	N/A	Suspension until compliant/Motorcycle Safety Course
MANDATORY	Operating a <u>motor vehicle</u> on Base without meeting minimum safety standards and/or satisfactorily completing the appropriate course	N/A	Suspension until compliant/Remedial Driving
MANDATORY	Failure to maintain current state registration	N/A	Suspension until compliant

Figure 4-11.--Base Traffic Court Sentencing Matrix-Continued

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APPEARANCE IS	OFFENSE	MCO 5110.1C	BASE MAGISTRATE
MANDATORY	Failure to maintain current/required insurance requirements	N/A	Suspension until compliant
MANDATORY	Failure to register vehicle aboard the Base	N/A	Suspension until compliant
MANDATORY	Failure to possess valid Driver's license	N/A	Suspension until compliant
MANDATORY	Violation of Driver's license restrictions	N/A	Suspension until Compliant/Remedial
MANDATORY	Operating with an expired Driver's license	N/A	Suspension until compliant
MANDATORY	Speeding 16-20 mph over posted speed limit	6 Points	6 Points or Suspension for 1 month/ Remedial Driving
MANDATORY	Speeding 21 – 30 mph over posted speed limit	6 Points	6 Points or Suspension for 1 month/ Remedial Driving
MANDATORY	Speeding 31mph and greater over posted speed limit	6 Points	6 Points or Suspension for 2 months/ Remedial Driving
MANDATORY	Speeding 70 mph or greater	6 Points	6 Points or Suspension for 3 months/ Remedial Driving
MANDATORY	Speed Contest	6 Points	6 Points or Suspension for 3 months/ Remedial Driving
MANDATORY	Speeding within Construction, Housing, Recreational, School areas	N/A	Points "doubled" based upon speed/ Remedial Driving
MANDATORY	Use of non-hands free cellular phone while driving motor vehicle	N/A	6 Points/Remedial Driving
MANDATORY	Improper Child Restraints	N/A	Suspension for 1 month/ Remedial Driving
MANDATORY	Failure to wear Seatbelt	N/A	Suspension for 1 month/ Remedial Driving
OPTIONAL	Speeding 11-15 mph over posted speed limit	4 Points	4 Points
OPTIONAL	Speeding 1-10 mph over posted speed limit	3 Points	3 Points
OPTIONAL	Speed too fast for conditions	2 Points	2 Points
OPTIONAL	Speed too slow for conditions	2 Points	2 Points
OPTIONAL	Following too close	4 Points	4 Points

Figure 4-11.--Base Traffic Court Sentencing Matrix-Continued

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APPEARANCE IS	OFFENSE	MCO 5110.1C	BASE MAGISTRATE
OPTIONAL	Failure to yield to right-of-way to emergency vehicles See eve 21806	4 Points	4 Points
OPTIONAL	Passing a School Bus displaying flashing red lights (embarking/discharging passengers))	4 Points	4 Points or Suspension for 1 month/Remedial Driving
OPTIONAL	Failure to obey Traffic signs, signals, or instructions from a Traffic Officer or Road Guard	4 Points	4 Points
OPTIONAL	Improper Passing	4 Points	4 Points
OPTIONAL	Improper Overtaking	3 Points	3 Points
OPTIONAL	Lane Splitting (Motorcycles)	4 Points	4 Points
OPTIONAL	Improper Turning Movement (no sign involved)	3 Points	3 Points
OPTIONAL	Failure to signal or giving improper signal	N/A	3 Points
OPTIONAL	Crossing double or solid lines	N/A	3 Points
OPTIONAL	Inattention to driving	N/A	3 Points
OPTIONAL	Failure to properly utilize headlights as required (fog, rain, etc.)	N/A	3 Points
OPTIONAL	Improper use of high beams	N/A	3 points
OPTIONAL	Throwing litter from a vehicle	N/A	3 Points or Suspension for 1 month/Remedial Driving
OPTIONAL	Knowingly operate a defective or unsafe vehicle	2 Points	2 Points/Remedial Driving
OPTIONAL	Carrying an excessive or unlawful number of passengers or carrying passengers in a prohibited place	N/A	3 Points/Remedial Driving
OPTIONAL	Illegal Off-Roadng	N/A	3 Points/Remedial Driving

Figure 4-11.--Base Traffic Court Sentencing Matrix-Continued

APPEARANCE IS	OFFENSE	MCO 5110.1C	BASE MAGISTRATE
OPTIONAL	Driver involved in accident if deemed responsible (used only as additive to points assessed for specific offenses)	1 Point	1 Point
OPTIONAL	Other moving violations involving driver behavior only	3 points	3 points
AS DIRECTED BY THE BASE MAGISTRATE	Violations not otherwise listed	N/A	Assessment of appropriate Points/Remedial Driving <u>or</u> Suspension/Remedial Driving <u>for not more than 6 months</u>

Administrative Information

- For general information regarding Traffic Court, include, access to reports, rescheduling court date(s), adjudication of tickets, Traffic Court hours and location, and the Point System, contact the Office of the Provost Marshal (Police Records) at (760) 725-0819.
- The Traffic Court Docket is published by the Office of the Provost Marshal (Support Services Division) for all personnel who are cited and issued an Armed Forces Ticket (1408) and required to appear at Traffic Court. This information is available to all personnel with access to the "Pendleton Restricted Blotter." For access to the "Pendleton Restricted Blotter," contact the PMO (Support Services Division) at (760) 763-1221.
- The Results of Traffic Court are published by the Office of the Provost Marshal (Support Services Division) upon the conclusion of Traffic Court for all personnel who were cited and issued an Armed Forces Ticket (1408) and required to appear at Traffic Court. This information is available to all personnel with access to the "Pendleton Restricted Blotter."
- For access to the "Pendleton Restricted Blotter," contact the PMO (Support Services Division) at (760) 763-1221.

Figure 4-11.--Base Traffic Court Sentencing Matrix-Continued