



DEPARTMENT OF THE NAVY
NAVAL TRAINING CENTER
GREAT LAKES, ILLINOIS 60088-5000

NTCGLAKESINST 4060.2E
(JAG)

02 JUL 1992

NTC GREAT LAKES INSTRUCTION 4060.2E

From: Commander, Naval Training Center, Great Lakes

Subj: PROCEDURES FOR HANDLING ABUSES OF COMMISSARY STORE,
RECREATIONAL SERVICES FACILITIES AND NAVY EXCHANGE
PRIVILEGES

Ref: (a) NAVSUPSYSCOM Manual, paragraphs 43547.4 and 43549.4
(b) Navy Exchange Manual, Chapter 5
(c) BUPERSMAN 3420480
(d) SECNAVINST 5520.3A
(e) NAVMILPERSCOMINST 1750.1A

1. Purpose. To promulgate uniform procedures for handling cases involving abuses of Commissary Store, ~~Recreational Services Facilities (RECSERVFAC)~~ and Navy Exchange (which includes the Consolidated Package Store), at the Naval Training Center (NTC) Great Lakes. *Handwritten notes: #1 Jun 93, moral welfare, and recreation (mwr)*

2. Cancellation. NTCGLAKESINST 4060.2D. This instruction has been substantially revised and should be reviewed in its entirety.

3. Information

a. An abuse of privileges is any act or attempt done alone or in conspiracy with another whereby any law, rule, instruction, order, or regulation pertaining to the possession and use of the Armed Forces Identification Card (DD Form 2) or the Uniformed Services Identification Card (DD Form 1173) controlling the sale, acquisition, possession, use or disposition of Commissary Store, Navy Exchange, ~~RECSERVFAC~~ and Consolidated Package Store property or service is violated. The most common forms of abuse of privileges are larceny, the obtaining of goods by means of worthless checks, the negligent failure to pay for merchandise, purchasing for unauthorized persons and lending of identification cards.

b. Larceny is the wrongful taking, obtaining or withholding, by any means whatsoever, from the possession of the true owner (Commissary Store, Navy Exchange, etc), any money, property or article of value of any kind and the facts and circumstances of the case show the taking, obtaining, or withholding was with the intent to permanently deprive or defraud the true owner of the use and benefit of the property, or to appropriate the same to one's own use or the use of any person other than the true owner. "Shoplift," "steal," "rob," "pilfer," and "swipe" are synonymous

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with and describe the offense of larceny.

c. A worthless check offense is the wrongful or unlawful making and uttering of a check, with intent to deceive, of a certain amount in payment of a debt, or the receiving of goods or money of like value, when the drawer did not then have sufficient funds available in the bank to meet payment of that check upon its presentment for payment in due course, the writing of checks on a closed account or using stolen checks for the sole purpose of receiving goods or money of like value.

d. Stock shrinkages or losses in Commissary Stores, Navy Exchanges, and RECSERVFAC, whether attributable to employee embezzlement or abuse by authorized patrons, result in higher prices, greater cost to patrons and decreased recreation and welfare funds. One of the most significant forms of such abuse is shoplifting.

e. Patronage at Commissary Stores, Navy Exchanges, and RECSERVFAC is a privilege accorded specified categories of personnel. It is Navy Department policy that these privileges shall be suspended or revoked when abused and that appropriate administrative action be taken by local commanding officers. References (a), (b), and (c) are explicit in their treatment of fraud, dishonest acts, and suspension of privileges. When the abuse amounts to a violation of criminal law such as larceny or making and uttering worthless checks, offenders may also be prosecuted in Federal Courts or by Courts-Martial, as appropriate.

f. When the estimated value of the stolen, maliciously damaged, or unlawfully disposed of government property exceeds \$500, reference (d) requires that the case be referred to the Naval Investigative Service (NIS). "Government property" includes Commissary Store and nonappropriated fund property belonging to the Navy Exchange, as well as RECSERVFAC.

4. Action

a. Dynamic, aggressive security programs in the Commissary Store and Navy Exchange and maximum coordination and support of these programs through the Naval Training Center Security Department is required.

b. The privileges of persons who abuse Exchange, Commissary or RECSERVFAC privileges may be revoked or suspended for such period of time and under such procedures as set forth below. The authority to suspend and revoke privileges in accordance with

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this instruction is delegated to NTC, Staff Judge Advocate.

(1) Larceny of Property Exceeding \$500. Under such internal procedure as the Officer in Charge of the affected Exchange may direct, all cases (to include first-time offenders and active duty military) involving theft of property exceeding \$500 shall be reported immediately to Special Agent in Charge (SAC), NIS, Great Lakes. The Commanding Officer of the service member involved shall also be informed of the incident. When the offender is not subject to the Uniform Code of Military Justice (UCMJ), the SAC may refer the case to the Federal Bureau of Investigation or issue other appropriate instructions.

(2) Second Offense of Writing Worthless Checks. All authorized patrons of the Navy Exchange or ~~RESERVE FAC~~ determined to be second time offenders of writing a worthless check may have their privileges suspended in the facility in which the second abuse occurred, for a period of not less than six months nor more than one year commencing on the date of the second abuse.

c. All other types of abuse should be handled as follows:

(1) Active Duty Personnel. An investigation report of the offense will be forwarded to the offender's Commanding Officer for appropriate action under the UCMJ.

(2) Retired Personnel, Reservists and Dependents. Retired personnel and reservists of all services, members of the Fleet Reserve, their dependents, and dependents of all active duty reservists, and all other retirees, may have their privileges suspended for first-time offenses in the facility in which the abuse occurred for a period of not less than six months nor more than one year, to commence the date of the offense. For second or subsequent abuses, or for uncontrollable mental or health reasons, privileges may be revoked permanently. Inquiry may be made to NIS as to whether there is a record of the person having committed a previous, similar offense. When abuse amounting to a violation of criminal law (fraud, larceny, etc.) is a second or subsequent offense, the case should be referred to NIS.

(3) Juvenile Offenders. When juvenile offenders are apprehended for any offense or abuse within the purview of this instruction, a letter should be sent to the Commanding Officer of the sponsor. An immediate conference will be held by the NTC Director of Security with the parents and the juvenile in an effort to ensure his/her effective supervision to prevent

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recurrence of the above. Suspension of privileges will be discretionary.

d. Upon completion of the procedures authorized in paragraph 4 and when warranted, identification cards of offenders will be confiscated. Arrangements shall be made for the immediate reissue of a new DD Form 1173, less the privilege abused. The cancelled privilege will be "X'd" out on the face of the DD Form 1173. Active Duty, Fleet Reserve, Retired Reserve (inactive) or Active Reserve Armed Forces Identification Cards (DD Form 2) will not be marked, perforated, or over stamped.

e. Responsible Commanding Officers are requested to ensure that the suspension or revocation imposed by this instruction and reported by the required letter is entered in the affected individual's service record to prevent the issuance of another identification card to circumvent the restriction. If a DD Form 1173 must be reissued prior to the end of a restriction period, the specific privilege restricted will remain cancelled; another card may be reissued at the end of the restriction period.

f. In flagrant cases of abuse of privileges by dependents, reservists or retired personnel, a barring order prohibiting their entry within the particular facility for which their privilege has been restricted may be issued. A future violation of such order may constitute a trespass under the provisions of Title 18 United States Code Section 1382 and subject the violator to criminal prosecution.

5. Retaining and Reissuing of Identification Cards

a. Activity procedures should provide for prompt evaluation of information pertaining to an abuse by a person other than those who detected the alleged abuse. Such evaluation may be made by the Commanding Officer or other designated person. Upon determination that an abuse of privileges has occurred, the identification card of the offender shall be confiscated. An active duty identification card will not be retained.

b. Should the abuse take place during evening or store hours other than normal duty hours, the identification card may be retained until the next normal workday when an evaluation of the information can be made. In such cases the offender will not be detained longer than necessary to accomplish the foregoing action. The offender will be informed that his card will be available for return on the next normal workday or that it will be sent to him by certified mail, return receipt requested.

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c. Procedures for cancellation of a privilege and reissuance of the card are set forth in paragraph 4.

6. Requests for Review of Restrictive Action

a. Administrative action to restrict Commissary Store and Navy Exchange privileges is taken through authority inherent in command, in consonance with reference (e).

b. Written petition for review of a restriction imposed under paragraphs 4 or 5 above, with supporting background information and data, shall be submitted to Chief of Staff, NTC. An officer may be appointed to conduct an informal appellate hearing, and provide appropriate findings and recommendations for consideration of the Commander, NTC in final determination of any contested case. The appellant shall have the right to personally, or through a representative, review any reports and evidence and to submit such additional evidence or comments as they may consider appropriate.

7. Restoration of Privileges

a. At the completion of a suspension period, an offender may apply for a new unmarked identification card in accordance with current instructions.

b. An offender whose privileges have been permanently revoked, may, at any time after a five-year period has elapsed, apply in writing to the Chief of Staff, NTC for restoration of privileges. Revoked privileges should be restored only when there is a reasonable assurance that the conditions contributing to the revocation have been eliminated or corrected and that a repetition of abuse will not recur. Of necessity, restoration of revoked privileges must be carefully considered.

8. Dissemination. Addressees are requested to give the widest possible publicity to the information contained in this instruction. Particular emphasis should be placed on those personnel whose jobs or billets in Commissary Stores and Navy Exchanges require an understanding of the procedures outlined herein and the reasons therefor.


J. W. PARTINGTON

Distribution:
NTCGLAKESINST 5216.5K
Lists I, II (Case B) & III



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NTCGLAKESINST 4060.2E CH-1
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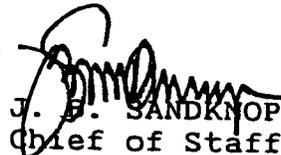
JUN 24 1993

NTC GREAT LAKES (COMPLEX²) INSTRUCTION 4060.2E CHANGE TRANSMITTAL 1

From: Commander, Naval Training Center, Great Lakes

Subj: PROCEDURES FOR HANDLING ABUSES OF COMMISSARY STORE,
RECREATIONAL SERVICES FACILITIES AND NAVY EXCHANGE
PRIVILEGES

1. Purpose. To issue change 1 to basic instruction.
2. Action. Make the following changes to the basic instruction.
 - a. Paragraph 1. Change "Recreational Services Facilities (RECSERVFAC)" to read "Morale, Welfare & Recreation Services (MWR)".
 - b. Throughout the basic instruction change "RECSERVFAC" to read "MWR".
 - c. Paragraph 3.e. Change line 2 word "RECSERVFAC" to read "MWR Facilities"; change line 10 word "Federal" to "Lake County".
 - d. Paragraph 4.b.(2). Change line 3 word "may" to "will".


J. E. SANDKNOP
Chief of Staff

Distribution:
NTCGLAKESINST 5216.5L
Lists I, II (Case A) & III-A
All residents of Navy Housing, NTC Great Lakes

