

DEPARTMENT OF THE ARMY  
U.S. Army Garrison Fort Lee  
Fort Lee, Virginia 23801-1513

FOR LEE POLICY NO. 28-03

1 September 2013

Military Police  
INSTALLATION JUVENILE OFFENDERS PROGRAM

**SUMMARY.** Juvenile Offenders Program (JOP) and Juvenile Hearing Board (JHB). This regulation outlines the duties and responsibilities of the Installation JOP and the JHB.

**APPLICABILITY.** This regulation applies to any juvenile that is any person who has not yet attained their eighteenth birthday, excluding Soldiers or the spouse of a service member, who commits or aids in committing a delinquent act on Fort Lee. This regulation does not apply to juveniles with no military affiliation.

**SUPPLEMENTATION.** Supplementation of this regulation by subordinate commanders is prohibited.

**INTERIM CHANGES.** Interim changes to this regulation are not official unless they are authenticated by the Director of Information Management. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

**SUGGESTED IMPROVEMENTS.** The proponent agency of this regulation is the Provost Marshal Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publication and Blank Forms) to the Commander, USAG, Fort Lee, ATTN: IMLE-ESP, Fort Lee, Virginia 23801.

**1. PURPOSE.** To establish policies and procedures to prevent and reduce juvenile delinquency on Fort Lee by providing a means to divert youthful offenders from the criminal justice system, maintain and strengthen the military Family unit, and rehabilitate juveniles in a supportive, nonpunitive community environment. The policies and procedures include the conduct of juvenile hearings, the maintenance of records, proper disposition of juvenile offender files, and proper coordination with appropriate agencies that are located on and off the military reservation.

\* This regulation supersedes CASCOM&FL Reg 190-1, 01 April 2003

**2. AUTHORITY.** The Garrison Commander, United States Army Garrison Fort Lee, has inherent and regulatory authority to take those actions necessary to maintain morale, welfare, and safety on Fort Lee. That authority includes the power to restrict or deny on-post access and privileges to juveniles who commit misconduct on Fort Lee. The

Garrison Commander assumes overall supervision of the installation JOP and JHB that are established in this regulation. The Military Police Investigation Section of the Provost Marshal Office will assist the Garrison Commander and the JHB in implementing the installation JOP.

### **3. EXPLANATION OF TERMS.**

a. Juvenile. Any person who has not yet attained his/her eighteenth birthday, and is not in the service of the military, the spouse of a service member, or an otherwise emancipated adult.

b. Military Sponsor. The active duty Soldier or retired parent, spouse, retired parent's spouse, grand-parents, or legal guardian of a juvenile.

c. Juvenile Offender. A juvenile who has committed a delinquent act and is in need of treatment, rehabilitation, and/or corrective measures.

d. Delinquent Acts. Juvenile violations of Federal or State law or pertinent post/Army regulations and policies.

### **4. RESPONSIBILITIES.**

a. A Juvenile Hearing Board will be established with members appointed on orders by the Garrison Commander. The JHB will consist of the Garrison CSM (Chairperson); a representative from each of the following: Social Works Services, the Installation Chaplain's Office, the Office of the Staff Judge Advocate, and the Provost Marshal Office; and a representative from a Fort Lee unit. The unit representative will be an O-4 or above if an officer or an E-8 or above if enlisted, and be in the chain of command in the various major units on Fort Lee. These units will include CASCOM, 23d QM Brigade, 59<sup>th</sup> Ordinance Brigade, ALU, MEDDAC, SSI, ALMC, and the QM, OD, and TC Center & Schools. Names of the unit representatives will be identified by the unit commanders to the Garrison Commander.

b. The JHB is responsible for the review and administrative disposition of all juvenile offenders on Fort Lee. The JHB will conduct hearings and/or reviews of cases as described in the procedures below, and will make appropriate determinations and recommendations IAW the provisions of this regulation.

c. Specific JHB hearing dates and the unit representative member required to sit on the JHB for a specific hearing will be controlled and announced by the JHB Chairperson. A quorum of members must be present to conduct a hearing. JHB hearings will be scheduled on an as-needed basis. If caseload dictates, the JHB Chairperson may implement a more regular meeting schedule.

d. Military sponsors are responsible for the proper care, supervision, and conduct of

their juvenile Family members.

e. Commanders at all levels will:

(1) Ensure that military sponsors are aware of their responsibilities regarding their juvenile Family members.

(2) Counsel and provide assistance to Soldiers who have juveniles involved in incidents of juvenile misconduct.

(3) Ensure that the military sponsor is available and present at JHB hearings.

(4) Company commanders and 1SGs will be present at JHB hearings involving Soldiers in their commands, and will provide recommendations to the JHB regarding disposition of the juvenile offender.

(5) Monitor and assist as needed in ensuring compliance by members of their command with any recommendations and decisions by the JHB.

f. The Provost Marshal will appoint a Juvenile Service Officer (JSO) to supervise juvenile investigations (excluding United States Army Criminal Investigation Command (USACIDC) Cases) and to document all juvenile cases. The JSO will:

(1) Monitor and ensure a full military police investigation of reported acts of juvenile misconduct on Fort Lee. (and will coordinate with USACIDC for offenses falling under their investigative authority)

(2) Report and coordinate the results of such investigations to the chain of command of the juvenile's sponsor, the JHB Chairperson, and the SJA office to determine the appropriateness of handling the misconduct through the JHB process.

(3) Ensure that the juvenile subjects of misconduct investigations and their military sponsor are informed of the JOP, that participation in the JOP is voluntary and an alternative to referral of the case to the formal criminal system, and obtain written agreement to participate in the JOP.

(4) Coordinate scheduling of the juvenile and their parents with Social Work Services for an interview and the JHB for a hearing.

(5) Be present at all JHB hearings, create and/or maintain all written records of the investigation and JHB, monitor for compliance any actions directed by the JHB, and perform any other actions as directed by the JHB. All Military Police reports, Investigative reports, and the files pertaining to juveniles will be maintained separately from all other Military Police cases.

g. Social Work Services Representative:

(1) Will meet with the juvenile and parents prior to the JHB for counseling and to assist the JHB with an understanding of the Family dynamics and other factors that may have contributed to the incident.

(2) Will provide the JHB members a brief synopsis of the Family situation and circumstances at the hearing.

## **5. PROCEDURES.**

a. Upon completion of any investigation into an act of juvenile misconduct on Fort Lee, the JSO will coordinate the case with the SJA office representative and the JHB Chairperson. If the SJA office representative and the JHB Chairperson agree that the case is appropriate for diversion to the JOP, and if the juvenile and their parents have previously agreed to participate in the JOP, the JSO will officially notify the juvenile and their military sponsor.

b. In the case of first-time juvenile offenders involved in minor incidents (e.g. shoplifting less than \$5.00; minor assault; vandalism of government property resulting in less than \$50.00 damage), the JHB Chairperson, in consultation with the SJA office representative and the Garrison Commander, may determine to issue a warning letter in lieu of conducting a formal JHB hearing. This warning letter will be delivered in person at a meeting with the juvenile and his parents/sponsors. The meeting will be attended by the military sponsor's company commander and 1SG. A copy of the warning letter will be maintained in the investigation file maintained by the JSO.

c. In the case of juvenile offenders involved in serious misconduct (e.g. drug distribution; assault resulting in injury; car theft) or otherwise deemed inappropriate for juvenile participation in the JOP, the Garrison Commander will direct the JHB to schedule a meeting, review the investigation, and make appropriate findings and recommendations regarding restricting access to Fort Lee by the juvenile or terminating government quarters of the sponsor.

d. Participation in the JHB process by juveniles and their military sponsor is voluntary. Agreement to participate may be withdrawn at any stage of the process, including while serving any punishment imposed by the JHB. In the event of a refusal to participate in the program at any point, the JHB will conduct a review of the case based upon all available information and will make appropriate determinations and recommendations IAW the provisions of this regulation.

e. In cases accepted into the JOP that the JHB Chairperson determines are appropriate for a JHB hearing, the JSO will coordinate with the Social Work Services Representative for an interview. The JSO will provide the Social Work Services Representative with a copy of the investigation and notify the juvenile and military sponsor of the appointment.

f. When the appointment has been completed, the JSO will notify the JHB Chairperson, who will schedule a JHB hearing. The JHB Chairperson will notify all JHB members and the company level chain of command of the juvenile's military sponsor of the hearing. The JSO will notify the juvenile and the juvenile's military sponsor of the hearing in writing and maintain a copy of the notification.

g. The Garrison Commander will also notify the first O-6 in the chain of command of the military sponsor of the hearing.

h. The JHB will convene at the time/date/location specified (normally the Garrison Headquarters conference room). The juvenile and their parents/sponsors will wait in a separate room while the JSO briefs the case and the Social Work Services Representative briefs the results of the interview to both the JHB and the chain of command.

i. When the JHB is ready, the juvenile and their parents/sponsors will join the hearing. The JHB Chairperson will first discuss and review the rules of participation in the JOP, as well as possible JHB recommendations and decisions, consequences for refusal to participate, and appeals of recommendations and decisions made by the JHB.

j. Upon agreement by the juvenile and their parents/sponsors to continue with the JOP, the JHB will review and discuss the incident with all parties. If the juvenile contests whether they committed the misconduct, the JHB will determine if any additional investigation or witnesses are necessary to fully and fairly determine the facts. If such investigation or witnesses are needed, the hearing may be rescheduled as necessary.

k. Because the JOP is a voluntary, informal, administrative alternate to formal judicial proceedings, a juvenile and their parents/sponsors do not have the right to call or question witnesses (except as allowed by the JHB Chairperson) and, under no circumstances, will they be allowed to have an attorney present. The juvenile and their parents/sponsor have the right to know the allegations and the general evidence, the right to respond, the right to appeal any recommendations or decisions by the JHB to the Garrison Commander in writing within five working days, and the right to withdraw from the process at any point. Any other rights requested will be granted or denied by consensus of the JHB, subject only to appeal to the Garrison Commander.

l. Upon the conclusion of the hearing in the presence of the juvenile and their parents/sponsors, they will be excused from the room. The JHB will discuss the case, along with the chain of command, and make appropriate findings, recommendations, and decisions. The JSO will take notes and subsequently reduce these to a written memorandum. This memorandum will be reviewed by the JHB Chairperson and signed. It will be kept with the case records by the JSO.

m. After the JHB has completed its deliberations, the juvenile and their parents/sponsors will be recalled to the room and the JHB Chairperson will inform them of the

findings, recommendations, and decisions. The JHB Chairperson will inform them again of their appeal rights.

n. As appropriate, the JSO will coordinate any further actions needed to implement decisions of the JHB, including any community service with Army Community Service and quarters termination with Housing Division. The JSO will monitor the case until all decisions of the JHB have been complied with and completed. When completed, the JSO will make a final coordination with the JHB Chairperson, who will formally authorize closure of the case by written memorandum maintained in the case file.

o. All information in a system of records pertaining to juvenile cases is protected by the Privacy Act and may only be disclosed between officers and employees of the DoD as needed in the performance of their duties. The JSO is the records custodian for all records created in juvenile misconduct cases and should provide copies of those records to other law enforcement agencies only as required to facilitate criminal investigations or implement this regulation.

p. The following is representative, but not exhaustive, of possible juvenile misconduct dispositions available to the JHB and should be reached by general consensus of the JHB. Additionally, all dispositions should be capable of completion within 90 calendar days of the JHB's decision.

- (1) Dismissal.
- (2) Verbal warning to the juvenile offender and sponsor.
- (3) A written paper prepared by the juvenile offender; subject and length to be determined by the JHB.
- (4) Community service (location and number of hours to be determined by the JHB).
- (5) Tour of a correctional facility.
- (6) A curfew of specified hours and conditions for a period not to exceed 90 days.
- (7) Referral of juvenile to installation agencies for counseling and assistance (legal, medical, or psychological in nature).
- (8) Suspension or revocation of installation driving privileges for up to six months.
- (9) Termination of sponsor's privilege to occupy government Family quarters on the installation.

- (10) Limitations on the use of specified MWR and/or AAFES facilities.
- (11) Barring of the juvenile from the military reservation.
- (12) Referral to civilian authorities (serious offenses).



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