

### Juvenile Delinquency Control and Juvenile Review Board

**Summary:** This regulation establishes responsibilities for juvenile delinquency control on Fort Belvoir and prescribes procedures for the Juvenile Review Board (JRB).

**Applicability:** This regulation applies to all residents of Fort Belvoir, units and activities assigned or attached to Fort Belvoir, tenant organizations, and all personnel visiting Fort Belvoir.

**Proponent:** The proponent for this regulation is the Office of the Staff Judge Advocate (OSJA), Fort Belvoir.

**Supplementation:** Supplementation of this regulation is prohibited without prior approval from the Chief of Military Justice, Fort Belvoir Office of the Staff Judge Advocate.

**Suggested Improvements:** Users are invited to send comments and suggested improvements to the Fort Belvoir Office of the Staff Judge Advocate.

**Distribution:** This regulation is distributed through the Fort Belvoir Homepage at [www.belvoir.army.mil](http://www.belvoir.army.mil).

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## **Chapter 1**

### **Introduction**

**1-1. Purpose.** To establish responsibilities relating to juvenile delinquency control and to establish procedures for the Fort Belvoir Juvenile Review Board (JRB).

**1-2. Scope.** This regulation applies to all personnel, units, and activities assigned, attached, or visiting Fort Belvoir.

**1-3. Policy.** The Garrison Commander has the authority to take those actions necessary to maintain morale, welfare, and safety on Fort Belvoir. The commander's authority includes the power to restrict or deny on-post privileges (except for medical care) to juvenile family members who commit misconduct on Fort Belvoir. In this regard, the Garrison Commander has directed that a Juvenile Review Board be established on Fort Belvoir to review juvenile delinquency cases and to take appropriate administrative actions. Virginia State Code, Section 16.1-226 et seq., provides statutory authority to resolve cases of juvenile misconduct in the Fairfax County Juvenile and Domestic Relations Court.

#### **1-4. Responsibilities.**

a. Sponsors (parents/guardians) will:

- (1) Be responsible for the conduct of their dependent children.
- (2) Ensure that their juvenile dependents are properly supervised.
- (3) Comply with all JRB procedures.
- (4) Attend any JRB with his/her juvenile dependent. The sponsor's spouse may attend in lieu of the sponsor.
- (5) Assist his/her juvenile dependent in complying with any JRB responsibility contract or punishment.

b. Unit commanders, directors, supervisors, and principal staff officers will:

- (1) Ensure sponsors are aware of their responsibility to supervise juvenile dependents.
- (2) Counsel and provide assistance to sponsors of juvenile dependents who engage in misconduct.
- (3) Encourage the sponsor to comply with the responsibility contract between the juvenile, the parents/guardians, and the Fort Belvoir JRB.
- (4) Ensure that relevant sponsors are present at the JRB.

c. The Directorate of Emergency Services will:

- (1) Fully investigate juvenile misconduct.
- (2) Ensure juvenile subjects are advised of their rights in the presence of their parents/guardians and in a manner commensurate with the juvenile's age and experience.
- (3) Interview the juvenile and his/her sponsor about any family environment problems. When appropriate, the DES will request assistance from other organizations or agencies.
- (4) Report juvenile misconduct to the sponsor's commander, director, or supervisor.
- (5) Inform the sponsor in writing that the JRB is available as an alternative to referral to the Virginia juvenile justice system.
- (6) Instruct the sponsor to contact the sponsor to contact the Military Justice Division of the Office of the Staff Judge Advocate within seven (7) business days of the alleged misconduct.
- (7) Quickly refer cases involving juvenile misconduct to the Military Justice Division. When appropriate, the DES will provide a copy of the DA 3975 Military Police Report.
- (8) Provide a liaison to coordinate with the Fairfax County juvenile justice system when the offense is serious, the juvenile refuses the JRB, or the juvenile fails to comply with the JRB.
- (9) Provide one personnel to attend the JRB as a voting member.

d. The Military Justice Division will:

- (1) Provide legal guidance as necessary.
- (2) Review the Military Police blotter and journal for cases involving juvenile misconduct. When appropriate, the Military Justice Division will create a case file for each incident.
- (3) When appropriate, mail a JRB questionnaire packet to the sponsor of any juvenile charged with misconduct.
- (4) Coordinate, schedule, and lead the JRB.
- (5) Take appropriate administrative actions for incidents involving juvenile misconduct.
- (6) Maintain files pertaining to the JRB, including the written offer and agreement to attend the JRB, a copy of the Military Police report, and a copy of the responsibility contract with all attachments.

e. Social Work Services will:

(1) Provide one personnel to attend the JRB as a voting member.

(2) Provide support to juveniles, as appropriate.

f. Military Personnel division will provide one personnel to attend the JRB as a voting member.

## **Chapter 2**

### **Juvenile Review Board**

**2-1. Composition.** The Chief, Military Justice Division, will chair the JRB. Other voting members will include representatives from DES (1), Social Work Services (1), Military Personnel Division (1), and a second member from the Military Justice Division. A third representative from Military Justice will serve as the JRB coordinator.

**2-2. Quorum.** At least two-thirds of the Board members must be present to conduct the JRB hearing.

#### **2-3. Jurisdiction and Eligibility.**

a. The JRB may adjudicate cases involving minor misconduct, including shoplifting (estimated cost of loss less than \$100), fighting, minor drug possession, etc. Cases involving serious misconduct will be referred to the Fairfax County juvenile justice system.

b. To be eligible for the JRB, the juvenile must:

(1) Admit to committing the offense.

(2) Have never committed misconduct on Fort Belvoir. Repeat offenders are automatically forwarded to the Fairfax Country juvenile justice system.

#### **2-4. JRB Initiation.**

a. After any juvenile misconduct, the DES will conduct a thorough investigation. Upon charging the juvenile with misconduct, the investigating officer will instruct the juvenile's sponsor to contact the Military Justice Division within seven (7) days.

b. The Military Justice Division will review the blotter and journal for cases involving juvenile misconduct. Juveniles will be listed as "protected identity" entries. Military Justice will create and maintain a case file for each incident and will continue to coordinate with DES to receive a copy of the DA 3975 Military Police Report.

c. The Military Justice Division will review each case to determine eligibility for the JRB. Upon determining that a juvenile is eligible for the JRB, the JRB Coordinator will mail a questionnaire packet to the juvenile's sponsor, who must complete the packet and return it to the

Military Justice Division within five (5) days. Upon receipt, the JRB Coordinator will contact the sponsor to schedule a hearing date and time.

d. The Military Justice Division will contact all JRB voting members and inform them of the time, date, and nature of all hearings. Additionally, the JRB Coordinator will prepare a packet for each Board member, consisting of a case narrative, Military Police Report narrative, juvenile questionnaire form, and any other relevant documentation provided by the sponsor.

## **2-5. JRB Procedures.**

a. All hearings will be held in the courtroom at the Fort Belvoir OSJA, Building 257, 9990 Belvoir Drive, Fort Belvoir, VA 22060.

b. On the appointed date, the juvenile offender must attend his/her hearing. The juvenile must be accompanied by his/her sponsor and must arrive at least 15 minutes before the scheduled hearing time. The JRB Coordinator will direct the juvenile and his/her sponsor to a waiting area.

c. The Chairperson will call the Board to order with all juveniles and their sponsors not present. The Board will briefly discuss all pending cases. Once completed, the Board will hear each case individually and sequentially.

d. The Chairperson will direct each juvenile and his/her sponsor to enter the room. The Chairperson will introduce the Board and explain the Board's purpose and procedures. Once completed, the Chairperson will address the juvenile to determine whether the juvenile desires to have his/her case decided by the Board. If the juvenile elects the JRB, the Board will proceed as explained below. If the juvenile declines, the Board will forward the case to the Fairfax County juvenile justice system.

e. If the juvenile elects the JRB, the Chairperson will direct the juvenile to explain the events that brought him/her before the Board, including a full admission of guilt. Once complete, any Board member may present questions or concerns to the juvenile. Questions may pertain to the offense, the juvenile's attitude, or any other relevant matter. Once all questions have been asked, the Chairperson may allow the juvenile to make a final statement.

f. The Chairperson will excuse the juvenile from the courtroom and give the sponsor a chance to address the Board about any matters that should be considered before the Board decides on punishment.

g. The Chairperson will then excuse the sponsor from the courtroom while the Board deliberates on the case and the appropriate punishment. See paragraph 2-7. The JRB Coordinator will record the results and punishment on a responsibility contract. The juvenile and his/her sponsor will re-enter the room, and the Chairperson will announce the findings and punishment before adjourning the hearing.

h. The JRB Coordinator will explain the terms and effects of the responsibility contract and have both the juvenile and his/her sponsor sign the contract. Additionally, the JRB Coordinator

will provide copies of the documentation, including the forms needed to complete any punishment ordered by the Board (i.e. a community service hours worksheet). The Military Justice Division will maintain all original documents pertaining to the hearing.

**2-6. Appeals.** If either the juvenile or his/her sponsor disagrees with the Board's decision, he/she may appeal, in writing, to the Garrison Commander within five (5) business days of the JRB.

**2-7. Punishment.**

a. In adjudicating a case, the Board may order any punishment reasonably calculated to remediate the misconduct and to deter future misconduct. Examples include community service, writing assignments, written apologies, etc. Note that such punishment is independent from other administrative actions, such as an order to pay an AAFES restocking fee.

b. In determining punishment, the Board may consider punishment already administered by the juvenile's sponsor.

c. Juveniles ordered to complete punishment must do so in the manner and within the time ordered by the Board. Failure to do so will constitute noncompliance and will result in the case's transfer to the Fairfax County juvenile justice system.

d. If ordered to complete community service, the juvenile must produce a log to the JRB Coordinator, proving that the service was completed.

d. The case will be closed after the juvenile completes the remedial punishment in accordance with his/her responsibility contract. The JRB Coordinator will prepare a letter to the juvenile's sponsor, noting that case has been closed.

**2-8. Referral to Fairfax County.** If the JRB Chairperson determines that a case is not eligible for the JRB, the juvenile declines to fully participate in the JRB process, or the juvenile fails to adhere to his/her responsibility contract, the following procedures apply:

a. The Chief of Military Justice will draft a letter to the Fairfax County Juvenile Intake Office, indicating that Fort Belvoir is declining to handle the case and that it will be forwarded for disposition and/or prosecution. The JRB Coordinator then will prepare and deliver a declination packet to the Fairfax County Juvenile Intake Office.

b. Once the file is processed by Fairfax County, the petitioner (AAFES manager for shoplifting cases; lead MP investigator for all other cases) will be notified by Fairfax County Intake Office as to what type of disposition the juvenile's case will receive. The case will either be an informal hearing held there at the South County Intake Office, located on Richmond Highway, Alexandria, Virginia, or the case will go to Juvenile and Domestic Relations Court at 400 Chainbridge Road, Alexandria, Virginia for prosecution.

c. After a case has been heard in Fairfax County and a disposition has been rendered, the case petitioner must notify the JRB Coordinator of the result. Such results will be annotated on the case files maintained in the Military Justice Division.



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## **Appendix A**

### **References**

#### **Section I**

##### **Required Publications**

This section contains no entries.

#### **Section II**

##### **Related Publications**

This section contains no entries.

#### **Section III**

##### **Prescribed Forms**

##### **DA Form 3975**

Military Police Report, 1 December 1998

#### **Section IV**

##### **Referenced Forms**

This section contains no entries.

## **Appendix B**

### **Glossary**

#### **Section I**

##### **Abbreviations**

##### **AAFES**

Army and Air Force Exchange Service (the “PX,” “BX,” or “Exchange”)

##### **DES**

Directorate of Emergency Services

##### **JRB**

Juvenile Review Board

##### **OSJA**

Office of the Staff Judge Advocate

## **Section II**

### **Terms**

#### **Community Service**

A program of supervised community activity which permits a juvenile offender the opportunity to perform community service for a specified period of time. Supervision may be by parents/guardians and/or Fort Belvoir personnel. This permits the juvenile to "pay back" the community in a constructive, non-stigmatizing way designed to build self-esteem and reinforce community values.

#### **Juvenile**

Any person who has not attained his/her eighteenth birthday or is not in military service at the time of an alleged act of juvenile delinquency.

#### **Juvenile Delinquency**

The violation of a law of the State of Virginia or the United States committed by a person before his/her eighteenth birthday which would have been a crime if committed by an adult.

#### **Sponsor**

The parent or guardian of a juvenile.

#### **Serious Crime.**

Criminal homicide, rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary, or breaking and entering, extortion accompanied by threats of violence, arson punishable as a felony, or any other crime punishable by incarceration of more than one year if committed by an adult.

## **Section III**

### **Special Abbreviations and Terms**

This section contains no entries.