



DEPARTMENT OF THE ARMY
HEADQUARTERS, 10TH MOUNTAIN DIVISION (LIGHT INFANTRY) AND FORT DRUM
FORT DRUM, NEW YORK 13602-5000

AFDR-CG

12 July 2021

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Installation Policy Memorandum 21-21, Civilian Criminal Misconduct and Major Juvenile Misconduct

1. References:

- a. Army Regulation (AR) 19-45, Law Enforcement Reporting, 27 September 2016.
- b. Installation Policy Memorandum #19-08, Family Advocacy Program.
- c. Fort Drum Regulation 190-24, Juvenile Disciplinary Control Board.
- d. Army Directive 2019-13, Response to Major Juvenile Misconduct and Referral of Civilian Criminal Offenses to Civilian Authorities, 21 March 2019.

2. Supersession. This policy supersedes and replaces Installation Policy Memorandum 19-21, Civilian Criminal Misconduct and Major Juvenile Misconduct, 17 September 2019.

3. Purpose: This policy establishes policies and procedures for the installation response to Civilian criminal misconduct, including major juvenile offenses, occurring on the installation. Additionally, this policy establishes requirements for installation activities dealing with legal activities and Family Advocacy to ensure compliance with all applicable Army, installation, and directorate procedures for the reporting and resolution of all Civilian misconduct, including major juvenile misconduct, on the installation.

4. Definitions:

a. "Major Juvenile Misconduct" is defined as any act by a person who has not attained the age of 18 but who has attained the age of 7, that would be classified as a felony crime in accordance with federal, state, and local Civilian law if an adult committed the act.

b. "Juvenile Problematic Sexual Behavior" is defined as behaviors initiated by children and youth under the age of 18, that involve sexual body parts (genitals, anus, buttocks, or breast) in a manner that deviates from normative or typical sexual behavior and are developmentally inappropriate and/or potentially harmful to the individual initiating the behavior or others.

c. "Civilian Misconduct" is defined as acts, in violation of state or federal law or regulation, committed by an individual who is not subject to the Uniform Code of Military Justice. These individuals include, but are not limited to, DoD dependents, Civilian contractors, guests of service members, or other Civilians physically located on the installation.

5. Any instance of serious Civilian misconduct on Fort Drum, including major juvenile misconduct, threatens the safety, health welfare, and morale of the Soldiers, Civilians, and Family members who make up the Fort Drum Community. We will continue to appropriately respond to incidents of serious Civilian misconduct within our community. The safety of our community is of paramount concern and is a responsibility of commanders and subordinate leaders at all levels.

6. Responsibilities:

a. Family Advocacy Program (FAP) Coordinator. The FAP Coordinator will ensure that the Child and Youth Services standard operating procedures and installation FAP policy are updated to ensure the following:

1) All instances of juvenile problematic sexual behavior are recorded and the appropriate victim advocacy services are provided, as necessary, to any victim of major juvenile misconduct.

2) Appropriate steps are taken to facilitate the referral of any member of the Fort Drum Community not entitled to Family Advocacy Services through the Fort Drum FAP to a competent off post provider.

3) Command representatives inform victims or their guardian of the policy regarding the referral of the case to Civilian authorities. The representative will provide all necessary contact information for the responsible Civilian authority to ensure that there is a good transition from military law enforcement to Civilian law enforcement.

b. Directorate of Emergency Services (DES):

1) DES will ensure that all instances of misconduct on Fort Drum are reported and investigated in accordance with AR 190-45, including recording in the Army Law Enforcement Reporting and Tracking System and other appropriate databases. All juvenile records will be kept confidential and all required steps will be taken to ensure the privacy of victims and of juvenile offenders in accordance with applicable laws.

2) DES will operate the Juvenile Offenders Program, to include the Juvenile Disciplinary Control Board (JDCB) in order to take action in response to all instances of minor juvenile misconduct as defined in Fort Drum Regulation 190-94. All instances of

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sexual misconduct are by definition serious misconduct or Juvenile Problematic Sexual Behavior (JSPB), and will not be included in the jurisdiction of the JDCB.

c. The Staff Judge Advocate will ensure the following:

1) All Civilian misconduct occurring on the installation is referred to the appropriate Civilian prosecuting entity in accordance with current memorandums of agreement (MOA).

2) Monitor, and update as necessary, MOAs between local District Attorneys and the responsible U.S. Attorney to facilitate the effective referral of Civilian misconduct, including major juvenile misconduct, occurring on Fort Drum to the appropriate Civilian authority.

3) Develop and maintain relationships with the U.S. Attorney and the local District Attorneys, to facilitate the effective transfer of cases to Civilian authorities when appropriate.

4) Report all instances of JPSB to the Department of Justice through the U.S. Attorney. The report will include the following:

a. Name and date of birth of the juvenile subject.

b. Date and location of the offense.

c. Nature of the conduct/offense.

d. Name and age of juvenile victim.

e. Current disposition of the case.

7. The point of contact for this policy is the Directorate of Emergency Services at (315) 772-9983.



MILFORD H. BEAGLE, JR.
Major General, USA
Commanding

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