

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY TRAINING CENTER AND FORT JACKSON
Fort Jackson, South Carolina 29207-5000

REGULATION
NUMBER 190-1

1 July 2005

Military Police
JUVENILE DELINQUENCY CONTROL

1. PURPOSE. The purpose of this regulation is to prescribe policies, procedures, and responsibilities to establish a comprehensive and consistent program for the disposition of incidents of misconduct involving juveniles on Fort Jackson.

2. RESPONSIBILITIES.

a. The Staff Judge Advocate (SJA). Appoints an Installation Hearing Officer who will review minor criminal incidents or repetitive juvenile delinquency cases (misconduct and unruly behavior) referred to him or her, and submit appropriate recommendations to the Garrison Commander.

b. Provost Marshal (PM).

(1) Investigate and report, pursuant to Military Police (MP) regulations, acts of juvenile misconduct.

(2) Refer any juvenile case involving either misconduct or unruly juvenile behavior, deemed to be serious or repetitive to the Installation Hearing Officer. Incidents may include, but are not limited to; shoplifting, damage to property, and simple assaults. Serious incidents (felony crimes) in most cases will be referred to U.S. Magistrate Court for prosecution.

(3) Provide investigative records to the Installation Hearing Officer.

(4) Provide a representative at the hearing if required.

(5) Monitor and maintain record of community service work to ensure it is accomplished as directed by the Garrison Commander.

c. Sponsors. Are responsible for the conduct of their juvenile family members and guests on Fort Jackson. Sponsors may be held liable for damages caused to Government property of facilities by their guests or family members. All sponsors must ensure that their juvenile family members and guests do not engage in activities that disturb the peace and harmony on Fort Jackson.

d. Unit Commander.

(1) Ensure that the juvenile's sponsor complies with the actions directed by the Garrison Commander.

(2) Assist the Hearing Officer as directed.

(3) Ensure that the sponsor is present at the hearing.

(4) Attend the hearing if requested by the Hearing Officer.

3. APPLICABILITY. This regulation applies to all active duty, reserve, and retired military personnel and their family members. The family members must not be in the military, and must not have attained the age of 18. This regulation applies also to all individuals assigned to or physically residing on Fort Jackson and will govern the disposition of criminal offenses other than vehicular offenses, alleged to have been committed on Fort Jackson by juveniles. Juvenile family members of non-affiliated personnel will be excluded from entering the installation and the case will be referred to SJA for further prosecution if warranted.

4. CONCEPT.

a. The Federal Juvenile Delinquency Act of 1974 (18 USC §§ 5031-5042) applies to Fort Jackson. This act states that cases involving juvenile offenders should be disposed of outside the Federal District Courts whenever possible. This regulation establishes a voluntary program in lieu of juvenile delinquency proceedings, which complies with the policy rationales of the 1974 Act by ensuring that offenses involving juveniles are identified, adjudicated, and disposed of in a manner that stresses both general deterrence and rehabilitation of juvenile offenders.

b. A coordinated juvenile delinquency program involving the entire military community and its assets in treating and preventing the causes and effects of juvenile misbehavior will be established on Fort Jackson. This program will incorporate the appropriate remedial efforts of various staff elements and organizations to include law enforcement, counseling, family advocacy program, medical, and rehabilitative efforts. The program has two objectives:

(1) Efforts directed toward the sponsors to ensure that they realize their responsibilities toward their families.

(2) Efforts directed toward the juvenile designed to result in rehabilitation of the individual and the development of a more cohesive family and community environment.

c. The juvenile program exists for the direct benefit of juvenile offenders involved in offenses committed on Fort Jackson. The program will be oriented toward sparing juvenile offenders the stigma of being classified "criminal" or "delinquent".

d. Delinquency should be considered a temporary status. It is not dependent upon formal adjudication.

e. Juveniles will be processed by a qualified investigator with the intent of discovering the full scope of the juvenile's actions. This should result in a knowledgeable referral for correctional or rehabilitative action.

5. INSTALLATION HEARING OFFICER PROCEDURES. Commanders may attend hearings pertaining to members of their commands. Commanders wishing to do so, or who desire additional information should contact the Installation Hearing Officer before the hearing.

a. Authority. The Garrison Commander has the authority to restrict or deny, through appropriate administrative action(s), all on-post privileges, except medical care, to juveniles who commit acts of misconduct on Fort Jackson.

b. Purpose. The Installation Hearing Officer will hear all cases referred to him or her. The Installation Hearing Officer will make a finding of responsibility and recommend to the Garrison Commander the corrective rehabilitative action he or she believes necessary and appropriate in the best interest of the offender and the military community (see Appendix). While the Commander has no authority to order restitution for damages, he may take restitution (or lack thereof) into account when making other decisions concerning the juvenile and family, such as whether to terminate quarters or exclude the juvenile from the installation

c. Hearing Proceedings.

(1) The sponsor of the juvenile will be notified by letter that the Installation Hearing Officer will review the circumstances surrounding the misconduct and/or unruly behavior involving the juvenile(s) under his/her control. The sponsor and the juvenile will be invited to appear before the Installation Hearing Officer and consent to his or her jurisdiction. The juvenile(s) and sponsor(s) have the right to be present, to examine investigative reports, to present witnesses, and to be represented by counsel at no expense to the United States Government. The Federal Rules of Evidence do not apply to these proceedings. If the juvenile or their sponsor refuses to consent to the Installation Hearing Officer's jurisdiction, the matter will be referred to the Garrison Commander for a determination of other possible administrative actions. This could include, but is not limited to, exclusion from post and/or referral to civilian authorities.

(2) The Installation Hearing Officer will ensure that all hearings are conducted in a dignified, orderly, expeditious, and fair manner. Hearings will be informal. The Installation Hearing Officer will establish the guidelines for the conduct of the case review and explain them in advance to all participants. Within 7 days of completion of the case, the Installation Hearing Officer will present findings and recommendations to the Garrison Commander who will make the final determination regarding actions to be taken against the violator.

(3) A copy of the findings and recommendations approved by the Garrison Commander will be provided to the Chief, Family Housing, the Directorate of Emergency Services/Office of the Provost Marshal (DES/PM) and forwarded to the Sponsor through their Chain of Command.

6. COMMUNITY SERVICE WORK PROGRAM.

a. Community service can be an integral facet of the rehabilitative actions directed by the Garrison Commander. If community service is directed, the Sponsor, or other parent or legal guardian must be present during the entire period the juvenile is completing the assigned work. It is the responsibility of the Sponsor, parent, or legal guardian to provide their own transportation to and from any work site.

b. The Garrison Command Sergeant Major will develop a prioritized list of work that will be completed by individuals performing community service and provide that list on a weekly basis to the DES/PM Operations Section. In addition, the Garrison Command Sergeant Major will make the necessary coordination to ensure proper equipment and tools are provided to the DES/PM to complete the required tasks.

c. Individuals who have been directed to perform community service will report to the MP Desk Sergeant at the specified time and date for a briefing on what work they are to perform. The MP Desk Sergeant will annotate their time of arrival in the MP Journal, and, upon completion of the task, will direct an MP Patrol, normally the Patrol Supervisor, to inspect the work to ensure it was accomplished to standard. Prior to the juvenile or sponsor ending each specific period of community service, they will report back to the MP Desk Sergeant who will annotate their time of departure in the MP Journal. On the first duty day of each week, the DES/PM Operations Section will provide the Garrison Command Sergeant Major a list of all individuals who performed community service during the preceding week.

7. PROCESSING OF JUVENILE OFFENDERS BY MILITARY POLICE.

a. The military police investigators (MPI) office will be responsible for investigating all incidents on Fort Jackson concerning juveniles. Normally, cases will be referred to the Hearing

Officer within 14 days after the investigation is completed. MPI will be responsible for coordinating appropriate cases with the Fort Jackson Field Office, 3rd Region, United States Army Criminal Investigation Division Command.

b. A juvenile, upon apprehension by Military Police, will be advised of his rights in a language which he is capable of understanding, but should not be questioned regarding the offense except in the presence of at least one parent, guardian, or custodian.

c. When appropriate, subjects may be referred to civilian authorities for disposition for cases. Referral to either Federal or State agencies will be made on a case-by-case basis and only after coordination has been effected between the DES/PM, Office of the SJA, and the involved civilian court. Factors such as jurisdiction, seriousness of the offense, past record of the offender, and the best interests of the juvenile and the Fort Jackson community will be considered.

8. DEFINITION OF TERMS. The following definitions are applicable in regard to this regulation:

a. Juvenile. A person under the age of 18 and not a member of the Armed Forces.

b. Juvenile Offender. A juvenile who commits, or aids another juvenile or adult in committing, an act of misconduct.

c. Misconduct. "An act or series of acts which, if committed by an adult, constitutes a criminal offense. Misconduct also includes other unruly juvenile behavior which, although not necessarily constituting a criminal offense, detracts from the peace and good order of the installation. Examples include truancy, running away from home, patterns of disobedience to parents or other competent authority, loitering, and other such behavior as demonstrates a need for increased supervision."

d. Sponsors. Individuals (to include active duty, reserve and retired military personnel) who are the parent or legal guardian of children.

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e. Probation. A period of evaluation in which further administrative actions against a juvenile offender who has admitted to misconduct is suspended on the promise of good behavior.

(IMSE-JAC-ESP/1384)

FOR THE COMMANDER:

OFFICIAL:

/signed/
LEVI R. MARTIN
COL, SC
Chief of Staff

/signed/
PATRICIA KELLY-JOHNSON
DHR Records Manager

APPENDIX

ADMINISTRATIVE ACTIONS

Commander may include, but are not limited to, the following administrative actions:

- a. Issuance of a warning letter to the sponsor that further misconduct by family members could result in termination of quarters.
- b. Issuance of an official letter of reprimand to the sponsor.
- c. Require the juvenile to submit a written report, subject of which will be determined by the Installation Hearing Officer.
- d. Refer the juvenile and/or parents/guardians to an appropriate social service, psychiatric clinic, counseling service, etc. (Family Counseling, STEP training, etc.)
- e. Place a juvenile on probation with or without restitution and/or community service, and specify the privileges to be forfeited in the event of further acts of misconduct.
- f. Withdrawal of a juvenile's installation privileges for a specified period of time.
- g. Issuance of a letter precluding the use of any or all recreational activities on Fort Jackson (i.e. swimming pools, theaters, gymnasiums, etc.)
- h. Issue a letter of restriction, which would limit the juvenile's travel or presence on the installation when not accompanied by a parent.
- i. Recommend the juvenile (or sponsor) voluntarily make financial restitution for property damage committed by the juvenile.
- j. Issuance of a limited letter of exclusion to a juvenile whose sponsors live off post.
- k. Recommend the parents of a juvenile be required to vacate government quarters.
- l. Assign a case monitor (social worker, MACH) to provide follow up on a juvenile's progress.
- m. Referral to civilian authorities.
- n. Require participation in the juvenile work program for a specified period of time.
- o. Be placed on a curfew during the period of probation.