

DEPARTMENT OF THE ARMY
U.S. ARMY COMBINED ARMS CENTER AND FORT LEAVENWORTH
Fort Leavenworth, Kansas 66027-2300

AUG 16 2011

CAC & FT LVN REG 190-1

Military Police
JUVENILE DELINQUENCY

Summary. This regulation establishes the existence of the Juvenile Review Board (JRB). The sole mission of the JRB will be to dispose of acts of juvenile misconduct that occur on Fort Leavenworth.

Applicability. This regulation applies to acts of juvenile misconduct that are prejudicial to the good order, security, and discipline of Fort Leavenworth regardless of whether the juvenile who is involved in the misconduct is sponsored by a military sponsor.

Supplementation of this regulation and establishment of Command and local forms are prohibited without prior approval from the CG, CAC & FT LVN.

Availability. This publication is also available on the Intranet at:

<https://www2.leavenworth.army.mil/ag/recmgmt/Publications/pubIndex.htm>

This regulation supersedes CAC Reg 190-1 dated Dec 1989

Military Police
JUVENILE DELINQUENCY

1. PURPOSE. This regulation establishes the existence of the Juvenile Review Board (JRB). The sole mission of the JRB will be to dispose of acts of juvenile misconduct that occur on Fort Leavenworth. All dispositions will be done with an aim towards redress and deterrence. Participation in the JRB's proceedings is voluntary, yet those who elect not to participate may be subject to alternate administrative actions.

2. APPLICABILITY. This regulation applies to acts of juvenile misconduct that are prejudicial to the good order, security, and discipline of Fort Leavenworth regardless of whether the juvenile who is involved in the misconduct is sponsored by a military sponsor.

3. RESPONSIBILITIES.

a. The Garrison Commander (GC) will serve as the representative of the Commanding General, Combined Arms Center and Fort Leavenworth, and shall implement this regulation. The GC shall appoint a chairperson, who shall be in the rank of Colonel; determine whether a case shall be heard by the Juvenile Review Board (JRB); and review, approve, disapprove, or modify the findings and recommendations of the JRB.

b. The Chairperson will:

(1) Preside over the JRB or, if unable to attend, notify the GC, who shall designate a temporary chairperson, who must be in the rank of Colonel unless such an officer is not reasonably available. In the event an officer in the rank of Colonel is not available, the GC shall appoint an officer in the rank of Lieutenant Colonel.

(2) Certify the results of the JRB's proceedings to the GC in Memorandum form.

c. Directorate of Emergency Services/Provost Marshal (PM) will:

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

(2) Recommend referral to the JRB any case in which there is reasonable grounds to conclude that a juvenile has engaged in misconduct. If the PM determines

that an act of misconduct warrants action by other authorities, the PM shall refer the matter to the Staff Judge Advocate (SJA) for review.

- (3) Provide investigative records to the JRB.
- (4) Designate a representative to serve as a member of the JRB.
- (5) Implement any sanction imposed by the JRB.
- (6) Maintain all records for the JRB as the acting records custodian.

(7) Refer a juvenile's case to the gaining installation's Provost Marshal when a military sponsor's PCS is going to prevent a JRB proceeding.

d. The SJA will:

(1) Serve or designate an attorney to serve as a member of the JRB.

(2) Review reported acts of misconduct to determine whether the matter should be referred to other authorities for disposition. If the matter is referred, coordinate the referral to the authority that shall assume responsibility.

(3) Advise the PM concerning the cases that the JRB will consider and serve as legal advisor to the JRB.

e. The Garrison Chaplain will serve as the representative of the Combined Arms Center Command Chaplain. The Garrison Chaplain will:

(1) Designate a chaplain from the Garrison Unit Ministry Team to serve as a member of the JRB.

(2) Provide moral and character guidance, advice, and counseling to the juvenile and the juvenile's military sponsor, as requested.

f. The Commander, Munson Army Health Center (MAHC) will: provide appropriate advice concerning psychiatric evaluation, counseling, or referral if the juvenile is eligible for such services.

g. The Garrison Command Sergeant Major will serve as the senior enlisted representative for the JRB and will serve as a member of the JRB or will designate a senior noncommissioned officer to attend the hearing.

h. Commanders will:

(1) Ensure the juvenile's military sponsor complies with the recommendations of the JRB.

(2) Attend the JRB as required.

i. Sponsors will:

(1) Be responsible for the conduct of a juvenile dependant.

(2) Assist the juvenile in making the decision to participate in JRB proceedings.

(3) Monitor the juvenile's compliance with the decisions of the JRB.

j. Juveniles appearing before the JRB will:

(1) Comply with and take appropriate action towards the decisions of the JRB.

(2) Cooperate with law enforcement personnel and others involved in the JRB proceedings.

4. PROCEEDINGS.

a. Referral.

(1) The PM shall recommend in a timely manner, not to exceed 10 business/duty days from the discovery of the misconduct, to the GC that a case be referred to the JRB if there are reasonable grounds to conclude that a juvenile has engaged in misconduct. The GC shall determine whether to refer the case to the JRB and may consult the SJA for legal advice before doing so.

(2) If the PM concludes that there is a basis to refer a case to another authority for disposition, the PM shall refer the matter to the SJA. The SJA shall review the case in a timely manner, not to exceed 10 business/duty days from the referral, and determine the appropriate authority to refer the matter. Acts of serious misconduct

(e.g., those that if committed by an adult would be a felony) shall be referred to the SJA for action.

(3) A matter that is referred to the SJA or has been referred to another authority may still be considered by the JRB, but the PM shall first coordinate such actions with the SJA to ensure that there is no conflict with other proceedings.

b. Notification. If the GC decides the juvenile should appear before the JRB, the juvenile and his or her military sponsor shall be notified in writing of the allegation of misconduct and the date, time, and place of the JRB hearing. The PM will prepare this notification for the GC's signature no later than seven (7) duty days before the convening of the JRB. The notice shall include the following:

(1) The juvenile has the right to be heard at the hearing.

(2) A sponsor must attend the JRB with the juvenile. If a sponsor is unable to appear, the sponsor shall submit a letter to the PM at the following address:

Provost Marshal
410 McPherson Avenue
Fort Leavenworth, KS 66027

This letter will include supporting documentation (orders, medical slips, etc.) verifying the basis for the sponsor's absence. In the event of a sponsor's absence, another legal guardian of the juvenile must attend the hearing.

(3) A finding that a juvenile committed misconduct will be made on the basis of the preponderance of the evidence. That is, the finding must be supported by a greater weight of evidence than supports a contradictory conclusion.

(4) The juvenile does not have the right to counsel.

c. The Hearing.

(1) The JRB will conduct all hearings in an informal but closed setting. Hearings will only occur when there are a minimum of three members of the JRB present. A juvenile and his or her sponsors who have been notified to appear before the JRB but fail to do so forfeit the right to be heard, and the JRB may consider the matter without the presence of the juvenile or his or her sponsors.

(2) The JRB shall consider any relevant evidence offered by any interested party. The Chairperson shall determine what evidence is relevant and who is an "interested" party. Interested parties must include the juvenile and his or her representative. The JRB will hear evidence in the following order:

(a) A Military Police Investigator (MPI) will present any witnesses or evidence to establish that the juvenile committed misconduct.

(b) The juvenile who is the subject of the hearing or the juvenile's representative will be given the opportunity to present the juvenile's case.

(c) Both the MPI and the juvenile or his or her representative may offer a closing statement.

(3) Following the presentation of the evidence, the JRB shall deliberate and will determine whether a preponderance of the evidence supports a finding that the juvenile engaged in an act of misconduct. If the JRB determines there is a preponderance of the evidence that the juvenile has engaged in misconduct, it shall make a recommendation concerning an appropriate sanction. Suggested sanctions are listed in the Appendix, yet the JRB may choose another similarly appropriate sanction not mentioned in the Appendix. The JRB's findings and recommendations shall be made on the basis of the consensus of a majority of the members.

d. The JRB's Recommendation. Once a hearing has concluded, the chairperson shall certify the findings and the recommendations to the GC, who may approve, disapprove, or modify those findings and recommendations. On approval by the GC, the PM shall notify in writing the juvenile and his or her sponsors of the result and the juvenile's right to appeal. The PM shall implement the JRB's recommendations without delay.

e. Appeals. Within ten (10) days of receipt of the GC's decision, the decision may be appealed in writing through the SJA to the Commanding General (CG), U.S. Army CAC and Fort Leavenworth. The CG may delegate the authority to hear appeals of the JRB findings and recommendations to the Chief of Staff. The CG or his delegate may approve, disapprove, or modify the findings and the sanctions, and the CG's action as an appeal is final.

6. PROCESSING OF JUVENILE BY MILITARY POLICE.

a. The MPI office is responsible for investigating all incidents concerning juveniles that occur on Fort Leavenworth. When warranted, MPI shall coordinate with the Fort Leavenworth Field Office of the United States Army Criminal Investigation Division Command.

b. The MPI office shall supervise the implementation of any approved sanction. If community service is imposed as a sanction, a sponsor must be present during the period in which the juvenile is completing the assigned work, and it is the sponsor's responsibility to provide transportation to and from the work site.

7. COMMANDER'S AUTHORITY.

a. Nothing in this regulation limits the right of the CG or other officials to take any action permitted by law. Such action includes but is not limited to barring the juvenile from Fort Leavenworth without a JRB recommendation.

b. If the juvenile or the juvenile's nonmilitary sponsor/ legal guardian refuses to cooperate with the JRB, the juvenile may be barred from Fort Leavenworth.

8. ADMINISTRATIVE INSTRUCTIONS. Commanders will ensure all assigned personnel are briefed on this program and have access to a printout of this policy.

9. DEFINITION OF TERMS. The following definitions are applicable to this regulation:

a. Juvenile. A person under the age of 18 who is not a member of the Armed Forces, is not living separate and apart from the sponsor/parent, and is not the spouse of a service member.

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

c. Misconduct. An act prejudicial to the good order, security, or discipline of the installation. Misconduct includes any act if committed by an adult would be a criminal offense. Misconduct also includes other unruly juvenile behavior that, although not necessarily constituting a criminal offense, is prejudicial to the peace, tranquility, and good order of the installation, such as truancy, running away from home, patterns of disobedience to parents or other competent authority, loitering, and other such behavior demonstrating a need for increased supervision.

d. Sponsor. The parent or legal guardian of a juvenile.

e. Military sponsor. A sponsor who is an active duty, reserve component, or retired member of the Armed Forces of the United States.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'Mark E. McKnight', written in a cursive style.

MARK E. McKNIGHT
Colonel, GS
Chief of Staff

APPENDIX

ADMINISTRATIVE ACTIONS

- a. Issue a warning letter to the sponsor that further misconduct by family members could result in termination of on post quarters.
- b. Issue a letter of reprimand to the sponsor.
- c. Require the juvenile to submit a written report, the subject of which will be determined by the JRB.
- d. Refer the juvenile and/or sponsor to an appropriate social service, psychiatric clinic, counseling service, etc. (e.g., family counseling)
- 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. Withdraw the juvenile's installation privileges for a specified period of time.
- g. Preclude the use of any or all recreational activities on Fort Leavenworth (e.g., swimming pools, theaters, gymnasiums, etc.).
- h. Impose restrictions on the juvenile that limit the juvenile's travel or presence on the installation when not accompanied by a parent.
- i. Recommend that the juvenile (or sponsor) voluntarily make financial restitution for property damage committed by the juvenile.
- j. Issue a letter of exclusion to a juvenile whose sponsors live off post.
- k. Require the sponsors of a juvenile to vacate government quarters.
- l. Assign a case monitor (social worker, MAHC) to provide follow up on a juvenile's progress.
- m. Refer to civilian authorities.
- n. Require the juvenile to participate in a community-service program.

- o. Place the juvenile on a curfew during the period of probation.
- p. Withdraw the juvenile's post driving privileges for a reasonable period.