



DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, UNITED STATES ARMY GARRISON WEST POINT
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WEST POINT, NY 10996-1554

IMML-ZA

1 March 2019

U.S. ARMY GARRISON WEST POINT POLICY #15

SUBJECT: Disposition of Juvenile Misconduct and Barment Procedures

1. Purpose. To establish uniform policies and procedures for taking administrative, corrective, or punitive action on incidents of misconduct committed on the West Point Installation and in areas under the control of the Superintendent, United States Military Academy (USMA). This regulation is intended to supplement, not replace, existing measures that may be taken against offenders under applicable laws and regulations, to include criminal prosecutions, and corrective or punitive actions by appropriate juvenile, social service, and/or school authorities. Administrative action under this policy may be taken in conjunction with, prior to, or in the absence of action by the aforementioned authorities. (This policy replaces USMA Regulation 600-3, Disposition of Juvenile Misconduct/Termination of Quarters/Barment Procedures, dated 15 April 1999.)

2. References.

- a. AR 215-1, Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities, dated 31 July 2007.
- b. AR 215-8, Army and Air Force Exchange Service Operations, dated 30 July 2008.
- c. AR 190-5, Motor Vehicle Traffic Supervision, dated 22 May 2006.
- d. AR 190-45, Law Enforcement Reporting, dated 30 March 2007.
- e. AR 420-1, Army Facilities Management, dated 12 February 2008.
- f. Title 18, U.S. Code, Section 13, dated 2 January 2006.

3. Applicability. This regulation applies to all juveniles, less Cadets, living on West Point who commit offenses on the Installation. This regulation also applies to those persons who, as a result of acts committed on this Installation, are barred from entering the Installation or have select on-post privileges temporarily or permanently revoked.

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4. General. The West Point Installation contains areas of exclusive, concurrent, or proprietary Federal jurisdiction. Juveniles who commit crimes on the Installation may be prosecuted in New York State or Federal District Courts, depending on the severity and location of the offense. The New York State Family Court Act (NY CLS Family Ct Act 301.2) or the Federal Juvenile Delinquency Act (JDA) (18 USC 5301) will govern cases involving juveniles. Those cases which are not referred for prosecution will be handled by the West Point Juvenile Offenders Court (JOC) in accordance with (IAW) this regulation.

5. Policy. Sponsors (military members, Civilian employees and Government contractors) are responsible for the conduct of each adult and juvenile member of their Family and guests on the Installation. In addition, those sponsors residing in housing on West Point, as part of the privilege of occupying such housing will cooperate fully with all authorities in their efforts to promote safety, harmony, and good order on the Installation. These authorities include but are not limited to Federal, state and military police, investigative agencies, social workers, Family counselors, state and Federal juvenile authorities, and housing officials on West Point.

6. Definition and Abbreviations.

a. Misconduct: A violation of the United States Code, The New York State Penal Code, and the New York State Vehicle and Traffic Code, as assimilated under Title 18, United States Code, Section 13, Army and USMA Regulations, and other conduct prejudicial to the safety, harmony, and good order of the USMA community.

b. Juvenile: A juvenile is defined as a person under the age of 18 years of age, or a person incapable of self-care because of mental defect, etc. Juveniles who commit certain enumerated crimes may be treated as adults.

c. USAG WP: Garrison Commander, U.S. Army Garrison, West Point, New York.

d. JO-MPI: Juvenile Officer, Military Police Investigations.

7. Responsibilities.

a. Superintendent will:

(1) Be responsible for the maintenance of law and order on West Point.

(2) Delegate the authority as necessary to take certain actions under this policy to USAG WP, or his designated representative, Deputy to the Garrison Commander (DGC).

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b. Garrison Commander (GC) will:

(1) Authorize, approve, and sign letters notifying individuals of their barment from this Installation.

(2) Approve and sign all letters of notification on corrective actions involving Family members, actions to suspend check cashing, Post Exchange, Commissary, and recreation privileges.

c. DGC will:

(1) Serve as the JOC to review cases and render a decision.

(2) Issue letters of warning to sponsors following a documented incident of juvenile misconduct.

(3) Conduct informal hearings on all juvenile cases referred and render a decision/recommendation IAW Section 8.

(4) Notify sponsor of the JOC date.

d. Provost Marshal's Office (PMO) will:

(1) Investigate all cases by contacting appropriate school officials, medical agencies, social service personnel, and other sources as appropriate to obtain background data on persons being referred to the USAG Headquarters (HQ). Provide the completed investigation report to the DGC.

(2) Attend JOC proceedings to provide information and/or make recommendations regarding the disposition of case based on available evidence/information.

(3) Maintain a master barment roster IAW AR 190-45.

e. Directorate of Family and Morale, Welfare and Recreation (DFMWR) will:

(1) Assign and oversee community service to be performed by juveniles, as required.

(2) Coordinate with sponsor to ensure juvenile is available for community service.

(3) Maintain record of community service hours completed until such time as community service task has been completed.

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(4) Notify the DGC in the event the sponsor of a juvenile (given community service as a result of misconduct) cannot be reached, is uncooperative, or if a juvenile does not complete community service within the timeframe designated by the DGC.

f. Staff Judge Advocate (SJA) will:

(1) Review for legal sufficiency the DGC recommendations and sanctions imposed on individuals.

(2) Review all letters of barment for content and accuracy before being forwarded to the GC for signature.

(3) Determine which cases involving Family members are appropriate for referral to JOC.

g. Sponsors will:

(1) Ensure the appropriate conduct of each adult and juvenile member of the Family and guests on the Installation.

(2) Ensure compliance with all sanctions imposed by the DGC on a member of their Family.

(3) With regard to juvenile offenders, notify the DGC who has the authority to temporarily defer sanctions or make other adjustments required by illness, vacations, and other like situations.

(4) Be present at and ensure the requested Family member appears at the JOC hearing.

(5) Be closely involved in the efforts to rehabilitate and correct the juvenile concerned.

8. Disposition of Juvenile Misconduct.

a. Letters of Warning to Sponsors. Following a documented incident of juvenile misconduct, the DGC will issue a letter of warning, via certified mail, officially notifying the sponsor of their child/children's misconduct and intent to proceed with a JOC hearing for said child/children. Normally, the sponsor will be notified within five duty days following the identification of the offender whose misconduct is the subject of the hearing.

b. Investigation Report from PMO. Civilian and military Government officials will advise those persons suspected of committing a criminal offense of their rights prior to

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questioning. A Rights Warning Form (DA 3881) will be used for this purpose. Additionally, a juvenile suspected of committing an offense will not be questioned in the absence of a parent or guardian. Because some children, particularly young ones, are impressionable, the parent or guardian will be requested not to say or do anything that could distract or confuse the juvenile or interfere with the interview. The completed investigation report is then delivered to the DGC.

c. Notification to Sponsor.

(1) Once the complete investigation report has been received from PMO, the sponsor will be contacted, either by phone or letter, of the date and time of the JOC date for their child/children. The investigation report will contain all information pertinent to the incident for which the JOC is being held. The military police investigator of the case should be present at JOC proceedings.

(2) The sponsor will be informed of:

(a) Purpose of the hearing,

(b) Which member of the Family should appear at the hearing,

(c) The incident or other incidents which are to be the subject of the hearing.

(d) That this hearing is being held pursuant to this policy. The hearing will be scheduled with the juvenile offenders sponsor within ten working days of receiving acknowledgment that sponsor has received letter of warning.

9. JOC.

a. The JOC consists of the DGC with assistance from PMO and SJA as required. All proceedings under this regulation are administrative, informal, and nonadversarial in nature.

b. Nonmilitary Civilian juveniles, having no affiliation with West Point (parents who work at West Point), are requested to attend a JOC proceeding. However, this is on a voluntary basis. Should the sponsors of these juveniles decide not to participate; the sponsor will be informed that their child/children, at the discretion of the GC, may be barred from this Installation for non-participation in a JOC hearing.

c. Subject to the notice requirements listed above, each case will be disposed of in a timely fashion consistent with providing a fair hearing and a thorough investigation.

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d. Persons appearing at hearings before the DGC may consult with a Civilian counsel at no expense to the government, and/or with military counsel to the extent authorized by statute and Army regulations.

e. The standard of proof at all hearings shall be by substantial evidence.

f. Information considered by the DGC will be limited to written matters collected during the preliminary investigation and interviews of persons believed to have materially relevant information. Proceedings will not normally be delayed to ensure the presence of witnesses. The person accused may present written and or oral matters in defense, extenuation, or rebuttal.

g. With regard to juvenile offenders, the DGC will ensure the sponsor is closely involved in the efforts of rehabilitating and correcting the juvenile concerned. These efforts will include a full discussion of the problems and possible solutions between the sponsor, the DGC, and the Juvenile Officer in or outside the presence of the juvenile concerned. When allegations of misconduct are supported by the evidence, the type and severity of the sanction imposed will depend on the following:

(1) The educational, remedial, and medical needs of the juvenile, his or her age and record of attendance and progress at school.

(2) The nature and seriousness of the misconduct.

(3) Matters in extenuation and mitigation, prior instances of misconduct by the juvenile on the Installation, in school, or elsewhere.

(4) The willingness of the sponsor or juvenile to cooperate in a program of rehabilitation and correction, and the degree of parental control over the juvenile.

(5) The willingness of the sponsor or juvenile to make financial restitution (and the amount of money actually paid) for property damage or loss wrongfully caused by the juvenile.

(6) The degree to which the present and past misconduct of juvenile has gone unpunished by state and Federal authorities (facilitated by the juvenile's residence on an Installation under exclusive Federal jurisdiction).

h. Following the hearing, the sponsor will be briefed orally of the preliminary findings made by the DGC pending review by SJA. A memorandum of the final findings is mailed (via certified mail) to the Sponsor, a copy is sent to PMO and a copy is kept on file in the USAG HQ file.

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i. The PMO is the custodian of the respective files compiled under this regulation. The USAG HQ will maintain files for their respective juvenile proceedings. The files will be used for official use only and will be protected from unauthorized disclosure under the Privacy Act. All files will be filed and disposed of IAW AR 25-400-2, Army Records Information Management System (ARIMS).

10. Disposition of Punishment Determined from JOC.

a. Administrative Actions. The DGC, either directly or acting through designated representatives, may take or authorize actions including but not limited to the following:

(1) Require a juvenile offender to submit written report(s) of a designated number of words on a particular subject(s).

(2) Refer a juvenile offender and other members of the Family to Installation or state agencies for counseling or assistance.

(3) Place a juvenile offender on formal probation for a period not to exceed six months and specify the privileges to be forfeited in the event of further misconduct.

(4) Require a juvenile offender to meet with the Civilian Misconduct Officer on a periodic basis not more than once every two weeks for a period not to exceed 180 days.

(5) Establish a curfew of specified hours and conditions for a juvenile offender for a period of time not to exceed 90 days.

(6) Require a juvenile offender to perform a community work assignment of no more than three hours on a school day and eight hours on a non-school day. DFMWR will assign and oversee community service to be performed by juveniles, as required. Community service requirements, for a single incident, should not be more than 50 hours, unless there are unusual or extenuating circumstances.

(7) DFMWR will notify the DGC in the event the sponsor of a juvenile (given community service as a result of misconduct) cannot be reached, is uncooperative, or if a juvenile does not complete community service within the timeframe designated by the DGC. DFMWR will also keep the DGC informed of the progress of community service.

(8) Recommend the GC bar an offender from entering the Installation.

(9) Suspend or revoke Installation driving privileges.

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(10) Restrict, or revoke offender's privileges at select Installation facilities, i.e., Post Exchange, Commissary, recreation facilities, or the exercise of check cashing privileges.

b. The sponsor is responsible for ensuring compliance with all sanctions imposed by the DGC on a member of their Family. The sponsor will notify the DGC who has the authority to temporarily defer sanctions or make other adjustments required by illness, vacations, and other like situations.

c. The sponsor has up to five working days to file a written request for appeal to the GC once written notification of findings is received.

11. Barment from the Installation.

a. Initiating and Staffing of Barment Proceedings. Barment actions will be initiated by the DGC or activity directors and staffed through the SJA for comment. Those activities outside the Garrison requesting a bar action will initiate a summary sheet to be routed through PMO and SJA en route to the GC. Persons being barred from entering the Installation will be notified by a certified letter signed by the GC.

b. Appeals Process for Barment. Persons requesting reconsideration from barment may do so in writing, as per instructions contained in barment letters.

c. Copies of Barment Letters and Maintaining Barment Roster. The PMO maintains copies of all signed and dated barment letters, IAW AR 190-45. PMO will also maintain a master barment roster. The original, signed barment letter will be mailed, as outlined above, and a copy sent to PMO, Civilian Personnel Advisory Center, Directorate of Human Resources, and SJA. This roster will be distributed only to those activities needing the information.



HARRY C. MARSON V
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Commanding