

DEPARTMENT OF THE ARMY
HEADQUARTERS FORT MONROE
FORT MONROE, VIRGINIA 23651-6200

FM Regulation
Number 190-1

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Military Police
MILITARY POLICE JUVENILE DELINQUENCY CONTROL

Issue of supplements to this regulation is prohibited unless specifically approved by Commander, Fort Monroe.

Section I. GENERAL

1. PURPOSE. To establish uniform policies and procedures for the disposition of offenses on Fort Monroe involving juveniles and to establish the Fort Monroe Juvenile Review Board.

2. RESPONSIBILITIES.

a. The Director of Engineering and Housing (DEH) is responsible for the chairmanship of the Juvenile Review Board. The Post Judge Advocate (PJA) will assist the DEH in coordinating the board and publicizing the minutes.

b. The Provost Marshal (PM) will exercise authority over the juvenile delinquency program through the Military Police Investigation (MPI) Branch.

c. Commanders and directors are responsible for ensuring that sponsors of juvenile offenders are aware of their responsibility to control and guide their family members, and will counsel and provide appropriate assistance to the sponsor to fulfill his or her responsibility.

d. The Post Judge Advocate is responsible for reviewing all matters submitted to the Juvenile Review Board for appropriateness and providing the board with legal guidance. The PJA will provide the recorder for the board.

e. The Juvenile Review Board is responsible for hearing cases referred to them by the PM which concern juvenile family members who commit offenses on Fort Monroe. The board will make appropriate recommendations to the Post Commander concerning the disposition of such cases.

f. The Post Command Sergeant Major (CSM) is responsible for ensuring that matters related to enlisted personnel and

their family members are properly represented and understood.

3. The board will consist of the following members:

- a. Director of Engineering and Housing--Chairman.
- b. Army Community Services (ACS)--voting member.
- c. Command Sergeant Major--voting member.
- d. Provost Marshal--nonvoting member.
- e. Post Judge Advocate--nonvoting member.
- f. Alcohol and Drug Control Office (ADCO)--nonvoting member. Present only for cases involving alcohol or drugs.

4. APPLICABILITY. The provisions of this regulation are applicable to:

- a. All persons residing in government quarters or Wherry Housing located on Fort Monroe, and guests thereof.
- b. Any person using any facility physically located on Fort Monroe.

5. CONCEPT.

a. A juvenile delinquency program will be established at Fort Monroe which will incorporate appropriate remedial efforts by various staff elements and organizations to include law enforcement, counseling, medical, and rehabilitation efforts. The program will consist basically of two approaches:

(1) Efforts directed toward the sponsor to assist them in realizing their responsibility toward delinquent family members.

(2) Efforts directed toward the juvenile which will result in rehabilitation of the individual(s), and the development of a more cohesive family and community environment.

b. There shall be established a Juvenile Review Board, chaired by the DEH, and having as permanent members the ACS, CSM, PM, PJA, and ADCO.

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c. Delinquency should be considered a status and is not dependent upon a conviction by a criminal court.

d. Juveniles are not to be treated as criminals, however, there are certain cases where the state or federal law treats the juvenile as an adult. They should be processed by a qualified investigator with the intent of discovering the full scope of the juvenile's actions and provide a complete investigative report which will provide a foundation for a knowledgeable referral for correctional or rehabilitative action.

6. DEFINITIONS OF TERMS. The following definitions of terms are applicable in regard to this regulation:

a. Child/Juvenile. Any unmarried person who has not attained his or her 18th birthday and who is not in the military services.

b. Military Sponsor. The in-service parent, guardian, or custodian of a juvenile.

c. Delinquent Child. A child who engages in antisocial behavior that is beyond parental control and therefore subject to legal action.

d. Delinquent Act. An act which constitutes an offense contrary to law.

Section II. PROCESSING OF JUVENILE CASES BY MILITARY POLICE

7. FUNCTION.

a. The Juvenile Section of the MPI Branch will be responsible for investigation of all incidents on Fort Monroe concerning juvenile family members. The Juvenile Section will be responsible for coordination of appropriate cases with the Fort Eustis Field Office, 1st Region, United States Army Criminal Investigation Division Command (USACIDC).

b. When appropriate, subjects may be referred to civilian authorities for disposition of cases. Referrals will be made on a case-by-case basis and only after coordination has been effected between the Office of the Provost Marshal, Office of the Post Judge Advocate, and the Commonwealth Attorney's Office for the City of Hampton. Factors such as

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jurisdiction, seriousness of the offense, past record of the offender, and the best interests of both the juvenile and the military community will be considered.

c. The Juvenile Section will be responsible for interviewing the juvenile and his parents to determine the extent of involvement of the juvenile in an incident(s) and problems concerning the family environment and requesting assistance as necessary from other organizations or agencies. Serious incidents involving a juvenile(s) or incidents where the juvenile(s) is a repeat offender will be brought to the attention of the PM for review and recommendation.

d. The Juvenile Section will administer the Juvenile Work Program. Upon recommendation of the Juvenile Review Board and approval of the Post Commander, a juvenile may be placed on supervised probation in the Juvenile Work Program for a specified period of time. This program requires the youth to perform community service work on post under general supervision of the Juvenile Section for at least eight hours per week for a specified number of weeks to "compensate" the Fort Monroe community for his or her transgression, as well as providing the youth with the benefits of supervised probation. Work program placements will be coordinated with the activity where the youth is to work prior to placement of the youth.

e. The parent, guardian, or custodian of those juvenile family members who are entered into the Fort Monroe Community Work Program will ensure that they coordinate with the Provost Marshal's Juvenile Section two days prior to the desired community service work dates. Prior to reporting for the work detail, the juvenile will be provided with a Fort Monroe Juvenile Offender Community Service Assignment Sheet. The assignment sheet, which provides information concerning the detail to be performed, will be given to the work supervisor upon arrival at the work site. The parent, guardian, or custodian will be responsible for transporting the juvenile to the work detail, remaining for a reasonable period of time, and returning to pick the juvenile up at the end of the agreed upon work period. At the conclusion of the daily community service, the detail supervisor will discuss with the parent, guardian, or custodian the work accomplished, quality of performance, and hours of credit earned. The assignment sheet will be signed by the detail supervisor, the juvenile, and the parent, guardian or custodian. A copy of this sheet will be provided to the parent, guardian, or custodian and the Juvenile Officer. The Juvenile Officer will keep a complete log to reflect the aforementioned data.

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f. Staff sections requesting juvenile workers must provide a project supervisor and the funding for needed supplies and equipment.

8. PROCEDURES. In all cases involving juvenile offenders, the following procedures are prescribed and will be adhered to:

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

b. The juvenile's parents, guardian, or custodian will be immediately notified of the apprehension, the rights of the juvenile, and the nature of the offense.

c. Juvenile offenders will not be photographed or fingerprinted unless the fingerprints and photographs are necessary to show that the juvenile is suspected of being involved in a particular crime or incident in which fingerprints or photographs are necessary to eliminate or identify the offender. Exceptions may be granted in writing by the PJA in cases where the juvenile is to be prosecuted as an adult. In the event fingerprints and/or photographs are obtained of a juvenile and it becomes apparent that the documents are not necessary for the investigation, coordination will be effected with the PJA, and unless referred to civil authorities, the documents will be immediately destroyed. Upon completion of the initial investigation, if it is determined that a juvenile has committed an act for which he or she can be prosecuted as an adult, immediate coordination will be effected with the PJA and the Commonwealth Attorney's Office for the City of Hampton for initiation of appropriate legal proceedings.

d. The detention of a juvenile shall take place only in a juvenile facility or other suitable place as the appropriate authorities may designate. A juvenile will not be detained or confined in an institution where he or she would have regular contact with adults under detention.

e. After completion of an investigation of an incident in which a juvenile was the subject, appropriate cases will be forwarded by the PM through the PJA to the DEH with disposition recommendations. The PM will be responsible for initiating the recommendation to refer a juvenile delinquency case to the Juvenile Review Board.

Section III. FORT MONROE JUVENILE REVIEW BOARD

9. FORT MONROE JUVENILE REVIEW BOARD.

a. Authority. The Post Commander has the authority to restrict or deny, through appropriate administrative actions all on-post privileges, except medical care, to juvenile family members who commit offenses on Fort Monroe. In this regard, the Post Commander has directed that a Juvenile Review Board be established on Fort Monroe to review juvenile delinquency cases referred to it and to submit appropriate recommendations regarding possible administrative actions he might impose.

b. Purpose. The Juvenile Review Board will hear all cases concerning juvenile delinquents referred to it by the PM. The board will recommend administrative action which it believes necessary, appropriate, and in the best interests of the offender(s) and the military community to the Post Commander. The administrative actions which are recommended by the board will be based on a consensus of the members and need not be a unanimous decision. If the victim suffered financial loss, restitution by the juvenile may be specified as a finding of the board.

c. Composition. The Juvenile Review Board will be composed of the DEH, ACS, CSM, PM, PJA, ADCO.

d. Responsibilities.

(1) The DEH will:

(a) Serve as Chairman of the Juvenile Review Board.

(b) Send a letter to the sponsor of the juvenile informing the sponsor of his or her responsibility to control his or her family member.

(c) Send a letter requesting that the sponsor and his or her family member appear before the Juvenile Review Board.

(d) Provide results of the board proceedings to the Post Commander with recommendations of the Juvenile Review Board.

(2) The ACS will:

(a) Provide referrals, as appropriate, to the PM for investigation.

(b) Provide appropriate advice concerning counseling, evaluation, or referral.

(c) Provide representation on the Juvenile Review Board.

(3) The PM will:

(a) Investigate all cases as referred, and after consulting with the PJA, determine whether or not the case should be referred to the Juvenile Review Board.

(b) Recommend the referral of juvenile cases to civilian authorities as appropriate.

(c) Provide investigative records for board proceedings.

(d) Serve as a member of the Juvenile Review Board.

(4) The PJA will:

(a) Recommend the referral of juvenile cases to civil authorities as appropriate.

(b) Review reports forwarded by the PM for legality.

(c) Provide legal opinions to the DEH and PM concerning cases to be considered by the board.

(d) Serve as a member of the Juvenile Review Board.

(e) Provide a recorder for the Juvenile Review Board.

e. Board Proceedings.

(1) The sponsor of the juvenile will be notified by letter that the Juvenile Review Board will convene to review the circumstances surrounding the incident(s) involving their juvenile family member(s). The sponsor and the juvenile will be invited to appear before the board to answer questions regarding the incident(s). Both parent and juvenile must voluntarily appear before the Juvenile Review Board and consent to its jurisdiction. If either the parent or the juvenile objects to the jurisdiction of the board, the case will be otherwise disposed of, to include referral to the state court.

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(2) The chairman of the board will ensure that all hearings are conducted in a dignified, orderly, and fair manner. The hearing will be informal. The chairman will establish the guidelines for the review and explain them prior to the review. Upon completion of the board proceedings, recommendations will be promptly forwarded to the Post Commander. The record of the board proceedings will be confidential, with restricted access, and maintained by the PM for a period of one year.

Section IV. ADMINISTRATIVE ACTIONS

10. Administrative Actions. Recommendations made by the Fort Monroe Juvenile Review Board to the Post Commander may include, but are not limited to, the following administrative actions:

- a. Issuance of a Warning Letter to the sponsor.
- b. Issuance of an Official Letter of Reprimand to the sponsor.
- c. Overstamping the family member's identification card to preclude use of installation facilities, e.g., the Post Exchange or Commissary.
- d. Require the juvenile to submit a written report, the subject of which will be determined by the board.
- e. Refer the juvenile and/or parent(s), guardian(s), or custodian(s) to an appropriate social service, psychiatric clinic, counseling service, etc.
- f. Place a juvenile on informal probation and specify the privileges to be forfeited in the event of further acts of misconduct.
- g. Withdrawal of a juvenile's installation driving privileges for a specified period of time.
- h. Issuance of a Letter of Denial which would preclude the use of any or all recreational activities on Fort Monroe, e.g., Teen Center, swimming pools, theaters, field houses, etc.
- i. Issuance of a letter of restriction which would limit the juvenile's travel or presence on the installation when not accompanied by a parent, guardian, or custodian.
- j. Require the sponsor to make financial restitution for property damage committed by the juvenile.

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k. Issue a letter of debarment to a juvenile whose sponsor resides off-post.

l. Require that the parents of a juvenile vacate government quarters.

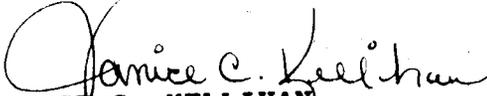
m. Require participation in an appropriate drug and alcohol abuse program.

n. Refer the case to civilian authorities.

o. Require participation in the juvenile work program for a specified period of time.

(ATZG-PM)

FOR THE COMMANDER:


JANICE C. KELLIHAN
Administrative Officer

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A, B

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