

DEPARTMENT OF THE ARMY  
U.S. ARMY MEDICAL DEPARTMENT CENTER AND SCHOOL  
AND FORT SAM HOUSTON  
Fort Sam Houston, Texas 78234-5005

FSH Regulation  
No. 190-1

12 JUN 1998

Military Police  
**JUVENILE DELIQUENCY**

Issue of supplements to this regulation is prohibited unless approved by the Commander, U.S. Army Medical Department Center and School and Fort Sam Houston.

1. **PURPOSE.** To establish uniform policies for juveniles residing or visiting Fort Sam Houston (FSH), to include Camp Bullis and Canyon Lake Military Reservation, and establish procedures for the disposition of military police cases involving juvenile subjects through the FSH Juvenile Review Board (JRB).

2. **APPLICABILITY.** Any unmarried person who has not attained his 18th birthday, is not in the military service, and who commits or aids others in committing an offense on FSH, is subject to the provisions of this regulation.

3. **REFERENCES.**

- a. AR 190-30, Military Police Investigations
- b. AR 190-45, Law Enforcement Reporting.
- c. AR 210-50, Housing Management
- d. FM 19-20, Law Enforcement Investigations.
- e. FSH Supplement 1 to AR 210-50, Housing Management
- f. Appendix A, Proposed Administrative Actions
- g. Appendix B, Appearance Before the JRB
- h. Appendix C, JRB Minutes and Memorandum to the Garrison Commander, with enclosures.

4. **EXPLANATION OF TERMS.** The following definitions of terms are applicable in regards to this regulation:

- a. **Juvenile:** Any unmarried person who has not attained his 18th birthday and is not in the military.

b. Military sponsor: The in-service parent, retired parent or active duty guardian of a juvenile.

c. Delinquent: A juvenile who has committed a crime or is in violation of Army or FSH regulations.

5. **PENALTY.** Juveniles affiliated with the military, who fail to comply with the provisions of this regulation may be subject to administrative actions, and may cause the sponsor to be subject to punitive or administrative actions by the Commander, U.S. Army Garrison (USAG) or will be referred to local police agencies. Juveniles will not be treated as criminals, except in cases where state or federal laws treat the juvenile as an adult.

6. **JUVENILE DELINQUENCY PROGRAM.** The juvenile delinquency program at FSH coordinates appropriate remedial efforts by various staff agencies which include the Provost Marshal's Office (PMO), the Directorate of Community Activities (DCA), the Post Chaplain, Social Work Services, Child and Adolescent Psychology Services, and other community activities, as required. The program objective is two-fold, with the emphasis on:

a. Educating both, parents and juveniles on their responsibilities to prevent crime in our community.

b. Rehabilitation efforts directed toward identified juvenile delinquencies.

c. The JRB is chaired by the Provost Marshal (PM). Permanent members include a military police investigator; the Chief, Youth Services; a representative from the FSH Independent School District; the Family Life Chaplain; the Staff Judge Advocate (who serves as an advisor without a vote); the Garrison Command Sergeant Major (CSM); a representative from Social Work Services, and a representative from Child and Adolescent Psychology Services. The unit commander, or an appointed designee, responsible for family member(s) appearing before the board will attend the proceedings as a temporary, non-voting member.

d. Public Law 93-415, The Juvenile Justice and Delinquency Prevention Act of 1974, encourages programs and services designed to prevent juvenile delinquency, and the diversion of youthful offenders from the criminal justice system. However, in those cases where diversion unsuccessfully impacts on rehabilitation, the law provides for the referral of the juvenile offenders to state or federal authorities, as appropriate. The JRB is FSH's juvenile diversionary program. The success of the efforts to

divert juvenile delinquents will be judged on that individual's subsequent involvement with police agencies.

e. Delinquency should be considered a status, and is not dependent upon a conviction by a criminal court. The suspected misconduct of the juvenile should be processed by a qualified investigator with the intent of discovering the full scope of the juvenile's action. The investigator must make a complete investigative report, as outlined in FM 19-20, Law Enforcement Investigations, and lay a foundation for a knowledgeable referral for rehabilitative actions.

7. **EDUCATION.** As military police assets become available, education programs will be offered to the elementary and high school on FSH. The emphasis of these programs will be on crimes committed by juveniles, and the impact they have on the community. The FSH residential community will periodically be provided with information on juvenile crimes committed on FSH, and its consequences, through articles published in the "News Leader." This information will be published to educate parents and juveniles on the programs FSH has to offer to its youth population.

#### 8. **JUVENILE REVIEW BOARD**

a. The Garrison Commander has the authority to restrict or deny (through appropriate administrative actions) all on-post privileges (except medical, dental, and religious activities) to juvenile family members who commit offenses on FSH. Under this authority, the Garrison Commander has directed that the JRB be established to review juvenile delinquency cases. The board will submit appropriate recommendations regarding possible administrative actions it may impose.

b. The JRB will hear all cases concerning juvenile delinquents referred to them by the PM or any other permanent member of the board. The board will seek the scope of the problem within the family environment, and recommend referrals to appropriate community assistance organizations. The board will recommend to the Garrison Commander proposed administrative actions that are in the best interest of the offender, and the military community (appendix A, Proposed Administrative Actions). Recommended administrative actions will be derived through a majority vote, and do not require a unanimous decision. Any JRB member who receives a juvenile for community service probation must ensure that their agency is notified of the placement, and that the Juvenile Review Board Parole Officer (JRBPO) is informed when the community service work is completed. Supervision of the community service is the responsibility of the sponsor.

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9. RESPONSIBILITIES.

a. The PM:

(1) Is responsible for making referrals to the JRB within area of responsibility.

(2) Coordinates and schedules JRB meetings as required, and serves as chairman of the JRB. If the PM is unable to attend, a designee will be appointed.

(3) Sends letters to instruct the sponsor and the family member to appear before the JRB (appendix B).

(4) Provides results of the board proceedings to the Commanding General, coordinated through the Garrison Commander.

(5) Is responsible for providing written notification of JRB recommendations to the sponsor, after the minutes were approved by the Garrison Commander.

b. The Military Police Investigator (MPI):

(1) Serves as a member of the board, and if unable to attend will appoint a designee.

(2) Provides investigative records for the board proceedings

(3) Is responsible for maintaining minutes of the board meeting

(4) Coordinates with the appropriate JRB member to ensure agency notification of approved community service parole.

c. The Chief, Youth Services

(1) Is responsible for referring cases to the board, within area of responsibility.

(2) Serves as a member of the board, and if unable to attend will appoint a designee.

d. The Superintendent, FSH Independent School District

(1) Is responsible for referring cases to the board, within area of responsibility.

(2) Serves as a member of the board, and if unable to attend appoints a designee.

e. The SJA:

(1) Recommends the referral of juvenile cases to civil authorities, when appropriate. Such cases will be reviewed and processed under the provisions of 18 U.S.C., Section 5032, Juvenile Delinquency, Chapter 403.

(2) Reviews reports forwarded by the PMO or Criminal Investigation Division (CID) for legal sufficiency.

(3) Provides legal advice to the PMO or CID.

(4) Serves as a member of the JRB, and if unable to attend, appoints a designee. Serves as an advisor to the board, but has no voting authority.

(5) Conducts all liaison with the U.S. Attorney.

f. The Family Life Chaplain:

(1) Provides referrals, as appropriate, for consideration

(2) Provides moral and character guidance advice through appropriate channels.

(3) Appoints an alternate to serve as a member of the JRB whenever the Family Life Chaplain cannot be present.

g. The Social Work Services:

(1) Provides referrals as appropriate for consideration by the JRB.

(2) Provides appropriate advice concerning psychiatric evaluation, counseling, or referral.

(3) Provides representation on the JRB.

h. The Child and Adolescent Psychology Services:

(1) Provides referrals as appropriate for consideration by the JRB.

(2) Provides appropriate advice concerning psychiatric evaluation, counseling, or referral.

Provides representation on the JRB

i. The Garrison CSM serves as a member of the JRB, and if unable to attend appoints a designee.

j. Unit commanders:

(1 Will serve as temporary, non-voting members of the JRB

(2) Will ensure that sponsors of juvenile offenders are aware of their responsibility to control and guide their family members through counseling.

(3) Will inform their soldiers of their responsibility to appear before the JRB, and comply with approved JRB recommendations.

(4) Will provide appropriate assistance to the sponsor in fulfilling responsibilities, as required.

10. PROCESSING.

a. The MPI will assume investigative responsibility when a juvenile has committed or is suspected of committing a criminal offense on FSH, in accordance with AR 190-30, Military Police Investigations. When a juvenile suspect is identified in a felony investigation by the CID, efforts will be made to effect a coordination or transfer of investigative responsibility to the MPI section. In those instances involving major criminal offenses by juvenile subjects, the decision on whether CID or MPI will investigate, will be determined by the local CID Agent in Charge, and the PM.

b. The SJA may refer cases to the U.S. Attorney for disposition. Referral to the Federal court will be made only after coordination has been effected with the MPI and/or CID. Factors, such as jurisdiction, seriousness of the offense, past record of the offender, and the best interest of both, the juvenile, and the military community, will be considered.

c. The MPI Juvenile Investigator (in his absence another investigator) is responsible for interviewing the juvenile and his parents, to determine the extent of involvement of the juvenile in an incident. Offenses involving juvenile delinquents and incidents where the juvenile is a repeat offender, will be brought to the attention of the JRB.

d. A member of the PMO, normally the operations officer or MPI, will serve as the JRBPO. The JRBPO administers the Juvenile Work Program. Upon recommendation of the JRB, and approval by the Garrison Commander, a juvenile may be placed on supervised probation in the Juvenile Work Program for a specified period of time. The military sponsor will be ordered to attend with the juvenile, and participate in the work program. This program provides the opportunity for the youth to perform supervised community service work. This program allows the juvenile to "pay back" the FSH community for his transgression. Work program placements will be coordinated with the activity where the youth is to work, prior to placement of the youth. The JRBPO will be notified of placement, and completion of community service work hours.

#### 11. BOARD PROCEEDINGS.

a. The sponsor of the juvenile will be notified by letter through the chain of command if active duty or reserve, and by registered mail if retired or civilian, that the JRB will convene to review the circumstances surrounding the incident involving their juvenile family member. The military sponsor will be ordered to attend, and the juvenile's family member(s) will be invited to appear before the board, to answer questions regarding the incident. In the event of the sponsor's absence, the spouse or guardian should be invited to attend in the sponsor's place. The sponsor's unit commander will provide a memorandum or other supporting documents to the JRB explaining the sponsor's absence, prior to the meeting of the juvenile's case. The JRB will be closed to protect the rights of the juvenile.

b. The chairman of the board will ensure that all hearings are conducted in a dignified, orderly, and fair manner. The JRB hearings will be informal. The chairman of the board will establish the guidelines for the review, and explain them prior to the review.

c. After preliminary board actions are completed, each permanent JRB board member will receive copies of all cases presented for that session. Juveniles and sponsors will be called before the board. Board members may then question the juvenile and sponsor to determine the cause of the incident, and other matters board members believe will impact their recommendations. The military police investigator or other representative, will clarify matters in the case file for board members. The investigator may also be asked to expand on issues raised by the juvenile.

d. Once questions have been completed, the juvenile and

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sponsor will be excused from the board room so that the board may deliberate its decision. Upon reaching a decision, the juvenile and sponsor will be recalled before the board and informed of the decision. This process is repeated for all personnel on the docket.

e. Within 72 hours after the board adjourns the JRB chairman will ensure that board minutes have been prepared and signed. Individual letters will also be prepared for the Garrison Commander's approval or denial, regarding the decision resulting from the board's action on each case. Lastly, an action transmittal document is attached as a cover, requesting the Garrison Commander's approval of the board proceedings (appendix C, JRB Minutes and Memorandum to the Garrison Commander).

f. Once approved, copies are made of the individual letters. One copy is filed and another is receipted by the juvenile/sponsor. The JRB probation officer monitors the case to ensure that the juvenile/sponsor complies with the Garrison Commander's decision. All JRB records are restricted, and will be safeguarded appropriately, in accordance with AR 190-45, Law Enforcement Reporting.

APPENDIX A  
PROPOSED ADMINISTRATIVE ACTIONS

Based on the facts presented in specific cases, the FSH JRB may make the following recommendations to the Garrison Commander as actions in juvenile matters:

Over-stamp the Uniformed Services Identification and Privilege Card (DD Form 1173) to preclude use of the Army Exchange or Commissary.

Have the juvenile submit a written report on a subject determined by the board.

Refer the juvenile and/or his parents to Social Work Services, the Child and Adolescent Psychology Services, the Army Community Service, Alcohol and Drug Abuse Prevention and Control Program, or other counseling and guidance support agencies, when appropriate.

Place a juvenile on informal probation, and specify the privileges to be forfeited in the event of further acts of misconduct.

Withdraw a juvenile's driving privileges on the installation for a specified period of time, if appropriate.

Issue a Letter of Denial, which would preclude the use of any recreational activities on FSH (e.g. youth center, swimming pools, gyms, etc.).

Issue an Order not to Re-Enter FSH, which would restrict the juveniles travel or presence on the installation, when not accompanied by a parent.

Recommend the parents of the juvenile vacate government quarters, in accordance with paragraphs 3-23, and 3-24, AR 210-50, Housing Management.

Assign a case monitor to provide follow-up on juveniles progress.

Recommend participation in the Juvenile Work Program for a specific period of time.

Recommend other appropriate actions on specific individual cases as deemed reasonable by the JRB.

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APPENDIX B  
APPEARANCE BEFORE THE JRB

MCGA-PM (190)

Date

MEMORANDUM FOR SSG JOHN J. DOE (ORGANIZATION), 111-B, Crack  
Street, Fort Sam Houston, Texas 78234

SUBJECT: Appearance of James C. Doe Before the Fort Sam Houston  
Juvenile Review Board (JRB)

1. Under the provisions of FSH Regulation 190-1, the Fort Sam Houston JRB will meet 1000, 22 Sep 98, at the Roadrunner Community Center, Stanley Road, Fort Sam Houston. You and your son are required to appear before the JRB to answer questions and discuss the conduct of your family member. It is recommended that your spouse be present also. Failure to participate in this review may result in administrative sanctions against you as a soldier or your family and their privileges on post.
2. The board will consider the case against your son for the offense of Theft of Government Property (shoplifting) which occurred on 23 Aug 97.
3. If you have any questions concerning this request, please contact Investigator Aldridge, Military Police, 221-0717/1460

SCOTT D. MAIR  
LTC, MP  
Provost Marshal

I acknowledge receipt of this notice to appear before the JRB,  
1000, 22 Sep 97.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

APPENDIX C  
JRB MINUTES AND MEMORANDUM TO THE GARRISON COMMANDER

MCGA-PM

Date

MEMORANDUM FOR Garrison Commander

SUBJECT Juvenile Review Board Meeting, 22 Sep 97

1. The JRB convened 22 September 1997, at the Roadrunner Community Center. The board heard seven cases involving eight juveniles. The board met pursuant to their responsibility as mandated by FSH 190-1. The purpose of the board is to improve the quality of life on the installation by insuring that the sponsors of family members know and understand their personal and parental responsibilities. The JRB is positively oriented, is constituted of professionals in a number of disciplines, and acts to divert the juvenile from the Criminal Justice System (Magistrate Court).

2. The recommendations of this board are based on each specific case presented, and the remarks of the juvenile and their family members. The punishment/sanctions are intended to modify juvenile behavior, and to either train or reinforce appropriate behavior. Many, if not all the recommendations from the board will have a provision that their voluntary participation is contingent upon the privilege of living in government quarters. The board's minutes and recommendations are outlined at enclosure 1 for your approval. If these meet with your approval, please sign the letters at enclosure 2, and return the entire packet to me for file, and distribution to the sponsors.

3 Coordination SJA: Concur/Nonconcur \_\_\_\_\_ Date \_\_\_\_\_

2 Encls  
as

SCOTT D. MAIR  
LTC, MP  
Provost Marshal

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DATE

MEMORANDUM FOR Garrison Commander

SUBJECT: Juvenile Review Board (JRB), 22 Sep 97

1. The FSH JRB convened 1000, 22 Sep 97, at the Roadrunner Community Center. The below listed individuals were in attendance:

LTC Mair	Chairman
CPT Page	Child and Adolescent Psychology Services
Chaplain Dugal	Family Life Chaplain
CPT Langham	SJA
COL Newborn	Social Work Services
CSM Ohara	Garrison CSM
Ms. Taylor	Family Advocacy Program
Investigator Aldridge	Military Police Investigations
Ms. Warren	Chief, Youth Services
Ms. Kiehl	Superintendent FSH, Independent School District
Martin	Alcohol and Drug Abuse Prevention and Control Program

Others Present:

Nobody	111th Mess Kit Commander
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2. LTC Mair briefed the parents and juveniles, and explained all legal rights prior to conducting the JRB. LTC Mair explained the purpose and procedures of the JRB, as well as the sanctions that could be placed on sponsors, and family members.

3. Investigator Aldridge read each case after each sponsor and juvenile entered the room. LTC Mair asked them to relate whatever pertinent information they could, in regards to the case. After a discussion, the sponsor and juvenile left the room and the board determined the appropriate recommendation. The sponsor and juvenile re-entered the room and were informed by LTC Mair of the recommendation.

4. A summarization of the cases reviewed, and the boards recommendation are as follows:

a. Doe, Joe, son of SSG John J. Doe, 111th Mess Kit Company Investigator Aldridge reported that at 1422, 23 Aug 97, Doe was

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SUBJECT: Juvenile Review Board, 22 Sep 97

observed entering the dressing room at the Main Exchange with two T-shirts and a baseball cap. Upon attempting to exit the store without rendering proper payment, Doe was detained by AAFES security. DOE fled the scene in a vehicle and was later stopped by the military police. The stolen merchandise was located in the vehicle.

(1) The following information was learned upon questioning by the board members. DOE stated he had fled the scene because he was scared. He had recently graduated from high school and is scheduled to report to Fort Jackson in October to begin an enlistment in the U.S. Army. The sponsor stated that he had confiscated his son's drivers license.

(2) Board Recommendations: Doe will perform 16 hours of community service at the Provost Marshal's Office.

b. All other entries will follow the format outlined above. The signature block of the JRB chairman will be placed after the last entry and the minutes will be forwarded as required.

SCOTT D. MAIR  
LTC, MP  
Provost Marshal

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From the Office of the Garrison Commander

SSG John J. Doe  
111-B Crack Street  
Fort Sam Houston, Texas 78234

Dear SSG Doe:

The Juvenile Review Board met on 22 September 1997, in accordance with FSH Regulation 190-1. You appeared before the board to review the case against your son, Joe, for the offense of Theft of Government Property (shoplifting).

The board recommended and I have approved the following actions in regard to your son: Joe will perform 16 hours of community service. He will work from 0800-1700, 18 October 1997, and 0800-1700, 25 October 1997, at the Provost Marshal's Office.

Should you have any questions regarding this matter, please contact Investigator Aldridge, 221-0717.

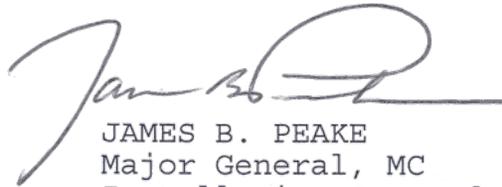
Sincerely

William H. Thresher  
COL, MS  
Commanding

I acknowledge receipt of this notice      Date

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

The proponent of this regulation is the Provost Marshal's Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, U.S. Army Medical Department Center and School and Fort Sam Houston, ATTN: MCGA-PM, Fort Sam Houston, TX 78234-5038.



JAMES B. PEAKE  
Major General, MC  
Installation Commander

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