

1 JANUARY 2002



Law

**DISPOSITION OF JUVENILE MISCONDUCT
CASES**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: 30 SW/JACA
Supersedes 30 SWI 51-101, 1 August 2000

Certified by: 30 SW/JA (Lt Col M. A. Fleming)
Pages: 11
Distribution: F

This instruction provides the framework for the disposition of juvenile misconduct cases and the treatment of juvenile offenders on Vandenberg AFB, CA. The purpose of this instruction is to establish policies, responsibilities, and procedures for the administrative disposition of misconduct committed by juveniles on Vandenberg AFB and to establish the Vandenberg AFB Juvenile Assistance Council (JAC). The JAC will hear cases in which a juvenile is alleged to have engaged in misconduct or any other case referred to it by the 30 Space Wing (30 SW). Any actions taken by the JAC will be designed to attain the primary goal of maintaining good order and discipline on Vandenberg AFB and, if possible, rehabilitating the juvenile offender. Notwithstanding the existence of this instruction, the Federal Magistrate's Court program will continue to apply to all offenses committed on base by civilians. This publication is affected by the Privacy Act of 1974. Each form that is subject to the provisions of AFI 33-332, Air Force Privacy Act Program, and is required by this publication will contain a Privacy Act statement, either incorporated in the body of the document or in a separate statement accompanying each document.

SUMMARY OF REVISIONS

This document is substantially revised and must be completely reviewed.

1. Authority.

1.1. Public Law 94-415, *Juvenile Justice and the Juvenile Justice and Delinquency Prevention Act of 1974* (18 U.S.C. §§ 5031-5042), provides that misconduct committed by a juvenile in an area of Federal jurisdiction should be disposed of outside the Federal courts whenever feasible. This statute establishes an administrative system in lieu of prosecution of juveniles for misdemeanor non-traffic offenses in Federal Magistrate's Court. Felony offenses committed by juveniles in violation of the United States Code will continue to be prosecuted in Federal Court.

1.2. The installation commander is charged with the responsibility of maintaining law and order on the base pursuant AFI 31-101, *The Air Force Installation Security Program*. To achieve this goal, the commander may require that any juvenile charged with misconduct appear before the JAC and explain why base privileges should not be limited or revoked. Privileges subject to revocation include the following: base exchange, commissary, housing, theater, shoppette, base driving privileges, and the privilege of entering any part (or all) of the base. This instruction complies with the foregoing law and instruction by ensuring that an offense involving a juvenile is identified, adjudicated, and disposed of in a manner that maintains good order and discipline while stressing deterrence and rehabilitation of the juvenile.

2. Purpose of the JAC.

2.1. The JAC is designed to:

2.1.1. Maintain good order, morale and discipline on Vandenberg AFB.

2.1.2. Educate juveniles and their sponsors on the consequences of misconduct and crime (i.e., the impact crime has on the juvenile offender, the offender's family, the victim(s), and the community).

2.1.3. Rehabilitate juveniles through counseling, education, community service, restitution, and other means of corrective action as recommended by the JAC and ordered by 30 SW/CC.

2.1.4. Protect the best interests of both the juvenile offender and the Vandenberg AFB community. Accordingly, the system avoids labeling the juveniles with the stigma of "criminal" or "delinquent." Rather, the term "juvenile offender" is used in this instruction.

3. Juveniles Eligible for the Program .

3.1. This instruction applies to juveniles who have engaged in misconduct on Vandenberg AFB, specifically:

3.1.1. Juvenile dependents of personnel stationed at Vandenberg AFB (to include all tenant units).

3.1.2. Juvenile dependents of active duty or retired military personnel using Vandenberg AFB facilities.

3.1.3. Juvenile dependents of DoD civilians or contractors.

3.1.4. Non-base affiliated juveniles who are attending school on Vandenberg AFB.

3.1.5. Any juvenile on Vandenberg AFB for any reason.

3.2. This instruction also applies to the sponsors of juveniles who engage in misconduct on Vandenberg AFB.

4. Scope of the JAC.

4.1. The JAC will adjudicate cases involving non-traffic offenses such as simple/non-aggravated assault, battery, shoplifting, trespassing, or other types of cases at the discretion of the 30 SPTG/CD.

4.2. The JAC will not adjudicate traffic offenses. 30 SFS will continue to issue DD Form 1805, **United States District Court Violation Notice**, to juveniles who commit minor traffic offenses.

These offenses will continue to be processed through the Central Violations Bureau (CVB) and the Federal Magistrates Court program.

4.3. Certain rehabilitative measures, such as referral to counseling, performance of community service, or participation in a work program by the juvenile offender may only be imposed by the JAC if the juvenile agrees to submit to the JAC's jurisdiction. Participation by the juvenile in the JAC program is voluntary. However, certain administrative sanctions may be taken immediately upon commission of an offense against a juvenile offender even if the juvenile refuses to submit to the jurisdiction of the JAC. (For example, 30 SW/CC retains the authority, under AFI 31-101, to bar the juvenile from base or terminate base housing privileges for the juvenile's family. Rescission of administrative sanctions (e.g., reinstatement of privileges) may be contingent upon the juvenile's consent to the jurisdiction of the JAC and satisfactory completion by the juvenile offender and/or his or her sponsor of rehabilitative measures ordered by the JAC.

4.4. If a juvenile refuses to submit to the jurisdiction of the JAC, the JAC may refer the case to the Special Assistant U.S. Attorney for prosecution in Magistrate's Court as a petty offense under 18 U.S.C. § 5032, as may be permitted by law.

5. Composition of the JAC.

5.1. The Deputy Commander, 30th Support Group (30 SPTG/CD) shall serve as the JAC Chairman.

5.2. The Chairman may select other members of the base community to sit on the board, if the nature of a particular case so requires. The other members may include, but are not limited to, the following organizations:

5.2.1. Chaplain (30 SW/HC).

5.2.2. 30th Security Forces Squadron (30 SFS/CC).

5.2.3. Family Advocacy (30 MDOS/SGOHF).

5.2.4. Family Member Support Flight (30 SG/SVYY).

5.2.5. Special invited guests, such as a representative from the Community Support Center (30 MSS/DPF) or the Base Housing Management Office (30 CES/CEH), as necessary. Guests may include the sponsor's commander and first sergeant.

5.3. The Staff Judge Advocate (30 SW/JA) will be available to either advise the Chairman on legal issues as necessary or sit on the board of a particular case or both.

6. Responsibilities.

6.1. Security Forces (30 SFS) will:

6.1.1. Prepare AF Form 3545, **Incident/Complaint Report**, and/or DD Form 1805, **United States District Court Violation Notice**, accurately describing the alleged misconduct for all non-traffic related offenses and contact the juvenile and sponsor with the date, time, and location of the meeting with the JAC Chairman. The meeting date shall be as soon as practically possible.

6.1.2. Issue a notification memorandum (see [Attachment 2](#)) signed by 30 SPTG/CD to the juvenile and serve a copy on the juvenile's parents or sponsor informing them of the charge (an information copy will be sent to the sponsor's unit commander).

6.1.3. Issue to the juvenile a memorandum signed by 30 SPTG/CC that immediately suspends the juvenile's on-base privileges relating to the offense and serve a copy on the juvenile's sponsor.

6.1.4. Send the DD Form 3545 and a copy of the notification letter to the Staff Judge Advocate and to 30 SPTG/CD.

6.1.5. If any of the juvenile offender's privileges are to be revoked, 30 SFS/SFAR will prepare a revocation memorandum for 30 SPTG/CC's signature, addressed to the sponsor, directing the sponsor to apply for a replacement identification card for the juvenile offender with limited privileges. Once signed and returned, 30 SFS/SFAR will ensure the signed memorandum is mailed to the juvenile offender and his or her sponsor and a copy forwarded to 30 MSS/DPMP.

6.2. The 30 SPTG/CD will:

6.2.1. Determine if the matter is appropriate for JAC disposition and determine, based on the facts of each case, whether other members of the Council need to be present at the hearing.

6.2.2. Prepare a decision memorandum (see [Attachment 3](#)) addressed to the juvenile offender, announcing the final disposition of the case. The memorandum shall also include information regarding community service, counseling referrals, etc., if applicable. Ensure the signed memorandum is given to the juvenile offender and his or her sponsor and a copy forwarded to 30 SFS/SFAR and

30 MSS/DPMP.

6.3. The JAC will:

6.3.1. Meet as directed by the JAC Chairman to review cases of juvenile misconduct.

6.3.2. Determine that an act of wrongdoing was committed by a juvenile by utilizing a preponderance of the evidence standard. This is the standard of proof necessary to find that the juvenile committed the misconduct in question. This standard is met when the credible evidence as a whole shows that it is more probable than not that the juvenile engaged in misconduct.

6.3.3. Recommend an appropriate response to the misconduct, including but not limited to the following or any combination thereof:

6.3.3.1. No action.

6.3.3.2. Oral counseling, admonition, or reprimand of the juvenile offender and/or his or her sponsor.

6.3.3.3. Written counseling, admonition, or reprimand of the juvenile offender and/or his or her sponsor signed by 30 SPTG/CD.

6.3.3.4. Referring the juvenile offender and/or sponsor to Family Advocacy, Mental Health, or other agency for counseling.

6.3.3.5. Placing certain base areas and/or facilities off-limits to the juvenile offender.

6.3.3.6. Imposing a curfew other than the normal base curfew.

6.3.3.7. Restricting access to base functions.

6.3.3.8. Suspending or revoking any or all base privileges.

6.3.3.9. Recommend barment from Vandenberg AFB to 30 SW/CC.

6.3.3.10. Recommend termination of on-base family housing to 30 SW/CC.

6.3.3.11. Require the juvenile to complete a specified number of hours of community service on or off Vandenberg AFB. The juvenile and sponsor must sign a volunteer statement prior to participation in a community service program.

6.3.3.12. Identify conditions that may contribute to juvenile problems and recommending corrective action to other base agencies.

6.3.3.13. Referring the case to the appropriate juvenile authorities in the civilian community.

6.3.3.14. Referring the case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. § 5032 in U.S. Magistrate's Court, as may be permitted by law.

6.3.3.15. Any other action deemed appropriate for the preservation of good order, morale and discipline on Vandenberg AFB.

6.3.4. The JAC may require the juvenile offender and sponsor to attend a future JAC meeting to determine whether the action taken was correct and sufficient and whether the juvenile is complying with the terms and conditions.

6.4. The juvenile and his or her sponsor will:

6.4.1. Notify 30 SPTG/CD and 30 SW/JA if they will submit to the jurisdiction of the JAC.

6.4.2. Appear before the JAC as directed in the notification memorandum.

6.4.3. May provide the JAC information relevant to the case by means of witnesses or documents and have these matters heard.

6.4.4. Will comply with all orders of the JAC and the decision memorandum issued by 30 SPTG/CD. While participation in community service and counseling programs by the juvenile and/or the sponsor is voluntary, rescission of administrative sanctions (e.g., reinstatement of privileges) may be contingent upon the satisfactory completion of such programs.

6.5. 30 SW/JA will:

6.5.1. Be available to the Chairman to advise on legal questions and legal issues as needed.

6.5.2. Bring to the JAC's attention and resolve any issues of law that arise before, during and after the JAC proceedings.

7. Conducting JAC meetings.

7.1. The JAC Chairman shall conduct JAC meetings.

7.2. The JAC may arrange for the appearance of any witness deemed necessary for the resolution of the case. Formal rules of evidence do not apply. The JAC may consider information, within its discretion, that is deemed reliable.

7.3. JAC meetings shall be closed to the public, as the information discussed is protected from public disclosure by the Privacy Act, 5 U.S.C. §552a.

7.4. Members of the JAC attending the hearing may make relevant inquiries of the juvenile, his or her sponsor, or any witness.

7.5. The juvenile and sponsor may make an oral statement. Information provided by the juvenile offender or any witness need not be under oath.

7.6. JAC meetings are not adversarial proceedings. Neither the juvenile nor his or her sponsor has the right to legal counsel during the meeting. Nothing in this instruction shall be construed to grant any rights to the juvenile or his or her sponsor.

8. Records Management.

8.1. 30 SFS/SFAR staff shall maintain the confidentiality of all records subject to the Privacy Act of 1974 and dispose of them in accordance with AFI 33-332, *Air Force Privacy Act Program*, AFI 37-138, *Records Disposition--Procedures and Responsibilities*, and AFMAN 37-139, *Records Disposition Schedule*.

ROBERT M. WORLEY II, Colonel, USAF
Commander

ATTACHMENT 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

Terms

Jurisdiction—The JAC shall have jurisdiction over minor juvenile misconduct that occurs on Vandenberg AFB. Major misconduct, including Class A misdemeanors and felonies, will be handled in Federal Magistrates Court. The determination of whether a minor misconduct case is prosecuted in Magistrate's court will be made by the Special Assistant United States Attorney in the Judge Advocate's Office.

Juvenile—An unemancipated minor. A person is unemancipated if he or she has not attained his or her eighteenth birthday, is unmarried, is not in military active duty status, is not living separate and apart from his or her parents or guardian, and has not been deemed emancipated by a court of competent jurisdiction. A minor is any person under the age of 18 years.

Juvenile Assistance Council—The committee charged with reviewing cases of juvenile misconduct.

Juvenile Offender—A juvenile determined by the JAC to have engaged in misconduct on Vandenberg AFB.

Misconduct—A violation of a federal, state, or local statute; a breach of Air Force or installation instructions or regulations; or conduct disruptive to good order, morale, or discipline on Vandenberg AFB. Examples include, but are not limited to, any of the following: 1. Pattern of disobedience of the lawful rules set forth by Security Forces or recreation supervisors, etc., disrespect to military or civil service personnel, or physical assault or battery upon any of these persons. 2. Loitering about the streets, parking lots, or buildings of Vandenberg AFB during the hours of darkness. Violation of curfew regulation. 3. Vandalism or destructive behavior causing damages to property. 4. Shoplifting from a commissary, Base Exchange, or other AAFES institution.

Preponderance of the evidence—The standard of proof necessary to find that the juvenile committed the misconduct in question. This standard is met when the credible evidence as a whole shows that it is more probable than not that the fact sought to be proved (i.e., that the juvenile committed the act) actually occurred.

Sponsor—An adult who is the parent or guardian of a juvenile alleged to have committed misconduct on Vandenberg AFB. A sponsor includes the host of a guest from off base or who has responsibility for the conduct of juveniles in his or her charge.

ATTACHMENT 2

FORMAT FOR LETTER NOTIFYING JUVENILE OF JAC MEETING

MEMORANDUM FOR (Juvenile’s Name)

(Address)

(Address)

FROM: 30 SPTG/CD

1031 California Ave Suite C200

Vandenberg AFB CA 93437-6265

SUBJECT: Notification to Appear Before the Juvenile Assistance Council (JAC)

1. In accordance with 30 SWI 51-101, *Disposition of Juvenile Misconduct Cases*, you and your parent(s)/sponsor are hereby notified to appear before the JAC on _____. The council meets in the court-room of the 30th Space Wing (Bldg. 10577, Room C-111). You and your parent(s)/sponsor may use this letter to gain access to Vandenberg Air Force Base for the purpose of attending the hearing.

2. On _____ (Date), you were allegedly involved in juvenile misconduct on Vandenberg Air Force Base. Misconduct is defined as any violation of federal, state, or local statute, a breach of Air Force or installation instructions or regulations, or other activity prejudicial to good order and discipline on Vandenberg Air Force Base. At the meeting you and your parent(s)/sponsor will have the opportunity to explain why your base privileges should not be limited or revoked. The privileges subject to revocation include but are not limited to the following: Base Exchange, commissary, base housing, and base entry.

3. You and your parent(s)/sponsor may present any relevant information, facts, or circumstances for consideration by way of witness testimony or exhibits. You may testify or decline to testify at your discretion. If you intend to present witnesses or exhibits, you must present a list of each witness or exhibit to the JAC. NOTE: If you decline to attend the JAC you must contact 30 SPTG/CD at (805) 606-4603 at which time your case will be calendared for Federal Magistrate’s Court.

4. Possible sanctions include, but are not limited to, no action, verbal counseling, written counseling, referring the juvenile offender and/or sponsor to Family Advocacy, Mental Health, or other agency for counseling, placing certain base areas and/or facilities off-limits to the juvenile offender, imposing a curfew other than the normal base curfew, restricting access to base functions, suspending or revoking any or all base privileges, recommend barment to 30 SW/CC, recommend termination of on-base family housing to 30 SW/CC, require the juvenile to complete a specified number of hours of community service on or off Vandenberg AFB, identifying conditions that may contribute to juvenile problems and recommending

corrective action to other base agencies, and/or referring the case to the appropriate juvenile authorities in the civilian community.

5. The Staff Judge Advocate's office will provide you a copy of 30 SWI 51-101 upon request. The Security Forces Squadron can also provide copies of any relevant statement/complaint reports.

6. A copy of this letter will be served to your parent(s)/sponsor. Another copy will be presented to your sponsor's commander.

7. If you fail to appear at the designated time, you may be barred from base pursuant to AFI 31-101, *The Air Force Installation Security Program*, and your case will be referred to the Special Assistant US Attorney for prosecution as a petty offense under 18 U.S.C. § 5032 in US Magistrate's Court. If you need to reschedule, please contact 30 SPTG at (805) 606-8700.

PAUL D. WUEBOLD, Lt Col, USAF
Deputy Commander

cc:

(Parent/Sponsor)

(Sponsor's Commander)

ATTACHMENT 3

FORMAT FOR JUVENILE ASSISTANCE COUNCIL DECISION

MEMORANDUM FOR

FROM: 30 SPTG/CD

SUBJECT: Juvenile Assistance Council Decision

1. On _____, you met with the Juvenile Assistance Council (JAC) to determine if you were involved in a _____ at the _____ on Vandenberg Air Force Base. The JAC decided you were involved in the incident described above. Because of your involvement with this incident, you must comply with the following actions:

- a. Your Base Exchange privileges will be revoked for a period of one (1) year. You **must request reinstatement** of your exchange privileges, in writing, upon expiration of the revocation period. Requests should be addressed to 30 SFS/SFAR, 108 Colorado Blvd, Vandenberg AFB CA 93437-6300.
- b. You must complete the Youth Educational Shoplifting Program.
- c. You must pay restitution to AAFES in the amount of \$ _____ by _____.
- d. You and your parents must complete a Teen Parenting Class and Family Counseling. You should contact the Mental Health Office, 30 MDOS/SGOHF at (805) 606-5338 to schedule the class. The return of your privileges on base is contingent upon completion of Teen Parenting Class also.
- e. You must complete _____ hours of community service by _____. You should call the volunteer coordinator to schedule those hours.
- f. Other actions as appropriate.

2. You must provide written proof of actions listed in paragraph one above, by _____ to 30 SFS/SFAR.

3. Failure to comply with these requirements could result in further action being taken, including, but not limited to, referral of your case to the Special Assistant U.S. Attorney for prosecution as a petty offense under 18 U.S.C. § 5032 in U.S. Magistrate’s Court.

4. It is my responsibility to maintain good order and discipline on this base. I believe you understand what is right and wrong. If you learn from this experience, perhaps some good will come of an otherwise unfortunate incident. You have the intelligence and potential to do much better. I am certain you can, and I expect you to.

PAUL D. WUEBOLD, Lt Col, USAF
Deputy Commander

cc:

30 SPTG/CCIM

30 SFS/SFAR

30 MSS/DPMPS

1st Ind, Parent/Guardian of _____

MEMORANDUM FOR 30 SPTG/CD

Receipt acknowledged this ____ day of _____. I understand all required actions must be completed in the time stipulated and proof presented to 30 SPTG/CD.

Signature