

**DISPOSITION OF JUVENILE
MISCONDUCT CASES**

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This instruction provides the framework for the disposition of juvenile misconduct cases and the treatment of juvenile offenders. This instruction applies to all residents of MacDill Air Force Base as well as military dependents who reside off base.

SUMMARY OF REVISIONS

This instruction incorporates the requirements, information, and procedures formerly in MACDR 110-1, reorganizes text, and changes certain requirements and procedures.

1. Definitions.

- 1.1. Juvenile. Any unmarried person under the age of 18 years who is not in military active duty status.
- 1.2. Misconduct. A violation of a statute, regulation, or instruction or conduct disruptive to good order and discipline on MacDill Air Force Base.
- 1.3. Juvenile Corrections Board. The committee charged with reviewing cases of juvenile misconduct.
- 1.4. Juvenile Corrections Board Administrator and Assistant Administrator. An assistant staff judge advocate and paralegal assigned to the 6th Air Base Wing, Office of the Staff Judge Advocate (6 ABW/JA), responsible for managing the Juvenile Corrections Board Program.

2. Policy. Juvenile misconduct presents a threat to the maintenance of good order and discipline and protection of property at MacDill Air Force Base. Such misconduct may be the result of immaturity; therefore, the goal of the MacDill Air Force Base Juvenile Corrections Program is to rehabilitate the offenders.

Accordingly, any punishments should be designed to prevent further misconduct and instill respect for the law in MacDill's young people.

3. Responsibilities.

3.1. Sponsors. Sponsors include hosts of guests from off-base parents and/or guardians, who have responsibility for the conduct of juveniles in their charge. Sponsors must ensure juveniles in their charge comply with all federal and state laws and regulations as well as MacDill Air Force Base directives.

3.2. Installation Commander. The wing commander, as installation commander, is responsible for good order on MacDill Air Force Base and responding to breaches of good order and discipline by adults and juveniles. Responsibility for responding to breaches of order by juvenile offenders is delegated to the Commander, 6th Support Group (6 SPTG/CC).

3.3. 6 SPTG/CC or, in his/her absence, the Deputy Commander (6 SPTG/CD), is Chairperson of the Juvenile Corrections Board. The Chairperson is the final approval authority for any disposition recommended by the Juvenile Corrections Board, other than barring an individual from the base or specific base facilities.

3.4. Juvenile Corrections Board Administrator. The Juvenile Corrections Board Administrator or Assistant Administrator coordinates all Board activities including reviewing and referring cases, scheduling hearings, providing a liaison between the Juvenile Corrections Board and respondents, as well as preparing documents reflecting a board's results.

4. Juvenile Corrections Program . The Juvenile Corrections Board Program will include a Juvenile Corrections Board as a standing committee of MacDill Air Force Base. The Board will meet regularly to review cases of juvenile misconduct that are referred by any of the Board's members, the Board's Administrator or Assistant Administrator, or through any other official channel.

5. Composition of the Juvenile Corrections Board.

5.1. The Juvenile Corrections Board will consist of the incumbents of the following positions or their designated representatives:

5.1.1. 6 SPTG/CC, Chairperson, member.

5.1.2. 6 ABW/JA, member.

5.1.3. Commander, 6th Security Police Squadron, member.

5.1.4. 6 ABW Senior Enlisted Advisor, member.

5.1.5. 6th Medical Group, Family Advocacy Office, member.

5.2. Chairperson: 6 SPTG/CC or, in his or her absence, 6 SPTG/CD.

5.3. Quorum: A quorum shall exist of the chairperson and two of the above-listed members.

6. Juvenile Corrections Board Procedures.

6.1. Informal Administrative Hearings: Proceedings before the Juvenile Corrections Board shall

be informal hearings that are noncriminal in nature. The hearing is an opportunity for the Board to discuss the misconduct with the alleged offender and his or her sponsor and for the alleged offender to explain his or her conduct. Accordingly, the rules of evidence shall not apply in any form to Board proceedings and there is no right to have an attorney represent the juvenile or sponsor.

6.2. Record of Proceedings. Recommendations for action by the Juvenile Corrections Board

shall not constitute a criminal record. All proceedings before the Board are closed and information derived from the hearing is not released outside the Air Force without the consent of the parent or an offender who is over the age of majority.

6.3. Right to be Heard. Any juvenile appearing before the Juvenile Corrections Board has a right to present matters in his or her defense or matters in mitigation. Any parent or guardian appearing before the Board has a right to address the Board and/or speak on behalf of the child.

6.4. Parties Present. Attendance during a hearing shall be limited to the following persons:

6.4.1. The Juvenile Corrections Board members.

6.4.2. The military sponsor of the juvenile.

6.4.3. The parent(s) or guardian(s) of the juvenile.

6.4.4. The juvenile.

6.4.5. The Juvenile Corrections Board Administrator, Assistant Administrator, or designated representative.

6.4.6. Other persons may be permitted access to the hearing room while the Board is in session with the express permission of the juvenile's parent(s) or guardian(s) and approval of the chairperson. The chairperson has the authority to deny a request for other parties to be present. Attorneys are not permitted to appear on behalf of the juvenile or his or her family regardless of parental consent.

6.5. Deliberation. After all parties have had an opportunity to speak, the chairperson shall recess the hearing for deliberations. The Board shall then decide whether the juvenile was involved in the alleged misconduct. A majority is sufficient for such a finding.

6.5.1. Finding of No Involvement. If the Board determines that the juvenile was not involved in the alleged misconduct, the chairperson, through the Board Administrator, shall send the juvenile, his or her parents, and the sponsor a letter indicating this finding.

6.5.2. Finding of Involvement. If the Board finds the juvenile was involved in the alleged misconduct, the Board may do the following:

6.5.2.1. Take no action.

6.5.2.2. Verbally reprimand the juvenile and/or his or her parents and/or sponsor before the hearing adjourns.

6.5.2.3. Refer the juvenile to the MacDill Air Force Base Hospital, Mental Health Services, the

Chaplain, or other appropriate agency for counseling with the consent of the parent or guardian.

- 6.5.2.4. Refer the family to the Family Advocacy Office.
- 6.5.2.5. Refer the juvenile to the MacDill Air Force Base Drug and Alcohol Abuse Program, with the consent of his or her parents.
- 6.5.2.6. Give a written reprimand to the juvenile and/or his or her parent, guardian, or military sponsor.
- 6.5.2.7. Impose a special curfew.
- 6.5.2.8. Assign community service tasks to be performed by the juvenile, with the consent of his
or her parent or guardian.
- 6.5.2.9. Recommend the installation commander place certain base areas or facilities off-limits to the juvenile.
- 6.5.2.10. Refer the juvenile to an appropriate State or Federal probation program, with the consent of his or her parent or guardian.
- 6.5.2.11. Recommend termination of the sponsor's military family housing privilege.
- 6.5.2.12. Recommend the case be referred to the United States Attorney for the Middle District of Florida for prosecution in the United States District Court, Middle District of Florida, Tampa
Division.
- 6.5.2.13. Any combination of the above actions.

6.6. Finding of Involvement - Barment From Installation: In addition to the actions listed in paragraph 6.5., the Juvenile Corrections Board may recommend the installation commander bar the juvenile from entering MacDill Air Force Base.

6.7. The installation commander retains the authority to order another hearing on any matter and, after notice to the parents or guardians, to change a disposition of the Juvenile Corrections Board.

7. Juvenile Corrections Board Administration.

7.1. The 6 ABW/JA shall appoint an assistant staff judge advocate and paralegal as the Juvenile Corrections Board Administrator and Assistant Administrator.

7.2. The Administrator and Assistant Administrator shall coordinate all Juvenile Corrections Board activities including reviewing and referring cases to the Board, scheduling hearings, providing a liaison between the Juvenile Corrections Board and respondents, and preparing documents reflecting Board results.

7.3. The Administrator and Assistant Administrator are responsible for reviewing juvenile incidents presented for referral by official MacDill Air Force Base agencies and reported in Security Police blotters for potential Juvenile Correction Board cases. Prior to referring any case to the Board, the Administrator and/or Assistant Administrator shall ensure the alleged misconduct is corroborated by facts. In addition, the Administrator will review the case to determine whether it is worthy of Juvenile Corrections Board consideration. In this analysis, the Administrator should take the following factors into consideration: the seriousness of the misconduct, previous misconduct, the likelihood that the

Board will have a positive effect upon the juvenile, mitigating circumstances, and the availability of the juvenile.

7.4. Notice. At least five duty days prior to a scheduled Juvenile Corrections Board hearing, the Assistant Administrator should send or deliver written notice to the parent or guardian of a juvenile who has been referred to the Board. The notice shall be hand-delivered or sent to last known address. The notice shall include the date, time and place of the hearing, the alleged misconduct, and a statement that attendance at the hearing is a mandatory formation for military personnel. At least three duty days prior to a scheduled hearing, the Assistant Administrator will deliver a copy of the case file to each Board member.

7.5. Board Results. To ensure timely action is taken, the Assistant Administrator shall, within five duty days of a Juvenile Corrections Board hearing, prepare documents consistent with the Board's decisions and recommendations and send them to 6 SPTG/CC or the installation commander for approval and signature, if appropriate. Upon approval, the Assistant Administrator may release the approved actions to the juvenile's parent or guardian. Failure to

comply with the five duty day time period shall not in any way affect the validity of the Board results.

8. Appeals of Juvenile Correction Board Actions. Appeals of Board actions may be made, for good cause, to the 6 SPTG/CC. If 6 SPTG/CC does not grant the appeal, further appeal may be made to the Commander, 6th Air Base Wing (6 ABW/CC). The 6 SPTG/CC or 6 ABW/CC may suspend, mitigate, remit, or set aside any unexecuted portion of an approved Board action. Decisions by 6 ABW/CC are final.

8.1. Suspension. All or part of the action is suspended for a specific probationary period with the understanding that it will be automatically remitted at the end of that period if the juvenile offender does not engage in any further misconduct.

8.2. Mitigation. The action is changed to a less severe action in type or quantity.

8.3. Remission. The offender is excused from the unexecuted portion of the action.

8.4. Set Aside. Cancellation of the punishment in whole or in part when the appeal authority determines the offender did not commit the offense.

8.5. Vacation of Suspension. Where a prior action has been approved and suspended, 6 SPTG/ CC may vacate the suspension upon another act of misconduct by the same juvenile without referring the case to another Juvenile Corrections Board.

9. Command Action . The command action taken will be documented on the appropriate incident report and filed as prescribed by regulations governing the use of DD Form 1569, Incident/Complaint Report. No independent system of records will be generated or kept by the Juvenile Corrections Board.

CHARLES T. OHLINGER III, Colonel, USAF
Commander