



DEPARTMENT OF THE NAVY

JOINT BASE COMMANDER
JOINT BASE PEARL HARBOR HICKAM
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JBP HHINST 5800.3
JB00
27 Sep 12

JOINT BASE PEARL HARBOR-HICKAM (JBPHH) INSTRUCTION 5800.3

From: Commander, Joint Base Pearl Harbor-Hickam (JBPHH)

Subj: JUVENILE DEPENDENT MISCONDUCT ADJUDICATION PROGRAM (JDMAP)

Ref: (a) Section 797 of title 50, United States Code, Penalty for Violation of Security Regulations and Orders
(b) DoDI 5200.08, Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)

Encl: (1) Terms
(2) Sample Notification to Appear Before the Juvenile Misconduct Hearing (JMH)
(3) Sample Civilian Misconduct on Joint Base Pearl Harbor-Hickam-Warning Memorandum
(4) Sample Notice of Appearance-Dependent Misconduct Hearing (DMH) Memorandum

1. Purpose. To establish policy and instructions governing the Juvenile Dependent Misconduct Adjudication Program (JDMAP) with the objective of maintaining good order and discipline among juvenile dependents within JBPHH.

2. Cancellation. This instruction is an initial publication and must be reviewed in its entirety.

3. General

a. Historically, JBPHH has not had a formal system for addressing adjudication of on-base incidents involving juvenile dependents that did not meet the threshold for either civil or federal charges. For the most serious incidents, either local law enforcement (i.e., Honolulu Police Department) or in more serious cases, federal authorities, have been brought in to assume jurisdiction, in which case offenders are processed through the respective court system. However, for minor criminal violations or violations of base policy, there was no process in place (short of debarment) to address juvenile dependent misconduct.

b. The Juvenile Dependent Misconduct Adjudication Program is intended to address this shortfall. After a case of alleged juvenile misconduct has been referred to the JDMAP by an authorized Referring Official (RO), the case will be administratively prepared by the JDMAP Administrator (JDMAPA) and scheduled to come before a Juvenile Misconduct Hearing (JMH) presided over by a Juvenile Misconduct Hearing Officer (JMHO).

c. The JMH is not a judicial proceeding; it is an administrative forum under the authority of the Joint Base Commander (JBC).

d. The JDMAP applies to those juvenile dependents and their military sponsors who are alleged to have committed on-base offenses which do not warrant adjudication through either the federal or civilian court system.

Failure or refusal to participate in the JMH process will be documented and may be considered by the JBC when determining final administrative action up to and including debarment from the installation.

4. Responsibilities.

a. Joint Base Commander. Per references (a) and (b), commanding officers of military installations shall issue necessary regulations for the protection and security of property or places under their command. Pursuant to that responsibility, and as a component of overall base security, JBC will provide executive oversight of the JDMAP.

b. JBP HH Chief Staff Officer (CSO) and Deputy CSO (DCSO). The JBC delegates JDMAP oversight to the JB Chief Staff Officer (CSO) (Primary) and Deputy Chief Staff Officer (DCSO) (Alternate). The CSO or DCSO will ensure the JDMAP meets its objective to maintain good order and discipline among juvenile dependents within JBP HH. As such, the CSO or DCSO shall:

(1) Select and supervise the Juvenile Dependent Misconduct Adjudication Program Administrator.

(2) For each hearing, act as Juvenile Misconduct Hearing Officer or select and appoint another to serve in that role. Note: the JBC or Deputy JBC (DJBC) may serve as the JMHO for any JMH he/she deems appropriate, such as those involving special circumstances (i.e., incident involving juvenile dependent of a high ranking officer).

(3) In cases for which CSO/DCSO do not themselves act as the Juvenile JMHO, review and approve the hearing results.

(4) As directed, forward results to the JBC and DJBC for review.

c. Juvenile Misconduct Hearing Officer. The JMHO, aka "Hearing Officer," is the presiding official over a given hearing. The JMHO will hear the facts surrounding alleged incidents of juvenile misconduct, make findings of fact, and assign sanctions as appropriate.

d. Referring Officials. The following ROs are authorized to submit a juvenile dependent offender's case for induction to the JDMAP once sufficient information has been presented to identify the subject:

- (1) JBC, DJBC, CSO, or DCSO;
- (2) 15th Wing Commander (15 WG/CC) or Vice Commander (15 WG/CV);
- (3) Joint Base Security Officer (JBSO) or Deputy JBSO;
- (4) NCIS/CID/AFOSI supervisory representative;
- (5) Commanding Officer of Juvenile's Sponsor, or CO's Designated Representative;
- (6) Commander of Sponsor or his/her Designated Representative;
- (7) JBP HH or 15 WG Staff Judge Advocate (SJA);
- (8) JDMAP Administrator;

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(9) Parents of Juveniles (may refer their own dependents only).

e. Joint Base Security Officer (JB2). Assign a Juvenile Dependent Misconduct Adjudication Program Administrator, subject to the approval of the CSO/DCSO.

f. Juvenile Dependent Misconduct Adjudication Program Administrator.

(1) Receive and review all JBPHH law enforcement journal reports and blotters for incidents involving juvenile misconduct.

(2) Forward to the CSO/DCSO a summary description of a) all incidents which involve juvenile misconduct which have been submitted by an RO, and b) any additional incidents discovered by the JDMAPA and initially assessed to warrant adjudication. Each case forwarded to CSO/DCSO will be accompanied by a recommendation regarding JDMAP and JMH applicability.

(3) Upon direction from the CSO/DCSO, schedule cases for a hearing.

(4) Prepare and manage JMH Case Review Folders/Personal Information Files (PIFs).

(5) Document all minutes and action letters from the JMH.

g. JBPHH SJA. Provide counsel and review cases as required.

h. Juvenile Dependents. Juvenile dependents will maintain high standards of conduct both on and off base. Involvement as a subject in criminal or status offenses off base is subject to administrative action by the JBC, either through the JDMAP process as laid out in this instruction, or independent of it.

5. Offenses Subject to JDMAP Review. The JDMAP will review cases of misconduct on JBPHH committed by juvenile dependents regardless of military service branch. Juvenile dependents alleged to have committed the following offenses will be subject to review.

a. Burglary/Housebreaking;

b. Vandalism or Malicious Mischief (includes damage to government and private property);

c. Theft, Larceny or Misappropriation (includes shoplifting if extenuating circumstances exist);

d. Assault or Battery;

e. Disorderly Conduct or Terroristic Threatening;

f. Alcohol/Drug Use or Involvement;

g. Any offense deemed appropriate by JBC/DJBC/CSO/DCSO.

6. JDMAP Process

a. The CSO/DCSO will determine whether the case should be dismissed, referred to a Juvenile Misconduct Hearing, be adjudicated without an in-person hearing, or be referred to another agency for disposition.

(1) The CSO/DCSO will designate the JMHO for each hearing, whether it be one of themselves or a delegate.

(2) In certain cases, the CSO/DCSO (or designated JMHO) may decide for adjudication without a Hearing if the offender has confessed to the offense, if all pertinent information is available, or if the preponderance of the available evidence would enable appropriate administrative adjudication.

(3) Cases recommended for off-base family court will require coordination with various on and off base agencies.

b. When a Hearing is to be conducted, a "Notice of Appearance at Juvenile Misconduct Hearing" memorandum (Enclosure 2) will be signed by the CSO/DCSO and issued through the JDMAPA to the juvenile dependent's command representative. Delivery to the juvenile dependant's sponsor should be made in person by the sponsor's commander / first sergeant / Command Master Chief / Chief of the Boat whenever feasible. If direct personal contact with the sponsor cannot be made, the notification should be completed via registered or certified mail/return receipt requested.

c. JDMAPA prepares the JMH Case Review Folders/Personal Information File on each case to appear. Each case folder will contain the following items when available:

- (1) Incident Report identifying the juvenile dependent as a subject;
- (2) Juvenile dependent worksheet;
- (3) Documentation of any prior involvement in misconduct;
- (4) Any other pertinent documents which have bearing on the case (i.e., follow-up record, witness/complainant/victim statements, etc.).

d. Appearance by the dependent before the JMH is mandatory. Juvenile dependents brought before the JMH do not have the right to be represented by counsel, to remain silent, or to present witnesses. If a juvenile dependent or the juvenile dependent's sponsor does not agree to appear before the JMH, the JMHO will address the incident through appropriate action on a case by case basis, which may include debarment or termination of military family housing.

e. Conducting the JMH

(1) The JMHO will introduce all parties present, notify the juvenile dependent of the nature of the offense(s), offer the juvenile dependent the opportunity to explain his/her involvement with the case, and answer any questions from the dependent and/or the dependent's sponsor.

(2) The Hearing Officer may request the appearance of any person whose presence he/she deems necessary, and may consult with supporting offices as needed.

(3) When the JMHO believes the case has been fully heard, he/she may direct the juvenile dependent to wait outside the hearing room. The Hearing Officer may require the sponsor to remain and answer other questions.

(4) The JMHO will consider the case and make findings of fact. Findings of fact and sanction decisions are based on the preponderance of the evidence.

f. Upon a determination of guilt, the JMHO will impose appropriate sanctions upon the juvenile dependent. If the JMHO is other than the CSO/DCSO, the sanction will be reviewed and approved by the CSO/DCSO. If the strongest sanctions of debarment or termination of military housing are recommended, the CSO/DCSO will prepare a recommendation, with input from the Staff Judge Advocate (SJA) for JBC review and approval

g. After the case has been adjudicated and the JDMAPA has compiled the documents from the JMH, the package is routed through JBPHH/SJA, CSO/DCSO (includes signing the minutes and action memoranda), and JBC/DJBC.

h. Both the sponsor and the juvenile dependent will be presented with a Memorandum of Disciplinary Action (Enclosure 4). The document will be signed for acknowledgment by the sponsor and the juvenile dependent, and a copy will be provided to each of them. If the sponsor receives the memorandum without the juvenile dependent being present, the sponsor will be required to return a copy signed by the juvenile dependent within 10 duty days. If debarment is recommended, the Hearing Officer will advise the juvenile dependent that a recommendation will be made to the JBC to bar the offender from JBPHH and all military installations in Hawaii.

i. Appeals. Any persons affected may appeal disciplinary actions imposed under the provisions of this instruction.

(1) Appeals must be submitted in writing within 5 duty days of receipt of the disciplinary action memorandum;

(2) All appeals must be endorsed by the sponsor;

(3) The JBC/DJBC will serve as appellate authority for all actions imposed by the JMH;

(4) When the JBC elects to serve as the hearing officer, the Commander Navy Region Hawaii (CNRH) will serve as the appellate authority.

(5) If the Hearing Officer recommends debarment, the juvenile dependent and his/her sponsor have 5 duty days to request an appeal and provide any additional information for consideration by JBC. The DJBC will review the case before presenting the case to the JBC. When the JBC orders that an offender be barred, there is no appeal.

j. Failure to complete JMH requirements. The JDMAPA will track completion of actions /sanctions adjudged by the JMH. Failure by the juvenile dependent to meet any conditions of sanctions, including their spirit or

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intent, will be documented on a "Failure of Corrections/Restitution Report" and forwarded to the CSO/DCSO for further action.

7. JMH Actions / Sanctions. While not all-inclusive, the following are examples of sanctions that may be imposed or recommended through the JMH. A juvenile dependent may be subject to one or more of the following:

a. Community Service. Performing community service for a defined number of hours. The military sponsor will be responsible for monitoring completion of community service. The military sponsor will notify the JDMAPA when the juvenile dependent's community service has been completed. The certificate of completion will include a statement by the agency for which the service was performed. That statement will specify the number of hours worked, the work performed, and the quality of the juvenile dependent's work. The sponsor must be present during performance of community service; exceptions will be made on a case by case basis (i.e., sponsor is deployed, child care issues, etc.). There are three ways in which community service can be performed:

(1) Base Beautification. Base beautification details may involve all juvenile dependents with community service hours and their sponsors.

(2) Deployed Spouse/Single Parent Support. The JDMAPA may select juvenile dependents for individual details in support of single parents or personnel with deployed spouses (i.e., mowing lawns, washing cars, etc.) provided applicable releases from liability for property damage and personal injury have been obtained in advance.

(3) On/Off-base Community Service. Juvenile dependents may perform the remainder of their community service hours on or off base with an organization approved by the JDMAPA.

b. Probation. An imposed period of supervision and evaluation of the offender by the JDMAPA, usually ordered for a certain period of time. During this time, juvenile dependent may be periodically required to reappear before a JMH for check-in.

c. Curfew. An imposed hour by which the juvenile dependent is required to be at home unless he/she is with a parent, legal guardian, or adult appointed by the parent/legal guardian.

d. Suspension/Revocation of Privileges. May include any logistical support privileges except medical, dental, chapel, and counseling benefits. This may include but is not limited to:

- (1) Navy or Army and Air Force Exchange (NEX/AAFES) privileges;
- (2) Commissary privileges;
- (3) Club privileges;
- (4) Non-appropriated fund (e.g. MWR) activity access.

e. Restitution. The ordered repayment of damages by the juvenile dependent. The repayment amount and schedule will be documented as prescribed by the Hearing Officer or the JDMAPA. The scheduling of payments should be made in the presence of JDMAPA whenever possible. However, alternate arrangements can be made with the approval of the Hearing Officer.

Adjustments to the schedule or payment arrangements will be documented on a follow-up/continuation sheet.

f. Counseling. Recommendation to seek professional counseling from support agencies, (i.e., Life Skills, Chaplain, etc.). If indicated, the military sponsor will be strongly encouraged to complete actions as recommended. The JDMAPA will document information that does not interfere with privileged communication. Failure of the military sponsor to seek and abide by the counseling order may subject the sponsor to administrative or disciplinary actions. Guidelines are contained in the action letter.

g. Suspended Driving Privileges. The revocation of on-base driving privileges as approved by the JBC.

h. Recommendation for a Suspended Debarment (Prohibited Entry Order - Suspended, which can only be imposed by the JBC). A specified period of time during which the juvenile dependent is on probationary status and can be considered for debarment in light of any additional misconduct.

i. Recommendation for Debarment (Prohibited Entry Order, which can only be imposed by the JBC). An imposed period during which the offender is debarred from the installation; a debarment order can include indefinite debarment from all military installations in Hawaii.

j. Recommendation to the JBC for the termination of government quarters occupied by the sponsor.

k. Oral Reprimand.

l. Written Reprimand.

m. No further action or dismissal of allegations.

8. Records of the JDMAP. The following documentation, as applicable, will be included in the JDMAP case files / PIFs and maintained by the JDMAPA.

a. JMH minutes;

b. JMH action memorandums. Formally advises the sponsor of the approved actions of the Hearing Officer and/or JBC. There may be instances when an action letter is not required (i.e., when a warning memorandum suffices for action);

c. Suspended Debarment or Debarment Memorandum. Signed/approved by the JBC or appropriate "by direction" authority. Suspended Debarment is contingent upon the juvenile dependent's continued good behavior. Further misconduct during the suspended debarment period may subject the juvenile dependent to immediate debarment;

d. Confiscation of Military ID Card memorandum;

e. Extension of Revoked Privileges memorandum.

9. Juvenile Dependent Personal Information File (PIF). The JDMAPA will establish a PIF for each juvenile dependent processed through the JMH. The following considerations are observed:

a. Duration of PIF control. The PIFS are maintained until the sponsor's DEROS or the following:

- (1) The juvenile dependent becomes 18 years of age.
- (2) The juvenile dependent marries a nonmilitary member.

b. PIFs may be forwarded to the next installation upon direction of JBC/DJBC.



J. W. JAMES

TERMS

Juvenile. Synonymous with child and is defined as any unmarried person under the age of 18 (eighteen) years.

Juvenile Dependent Misconduct Adjudication Program Administrator (JDMAPA). An individual assigned by the Joint Base Commander (JBC) to administer and manage the Juvenile Dependent Misconduct Adjudication Program (JDMAP) and enforce the disposition of juvenile dependent offenders.

Juvenile Misconduct Hearing (JMH). The JMH is a forum established to review juvenile dependent misconduct cases that occur on Joint Base Pearl Harbor-Hickam. The JMH may impose sanctions including but not limited to rehabilitation, community service, restrictions, referral support, and, when warranted, referral of juvenile dependent offenders for debarment and/or to the juvenile criminal justice system.

Juvenile Misconduct Hearing Officer (JMHO). Person designated by the CSO / DCSO who presides over the JMH.

Misconduct. A violation of statute or regulation, including "Juvenile Status Offenses" whereby the age of the juvenile dependent offender would subject him or her to a violation that an adult would not normally be subjected (i.e., truancy, curfew violation, runaway, etc.).

NOTIFICATION OF APPEARANCE AT JUVENILE MISCONDUCT HEARING MEMORANDUM

DD MMM YY

MEMORANDUM FOR (NAME OF SPONSOR)

From: Chief Staff Officer, Joint Base Pearl Harbor-Hickam

Subj: Notification of Appearance at Juvenile Misconduct Hearing

1. This notification is to inform you that you and your son/daughter, _____, are scheduled to appear before the JBPHH Juvenile Misconduct Hearing Officer at (time) on (date) _____, 20____. The hearing will convene in the Joint Base Commander's Conference Room, Bldg 150, second floor.
2. The purpose of the hearing is to inquire into the alleged misconduct of _____ and to take appropriate action to prevent recurrence. (Name of Juvenile Dependent) should be prepared to account to the Juvenile Misconduct Hearing Officer for his/her alleged misconduct.
3. Appearance in this forum is voluntary. However, failure to appear will still result in adjudication of the case based on all available facts and evidence.
4. If you have any questions, please contact (Name of JDMAPA) at (Phone Number of JDMAPA).
5. Please sign below acknowledging receipt of this notification.

D. HOLDERMAN
CAPT USN
Chief Staff Officer

First Endorsement

From: (Sponsor)

To: Chief Staff Officer, Joint Base Pearl Harbor-Hickam

I acknowledge receipt of this memorandum.

Sponsor

I served this letter upon the sponsor personally.

Rank/Name/Date/Time

Encl (2)

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**DEPARTMENT OF THE NAVY**JOINT BASE PEARL HARBOR-HICKAM
850 TICONDEROGA ST STE 100
JBPPH HI 96860-5102**CIVILIAN MISCONDUCT ON JOINT BASE PEARL HARBOR-HICKAM -
WARNING MEMORANDUM**

MEMORANDUM FOR _____

FROM: JBPHH Commander

JBPHH HI 96860

SUBJECT: Juvenile Dependent Misconduct on JBPHH - Warning

1. Official documents _____ show that your juvenile dependent _____ has been found in violation of:

2. Under the authority of 50 U.S.C. 797, I may deny access to the installation through a debarment order. I have determined that juvenile dependents who commit serious offenses on base will generally be debarred from base. In the case of (Name of Juvenile Dependent), I have decided not to impose debarment for this offense. However, further misconduct will likely result in your dependent being debarred from Joint Base Pearl Harbor-Hickam and all military installations in Hawaii, a very serious consequence that will likely place a great burden on you and your family.

3. It is my sincere wish that you take this warning seriously, for it is only through military members taking proper accountability of their juvenile dependents that we can help ensure we have a safe and secure installation. I appreciate your full support in this matter.

J. W. JAMES
Commander, JBPHH



DEPARTMENT OF THE NAVY

JOINT BASE PEARL HARBOR-HICKAM
850 TICONDEROGA ST STE 100
JBPPH HI 96860-5102

JUVENILE MISCONDUCT HEARING MEMORANDUM OF ACTION

MEMORANDUM FOR (NAME OF JUVENILE DEPENDENT)
THRU (NAME OF SPONSOR)

FROM: JBPPH CHIEF STAFF OFFICER
Bldg 150
JBPPH, HI 96853

SUBJECT: Juvenile Misconduct Hearing Memorandum of Action

1. You have been found to have (committed / not committed) the alleged misconduct of _____ within Joint Base Pearl Harbor-Hickam. Juvenile dependent misconduct will not be tolerated.
2. You are hereby directed to complete the actions outlined below. Failure to complete these actions may result in the immediate issuance of a debarment letter and/or an eviction notice.
3. Directed actions include _____.
4. If you have any questions, please contact (Name of JDMAPA) at (Phone Number of JDMAPA).
5. Please sign below acknowledging receipt of this notification.

D. HOLDERMAN
CAPT USN
Chief Staff Officer

1st Ind,
MEMORANDUM FOR JBPPH CSO

I acknowledge receipt of this memorandum.

Sponsor

I served this letter upon the sponsor personally.

Rank/Name/Date/Time