



UNITED STATES MARINE CORPS
MARINE CORPS LOGISTICS BASE
814 RADFORD BOULEVARD
ALBANY, GEORGIA 31704-1128

BO 5370.9A
AR0000
2 Feb 04

BASE ORDER 5370.9A

From: Commanding Officer
To: Distribution List

Subj: JUVENILE CORRECTION BOARD

Encl: (1) Procedures for Hearings
(2) Sample Letter of Notification
(3) Sample Letter of Receipt of Notice
(4) Sample Corrective Action Letter
(5) Sample Non-Compliance Letter

1. Situation. The Commanding Officer, Marine Corps Logistics Base, Albany, exercises administrative authority over all personnel and activities within this installation. Juveniles (17 years of age and under), when residing in government quarters or otherwise present aboard the installation, are subject to the rules and regulations that govern Marine Corps Logistics Base, Albany. The Juvenile Correction Board, hereinafter called the JCB, is a medium whereby juveniles who have committed minor criminal offenses may be diverted from prosecution in Federal Magistrate's Court. The JCB is intended to address the juvenile offender's conduct by developing a sense of responsibility to the juvenile's community and respect for the persons and property of others.

2. Cancellation. BO 5370.9

3. Mission. The purpose of this Order is to provide the framework for disposition of juvenile misconduct cases and establish the JCB to address such cases.

4. Execution. The JCB was created to informally hear cases and to advise and make recommendations to the Commanding Officer in exercising his inherent command authority to safeguard the good order and discipline of the installation. The JCB is not intended to embarrass or harass the juvenile or parents/legal guardians, but to impress upon the juvenile the consequences of

his or her actions or omissions. The JCB will assess the degree of involvement and rehabilitative potential of the juvenile; assess the seriousness of the misconduct; and if necessary, recommend appropriate corrective action.

a. The JCB shall be composed of the following members or their designated representatives:

- (1) President: Battalion Executive Officer
- (2) Staff Judge Advocate
- (3) Provost Marshal
- (4) Base Inspector
- (5) Head, Marine Corps Family Team Building
- (6) Battalion Sergeant Major

b. The JCB has primary cognizance and disposition authority over all cases concerning juvenile misconduct that are considered minor in nature. Aggravating factors may warrant referral by the JCB President to the Special Assistant United States Attorney (SAUSA) for consideration of prosecutorial merit without prior JCB consideration. Cases exceeding the guidelines below are considered serious and may be referred to the SAUSA for assessment and disposition. Minor offenses that will normally be referred to the JCB, include but are not limited to:

(1) All first-time offense shoplifting cases involving property totaling under \$200 and all other first-time offense cases involving theft of personal or government property totaling under \$200.

(2) All cases involving juvenile fights not resulting in serious bodily harm.

(3) All first-time offense vandalism cases involving property damage under \$200.

(4) All other cases considered minor in nature.

c. Provost Marshal personnel will:

(1) Prepare an Incident Report for each case of juvenile misconduct occurring on board MCLB Albany.

(2) Forward copies of the incident report to the Base Inspector.

d. The Base Inspector will:

- (1) Oversee the administration of the JCB.
- (2) Review all incident/complaint reports pertaining to youth that are obtained from PMO.
- (3) Obtain additional case information, if required.
- (4) Schedule a board when deemed appropriate by the JCB President.
- (5) Advise the board members of the date and time of the scheduled JCB.
- (6) Notify the military sponsor by letter, through the sponsor's officer in charge (OIC), the location and time of the JCB.
- (7) Provide a copy of the case file to JCB members at least 7 days prior to the scheduled hearing date when possible.
- (8) Provide JCB members with a case progress update on all open cases prior to each JCB meeting.
- (9) Provide clerical support.
- (10) Assist the President in drafting all JCB correspondence with regard to recommendation and/or notification of remedial action.
- (11) Maintain JCB program records.
- (12) Destroy the juvenile's JCB records upon the family's permanent change of station (PCS), or the sponsor's separation from service. PMO and/or NCIS reports will be maintained in accordance with applicable records management tables and rules.
- (13) Act as the JCB focal point for juveniles, parents and base agencies.

e. The JCB shall function under the supervision of the President of the Board. The procedures to be followed for the

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conduct of the hearings and the processing of juvenile misconduct cases are contained in Enclosures (1) through (5).

5. Administration and Logistics

a. Administration. Anyone having knowledge of vandalism, theft, disorderly conduct or other misconduct by juveniles on Marine Corps Logistics Base property will report such an act or acts without delay to the Military Police.

b. Logistics. None.

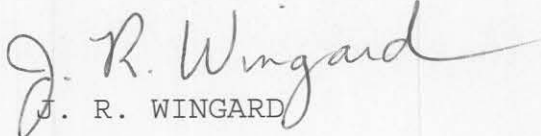
6. Command and Signal.

a. Command. This Base Order applies to all juveniles engaged in misconduct on board Marine Corps Logistics Base, Albany, Georgia.

(1) Military Personnel. All personnel found in violation of this Order may be subject to judicial, non-judicial or administrative action.

(2) Civilians. All personnel found in violation of this instruction may be cited via DD Form 1805, United States District Court Violation Notice, (Class C Misdemeanor) and/or be subjected to administrative penalties up to and including debarment.

b. Signal. Any questions concerning this Order should be addressed to the Staff Judge Advocate. This Order is effective the date signed.


J. R. WINGARD

DISTRIBUTION: A

PROCEDURES FOR HEARINGS

1. General Considerations. The purpose of the JCB hearings is not to harass the family member, but to impress upon the family member the consequences of his or her actions or omissions. The JCB will assess the degree of involvement and rehabilitative potential of the family member; assess the seriousness of the incident; and if necessary, recommend appropriate corrective action. JCB members will gather information on dependent juvenile misconduct to formulate appropriate recommendations for the Commanding Officer's approval/disapproval. JCB hearings are administrative in nature and are closed to the public. A JCB hearing is not a judicial proceeding; is not bound by any rules of evidence, and is not required to determine any juveniles factual or legal guilt nor if an incident has or has not occurred. The JCB will be prepared to hear and duly consider any statement of the Juvenile and/or sponsor with regard to the incident in question and evidence reasonably available that may be helpful in reaching a fair decision without undue delay. Actions that may be recommended by the JCB include, but are not limited to, any or all of the following:

- a. No action.
- b. Oral counseling /written warning to the sponsor/
juvenile.
- c. Referring the juvenile and/or the juvenile's
family to an agency for counseling.
- d. Placing certain base areas off-limits to the
juvenile.
- e. Imposing a curfew.
- f. Restricting access to base functions.
- g. Suspending or revoking base privileges (driving, base
exchange, commissary, etc.)
- h. Assigning community service hours to juveniles.
The JCB will determine the number of hours to be assigned and

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the time in which the service must be completed. The military sponsor will be responsible for monitoring completion of community service. The military sponsor will notify the Base Inspector when the juvenile's community service has been completed. Certification of completion will include a statement by the agency for which the service was performed that specifies the number of hours worked, the work performed, and the quality of the juvenile's work.

- i. Assigning restitution.
- j. Eviction from government housing.
- k. Debarment of the dependent juvenile from Marine Corps Logistics Base, Albany.
- l. Referral to the U.S. Attorney for prosecution as a petty offense under the Juvenile Delinquency Act.
- m. Other appropriate remedial action as the JCB may recommend.

2. Notification of Sponsor. The Base Inspector will notify the military sponsor and the sponsor's command of the date and time of the JCB hearing. In cases involving deployed or TAD sponsors, the spouse or guardian will be notified directly by a representative of the Base Inspector's office. The spouse or guardian will be instructed to report to the Base Inspector to receive the Letter of Notification. The Letter of Notification will annotate the date and time of the hearing and requirement to appear in person. The sponsor or guardian will sign the attached Receipt of Notice to Appear at the JCB hearing and return it to the Base Inspector for retention and inclusion in the hearing record.

3. Conduct of the JCB hearing. The atmosphere of the hearing will be similar in dignity and seriousness to that of a military board or court and proper decorum will be observed. A quorum of at least four JCB members must be present at all JCB hearings. The President of the JCB has the discretion to exclude any member of the board.

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a. The President of the JCB shall, in each case, inform the military sponsor or other parent and the dependent juvenile that:

(1) The Commanding Officer has the authority to evict military personnel and their families from quarters or government-controlled housing and that such eviction may be for a dependent juvenile's violation of base orders and regulations.

(2) The Sponsor and/or the dependent juvenile may address the board, present evidence on their own behalf, and inspect evidence offered against them.

(3) JCB proceedings are neither a criminal proceeding nor an interrogation. Counsel for the subject juvenile may be present during JCB hearings, however, it is not recommended.

b. Presentation of the case. The JCB President shall direct a JCB member to make a brief statement of the case and present evidence of misconduct by the juvenile. In most instances, the presentation of the case will be based solely on the facts set forth in the notification letter and the police report. However, in the case of serious juvenile misconduct, the President may call any witnesses who have relevant testimony or introduce relevant exhibits.

c. Witnesses

(1) Witnesses appearing before the JCB need not be sworn.

(2) Members of the JCB may make relevant inquiries of any witness.

(3) The juvenile cannot be compelled to testify against himself/herself nor may his/her silence be construed against him/her.

(4) The JCB is not required to compel the presence of any witnesses.

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4. Disposition of the Case

a. Following the presentation of the case and any statements from witnesses or from the juvenile, the juvenile may be directed to leave the hearing room for further discussions between the juvenile's sponsor(s), and the JCB members, if necessary. After discussions between the JCB and the sponsor(s), the JCB shall deliberate in private session concerning the proposed remedial actions.

(1) Recommendations will be formulated and voted upon by the JCB in closed session.

(2) Recommendations for any action(s) shall be made by majority vote of the members present and voting.

(3) The sponsor and juvenile will be recalled and the JCB's recommendations announced.

b. A report of the hearing will be submitted to the Commanding Officer for final determination. Once a decision has been rendered, correspondence detailing appropriate action to be completed by the juvenile will be forwarded. Corrective actions must be completed and presented to the Base Inspector's office within 90 days of receipt of the Corrective Actions Letter. Failure to comply with the Commanding Officer's requirements within the established timeframe will result in the individual receiving a Non-Compliance Letter. The Non-Compliance letter will stipulate that any/all requirements must be completed within 30 days from receipt of the letter. Failure to comply with the non-compliance letter will result in the case being reevaluated for additional administrative actions, which may include, but is not limited to, permanent loss of Base or facility privileges, issuance of a persona non-grata letter to the offender, and eviction from Base housing. In addition, the case may be reviewed for prosecution in Federal Court.

c. The Base Inspector is responsible for generating any/all correspondence relating to JCB actions. Additionally, the Base Inspector will gather, maintain and monitor all physical and or documentary evidence considered and any other pertinent documents relating to the case.

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5. Records Disposition. All investigative reports and material relating to incidents involving dependent juveniles shall be considered to be of a confidential nature and maintained in accordance with current regulations and Privacy Act restrictions. Records of the JCB hearings shall be retained at the Base Inspector's Office.

6. Appeals. Any objection by the military sponsor or guardian to the administrative action recommended by the JCB and approved by the Commanding Officer will be submitted in writing with pertinent details to the Commanding General (Attn: Command Inspector), Marine Corps Logistics Command, within 10 working days after official written notification.

ENCLOSURE (1)

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SAMPLE LETTER OF NOTIFICATION

From: Commanding Officer, Marine Corps Logistics Base, Albany
To: (Sponsor)

Subj: NOTICE TO APPEAR AT THE JUVENILE CORRECTIONS BOARD
HEARING

Encl: (1) Receipt of Notice to Appear at the Juvenile
Correction Board Hearing

1. You are hereby informed that the Juvenile Correction Board will conduct an administrative hearing on _____ at _____ in the Base courtroom, Building 3500, Room 503, Marine Corps Logistics Base, Albany, Ga. The purpose of this hearing is to consider the misconduct of your dependent, _____ who was involved in _____ aboard Marine Corps Logistics Base, Albany.

2. You and your dependent child, _____ shall appear at the hearing at the time indicated.

3. You are required to acknowledge the receipt of this notice to appear at the JCB hearing by signing and returning the enclosure to the Base Inspector's Office, Building _____, Room _____ not later than _____.

4. Point of contact is _____ at _____.

I. N. SPEC
By direction

ENCLOSURE (2)

SAMPLE LETTER OF RECEIPT OF NOTICE

From: (Sponsor)
To: Commanding Officer, Marine Corps Logistics Base, Albany
(Attn: Base Inspector)

Subj: RECEIPT OF NOTICE TO APPEAR AT THE JUVENILE CORRECTIONS
BOARD HEARING

1. I acknowledge receipt of the reference and the requirement that I appear with my dependent, _____, at the specified time and place. I understand that the Juvenile Correction Board will conduct the hearing on _____, at _____ in the Base courtroom and failure to appear at the designated time constitutes a full waiver of our hearing opportunity.

2. Additionally, I am aware of the authority and responsibility of the Commanding Officer, Marine Corps Logistics Base, Albany, to take appropriate action in cases of alleged misconduct. I understand the board may recommend any combination of the following actions to the Commanding Officer (the list is not all inclusive):

- a. No action.
- b. Oral counseling /written warning to the sponsor/
juvenile.
- c. Referring the juvenile and/or the juvenile's
family to an agency for counseling.
- d. Placing certain base areas off-limits to the
juvenile.
- e. Imposing a curfew.
- f. Restricting access to base functions.
- g. Suspending or revoking base privileges (driving, base
exchange, commissary, etc.)
- h. Assigning community service hours to juveniles.

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- i. Assigning restitution.
- j. Eviction from government housing.
- k. Debarment of the dependent juvenile from Marine Corps Logistics Base, Albany.
- l. Referral to the US Attorney for prosecution as a petty offense under the Juvenile Delinquency Act.

Signature and date

ENCLOSURE (3)

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SAMPLE CORRECTIVE ACTION LETTER

From: Base Inspector
To: Sponsor

Subj: JUVENILE CORRECTION BOARD CORRECTIVE ACTION

1. A _____ Report revealed that during _____, your dependent, _____ was involved in _____ aboard Marine Corps Logistics Base, Albany, Georgia.

2. The Commanding Officer concurs with the recommendations of the Juvenile Correction Board, which convened on _____. Accordingly, the following requirements apply.

3. You are hereby officially advised that:

(1) _____ shall write the Commanding Officer an apology letter.

(2) _____ shall complete 20 hours community service through the _____.

(3) _____

4. The above requirements must be completed within 90 days after receipt of this letter.

5. You are hereby officially advised that misconduct of this nature will not be tolerated aboard this installation. _____ is hereby warned against further involvement in activities of this nature. Future violations of Base regulations by _____ may result in more severe sanctions against him.

I. N. SPEC
MSgt, USMC
Base Inspector

ENCLOSURE (4)

SAMPLE NON-COMPLIANCE LETTER

From: Base Inspector
To: Sponsor

Subj: NON-COMPLIANCE WITH JUVENILE CORRECTION BOARD ORDER

Ref: (a) BO 5370.9A

Encl: (1) Base Inspector's ltr _____

1. The reference tasks the Base Inspector with ensuring that dependent and juvenile misconduct is administered fairly and in accordance with principles of administrative due process. Juveniles who have been the subject of administrative action pursuant to the reference must comply with its requirements, which are approved by the Commanding Officer.

2. On _____, you received the enclosure directing your dependent, _____, to complete the following requirements within 90 days: _____

3. You are hereby formally notified of your dependent's non-compliance. You are advised that corrective action must be completed and presented to this office within 30 days after receipt of this letter. Failure to comply with the board's requirements may result in being reevaluated for additional administrative actions, which may include, but are not limited to, permanent loss of base of facility privileges, issuance of persona non-grata letters to the offender, and eviction from base housing. In addition, the case may be reviewed for prosecution in Federal Court by the Special Assistant United States Attorney.

4. You are directed to contact the Base Inspector's Office, Marine Corps Logistics Base, Albany, no later than 5 working days after receipt of this letter regarding the status of your dependent's actions to comply with the Juvenile Correction Board requirements.

5. Point of contact at this command is _____, at _____.

I. N. SPEC
By direction

ENCLOSURE (5)