

**BY ORDER OF THE COMMANDER  
45TH SPACE WING**

**45TH SPACE WING INSTRUCTION 51-101**



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Law**

**JUVENILE INTERVENTION COUNCIL (JIC)**

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This instruction provides the framework for the disposition of cases of juvenile misconduct and the treatment of juveniles on Patrick AFB. It implements AFPD 51-1, *The Judge Advocate General's Department*. It applies to any juvenile military dependent engaged in misconduct on Patrick AFB or Cape Canaveral AFS. This instruction is in compliance with, and affected by, the Privacy Act of 1974. The system of records required by this instruction is authorized IAW Title 10 U.S.C. §§ 133 and 8012. Each form that is subject to the provisions of AFI 33-332, *Air Force Privacy Act Program*, and required by this instruction contains a Privacy Act statement, either incorporated in the body of the document or in a separate statement accompanying each document. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through Major Command (MAJCOM) publications/forms managers. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at <https://my.af.mil/afirms/afirms/afirms/rims.cfm>.

**SUMMARY OF CHANGES**

This instruction has been revised to: (1) reflect changes to AFI 34-211, *Army and Air Force Exchange Service General Policies* and to organizational names on Patrick AFB; (2) reflect the consolidation of DODD 1330.17 and DOD 1330.17-R into DODI 1330.17, *Armed Services*

*Commissary Operations*; (3) add 45 SW/CCCF and 45 MSS/DPF as additional voting members on the JIC; (4) reflect updates to AF Form 3545, *Incident Report*; (5) add DD Form 1805, *Violation Notice U.S. District Court*, to 45 SFS responsibilities in preparing for the Juvenile Intervention Council (JIC); (6) specify that the Legal Advisor must issue a Notification of Hearing Letter at least fourteen (14) days prior to the date of the JIC; (7) require the Legal Advisor to provide the case files to the JIC members five (5) days (rather than seven (7) days) prior to the JIC; (8) change the meeting frequency of the JIC from monthly to quarterly or as directed by the Chairperson; (9) allow discussions with the juvenile's sponsor(s) to take place prior to or after the presentation of the case; and (10) implement revisions to the sample notification letters. Overall, the purpose and process of this instruction remains substantially unchanged.

**1. Authority:** The 45th Space Wing Commander is charged with the responsibility for maintaining law and order on the base (AFI 31-101, *The Air Force Installation Security Program*). To carry out this responsibility, the commander may demand that any juvenile military dependent charged with misconduct explain why his/her privileges should not be limited or revoked. These privileges include: exchange privileges (AFI 34-211, *Army and Air Force Exchange Service General Policies*); commissary privileges (DODI 1330.17, *Armed Services Commissary Operations*); family housing privileges (AFI 32-6001, *Family Housing Management*); the privilege of entering the base (AFI 31-101, *The Air Force Installation Security Program*); and base driving privileges (AFI 31204, *Air Force Motor Vehicle Traffic Supervision*).

**2. Purpose:** The JIC will conduct hearings concerning cases of misconduct by juveniles arising on Patrick AFB or Cape Canaveral AFS and involving the minor children of military members. Remedial actions resulting from hearings before the JIC will be designed to preserve good order and discipline on Patrick AFB and Cape Canaveral AFS, protect persons and property on the installation, and, if possible, correct the behavior of the juvenile.

**3. Jurisdiction:** The JIC shall have jurisdiction over all juvenile misconduct that occurs on Patrick AFB or Cape Canaveral AFS involving the minor children of active duty, reserve, or retired military personnel. Because the remedies for misconduct set forth in this instruction are administrative, actions taken in accordance with this instruction shall not prevent concurrent criminal prosecution of the juvenile.

#### **4. Composition of the JIC:**

4.1. The JIC will consist of the following members or their designated representatives:

4.1.1. Chairperson – 45<sup>th</sup> Mission Support Group Deputy Commander (45 MSG/CD).

4.1.2. The 45<sup>th</sup> Security Forces Squadron Commander (45 SFS/CC).

4.1.3. The 45<sup>th</sup> Mission Support Group Chief Master Sergeant (45 MSG/CCC).

4.1.4. Family Member Programs Flight Chief (45 SVS/SVY).

4.1.5. Family Advocacy (45 MDOS/SGOHS).

4.1.6. Family Support Center Director (45 FSS/FSFR).

4.2. If the juvenile's sponsor is an active duty member, the sponsor's Squadron Commander or equivalent (at least an E-7 or above) sits as a non-voting member of the Council.

4.3. At least three (3) voting members of the Council must be present in order to convene the JIC.

4.4. Legal Advisor. An Assistant Staff Judge Advocate shall serve as Legal Advisor to the JIC. An enlisted member in the paralegal career field can assist with all duties of the Legal Advisor, except those in paragraph 6.2.10 of this instruction.

4.5. Should the minor child of any JIC member be involved in a case of juvenile misconduct before the JIC, the JIC member shall be disqualified from participating as a Council member in the hearing of that case.

## **5. Processing Juvenile Misconduct Cases:**

5.1. The 45th Security Forces Squadron personnel will:

5.1.1. Prepare an AF form 3545, Incident Report, or a DD Form 1805, *Violation Notice U.S. District Court*, for each case of juvenile misconduct occurring on Patrick AFB that involves a juvenile military dependent. Cases of misconduct by non-military dependent juveniles will be handled as appropriate (including, but not limited to, civilian prosecution, revocation of base driving privileges, or barment from base), but will not be referred to the JIC.

5.1.2. Maintain a separate log recording, at a minimum, the names of the juvenile(s) involved in the misconduct, the date of the misconduct, and the status of the juvenile (i.e., whether he/she is a military dependent). The incident shall be documented in the Security Forces daily blotter.

5.1.3. Forward copies of the AF Form 3545 or DD Form 1805 to the JIC Legal Advisor and, upon request, to the sponsor's unit commander.

5.2. The Legal Advisor will:

5.2.1. Obtain additional case information, if required.

5.2.2. Issue a Notification of Hearing Letter (attachments 2 and 3) to the sponsor of the juvenile military dependent suspected of misconduct no later than fourteen (14) days prior to the date of the JIC. If the juvenile's sponsor is an active duty member, a copy of the notification letter shall be forwarded to the sponsor's unit commander.

5.2.3. Prepare a brief legal review of the case for presentation to the JIC.

5.2.4. Provide a copy of the case file to the JIC members at least five (5) days prior to the scheduled hearing date when possible.

5.2.5. Provide JIC members with a case progress update on all open cases prior to each JIC meeting.

5.2.6. Provide clerical support for the recording and publishing of JIC meeting minutes.

5.2.7. Assist the Chairperson in drafting all JIC correspondence with regard to recommendation and/or notification of remedial action.

5.2.8. Maintain JIC program records.

5.2.9. Act as the JIC focal point for juveniles, parents, and base agencies.

5.2.10. Advise the Chairperson and members of the JIC on all legal matters relating to the JIC.

**NOTE:** Only the Staff Judge Advocate or designee can provide advice on legal matters concerning the JIC.

5.3. The JIC will meet quarterly (or as directed by the Chairperson based on caseload). The meeting will be held in the Patrick AFB legal office courtroom (642 O'Malley Road, Bldg 562), or at such other place as is designated by the Chairperson.

5.4. Sponsors and juveniles will appear before the JIC according to the instructions contained in the Notification of Hearing Letter (attachments 2 and 3).

## **6. General Procedures:**

6.1. Rules of Evidence. Formal rules of evidence shall not apply in JIC proceedings. The general rule is that all matters that are relevant and material to the matter before the JIC are admissible.

6.2. Standard of Proof. Any determinations made at the hearing will be based on the preponderance of the evidence presented.

6.3. Witnesses.

6.3.1. Witnesses appearing before the JIC need not be sworn.

6.3.2. Members of the JIC may make relevant inquiries of any witnesses.

6.3.3. The juvenile cannot be compelled to testify against himself/herself, nor may his/her silence be used against him/her.

6.3.4. The JIC is not required to compel the presence of any witnesses.

6.4. Presentation of the Case.

6.4.1. The Legal Advisor shall 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, the AF Form 3545, DD Form 1805, and any witnesses present at the hearing. However, in cases of serious juvenile misconduct, the Legal Advisor may call witnesses who have relevant testimony or introduce relevant exhibits.

6.4.2. The juvenile may be represented by civilian counsel before the JIC at the expense of the juvenile or his/her sponsor. The juvenile, his/her sponsor(s), and/or his/her civilian counsel may make a brief statement, cross-examine any witnesses called by the Legal Advisor, and present any relevant evidence for consideration by way of witness testimony or exhibits. Any witnesses called to testify on behalf of the juvenile may be cross-examined by the Legal Advisor and/or the members of the JIC.

**NOTE:** While the JIC has discretion to question witnesses concerning facts or other matters raised by the juvenile, the juvenile's sponsor(s), and/or his/her civilian counsel at the hearing, the JIC may also choose to rely solely upon the case file and/or other official documentation of the circumstances of the juvenile's misconduct in arriving at its determination.

6.5. Discussions. Prior to or following the presentation of the case and any testimony from the juvenile and/or witnesses, the juvenile may be directed to leave the hearing room so that further discussions can take place between the juvenile's sponsor(s) and the JIC members, if necessary. After discussions, if any, between the JIC members and the sponsor(s), the JIC shall deliberate in a private session concerning proposed remedial actions.

6.6. JIC Member Recommendation. Upon conclusion of deliberations, the JIC members shall make a recommendation for appropriate remedial action to the Chairperson based on a consensus of the JIC membership. The recommendation may include, but shall not be limited to:

6.6.1. No action.

6.6.2. Oral counseling.

6.6.3. Referring the juvenile and/or the juvenile's family to an agency for counseling.

6.6.4. Placing certain base areas off-limits to the juvenile.

6.6.5. Imposing a curfew.

6.6.6. Restricting access to base functions.

6.6.7. Suspending or revoking base privileges (driving, exchange, commissary, etc.)

6.6.8. Termination of base family housing privileges.

6.6.9. Barment.

6.6.10. Referring the juvenile to a community service program for a specific number of hours of work. Participation in a community service program is voluntary. It may be recommended in place of, or in conjunction with, other remedial action(s). The juvenile and sponsor must sign a volunteer statement prior to participation in this program.

6.6.11. Identifying conditions that may contribute to juvenile problems and recommending corrective action to other base agencies.

6.6.12. Referring the case to juvenile authorities in the civilian sector.

6.6.13. Referring the case to the Office of the U.S. Attorney for prosecution as a petty offense under the Juvenile Delinquency Act, 18 U.S.C. § 5031, et. seq.

6.6.14. Other appropriate remedial action(s) as the JIC may recommend.

6.7. Approval of Action. After consideration of the JIC members' recommendation for appropriate remedial action, the Chairperson shall approve the remedial action(s) as recommended by the JIC membership and/or direct such other remedial action(s) as the Chairperson deems appropriate.

**7. Notification of Action.** The juvenile and sponsor(s) shall be promptly notified of the remedial action(s) approved by the JIC Chairperson.

**8. Disposition by the JIC Chairperson.**

8.1. If the JIC Chairperson approves a recommendation of revocation/suspension of driving, base exchange, and/or commissary privileges, the recommendation will be forwarded to the

45th Mission Support Group Commander (45 MSG/CC) for action, under the authority delegated by the 45th Space Wing Commander (45 SW/CC).

8.2. If the JIC Chairperson approves a recommendation of termination of base housing privileges, the recommendation will be forwarded to the 45 SW/CC, or his/her designee, for action.

8.3. If the JIC Chairperson approves a recommendation of barment from the base, the recommendation will be forwarded to the 45 SW/CC for action.

8.4. For all other JIC recommendations, the JIC Chairperson shall direct the approved remedial action(s) be carried out by the designated office of primary responsibility.

**9. Appeal of Action.** The juvenile and/or sponsor(s) may appeal the remedial action(s) approved by the JIC Chairperson. Such appeals shall be in writing and shall include the appellant's reasons for regarding the approved remedial action(s) as inappropriate under the circumstances, as well as any additional matters not raised during the JIC hearing. The written appeal shall be submitted to the JIC Chairperson within five (5) days of notification of the approved remedial action(s) or the right to appeal is waived.

9.1. For all issues except barment and termination of base housing privileges, the JIC Chairperson shall forward the appeal, together with a recommendation for appropriate remedial action, to the 45 MSG/CC for action.

9.1.1. In acting on an appeal, the 45 MSG/CC may exercise the same power with regard to remedial action as may be exercised under paragraph 7.7 of this instruction by the JIC Chairperson.

9.1.2. The juvenile and/or sponsor(s) may file a written appeal of any action taken by the 45 MSG/CC with the 45 SW/CC for final disposition. The appeal shall be submitted to the 45 SW/CC within five (5) days of the notification of such action or the right to appeal is waived.

9.2. For cases involving termination of base housing privileges and/or barment from the base, the JIC Chairperson shall forward the appeal, together with a recommendation for appropriate remedial action, to the 45 SW/CC for final action.

**10. Records.** JIC records shall be kept confidential. IAW AFMAN 37-123, *Management of Records*, JIC records shall be maintained at the base legal office (45 SW/JA) for a period of three (3) years.

**11. Prescribed Forms:**

AF Form 3545, *Incident Report*

DD Form 1805, *Violation Notice U.S. District Court*

**12. Adopted Forms:**

AF Form 847, *Recommendation for Change of Publication*

ANDRÉ L. LOVETT, COLONEL, USAF  
Vice Commander

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFI 31-101, *Integrated Defense (FOUO)*, 8 October 2009

AFI 31-204, *Air Force Motor Vehicle Traffic Supervision*, 14 July 2000

AFI 32-6001, *Family Housing Management*, 21 August 2006

AFI 33-332, *Privacy Act Program*, 29 January 2004

AFMAN33-363, *Management of Records*, 1 March 2008

AFI34-211(I), *Army and Air Force Exchange Service General Policies*, 30 July 2008

AFPD51-1, *The Judge Advocate General's Department*, 19 November 1993

DoDI1330.17, *Armed Services Commissary Operations*, 8 October 2008

***Terms***

**Juvenile (Minor, Minor Child(ren))**—Any person under the age of 18 who has never been married.

**Military Dependent**—The spouse, child, stepchild, or adoptive child of an active duty, reserve, or retired military member; or anyone who is ‘sponsored’ by an active duty, reserve, or retired military member.

**Misconduct**—Any violation of federal, state, or local law, or any Air Force regulation, instruction, or ordinance, or any other activity that is prejudicial to good order and discipline on Patrick AFB or Cape Canaveral AFS.

**Attachment 2****SAMPLE – ACTIVE DUTY AND RESERVES**

MEMORANDUM FOR (NAME & RANK OF SPONSOR)  
(HOME ADDRESS)

FROM: 45 SW/JA  
642 O'Malley Road, Bldg 562  
Patrick AFB FL 32925

SUBJECT: Notification of Hearing Before the Juvenile Intervention Council (JIC)

1. It has come to my attention that your dependent, (full name of juvenile military dependent), was involved in an incident at (location and date of misconduct). More specifically, (summary of the facts and circumstances surrounding the incident and the specific nature of the alleged misconduct). You and (dependent's name) are hereby directed to appear before the next meeting of the JIC on (date), at (time), in the Maj Gen James S. Cheney Federal Courtroom, 642 O'Malley Road (Bldg. 562), Patrick AFB, FL, for a hearing of this case.
2. At this hearing you may present evidence and/or witnesses, and be represented by civilian legal counsel – all at your own expense. Be advised that this hearing is not an adversarial proceeding, but, rather, is your opportunity to present factual evidence to the JIC in order to assist the Council in formulating its recommendation to the JIC Chairperson concerning the case and/or any appropriate remedial action. The JIC, at its discretion, may question witnesses concerning the facts of the case or other matters raised by you during the hearing. However, the JIC is not required to compel the presence of any witnesses and may choose to rely solely upon the incident report and/or other official documentation of your dependent's misconduct in arriving at its determination. Any determinations made at the hearing will be based on the preponderance of the evidence presented, and are made without prejudice to the rights of you, your dependent, or the U.S. government in subsequent criminal or administrative proceedings involving the same matter or related incident.
3. Your failure to appear at the above-scheduled hearing can result in disciplinary and/or administrative action against you, including, but not limited to, immediate suspension of installation driving, base exchange, and/or commissary privileges, and termination of base family housing privileges.
4. If you have questions concerning this Notification of Hearing, please contact (name of legal advisor) at (321) 494-7357.

(name), (rank), USAF  
Assistant Staff Judge Advocate

Attachment:  
AF Form 3545, Incident Report (and/or DD Form 1805)  
cc: (Sponsor's Squadron Commander)

**Attachment 3****SAMPLE – RETIREE**

MEMORANDUM FOR (NAME & RANK OF SPONSOR)  
(HOME ADDRESS)

FROM: 45 SW/JA  
642 O'Malley Road, Bldg 562  
Patrick AFB FL 32925

SUBJECT: Notification of Hearing Before the Juvenile Intervention Council (JIC)

1. It has come to my attention that your dependent, (full name of juvenile military dependent), was involved in an incident at (location and date of misconduct). More specifically, (summary of the facts and circumstances surrounding the incident and the specific nature of the alleged misconduct). You and (dependent's name) are hereby directed to appear before the next meeting of the JIC on (date), at (time), in the Maj Gen James S. Cheney Federal Courtroom, 642 O'Malley Road (Bldg. 562), Patrick AFB, FL, for a hearing of this case.

2. At this hearing you may present evidence and/or witnesses, and be represented by civilian legal counsel – all at your own expense. Be advised that this hearing is not an adversarial proceeding, but, rather, is your opportunity to present factual evidence to the JIC in order to assist the Council in formulating its recommendation to the JIC Chairperson concerning the case and/or any appropriate remedial action. The JIC, at its discretion, may question witnesses concerning the facts of the case or other matters raised by you during the hearing. However, the JIC is not required to compel the presence of any witnesses and may choose to rely solely upon the incident report and/or other official documentation of your dependent's misconduct in arriving at its determination. Any determinations made at the hearing will be based on the preponderance of the evidence presented, and are made without prejudice to the rights of you, your dependent, or the U.S. government in subsequent criminal or administrative proceedings involving the same matter or related incident.

3. Your failure to appear at the above-scheduled hearing may result in your suspension/barment from the base and/or the revocation of your exchange and/or commissary privileges.

4. If you have questions concerning this Notification of Hearing, please contact (name of legal advisor) at (321) 494-7357.

(name), (rank), USAF  
Assistant Staff Judge Advocate

Attachment:  
AF Form 3545, Incident Report (and/or DD Form 1805)