

**BY ORDER OF THE COMMANDER  
HEADQUARTERS 81ST TRAINING WING  
(AETC)**

**KEESLER AFB INSTRUCTION 51-901**

**14 SEPTEMBER 2007**  
Certified Current on 15 January 2014



*Law*

**JUVENILE DIVERSION PROGRAM**

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This instruction implements AFPD 51-9, Civil Law for Individuals, and provides the framework for the disposition of juvenile misconduct cases and the treatment of juvenile offenders on Keesler AFB, MS. This instruction establishes policies, responsibilities, and procedures for the administrative disposition of misconduct committed by juveniles on Keesler Air Force Base (AFB) and its associated housing areas, and establishes the Keesler AFB Juvenile Diversion Program (JDP). This supplement applies to all assigned, attached and/or associate units supported by the 81st Training Wing at Keesler AFB MS, including Air Force Reserve and Air National Guard (ANG) units, except where noted otherwise. This instruction requires collecting and maintaining information protected by the Privacy Act of 1974 authorized by 10 U.S.C. 8013, Secretary of the Air Force. Systems of records notice F031 AF SP C, Compliant/Incident Reports, Applies. 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://www.my.af.mil/gcss-af61a/afrims/afrims/>. 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 the appropriate functional's chain of command. Attachment 1 is a glossary of references and supporting information. Attachment 2 is a sample Keesler AFB Form 51, Juvenile Citation. Attachment 3 is a Juvenile Time Sheet. Attachment 4 is a Juvenile Diversion Program Participation Agreement.

## ***SUMMARY OF CHANGES***

This document has been substantially revised and must be completely reviewed. The series number was changed from 31 (Security) to 51 (Law) due to the transfer of the OPR from 81 MDOS/SGOHF to 81 TRW/JA. The most significant change is elimination of the Juvenile Diversion Panel and implementation of a Juvenile Misconduct Hearing (JMH). These revisions are made in order to accomplish a more effective use of limited resources and dispose of each case in a more efficient and timely manner.

**1. Authority.** The Installation Commander (81 TRW/CC) is charged with the responsibility of considering whether other forms of disposition are adequate and appropriate for cases involving minor violations of federal law, including assimilated state criminal law, before referring the offender for trial before a US magistrate judge, as directed by Air Force Instruction 51-905, Use of Magistrate Judges for Trial of Misdemeanors Committed by Civilians, paragraph 1.1.2. To achieve this goal, the Installation Commander hereby delegates to the 81st Mission Support Group Commander (81 MSG/CC) the authority to take all command actions in juvenile cases, except barment. At the 81 MSG/CC's discretion, he/she may further delegate his/her authority to the 81st Mission Support Group Deputy Commander (81 MSG/CD).

**2. Purpose.** The Juvenile Diversion Program (JDP) is designed to determine the underlying reason for the misconduct, promote personal acceptance of responsibilities and consequences for actions, and to deter or preclude future misconduct through behavior modification. The JDP intends to accomplish its objectives through prompt administrative action, reducing the time between infractions and corrective action.

**3. Jurisdiction.** This instruction applies to all juveniles who commit criminal offenses on Keesler AFB, and/or military family housing areas, and who are dependents of either active duty, Reserve, Guard, or retired military members.

### **4. Responsibilities.**

4.1. The 81st Security Forces Squadron (81 SFS) will:

4.1.1. Issue a DD Form 1805, United States District Court Violation Notice, for any driving offenses committed by juveniles occurring on Keesler Air Force Base and family housing. The DD Form 1805 for driving offenses by juveniles will be processed with all other DD Forms 1805 issued to adults.

4.1.2. Issue a Keesler AFB Form 51, Juvenile Citation (Attachment 2), for all other juvenile misconduct and attach any statements, reports of investigations, or other relevant material to the Keesler AFB Form 51 as enclosures.

4.1.3. Send a copy of the Keesler AFB Form 51 with enclosures to the Magistrate Court Attorney at the 81st Training Wing Staff Judge Advocate's office as soon as possible.

4.2. The 81st Training Wing Staff Judge Advocate (TRW/JA) will:

4.2.1. Monitor the 81 SFS blotters for juvenile misconduct.

4.2.2. Promptly review Keesler AFB Form 51s and forward them with legal recommendations as to disposition to 81 MSG/CC or his/her designee.

4.2.3. Appoint a representative (JAG or paralegal) to serve as legal advisor to 81 MSG/CC or his/her designee for the disposition of each case.

4.2.4. In the event the JDP is utilized, 81 TRW/JA will maintain records IAW applicable guidance.

4.3. Family Advocacy will act as a consulting body to the JDP. The expertise of family systems and clinical interventions may help the 81 MSG/CC or his/her designee in making final recommendations on cases disposed of through the JDP. If maltreatment or abuse is suspected, a referral will be made to Family Advocacy to address those separate issues.

4.4. The 81 MSG/CC or his/her designee will:

4.4.1. Evaluate each juvenile misconduct case within his/her jurisdiction and determine whether disposition of the case through the JDP is appropriate.

4.4.1.1. If JDP is deemed not the appropriate forum for resolution, the case may be referred to the Harrison County Youth Court for disposition.

4.4.1.2. Juveniles accused of misconduct are not required to accept an offer to dispose of their case through the JDP; however, the juvenile's case may still be referred to Harrison County Youth Court. See paragraph 8.

4.4.2. If the decision to dispose of a juvenile's case through the JDP is accepted, the juvenile and his or her sponsor will sign a Juvenile Diversion Program Participation Agreement. 81 MSG/CC or his/her designee will then conduct a Juvenile Misconduct Hearing (JMH). In conducting a JMH, the 81 MSG/CC or his/her designee will balance the interests of the juvenile and those of Keesler Air Force Base when taking appropriate command action, as outlined in paragraph 6. The goal is to rehabilitate the offender and deter or preclude future misconduct. In all cases, except barment, 81 MSG/CC or his/her designee shall take the action directly.

4.4.3. Prior to recommending barment, 81 MSG/CC or his or her designee will first coordinate with 81 TRW/JA for a legal review before forwarding the matter to 81 TRW/CC for final decision on the barment action.

## 5. Forum.

5.1. 81 MSG/CC or his/her designee will personally direct the JMH. The alleged juvenile offender and his/her sponsor must attend the hearing. A legal advisor, Family Advocacy representative, Chaplain representative, Security Forces representative and/or other representatives shall attend the JMH upon request by the 81 MSG/CC or his/her designee.

5.2. JMH will proceed as follows:

5.2.1. 81 MSG/CC or his/her designee will present the allegations of misconduct as outlined in reports, such as a Keesler AFB Form 51.

5.2.2. The alleged offender will have an opportunity to make a brief presentation.

5.2.3. 81 MSG/CC or his/her designee will then determine if the alleged offender committed the offense.

5.2.3.1 If 81 MSG/CC or his/her designee determines that the evidence does not support that the alleged juvenile offender actually committed the misconduct, the juvenile shall be acquitted.

5.2.3.2 If 81 MSG/CC or his/her designee determines based on a preponderance of the evidence that the juvenile committed the alleged misconduct, 81 MSG/CC or his/her designee will take appropriate action, as outlined in paragraph 6. Before recommending barment, 81 MSG/CC or his/her designee will advise the juvenile offender and his or her sponsor in writing that a recommendation to bar the juvenile offender from Keesler AFB will be made to 81 TRW/CC.

5.2.4. If acquitted of the allegations, the offender and his or her sponsor will be presented with a memorandum of notice of acquittal. If the 81 MSG/CC or his/her designee finds that the juvenile committed the offense(s), the offender and his or her sponsor will be presented with a memorandum of action. The memorandum of action will be acknowledged in writing by the juvenile and his or her sponsor who will each be provided with a copy.

**6. Case Disposition.** 81 MSG/CC disposes of a juvenile misconduct case by taking appropriate action. Any action can be taken separately or in conjunction with another action. No provision of this instruction prevents taking any other administrative or judicial action pursuant to federal, state, or local statute, Air Force instruction, Keesler AFB instruction, regulation, or local ordinance.

6.1. Appropriate command action includes, but is not limited to, the following:

6.1.1. Taking no action.

6.1.2. Administering an oral counseling.

6.1.3. Identifying conditions contributing to juvenile problems and referring the family to other base and/or community agencies.

6.1.4. Issuing a formal letter of admonishment or warning.

6.1.5. Imposing special curfew (more restrictive than the general base curfew).

6.1.6. Suspending base privileges or access to certain areas of the base for a period not to exceed six months.

6.1.7. Recouping monetary damages or losses to Air Force or NAF assets.

6.1.8. Providing community education and service opportunities to offset the crime committed.

6.1.9. Recommending the 81 TRW/CC bar the juvenile from the base.

6.1.10. Referring the case to Youth Court in Harrison County.

**7. Community Education and Service Guidelines.**

7.1. Juveniles must not be assigned to perform community service in areas where they are exposed to hazardous environments, consumption of alcoholic beverages, or where they are exposed to adult offenders, or to areas where their influence might have a negative impact upon other children/youth.

7.2. Juvenile offenders attending school will perform community services only after school or on the weekends. During periods when juvenile offenders are not attending school, they may perform community service any day except on federal holidays.

7.3. Juvenile offenders performing community education or service must be supervised by a responsible adult. The 81 MSG/CC or his/her designee will assign the duty location and hours of service to be performed.

7.4. Juvenile offenders will ensure that a Juvenile Time Sheet is properly completed by the agency supervising the community education or service (Attachment 3).

**8. Violation of a Juvenile Diversion Program Participation Agreement.** Juvenile offenders acknowledge their willingness to voluntarily participate in the JDP by signing a Juvenile Diversion Program Participation Agreement (JDPPA) (Attachment 4). Juveniles who enter into a JDPPA and thereafter violate the conditions of the agreement, or who commit a subsequent offense prior to completion of the imposed action may have their case referred to the Harrison County Youth Court for further action.

**9. Prescribed and Adopted Forms.**

9.1. Prescribed Forms

Keesler AFB Form 51, Juvenile Citation, Maintain this form under RDS Table 31-1, Rule 1.

9.2. Adopted Forms.

AF Form 847, Recommendation or Change of Publication

DD Form 1805, United States District Court Violation Notice.

PAUL F. CAPASSO, Brig Gen, USAF  
Commander, 81st Training Wing

## Attachment 1

### GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

#### *References*

DODI 6055.4, DoD Traffic Safety Program, 20 July 1999

AFI 51-905, Use of Magistrate Judges for Trial of Misdemeanors Committed by Civilians, 1 June 1998

AFPD 51-9, Civil Law for Individuals, 5 November 1993

AFMAN 33-363, Management of Records, 1 March 2008

AFI 34-249, Youth Programs, 1 June 2000

Air Force Records Disposition Schedule

#### *Abbreviations and Acronyms*

**JDP**—Juvenile Diversion Program

**JMH**—Juvenile Misconduct Hearing

**JDPPA**—Juvenile Diversion Program Participation Agreement

**RDS**—Records Disposition Schedule

#### *Terms*

**Base Privileges**— Includes, but is not limited to base driving privileges, and access and use of retail outlets (BX, Commissary, Shoppettes, Ticket & Tours/(ITT), and 81 SVS retail facilities); MWR facilities (Bowling Center, Base Theater, Keesler Community Center, Keesler Club, Marina Club, Golf Course, Veterinary Clinic, Fitness Center, Library, Skill Development Center, Auto Hobby Shop, and Community Activities Center); Family Support facilities (Youth Center, Child Development Center, Airmen and Family Readiness Center); and military family housing.

**Juvenile**— An unemancipated person who is under the age of 18 years (at the time of the misconduct).

**Misconduct**— Any violation of federal, state, or local statute, Air Force (AF) instruction, Keesler AFB instruction, regulation, local ordinance, posted or published order of the Installation Commander, or other activity prejudicial to good order and discipline on Keesler AFB.

**Sponsor**— The active duty military member, Reserve/Guard military member, or retired military member who is exercising custody or guardianship of the juvenile.

Attachment 2

KEESLER AFB FORM 51, JUVENILE CITATION, SAMPLE

JUVENILE CITATION							
PRIVACY ACT STATEMENT							
<small>AUTHORITY: 10 U.S.C. 8013, Secretary of the AF and KAFBI 51-901                      PURPOSE: Used to record information of juvenile offenders involved in criminal activity on KAFB for follow-up with the Juvenile Misconduct Board.                      ROUTINE USES: This information form may be disclosed to Federal, state, local, or foreign agencies, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule regulation or order issued pursuant thereto.                      DISCLOSURE IS VOLUNTARY: Information is used for positive identification.</small>							
PHOTOGRAPH:				FINGERPRINTED:			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
NAME: (Last, First, Middle) Jones, John Michael				ADDRESS: 1222 James Avenue Keesler AFB MS 39534			
RACE	SEX:	AGE:	DOB:	HEIGHT:	WEIGHT	EYES:	HAIR:
Cau	Male	14	4 Apr 93	5'3"	116	Hazel	Brown
SCHOOL / GRADE: Collier Junior High School / 9th				PLACE OF EMPLOYMENT: Student			
PARENT / GUARDIAN:			GRADE:	ORGANIZATION:	WORK PHONE:		
James Jones			Capt	81 MDDS KAFB	377-1234		
ADDRESS:					HOME PHONE:		
Same					388-5678		
POINT OF CONTACT:				DATE / TIME OF CONTACT			
Mother Mary Jones				7 Apr 07 - 1045 hrs			
CHARGE(S) Shoplifting from Keesler AAFES							
DETAILS: Juvenile was observed by store security personnel as he browsed through the electronics area of the Main Base Exchange and placed a CD inside his shirt. He then departed the store without paying for the item & was apprehended on the sidewalk in front of the store.							
COURT ADDRESS: (To be notified)							
DATE: 15 May 07, Sablich Ctr Rm 244    HOUR: 1000 hrs							
I hereby acknowledge receipt of this citation and promise to appear on the date and time specified. I further state that I have been advised of my rights IAW the 5th Amendment of the US Constitution. I also choose the administrative remedy, which is to appear before the Juvenile Advisory Council. I also attest that the above information provided to the issuing officer is true to the best of my knowledge.				SIGNATURE OF OFFICER:		BADGE #	
						K-123	
				SIGNATURE OF JUVENILE:			
SIGNATURE OF PARENT / GUARDIAN:							



Attachment 4

JUVENILE DIVERSION PROGRAM PARTICIPATION AGREEMENT

1. I, \_\_\_\_\_ (Sponsor), acknowledge that my dependent, \_\_\_\_\_ (Juvenile), has been referred to the Juvenile Diversion Program for behavioral violations occurring on Keesler AFB, and/or military housing areas.
2. My dependent agrees to participate in the Juvenile Diversion Program and have his or her case decided by the 81 Mission Support Commander, or his or her designee, in accordance with Keesler AFB Instruction 51-901. \_\_\_\_\_ (Juvenile's initials). \_\_\_\_\_ (Sponsor's initials).
2. My dependent was involved in the offense of \_\_\_\_\_, and will, if adjudged, perform restitution, community service, and or community education as determined by the Juvenile Misconduct Hearing decision.
4. If my dependent violates any terms of this agreement, I understand that their case may be referred to the Harrison County Youth Court for disposition.
5. By my signature, I have read the foregoing agreement and agree to the terms thereof. I specifically agree the United States is not liable for any injury sustained by my dependent while performing community service or community education pursuant to the foregoing agreement.

\_\_\_\_\_  
(Sponsor Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Juvenile Signature)

\_\_\_\_\_  
(Date)