



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JAPAN  
UNIT 45005  
APO AP 96343-5005

IMJN-MWA

22 June 2019

COMMAND POLICY MEMORNADUM 19-04

FOR SEE DISTRIBUTION

SUBJECT: Major Juvenile Misconduct

1. REFERENCES.

a. Army Directive 2019-13 (Response to Major Juvenile Misconduct and Referral of Civilian Criminal Offenses to Civilian Authorities), 21 March 2019.

b. Army Regulation 608-18, Army Family Advocacy Program, 30 October 2007 (Rapid Action Revision: 13 September 2011).

c. United States Army Garrison Japan (USAG Japan) Command Policy 27-19-15, Community Civilian Discipline Program and Juvenile Review Board, 16 May 2019.

2. PURPOSE. This policy establishes procedures for the United States Army in Japan's response to major juvenile offenses.

3. APPLICABILITY. All individuals covered under the Status of Forces Agreement (SOFA), within the purview of the U.S. Army Japan.

4. DEFINITIONS.

a. A major juvenile misconduct is defined as any act by a person who has not attained the age of majority as defined by applicable Federal law, but who has attained the minimum age for juvenile delinquency as defined by applicable Federal law, that would be classified as a felony crime in accordance with the applicable Federal law if an adult committed the act.

b. Juvenile problematic sexual behavior is defined as behaviors initiated by children and youth under the age of 18 that involve sexual body parts; genitals, anus, buttocks or breasts, in a manner that deviates from normative or typical sexual behavior and are developmentally inappropriate and/or potentially harmful to the individual initiating the behavior or others.

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5. BACKGROUND. Civilian criminal misconduct occurring on Army installations, including juvenile-on-juvenile sexual assault threatens the safety, health, welfare and morale of Soldiers, Civilians and Family members who comprise Army communities. The Army must respond to allegations of major juvenile misconduct and attempt to facilitate the referral of major juvenile cases to Civilian authorities who are often best positioned to determine the appropriate disposition for alleged major juvenile misconduct.

6. POLICY.

a. Each incident of juvenile-on-juvenile sexual assault or Problematic Sexual Behavior (PSB) occurring on an Army installation or involving Army dependents covered under the SOFA will be reported, investigated and resolved in accordance with applicable law, policies and procedures. Any incident not meeting this criteria will be referred to the Community Civilian Discipline Program and Juvenile Review Board.

b. All instances of Juvenile PSB will be reported to the installation Family Advocacy Program (FAP) for--

- (1) Assessment of both victim and youth exhibiting the PSB within 24 hours.
- (2) Reporting to law enforcement and Child Protective Services.
- (3) Initiation of multidisciplinary team to address PSB and safety issues.
- (4) Referral and case management for both victim and youth exhibiting PSB.
- (5) Coordination of victim advocacy and assistance to parents.

c. Victim assistance. The Army FAP Manager will be notified of cases involving juvenile PSB or sexual misconduct immediately and will begin the lead for coordination of victim assistance and advocacy services.

d. Investigation of allegations.

(1) The Criminal Investigation Division (CID) will investigate all sexual assault allegations.

(2) Sexual misconduct allegations may be investigated by the Military Police Investigators when the allegation does not reach the threshold of sexual assault.

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(3) All final investigations will be referred in accordance with applicable laws and the SOFA.

(4) Japanese National Police will be notified of incidents and/or included in the investigation process where appropriate.

(5) All incidents meeting the definition of major juvenile misconduct including juvenile PSB will be entered into the Army Law Enforcement Reporting and Tracking System (ALERTS) in the absence of a Department of Defense database. Records in ALERTS will include the action taken in response to the incident.

e. Referral to Civilian authorities. Military Law Enforcement will serve as the command representative and will inform the victim and parent or guardian of the policy for referring cases to Civilian authorities when they cannot be adjudicated locally. Additionally, Military Law Enforcement will provide the victim and parents/guardian with the contact information for the Civilian investigative or prosecution authority, preferably the department responsible for assisting victims of crime.

f. Notifications to gaining command.

(1) In cases when a child or youth is alleged to have engaged in PSB, is undergoing treatment and is pending relocation to another Army or non-military community, Behavioral Health FAP will notify the gaining installation's military treatment facility FAP or Civilian equivalent to ensure continuity of care.

(2) Registered sex offenders are required to self-report to the Provost Marshal's Office prior to arrival on the installation.

g. Garrison Commanders will establish a Major Juvenile Misconduct Board to augment the juvenile review board.

(1) Major Juvenile Misconduct Board will address juvenile misconduct that goes beyond minor misconduct and/or any juvenile misconduct that is sexual in nature.

(2) The board will be comprised of representatives from the following organizations at a minimum: FAP; Directorate of Emergency Services; Staff Judge Advocate; Religious Services Office; Child and Youth Services (CYS) and CID. Board membership may be augmented as appropriate for individual cases, to include U.S. Army Medical Department Activity-Japan, Army Substance Abuse Program (ASAP), Chain of Command, School Liaison officer, and others at the discretion of the commander.

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(3) The board will review cases and make recommendations regarding administrative action.

(a) Major Juvenile Misconduct Board will meet within one (1) business day following the incident report to Military Law Enforcement.

(b) Initial safety planning for alleged victim(s) will be completed and recommendations made to the command immediately following the initial meeting.

(c) Recommendations to the commander will be made within 24 hours after the assessments by the FAP and the Law Enforcement investigation are complete.

(4) The board will receive reports to include; Medical and FAP assessment, Law Enforcement Reports, and other agency reports as appropriate, to include Department of Defense Education Activity (DODEA), CYS, Chain of Command, and ASAP.

(5) Garrison Commanders will ensure that the board maintains an Standard Operating Procedure (SOP) and appointment orders that are in compliance with this command policy and the references at paragraph 1.

h. Garrison Commanders will ensure that the Senior Commander is kept informed throughout the investigation and adjudication process of all cases of major juvenile misconduct to determine the course of administrative action. Administrative action may include but is not limited to--

(1) Early return of dependents.

(2) Barring from the installation.

(3) Removal from Government on-post housing.

(4) Curtailment of tour.

7. This command policy will expire when superseded or rescinded.

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8. The proponent for this command policy is Army Community Service at 263-4357.

VIET X. LUONG  
MG, USA  
Commanding



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