



# Supporting Access To Juvenile Justice on Military Installations





# Introductions



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# Agenda

## Concurrent Jurisdiction

- The Genesis and Overview
- Issue Background & Challenges
- Assessment Results





# The Problem

## Officials working to fix juvenile justice gap at Fort Hood

**Jeremy Schwartz** [jschwartz@statesman.com](mailto:jschwartz@statesman.com)

Published 12:01 a.m. CT Sept. 15, 2016 | Updated 11:59 a.m. CT Sept. 25, 2018

Military, county and federal officials are taking steps to plug a jurisdictional gap at Fort Hood that had allowed numerous alleged sexual assaults committed by juveniles to go unprosecuted since at least 2001.

According to Fort Hood, a member of the post's Staff Judge Advocate office met with U.S. Attorney's Office officials and Bell and Coryell county prosecutors this month to discuss the handling of juvenile offenses on Fort Hood. Future meetings are planned — though not yet scheduled — to discuss the “possibility of a formalized agreement regarding criminal prosecution of juvenile offenders,” according to Fort Hood.

## Alleged sex crimes at MacDill involving kids under 7 being investigated; parents frustrated



## The Justice Department Prosecuted A 10-Year-Old As A 'Sex Offender'

■ ERIN FUCHS | OCT 8, 2013, 19:59 IST



Wikipedia

The Fort Huachuca Army base, where the alleged abuse occurred.

A federal appeals court is getting ready to hear the case of a boy who was prosecuted for engaging in sex acts with other boys when he was just 10 years old, *The Wall Street Journal* reports.

# A Call to Action



OFFICE OF THE DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

JUN 04 2019

MEMORANDUM FOR SECRETARY OF THE ARMY  
SECRETARY OF THE NAVY  
SECRETARY OF THE AIR FORCE  
UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND  
SUSTAINMENT  
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND  
READINESS  
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Establishing Concurrent Jurisdiction over Juvenile Misconduct on Military  
Installations within the Territory of the United States

The Department is making great progress in improving its response to incidents of problematic sexual behavior in children and youth (PSB-CY) in Department of Defense Education Activity schools and elsewhere on our military installations worldwide. While I recognize and appreciate the efforts already completed and those currently underway, it has become clear we must do more with respect to the appropriate adjudication of PSB-CY and other behavior by juveniles on military installations that amount to illegal conduct. As the Department is Constitutionally prohibited from conducting prosecutions of individuals not subject to the Uniform Code of Military Justice (UCMJ), we must, where we are able, remove barriers to the investigation and adjudication of appropriate cases by civilian authorities, particularly of those States, Commonwealths, territories, or possessions within which our military installations are located.



# An Overview

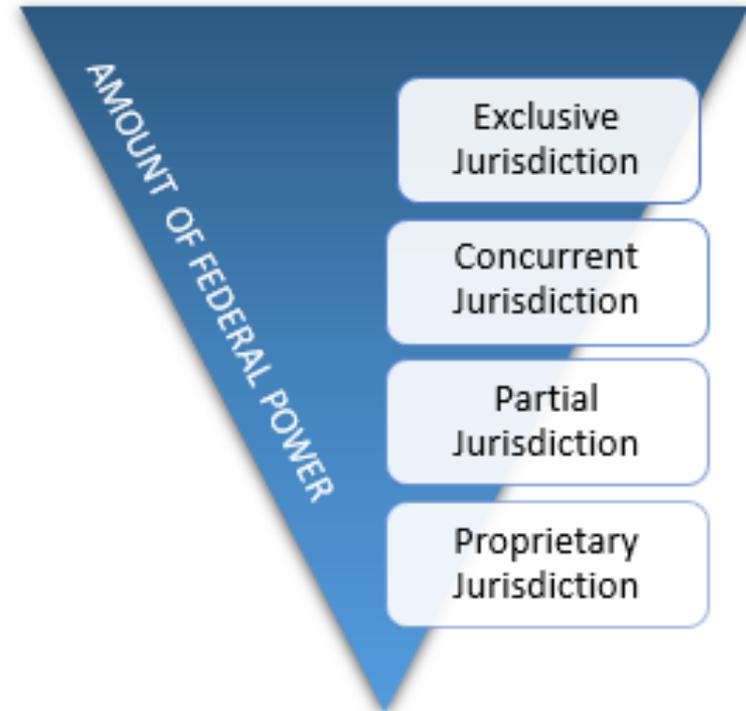
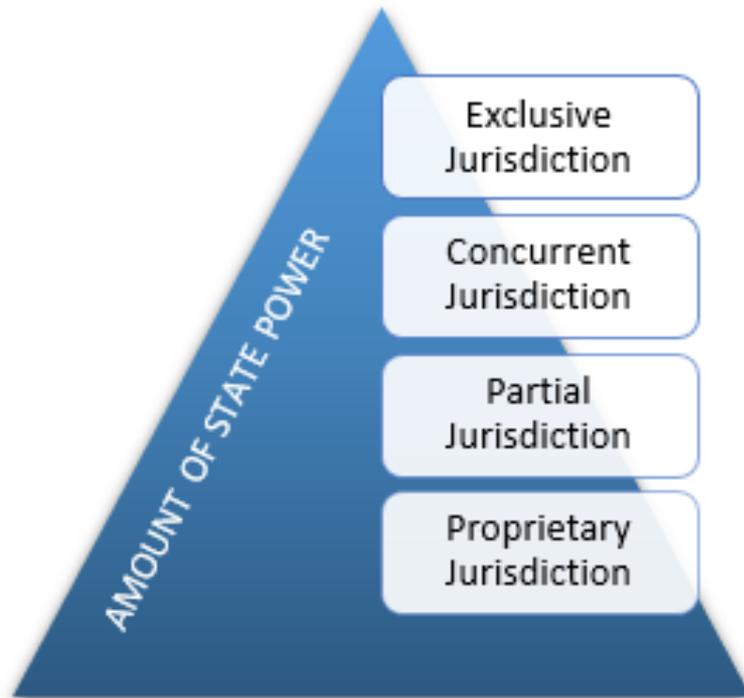
## Overview

The DSLO assessed federal and state statutes to determine **challenges that limit access to vital juvenile justice systems** for incidents that occur on military installations to propose leading practices for successful legislative and governmental solutions that provide a path for relinquishing power over juvenile incidents or matters occurring on military installations to the relevant state or local family, juvenile or youth courts.

The assessment determined the status of concurrent juvenile jurisdiction at a state and installation level. The following outcomes were determined:

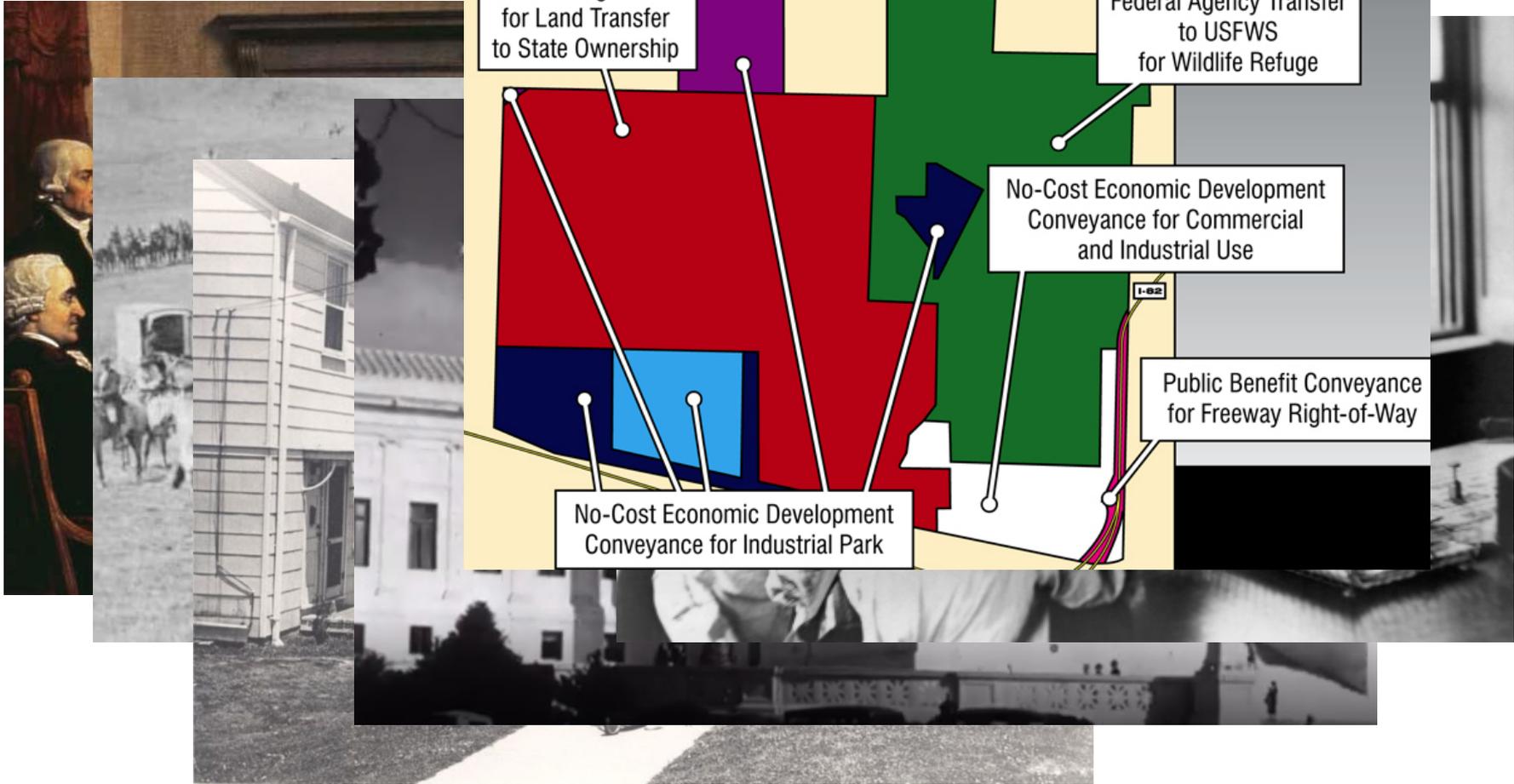
- (i) a state has a retrocession process for all local military installations in the state;
- (ii) the state has a statutory vehicle for accepting relinquishment in lieu of retrocession; or,
- (iii) the current assimilative mechanism to adjudicate juvenile matters on military installations is invalid.

# Jurisdictional Outcomes

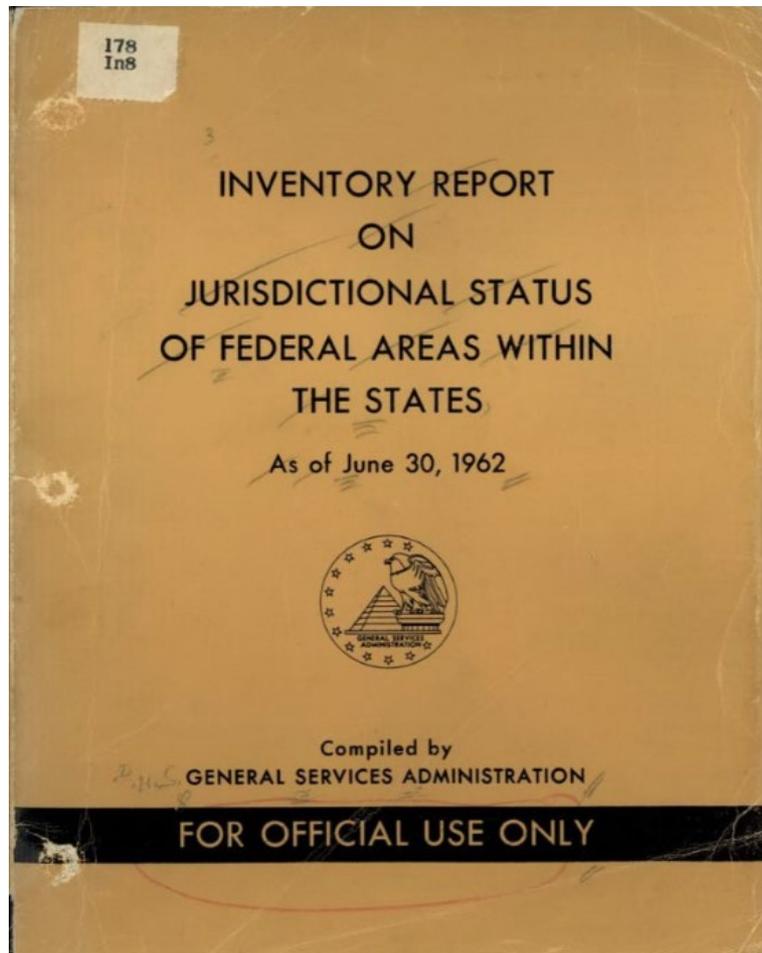
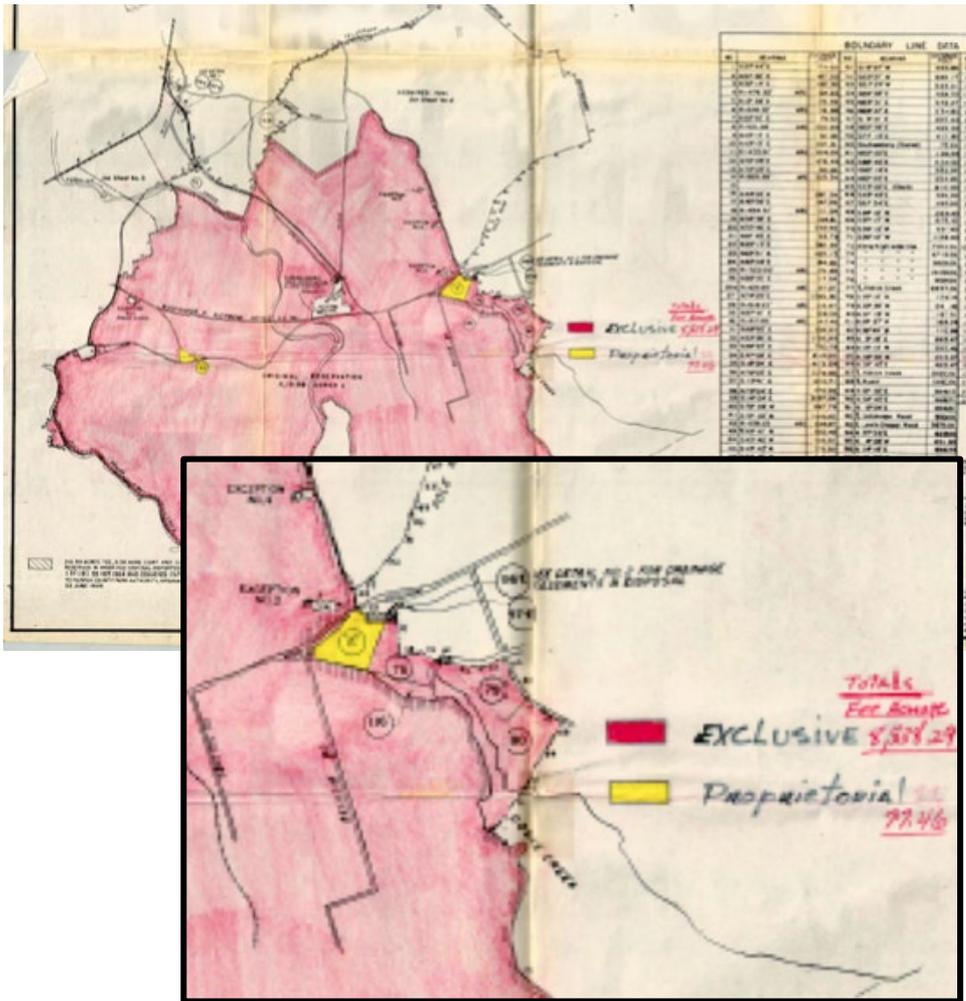




# Historic Legal Context



# Real Property Challenges



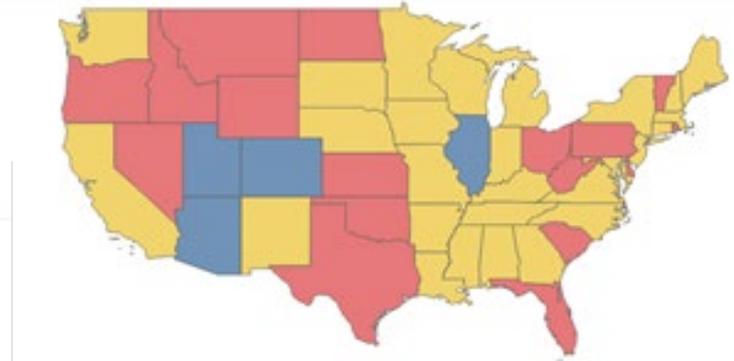


# CONUS Assessment Results

Cession Statute by State



Retrocession Statute by State



Retrocession Statute

- No Retrocession Framework
- Statewide Retrocession by Statute
- Installation-specific Statute(s)

Cession Statute

- No Cession Framework
- Statewide Cession by Statute/Statehood Act
- Installation-specific Statute(s)
- Both Statewide and Installation-specific Statutes

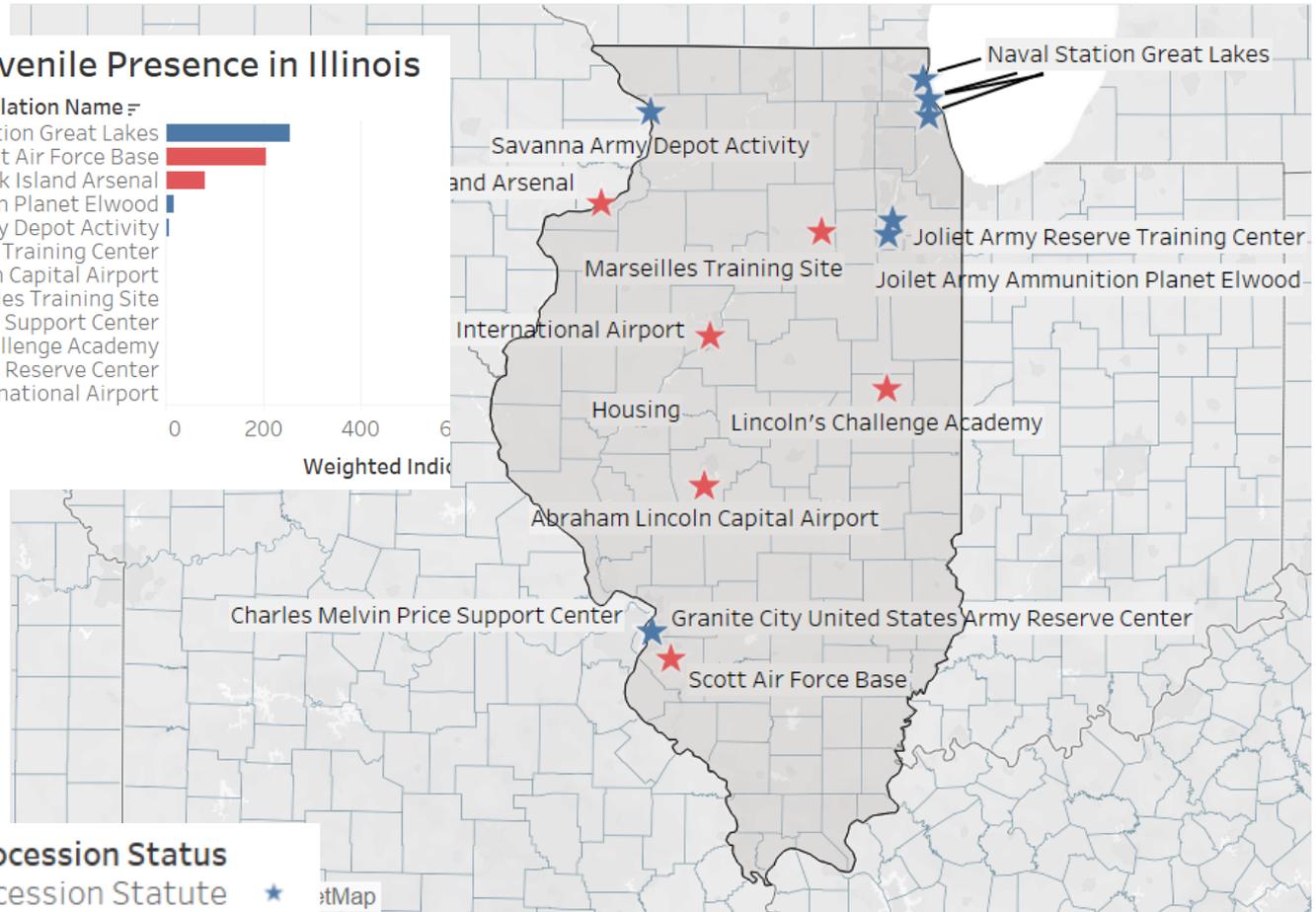
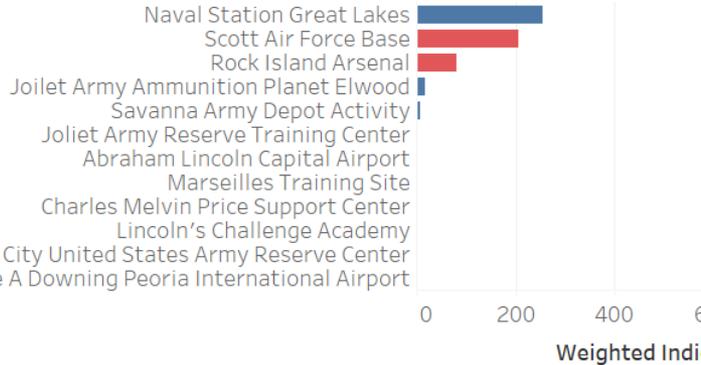


# State Assessment Results

## Military Installations in Illinois by Retrocession Status

### Weighted Indicators of Juvenile Presence in Illinois

Installation Name =



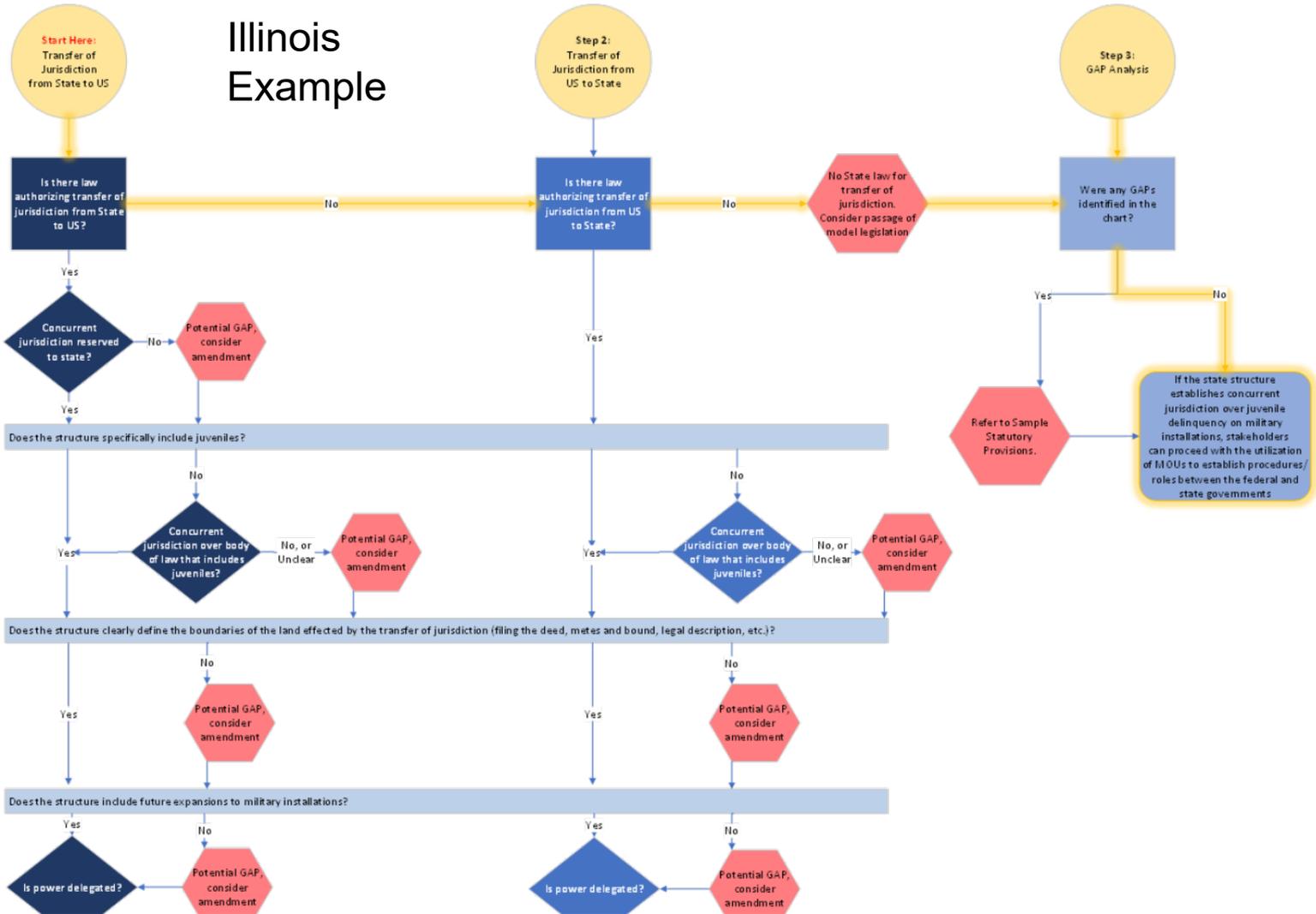
### Retrocession Status

- Installation-Specific Retrocession Statute ★
- No Retrocession Framework ★
- Statewide Retrocession by Statute ★



# State Pathways

## Illinois Example





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