

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COMMANDING GENERAL, FORT SILL, OKLAHOMA,
THE UNITED STATES ATTORNEY, WESTERN DISTRICT OF OKLAHOMA,
THE COMANCHE COUNTY DISTRICT ATTORNEY,
AND
THE COMANCHE COUNTY JUVENILE BUREAU

SUBJECT: Policies and Procedures for Handling Incidents of Juvenile Delinquency in Areas of Exclusive Federal Jurisdiction in Comanche County, Oklahoma

1. Purpose. The purpose of this document is to establish an understanding between the parties of policies and procedures for handling juveniles who commit delinquent acts in areas of exclusive federal jurisdiction on Fort Sill (and the Wichita Mountains Wildlife Refuge). It is designed to promote cooperation between various state and federal officials and agencies to effectively deal with these matters.

2. Applicability and Scope

a. This understanding is between the Commanding General, Fort Sill, Oklahoma, the United States Attorney, Western District of Oklahoma, the District Attorney of Comanche County, and the Comanche County Juvenile Bureau (CCJB).

b. The parties do not purport to create additional jurisdiction or to limit or modify the existing jurisdiction of any party.

c. This document supersedes all previous agreements or understandings between the parties concerning delinquent juveniles and children in need of supervision on Fort Sill.

3. Authority

a. The parties recognize that the State of Oklahoma has jurisdiction over juveniles who commit delinquent acts by violation of state or federal law even when such acts are committed in areas of exclusive federal jurisdiction in Comanche County. Juveniles, whether located on Fort Sill or otherwise located within Comanche County, are residents of Comanche County, Oklahoma.

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b. Although the U.S. Attorney has the authority to deal with juveniles committing delinquent acts under certain circumstances (18 U.S.C. Section 5031 et. seq.), the State of Oklahoma, through the Comanche County District Attorney's Office and CCJB, has the ability to better handle juveniles in a timely and appropriate manner, giving due consideration for the best interests of the juvenile, the public and other affected parties.

c. The Commanding General, Fort Sill, is responsible for maintaining law and order on Fort Sill and may adopt policies and procedures to meet this responsibility.

4. Policies and Procedures

a. State Jurisdiction. Juveniles accused of committing violations of state or federal law while within the exclusive federal jurisdiction areas of Fort Sill (and the Wichita Mountains Wildlife Refuge) are subject to the jurisdiction of the State of Oklahoma and may be dealt with in the same manner as other juvenile delinquents in the State in accordance with 10 O.S. Section 7001 et. seq. However, the State of Oklahoma may not institute purely criminal proceedings against any such juvenile.

b. Children in Need Of Supervision Excluded. All juveniles residing on Fort Sill who come within the definition of a "child in need of supervision", as provided in the Oklahoma Children's Code, 10 O.S. Section 7001 et seq., shall be handled solely by appropriate Fort Sill authorities and agencies.

c. Nothing herein shall limit the rights of the United States Attorney General or the United States Attorney from pursuing a case against a juvenile in accordance with federal law, 18 U.S.C. Section 5031 et. seq. In the event the U.S. Attorney proceeds against a juvenile under federal law, the State shall not institute any proceedings against said juvenile.

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5. Responsibilities.

a. Responsibilities of the United States. The United States, through its various offices, agencies and officers shall:

(1) Fully investigate delinquency cases that will be presented to the State for filing;

(2) If the appropriate officials deem the filing of a delinquency action is warranted, they shall prepare reports which set forth all pertinent information, including witnesses and evidence summaries, sufficient to allow the State to determine if a court case should be filed and prosecuted;

(3) Assemble and furnish to the State all pertinent evidence concerning the case;

(4) Cooperate with and assist the State in any further investigation, preparation for filing, prosecuting or disposition of the case as may be requested by the State;

(5) Serve process or notice related to juvenile proceedings to persons located on Fort Sill, as requested by the State, in a timely fashion.

b. State Responsibilities. The State of Oklahoma, through its various offices, agencies and officers shall:

(1) Provide intake, counseling, probation and detention services in appropriate cases;

(2) File and prosecute juvenile cases deemed appropriate. The Comanche County District Attorney shall have final authority to determine whether a case should be filed in Comanche County Juvenile Court and the disposition of any case filed;

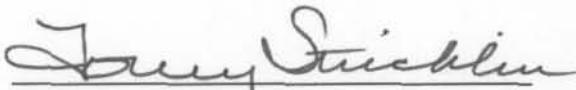
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(3) Provide information to Fort Sill authorities on the status and disposition of any delinquency case filed under this cooperative program;

(4) Refrain from proceeding against a juvenile for an act of delinquency disposed of through any Fort Sill administrative program designed to correct juvenile behavior.

c. Detention Services. The CCJB shall assist and cooperate with local federal authorities in detaining all juveniles deemed appropriate. The detention of any juvenile by the CCJB shall be subject to the rules and regulations of the CCJB and state law concerning detention of juveniles.

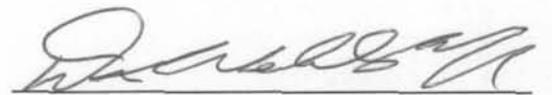
6. This understanding is effective as of the date all signatures are obtained and will remain in effect until superseded or revoked.



TONEY STRICKLIN
MG, U.S. Army
Commanding General,
Fort Sill, Oklahoma
Date JUN 22, 2000



ROBERT C. SCHULTE
District Attorney, Comanche
County, Oklahoma
Date 2-11-2000



Daniel G. Webber Jr.
United States Attorney,
Western District of Oklahoma
Date May 1, 2000



Rick Lowe
Chief,
Juvenile Bureau, Comanche
County, Oklahoma
Date FEB 11, 2000