



DEPARTMENT OF THE NAVY
COMMANDER, U.S. NAVAL FORCES JAPAN
COMMANDER, NAVY REGION JAPAN
PSC 473 BOX 12
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COMNAVFORJAPANINST 1050.6A
COMNAVREGJAPANINST 1050.6A
N00J
9 Apr 10

COMMANDER, U.S. NAVAL FORCES JAPAN INSTRUCTION 1050.6A
COMMANDER, NAVY REGION JAPAN INSTRUCTION 1050.6A

From: Commander, U.S. Naval Forces Japan

Subj: LIBERTY RISK PROGRAM

Ref: (a) JAGMAN Article 0104.b.
(b) U.S. NAVY REGULATIONS
(c) CINCPACFLTINST 5440.3H
(d) MILPERSMAN 1050-290
(e) COMNAVFORJAPANINST 1020.3 series
(f) R.C.M. 304, 305 (M.C.M. 2005)

Encl: (1) Sample Liberty Risk Letter

1. Purpose. To promulgate standards for curtailment of liberty within the Commander, U.S. Naval Forces, Japan (COMNAVFORJAPAN) area of responsibility (AOR).
2. Cancellation. COMNAVFORJAPAN Instruction 1050.6.
3. Applicability. This instruction applies to U.S. Armed Forces personnel assigned or attached to COMNAVFORJAPAN, or to commands and/or installations under the control of COMNAVREGJAPAN and/or tenant commands aboard commands or installations under the control of COMNAVREGJAPAN.
4. Scope. Administrative curtailment of liberty pursuant to this instruction is not a disciplinary or punitive measure. Violation of the provisions of an administrative curtailment of liberty may be punished under the Uniform Code of Military Justice (UCMJ).
5. Background. It is unlawful under reference (a) to deny a normal liberty except in select circumstances such as the specific result of punishment imposed under Article 15, UCMJ, authorized pretrial restraint, when such action is deemed essential for the protection of foreign country relations,

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or as a result of an international legal hold restriction. Reference (b) states the senior officer shall impress upon officers and enlisted personnel the duty to avoid all cause of offense to authorities and host nationals in a foreign country. When on liberty in a foreign country, Armed Forces personnel are to act at all times with moderation and courtesy. Reference (c), (d) and (e) establish circumstances under which curtailment of liberty is appropriate:

a. When competent evidence demonstrates an intention to conduct himself or herself inappropriately while on liberty, or there is competent evidence of a persistent propensity to commit violent or discrediting acts while on liberty.

b. When the service member is under treatment for infectious or contagious disease.

c. When the member's uniform does not meet standards of dress and grooming in accordance with Article 1101 of U.S. Navy Uniform Regulations, or when civilian clothing does not meet standards in accordance with reference (e).

6. Policy

a. Commanding Officers of commands and/or installations under the control of COMNAVREGJAPAN and/or tenant commands aboard commands or installations in the COMNAVFORJAPAN AOR are authorized to assign personnel under their jurisdiction to liberty risk status.

b. The administrative curtailment of liberty is designed as a temporary measure to prevent international incidents and preserve the reputation of the United States abroad. A liberty risk program shall not be used as an alternative to pretrial restraint or pretrial confinement. When necessary, those measures will be imposed in accordance with reference (f).

c. Any administrative curtailment of liberty shall be authorized by the member's commanding officer only after careful review of all available evidence. Grounds to consider when making a determination to place an individual in a liberty risk status include:

(1) Competent evidence sufficient to conclude the member has conspired or has demonstrated a persistent propensity to behave improperly while in a liberty status. The mere fact that

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an individual has previously behaved improperly while in a liberty status is not sufficient to curtail liberty. Additional evidence of the member's current intention, or a demonstrated persistent propensity to commit a violent or discrediting act, is required.

(2) The conduct to be considered in a liberty curtailment determination shall be limited to only that which occurred within the previous 12 months period and constitutes a serious breach of the peace or brings flagrant discredit to the service. Examples of such behavior include alcohol incidents, drug use, combative behavior, malicious mischief, and refusal to obey orders.

d. The administrative determination of liberty risk status will be communicated to the member as a direct order. Enclosure (1) pertains. Violation of the order may be punished under the UCMJ.

e. Records and related information of the administrative determination shall be maintained with proper control measures to safeguard privacy. No entries concerning the liberty risk status determination are to be made in the member's service record.

f. Commanding Officers shall periodically review the status of the members they have placed in a liberty risk status, with the goal of returning Sailors to full liberty as soon as practicable.

g. When a service member stationed ashore is placed in a liberty risk status, prompt action shall be taken to determine whether or not to request permanent transfer from the COMNAVFORJAPAN AOR. Request for permanent transfer and/or early return shall include detailed justification.



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COMNAVFORJAPANINST 1050.6A
COMNAVREGJAPANINST 1050.6A
9 Apr 10

Date:

From: Commander or Commanding Officer
To:

Subj: CURTAILMENT OF LIBERTY

Ref: (a) COMNAVFORJAPANINST 1050.6A
(b) COMNAVREGJAPANINST 1050.6A

1. You are being placed in a liberty risk status in accordance with references (a) and (b) because (clearly state the reason(s) that the individual is being placed in a liberty risk status).
2. Your liberty is curtailed as follows (days assigned to a liberty risk status, times when liberty may begin and end during this period, add requirement for escort if eligible for limited liberty).
3. You are required to muster (specific times to muster, if necessary, and with whom). Administrative placement in a liberty risk status is not a disciplinary or punitive measure. You are not to work or muster with members who are undergoing punitive restriction.
4. This order will be reviewed prior to (date not more than thirty days from date of determination).
5. You may appeal this administrative determination at Request Mast.

Commander or
Commanding Officer

From:
To: Commander or Commanding Officer

1. I understand that I have been placed in a liberty risk status and that I am to meet all requirements stated above. I also understand that failure to comply with this curtailment of liberty could result in further administrative and/or disciplinary action.

Signature/Date

Witness:

Signature/Date

Enclosure (1)