UNDER SECRETARY OF DEFENSE
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PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

Subject: Implementation of the Armed Forces Domestic Security Act

This directive-type memorandum implements Public Law 107-311, the Armed Forces Domestic Security Act (codified at 10 U.S.C. § 1561a), which states that a civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

Under the Act, a civilian order of protection "includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection."

Commanders and installation law enforcement personnel shall take all reasonable measures necessary to ensure that a civilian order of protection is given full force and effect on all DoD installations as such order has within the jurisdiction of the court that issued such order.

Procedures for registering a civilian order of protection on a DoD installation may be established, but failure to register the order shall not be reason for a commander or law enforcement personnel, having knowledge of the order, to fail to give it full force and effect.

To further the interests of good order and discipline, a commander may issue a military order of protection to a military member that is more restrictive than the civilian order of protection to which the member is subject, or that is applicable at locations beyond the jurisdiction of the court that issued such order, to include locations outside the United States.

All persons who are subject to a civilian order of protection shall comply with the provisions and requirements of such order whenever present on a military installation. Any person who fails to do so may be subject to administrative and/or disciplinary action, as appropriate and may be barred from the installation.

All orders of protection issued to military personnel must be enforceable under the Uniform Code of Military Justice (UCMJ). Accordingly, the Secretaries of the Military Departments shall issue regulations specifying that persons subject to the UCMJ shall comply with civilian and military orders of protection and that failure to comply with either may be prosecuted under Article 92, UCMJ, for failure to obey a lawful order or regulation, as well as any other UCMJ offense applicable.

A DoD civilian employee who violates a civilian order of protection while on a military installation is subject to appropriate administrative or disciplinary action and may be barred from the installation.

Any person who violates a civilian order of protection while on a military installation is subject to the imposition of sanctions by the court issuing the order.

This memorandum is effective immediately. A DoD directive implementing this policy shall be issued within 180 days.

David S. C. Chu