

# HOW SOFA WORKS (Off-Duty Incidents)

**SOFA explained:**

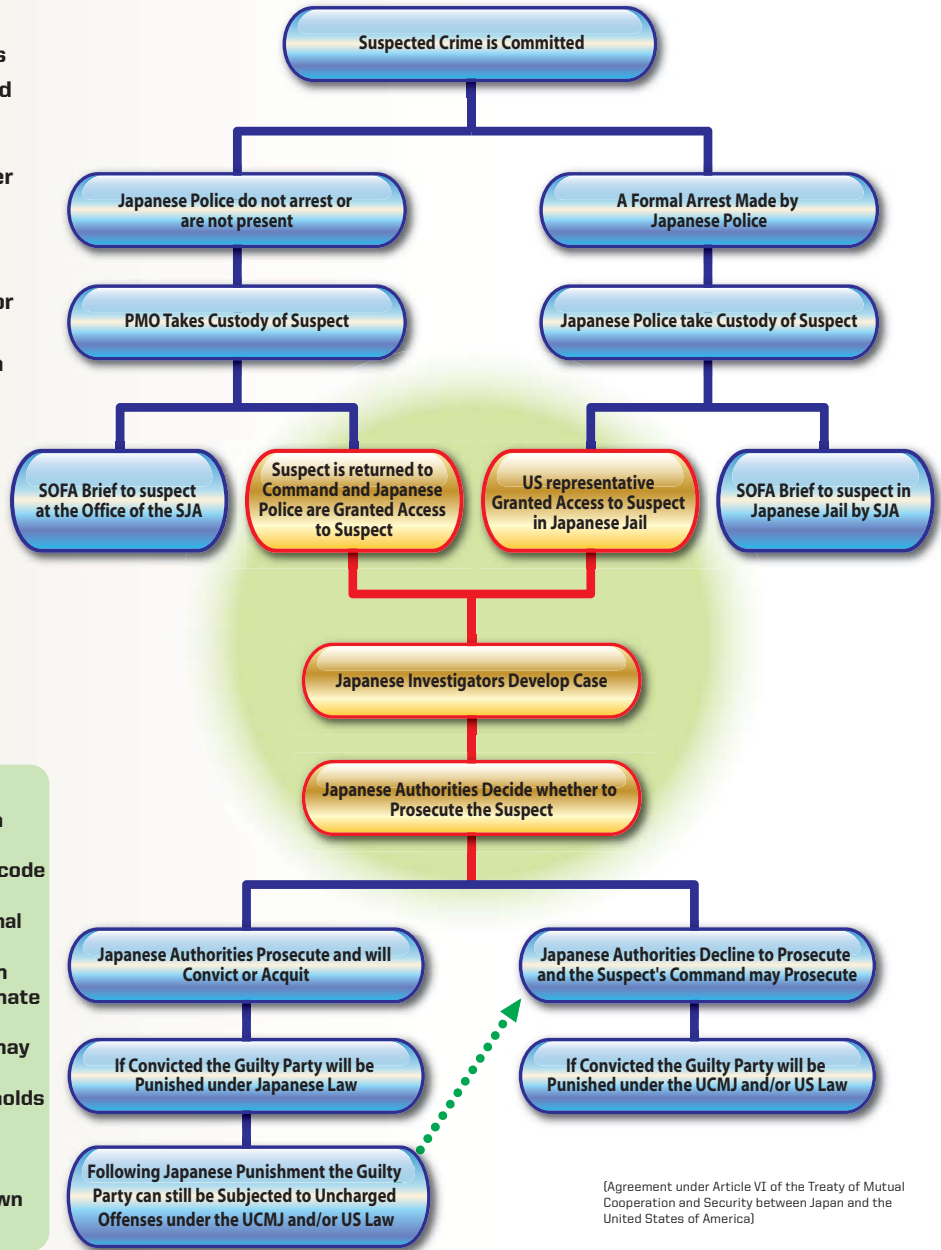
- SOFA is a mutual agreement between the governments of Japan and the United States
- Japanese and U.S. authorities have equal and assured access, regardless of where the individual is held
- Military and Japanese lawyers work together whenever an issue arises
- The differences between the US and Japan legal systems are respected
- Justice is preserved regardless of location or specifics of crimes
- U.S. punishments are generally harsher than Japanese punishments



MARINES RENEW THEIR COMMITMENT TO INTEGRITY AND HONOR

**Uniform Code of Military Justice (UCMJ):**

- U.S. service members voluntarily give up certain civil rights when joining the military
- Military members agree to live under a stricter code and agree to be held to a higher standard
- U.S. service members do not lose their constitutional right to due process by joining the military
- The military justice system is a command-driven system, with the commander acting as the ultimate decision-maker on how to handle misconduct
- To ensure good order and discipline, the UCMJ may punish conduct that other legal systems do not
- Much like the U.S. justice system, the UCMJ upholds the rights of both the victim and the accused
- Service members understand the need for good order and discipline, and are the first to be disappointed and impacted when one of their own does something to discredit the service.



[Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America]

## Max Punishment Comparison Chart

Crime	Japanese Criminal Justice System Maximum Punishment	United States Criminal Justice System Maximum Punishment	Uniform Code of Military Justice Maximum Punishment
Murder	Death or Life Imprisonment	Death or Life Imprisonment	Death or Life Imprisonment
Rape	20 years Imprisonment	Life Imprisonment	Death or Life Imprisonment
Kidnapping	10 Years Imprisonment	Death or Life Imprisonment	Life Imprisonment
Assault	15 Years Imprisonment	20 Years Imprisonment	5 Years Imprisonment
Trespassing/Housebreaking	1 Year Imprisonment	6 Months Imprisonment	5 Years Imprisonment
Larceny (Theft)	10 Years Imprisonment	10 Years Imprisonment	10 Years Imprisonment
Destruction of Property	3 Years Imprisonment	10 Years Imprisonment	10 Years Imprisonment
Possession of Illegal Firearm	5 Years Imprisonment	5 Years Imprisonment	1 Year Imprisonment
Driving Under the Influence	3 Years Imprisonment	6 Months Imprisonment	6 Months Imprisonment
Possession/Sale of Marijuana	7 Years Imprisonment	8 Years Imprisonment	5 Years Imprisonment
Adultery	None	None	1 Year Imprisonment
Desertion from Duty	None	None	Life
Orders Violation (Curfew)	None	None	5 Years Imprisonment

(Penal Code, Road Traffic Law, Cannabis Control Law, Firearms and Swords Control Law, Narcotics and Psychotropic Control Law)

(United States Code)

(Uniform Code of Military Justice)