Personnel Processing

Rules for Living in Germany
(A Newcomers Guide to Civilian Misconduct)

Headquarters
United States Army, Europe
and Seventh Army
United States Army Installation Management Agency, Europe
Region Office
Heidelberg, Germany

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Summary. This pamphlet provides information on misconduct that can affect family members in Germany.

Applicability. This pamphlet applies to family members and their sponsors in Germany.

Forms. AE and higher-level forms are available through the Army in Europe Publishing System (AEPUBS) at https://aepubs.army.mil/ae/public/aepubs_main.asp.

This pamphlet is available at https://www.aeaim.hqusareur.army.mil/library/.
Introduction

Living in Germany can be exciting and fun. There are many things to see and do.

While living in Germany, however, you are governed by special international agreements, including the NATO Status of Forces Agreement or “SOFA.” This agreement governs the relationship between Germany and the U.S. military on matters of criminal jurisdiction, passport and visa regulations, taxes, claims, drivers licenses, airport regulations, and other civil and legal matters.

U.S. civilian employees and U.S. family members accused of criminal offenses are always subject to German jurisdiction. German courts have jurisdiction over all parties in civil actions, regardless of nationality or military status.

You may sue and be sued in German courts for such matters as failure to pay debts or breach of lease. If you are sued by someone, your legal assistance officer can offer free legal advice.
Individual Logistic Support

The CG, USAREUR/7A, authorizes individual logistic support for civilians (family members and employees) who accompany the U.S. Forces.

This support is conditional on the civilians’ good behavior. When civilians break host-nation laws or violate U.S. regulations, the CG, USAREUR/7A, may revoke or permanently suspend this support. The authority to revoke or suspend this support has been delegated to garrison commanders, because the garrison commander normally is responsible for upholding the morale, welfare, safety, and good order within the garrison geographic area.

An offender’s privileges may be suspended or revoked throughout the European theater. Privileges that may be suspended (or revoked) include, but are not limited to, the following:

- Army and Air Force Exchange Service (AAFES) sales facility privileges.
- Commissary privileges.
- Participation in morale, welfare, and recreation (MWR) activities.
- Club privileges.
- Check-cashing privileges.
- Government quarters. Government quarters may be terminated if civilian sponsors or family members of a sponsor are involved in illegal use of quarters or misconduct contrary to safety, health, or morale.
- Ration privileges.
- Class Six privileges.
- U.S. Forces privately owned vehicle (POV) driving privileges.
- Entry to one or more military installations.

Incidents of civilian misconduct will be resolved as quickly and informally as possible. The civilian misconduct action authority (CMAA) will process actions thoroughly and fairly, acting in concert with military police officials, host-nation authorities, and investigating officers. CMAA actions are not criminal; they are administrative.

Family members and U.S. civilian employees may receive confidential advice and assistance for legal matters by visiting the legal assistance division of the local office of the staff judge advocate (OSJA).
Community Supervision Programs

Community supervision programs are an effective way to determine if an offender is willing to be a responsible community member. Community supervision programs will be tailored to the offense and the offender.

Examples include requiring the offender to—

- Periodically report in person to the community supervision officer or an appropriate designee.
- Receive periodic home visits from the community supervision officer or appropriate designee.
- Remain at home during specific hours.
- Perform voluntary community services.
- Make payments to or perform services for persons affected by the misconduct to reimburse them for damage or loss.

The offender (and a parent if the offender is a child) must consent in writing to participation in community supervision programs.
The Last Straw

CMAAs will consider advance (early) return of family members and civilian offenders to the United States when other administrative measures are not expected to be effective.

- CMAAs will ask sponsors to request advance return of the offender to the United States.

- If the sponsor does not request advance return of the offender, the garrison commander may authorize advance return without the sponsor’s request.

- If advance return of a family member to the United States is anticipated and a violation of German law is involved, the local liaison authority will notify the appropriate judicial authorities. The offender will not be returned to the United States without host-nation approval.

- When advance return is authorized and the offender refuses to leave, or leaves and returns to Germany, the CMAA may initiate action to revoke individual logistic support (other than medical care). Termination of Government quarters or revocation of command sponsorship of family members may also be appropriate.

- In appropriate cases, the CMAA may ask that the 1st Personnel Command curtail the military sponsor’s overseas tour.
General DODDS Rules

While protecting the rights and privileges of students, each school has policies meant to enhance the students’ safety, welfare, and dignity. Involvement in any of the following offenses is cause for suspension from school and a notice being sent to the garrison commander:

- Cheating.
- Repeatedly being absent or tardy without an excuse.
- Consuming, possessing, storing, or being under the influence of alcohol or drugs during the schoolday or during school activities.
- Disrespecting or defying school authorities.
- Falsely setting off a fire alarm or making a bomb threat.
- Fighting.
- Forging signatures of school officials or sponsors.
- Setting fires.
- Smoking.
- Stealing.
- Using or carrying fire-crackers, explosives, or potential weapons in school.
- Vandalizing or maliciously abusing Government, school, or personal property.
# Examples of Offenses and Suggested Penalties

The offenses below are some examples (not a complete list) of violations of German law or military rules. The suggested penalties are examples and do not limit CMAAs or garrison commanders in their responses to misconduct.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Nature of Offense</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third Offense</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>Creating a disturbance</td>
<td>Counseling or letter of warning or suspension of privileges for up to 60 days</td>
<td>Letter of warning to suspension of privileges for up to 60 days</td>
<td>Suspension of privileges for 6 months to advance return of family member or tour curtailment</td>
<td>More severe administrative action may be appropriate based on the seriousness of the disturbance.</td>
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<td>Threatening to inflict bodily harm without bodily harm</td>
<td>Letter of warning to suspension of privileges for up to 30 days</td>
<td>Suspension of privileges for up to 60 days to advance return of family member or tour curtailment</td>
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<td>Fighting or assault</td>
<td>Letter of warning to suspension of privileges for up to 60 days</td>
<td>Advance return of family member to tour curtailment</td>
<td></td>
<td>More severe administrative action may be taken based on such factors as provocation, extent of injuries, and status of victim.</td>
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<td>Hitting, pushing, or other acts against another person without causing injury</td>
<td>Letter of warning to suspension of privileges for up to 60 days</td>
<td>Advance return of family member to tour curtailment</td>
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<td>Truancy</td>
<td>Unexcused absence from school by child</td>
<td>Counseling or letter of warning</td>
<td>Letter of warning to suspension of privileges for up to 30 days</td>
<td>Suspension of privileges for up to 60 days to advance return of family member</td>
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<td>Insubordination</td>
<td>Refusal to obey orders, or community or school rules; defiance of military police or commander authority</td>
<td>Counseling or letter of warning to advance return of family member</td>
<td>Suspension of privileges for up to 30 days to advance return of family member</td>
<td>Advance return of family member</td>
<td>Revocation of all logistic support privileges may be appropriate when family member refuses to leave.</td>
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<td>Unauthorized use of alcohol or drugs</td>
<td>Unauthorized possession or transfer of alcoholic beverages or drugs while on Government property or in a Government area</td>
<td>Letter of warning to suspension of privileges for 30 days</td>
<td>Suspension of privileges for up to 6 months</td>
<td>Suspension of privileges for up to 1 year; revocation of privileges to advance return of family member or tour curtailment</td>
<td>More severe administrative action may be appropriate when aggravated factors (such as giving alcohol or drugs to a child under the age of 16) are present.</td>
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## Abbreviations

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<tr>
<th>Abbreviation</th>
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<tr>
<td>AAFES</td>
<td>Army and Air Force Exchange Service</td>
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<td>AE</td>
<td>Army in Europe</td>
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<td>CG, USAREUR/7A</td>
<td>Commanding General, United States Army, Europe, and Seventh Army</td>
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<td>CMAA</td>
<td>civilian misconduct action authority</td>
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<td>DODDS</td>
<td>Department of Defense Dependents Schools</td>
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<td>MWR</td>
<td>morale, welfare, and recreation</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>OSJA</td>
<td>office of the staff judge advocate</td>
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<td>POV</td>
<td>privately owned vehicle</td>
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<td>SOFA</td>
<td>Status of Forces Agreement</td>
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<td>U.S.</td>
<td>United States</td>
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<tr>
<td>USAREUR</td>
<td>United States Army, Europe</td>
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Important Telephone Numbers

Military Police: ________________________________

OSJA: _______________________________________

German Police: ______________________________

Fire: _______________________________________

Ambulance: _________________________________

Emergency Room: ___________________________

Army Community Service: ___________________

Family Action Program: ______________________

Youth Services: ______________________________