DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON WIESBADEN
UNIT 29623
APO AE 09005-9623

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MEMORANDUM FOR All Members of the United States Army Garrison (USAG) Wiesbaden Community

SUBJECT: USAG Wiesbaden Command Policy Letter # 9, Civilian Misconduct

1. References:

a. Army in Europe Regulation (AER) 27-9, Misconduct by Civilians, 22 Nov 11.

b. AER 550-56, Exercise of Jurisdiction by German Courts and Authorities over U.S. Personnel, 3 Sep 03.

c. AER 550-50, Exercise of Foreign Criminal Jurisdiction over United States Personnel, 26 Nov 07.

d. AER 600-1, Regulated Activities in Europe, 20 May 09.

e. AER 600-700, Identification Cards and Individual Logistic Support, 4 Feb 10.

f. Army Regulation (AR) 614-30, Overseas Services, 30 Mar 10.

2. Purpose: To establish policy, requirements, and procedures for responding to misconduct by persons (excluding active-duty military personnel) eligible to receive Individual Logistical Support (ILS) from the U.S. Forces and by persons who have access to U.S. military installations.

3. Applicability: This policy letter applies to all civilians who are not on active military duty but-receive ILS from the U.S. Forces (e.g. are permitted access to and use of U.S. Forces' facilities) regardless of command sponsorship status, including but not limited to the following:

a. Appropriated and non-appropriated fund Department of Defense (DOD) Civilian Employees and their Family members, and their "members of household".

b. Family members of U.S. military personnel, their "members of household", and U.S. military retirees and their Family members.

c. Employees of Government contractors and their Family Members.

e. Government consular and diplomatic personnel and their Family members.

4. Policy: The Commanding General, U.S. Army Europe and 7th Army, authorizes ILS to civilians who accompany the U.S. Forces on the condition of good behavior. Garrison Commanders (GCs) are responsible for the morale, welfare, safety, and good order in their geographic areas of responsibility (AORs). All personnel subject to this policy will avoid misconduct, promote good conduct, and cooperate fully with USAG Wiesbaden and other military, school, and host nation authorities in the investigation of incidents involving civilian misconduct.

a. All personnel who engage in misconduct are subjected to adverse administrative action in accordance with (IAW) AER 27-9. Prior to a final decision being made, the respondent and sponsor will be provided a Notice Of Intent (NOI) outlining the essential facts of the alleged misconduct, their due process rights IAW AER 27-9, and the intended action to be taken against the respondent in response to the misconduct.

b. When considering the appropriate administrative action, the GC will consider the seriousness of the misconduct; relationship of the sanction to the offense; the prior record, age and maturity of the offender, and any compensation the offender has made to the victim(s) to rectify the effects of his or her misconduct. Administrative actions the GC can impose against individuals who engage in misconduct include:

(1) Letter of Counseling or Warning. Letters of counseling or warning do not require a NOI and are not appealable. They require no further action, but are simply issued to a subject under general GC authority to address an incident of misconduct. If the respondent submits a reply, it will be included in the case file. Unless the GC chooses to reconsider his or her decision, the case file will be closed.

(2) Suspension or Revocation of ILS. ILS privileges that can be suspended and/or revoked due to misconduct include, but are not limited to, AAFES and commissary privileges, rationed items to include tax-free fuel and Class VI privileges; Moral, Welfare, and Recreation (MWR) privileges; government housing; and installation driving privileges.

(3) Early Return of Dependents (EROD) (voluntary or involuntary). EROD or other civilian offenders to the continental United States will be considered by the GC when other administrative measures are not expected to be effective. However, if host-nation authorities indicate the intent to prosecute the offender or are likely to do so, an EROD will not be effected without host-nation approval and will be coordinated through the local Legal Liaison Authority (LLA).

(4) Rehabilitation and Restitution Opportunity Program (R&RO). Depending on the facts of a specific case, individuals who engage in misconduct may be offered the opportunity to voluntarily participate in the R&RO program instead of more severe action. The R&RO program offers an effective way to determine whether or not an

offender is willing to be a responsible member of the community. R&RO will be tailored to the offense and to the offender. Examples of R&RO that may be offered include:

(a) Paying restitution to victims, including the garrison or other units/agencies who have been affected by the misconduct, to reimburse or compensate them for damages or losses.

(b) Performing voluntary community service.

(c) Attending and participating in social welfare services, medical programs, or community education or counseling programs intended to identify, diagnose, or treat underlying social or psychosocial disorders that affect an individual's behavior or to educate respondents in better ways to manage their personal lives.

(d) Remaining at home during specified hours of the day.

(e) Receiving periodic home visits from the Civilian Misconduct Actions Specialist (CMAS) or an appropriate designee.

(f) Periodically reporting in person to the CMAS or an appropriate designee.

(5) Barment (local and/or theater wide). In appropriate cases, the GC can impose a permanent and/or temporary bar on respondents when dealing with misconduct. Barment will prevent individuals from legally accessing U.S. military installations within Europe. Bars will not prohibit a minor enrolled in a DODDS school from accessing the education facility, nor may it prohibit an offender from receiving medical treatment if authorized. Requests to remove or modify a bar to entry must be sent to the authority who issued the bar memorandum. Requests may not be made until at least 1 year after the effective date the bar was imposed. After 2 bar removal denials, the request to remove or modify a bar will move to every 5 years.

(6) Curtailment of Tour:

(a) Military Sponsor. In appropriate cases, the GC may request a curtailment of an overseas tour of a Military sponsor (AR 614-30). The respondent will have an opportunity to be heard in the curtailment process. The request will be sent to IMCOM-Europe (IMEU-HB), for approval. Recommendation for curtailment of a sponsor's tour by the GC is not appealable.

(b) Civilian Sponsors. A Family member's inability to adapt to the overseas environment may be an indication that the employee is unable to fully adapt. This may be a factor in any decision on extending the sponsor's tour beyond 3 years and every 2 years thereafter. If an employee's reassignment involves an abridgment of the employee's initial overseas or renewal tour, curtailment rules in applicable travel and transportation regulations must also be observed. Managers should consult the

servicing Civilian Personnel Advisory Center (CPAC) and Staff Judge Advocate (SJA) before they make such decisions.

c. Responsibilities:

(1) USAG Wiesbaden GC will:

(a) Investigate and respond to incidents of civilian misconduct and take appropriate administrative action against persons who engage in civilian misconduct.

(b) Oversee the duties of the CMAS and ensure that the GC is provided with regular updates regarding new and ongoing cases of civilian misconduct.

(2) CMAS will:

(a) Manage the civilian misconduct program.

(b) Receive all reports of misconduct.

(c) Coordinate with Department of Defense Dependents Schools (DODDS) and other community services and agencies on civilian misconduct matters.

(d) Advise and make recommendations to the GC and prepare all documentation and proposed actions.

(e) Maintain all civilian misconduct records and monitor the status of civilian misconduct incidents.

(3) Sponsors and parents will:

(a) Make every effort to prevent misconduct by their Family members.

(b) Cooperate fully with garrison, school, and host-nation officials.

(c) Encourage Family members who commit misconduct offenses to demonstrate their desire to remain in the garrison and keep their ILS privileges (e.g. by offering restitution or taking part in the R&RO program) recommended services as appropriate (e.g. family counseling, consultation with school officials, parent effectiveness training).

(4) Unit commanders, the chain of command, and heads of tenant organizations will:

(a) Support GC actions.

(b) Follow regulations that prescribe a commander's authority to take certain administrative actions. If a sponsor's commander and/or supervisor refuse to impose a

sanction requested by the GC, the matter will be referred through the sponsor's chain of command to the first general officer.

(5) DODDS officials will:

(a) Take appropriate internal administrative action to address student, teacher, and staff disciplinary problems that occur at schools, during school activities, or while using DODDS-run school buses.

(b) Notify the GC of all suspensions and expulsions from school and report criminal offenses to the GC and the local Provost Marshal (PM).

(c) Report to the CMAS all cases of misconduct that warrant suspension or expulsion from school, even if such punishment is not actually executed.

(d) Cooperate with the GC to inspect for and remove contraband or when evidence of misconduct exists on school premises or in DODDS facilities.

(6) University and college officials operating in the European theater will:

(a) Take administrative action to address violations of school rules and regulations.

(b) Notify the GC of the student's sponsor and the GC who is responsible for the area in which the university or college is located whenever a student is suspended, expelled, or involved in criminal conduct.

(c) Report criminal conduct to the PM responsible for that area.

(7) Law enforcement officials will:

(a) Ensure offenses committed by civilians are thoroughly investigated and accurately reported, with the appropriate nature of the violation cited in any resulting report.

(b) Ensure violations of Army regulations and German law by civilians are specifically indicated.

(b) Keep evidence until any appeal on the case (including an appeal from administrative action) has been completed.

(c) Ensure CMAS receives law-enforcement blotters or other notices of incidents of civilian misconduct that are sufficient to assist in administering the civilian misconduct program.

5. The point of contact for this action is Mr. Donald Rosenkrans, DSN: 548-1003, COMM: 0611-143-548-1003, email: Donald.a.rosenkrans.civ@mail.mil.

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Commanding