

“What Do You Mean, I’m Going to German Jail?!!!” (continued)

it were the most important job interview you will ever have – if you don’t make a good impression in a job interview, you won’t get the job, but as a defendant in German court, you might well “get the works.”

Commanders’ Responsibilities:

Commanders have certain SOFA related command responsibilities, as well as responsibilities to members of their commands who are pending German criminal prosecution or

who are confined in German jails. Among those are:

- Report incidents involving breaches of the German criminal law to the supporting international law office.

- Flag the alleged offending soldier. Suspend PCS orders on civilians.

- Do not initiate UCMJ action, including Article 15s, until jurisdiction is resolved.

- If a Soldier is in German jail, inventory, secure, and safeguard his property.

In Closing...

Army in Europe Regulation 550-56 describes the foreign criminal jurisdiction procedures in Germany, and it provides a much more detailed description of how that system works than what is described here. If you or a member of your command is unfortunate enough to run afoul of the criminal law in Germany, read that regulation.

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Legal Assistance 483-8848

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Trial Defense Service 483-8165

Administrative Law 484-7450

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YOU AIN'T NOTHIN' BUT A (DANGEROUS) HOUND DOG...



by Joerg Moddelmog

The King oversimplified matters when he sang “You ain’t nothin’ but a hound dog.” German law distinguishes between three classes of dogs. There are ordinary dogs, there are dogs that behave dangerously, and finally there are dogs that are deemed dangerous regardless of their actual behavior.

Each of the 16 German states has adopted regulations regarding the protection of their inhabitants against “fighting/dangerous dogs.” Certain dogs are presumed by law to be dangerous, based on their breed, because the breed is characterized by a marked tendency to bite and a low level of provocation. These pure or cross-breed dogs include American Staffordshire Terriers, Staffordshire Bull Terriers, and Pit-Bull Terriers.

Breeding and trading of dangerous dogs is prohibited. German federal law also bans importing dangerous dogs. If you read a newspaper ad for the sale of such dogs, exercise extreme caution, as such an ad cannot be addressed to readers in Germany.

An exemption can only be granted if the owner can show a legitimate interest, *e.g.*, the dog is needed for professional reasons (such as military watch dog). A personal preference for a specific breed of dog is NOT sufficient. The dog must also pass a temperament test, to gauge its potential for increased aggressiveness and dangerousness, and be tagged with an electronic chip.

For dogs other than those defined by law as being dangerous to be considered dangerous, they must have demonstrated an inclination to attack livestock or people. Strict restrictions (permanent leash, wearing a muzzle in public) will be imposed on the owners of dogs demonstrating such behavior, and that specific dog may be prohibited, too. If you give such a dog to someone else for care-giving for more than four weeks (*e.g.*, while you go on vacation), you must notify the local authorities.

Here is some good advice for all dog owners: Liability insurance (*Hundehaftpflichtversicherung*) is highly recommended for **all** dogs - regardless of class. Under

German law, dog owners are held liable for any incidents associated with their dogs, whether or not the incident was the owner’s fault. There is strict liability for damage caused by dogs and other domestic animals. There is no “one free bite” rule in Germany.

A dog owner would be fully liable if his/her dog breaks loose, crosses a street, and the driver of a car, swerving to avoid hitting the dog, smashes his vehicle against a tree. A person supervising an animal has the same obligations as the owner. The supervising person must also be mature and strong enough to walk the dog.

Leaving a dog unattended for long periods, locked out on a balcony, or locked in too small a room, can violate municipal regulations, leading to the imposition of a fine and/or restrictions on the dog owner; so can allowing a dog to bark continuously (“cryin’ all the time,” as Elvis would say).

Fortunately, German law distinguishes between different types of dogs and encourages their owners to provide appropriate living conditions, protecting the dog, as well as the general public.