



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION YUMA

BOX 99100

YUMA, ARIZONA 85369-9100

Sta 5801.1

OJAD

28 JUL 2008

STATION ORDER 5801.1

From: Commanding Officer
To: Distribution List

Subj: COORDINATION OF ARREST WARRANTS AND SERVICE OF PROCESS ON
CIVILIAN OR MILITARY PERSONNEL ABOARD MCAS YUMA, AZ

Ref: (a) 32 C.F.R. Part 720
(b) Article 14, UCMJ
(c) JAGINST 5800.7E

1. Purpose. To publish direction and guidance where military commanders aboard MCAS Yuma are asked to coordinate with Federal, State, or local authorities attempting to arrest or effect service of process on military or civilian personnel.

2. Background. Commanding officers afloat and ashore may permit service of process of Federal or State courts upon members, civilian employees, dependents, or contractors residing at or located on a naval installation, if located within their commands. Service will not be made within the command without the Commanding Officer's consent. The intent of the references is to protect against interference with mission accomplishment and to preserve good order and discipline, while not unnecessarily impeding the court's work. The Joint Law Center has the responsibility of coordinating matters in accordance with references (a) and (b) pursuant to the guidelines contained in Chapter 6 of reference (c) relating to warrants of arrest for civilian or military personnel to civil authorities and the service of subpoenas and civil process aboard MCAS Yuma.

3. Action. All attempts by Federal, State, or local authorities to arrest or effect service of process on military or civilian personnel aboard MCAS Yuma will immediately be directed to the Civil Processing Representative, Joint Law Center, at phone number (928) 269-3576. Under no circumstances should custody of any military or civilian personnel be surrendered to civilian control, or any service of process permitted without prior coordination with the Civil Processing

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Representative. Additionally, under no circumstances will delivery of any military or civilian personnel be denied or service of process refused without prior approval of the Staff Judge Advocate, MCAS Yuma.

4. Process for Responding to Federal, State, or Local Authorities Attempting to Arrest or Effect Service of Process on Military or Civilian Personnel aboard MCAS Yuma

a. Arrest Warrants

(1) The Civil Law Representative will notify command representatives via e-mail or by phone when military or civilian personnel are named in arrest warrants. Information will also be provided as to the nature of the charges and any bail amount required. Commanding officers are ultimately responsible for ensuring the timely presence and proper attire of the military or civilian personnel to the Joint Law Center at the time prescribed by the Civil Processing Representative.

(2) When an individual is brought for surrender to civilian authorities, he or she will be in appropriate civilian attire and will be escorted by a Staff Non-Commissioned Officer or officer to the Joint Law Center. Military Police, NCIS Agents, or Commanding Officers are not authorized to directly transfer custody of military or civilian personnel to civilian control.

(3) In the event the individual is pending charges under the Uniform Code of Military Justice (UCMJ), Commanding Officers should notify the Civil Processing Representative with all pertinent information, such as the nature of the charges, date of trial, etc.

(4) If commands receive requests for the custody of military or civilian personnel after normal working hours, the requesting civilian authority will be informed that he/she must present the warrant to the Civil Processing Representative, at the Yuma Joint Law Center, on the next normal working day and that custody of the individual requested will not be transferred after normal working hours. If the requesting authority needs immediate action, the Staff Judge Advocate will be contacted at duty cell: (928) 941-7669 for directions and guidance.

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b. Subpoenas and Civil Process

(1) All subpoenas and civil process served aboard MCAS Yuma are to be served via the Civil Processing Representative, at the Yuma Joint Law Center. Attempts to serve individuals at their unit or other locations aboard the base are not authorized and should be redirected immediately to the Civil Processing Representative.

(2) Commanding Officers, Officers-in-Charge, or civilian supervisors will not effectuate service of documents under any circumstances.

(3) Individuals in receipt of a Temporary Restraining Order (TRO) or other court order, ordering them to stay away from family members, may gain temporary access to quarters on base to gather personal belongings only after contacting the Office of the Provost Marshal. The Desk Sergeant will provide a military escort to the quarters.

(4) All instances of service of summons by mail regarding civil actions in Federal Court which request return of an "Acknowledgement of Service Form" shall be brought to the immediate attention of the Civil Processing Representative.

(5) Organizations receiving a subpoena for the delivery of official documents/records shall contact the Staff Judge Advocate, MCAS Yuma for guidance.

5. Repossession of personal property

a. All persons seeking to serve any kind of legal process, execute court orders, or repossess personal property, if otherwise authorized, will conduct their activities solely at the Legal Assistance Office, except as otherwise directed by the Commanding Officer, Marine Corps Air Station Yuma.

b. Civilian law enforcement officials authorized by applicable Arizona law will be permitted, upon proper request, to enter Marine Corps Air Station Yuma to serve civil process for the purpose of execution and levy on personal property.

c. Court orders of repossession (writs of possession, and Claim and Delivery) will be served on the individual in the same manner as other civil processes.

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d. Military Police will accompany Sheriff personnel when property is repossessed aboard Marine Corps Air Station, Yuma.

e. Self-help repossession of secured property located aboard Marine Corps Air Station Yuma is strictly prohibited.

f. Secured creditors and/or their agents may enter Marine Corps Air Station Yuma for the purpose of effecting a voluntary repossession of secured collateral only if, after default, the debtor has given the creditor written permission to communicate information regarding the debt to third persons and subject to strict compliance with the following paragraphs.

g. Creditors who have received authorization to contact third parties in accordance with applicable state law and the preceding paragraphs and who wish to effect a voluntary repossession of secured property will notify the Civil Processing Representative in writing, enclosing an original authorization from the debtor. The Civil Processing Representative will in turn contact the individual in possession of the property, to inform that person of the receipt of a creditor's request.

h. The individual whose property is subject to repossession will be offered an opportunity to consult with counsel concerning the consequences of voluntary repossession.

i. If the individual elects to refuse voluntary repossession, or declines the offer of legal assistance, the person seeking repossession will be advised in writing that the repossession will not be permitted without a court order in accordance with applicable State law.

j. Under no circumstances will creditors or their agents enter Marine Corps Air Station, Yuma for the purpose of contacting debts or effecting repossession.

k. The owner of property being repossessed will be afforded the opportunity to remove personal property, not the subject of the repossession action, from the property that is being repossessed.

l. A knowing violation of the above described repossession policy may result in appropriate administrative and/or criminal action.

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6. NCIS, PMO and CID. This order does not in any way affect or change the ability of NCIS, PMO, or CID to make lawful arrests pursuant to their own regulations and policies.



M. A. WERTH

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