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Law

SERVICE OF LEGAL PROCESS

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This instruction implements AFPD 51-10, *Making Military Personnel, Employees, and Dependents Available to Civilian Authorities*. This instruction outlines procedures to be followed in effecting service of legal process at Hill AFB, the Utah Test and Training Range (UTTR), Little Mountain and Carter Creek, Utah, to maximize the effectiveness and efficiency of such service and to minimize disruption to the orderly accomplishment of the Air Force mission. It sets forth the authority, policy, and procedures for service of civil and criminal process upon and restraint of any individual, including, but not exclusively, military personnel and their dependents, civilian employees, and contractor personnel at Hill AFB, the UTTR, Little Mountain, and Carter Creek, Utah. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the AF Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afirms/afirms/afirms/rims.cfm>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through Major Command (MAJCOM) publications/forms managers.

SUMMARY OF CHANGES

This publication has been revised to update the base jurisdictional boundaries/areas.

1. Authority, Jurisdiction and Service of Process.

1.1. The United States Air Force has exclusive jurisdiction on the realty upon which Hill AFB is located with the exception of the West Side (Falcon Hill) Development, Base Golf Course, Family Housing Areas "D" and "E", Tract 121, the Sunset Housing Area and the

APZ on the south end of the runway. The Air Force has concurrent jurisdiction on the West Side Development, Base Golf Course, Family Housing Areas "D" and "E", Tract 121, the Sunset Housing Area and the UTTR. Little Mountain, Carter Creek and the APZ on the south end of the runway are under proprietary jurisdiction. See Attachment 2, Hill AFB Jurisdiction Map.

1.2. Security Forces Squadron (75 SFS) personnel may place a member subject to the Uniform Code of Military Justice under restraint pending delivery to state or federal authorities in accordance with AFI 51-1001, *Delivery of Personnel to United States Civilian Authorities for Trial*. Restraint may continue only as long as is necessary to effect delivery. 75 SFS personnel shall also monitor process service, service of arrest warrants, property seizures, repossessions and attachments.

2. Procedures.

2.1. Sentries or other persons first encountering a process server who intends to serve an official court order, warrant, subpoena, supplemental court order, or writ, will review the credentials granting power to serve such process before allowing the process server to enter the base.

2.2. If the process server is a civilian law enforcement agent (federal, state, county, or city,) government-issued law enforcement credentials will suffice to enter the base. The civilian law enforcement agent should report to the Civil Law Division (OO-ALC/JAC, Building 1278) to present the documents for legal review. The Civil Law Division will indicate its approval by marking the documents with the date, time, and name of the reviewing party.

2.3. All other process servers must report to the West Gate Visitor's Center. From that location, the server will call OO-ALC/JAC, 777-4886 and arrange to fax the documents for legal review (FAX 777-7459.) If the documents are in order, OO-ALC/JAC will mark the documents indicating the Civil Law Division's legal review and fax them back to the West Gate Visitor's Center, 586-2363. The West Gate Visitor's Center will contact the Security Forces Control Center (SFCC), 777-3056, and request that a patrolman respond to the West Gate Visitor's Center. Security Forces will sponsor and escort the server to Building 1219. Process servers without law enforcement credentials will not be allowed unescorted access to the installation.

2.4. An OO-ALC/JAC paralegal or attorney will review all legal documents to be served for legal sufficiency. Approval will be granted if the document:

2.4.1. Is issued by an appropriate federal or state court.

2.4.2. Is signed by a proper authority.

2.4.3. Will be served within the statutory time period.

2.5. The process server will then be directed to 75 SFS (Building 1219). 75 SFS will then determine the location of the individual being served, the individual's organization, and the identity of the individual's supervisor.

2.6. 75 SFS will take the following actions with respect to individuals being served:

2.6.1. Civilian Federal Employees and Civilian Contractor Employees: Contact the individual's supervisor and request that the supervisor privately ask the individual to

report to 75 SFS. The supervisor will inform the individual of the proposed service of process and of the individual's option to voluntarily meet with the process server at 75 SFS office or have the process server appear at the work place. If the individual refuses or fails to report, 75 SFS will detail a security forces person to escort the process server to the individual's job location. Security forces personnel escorting process servers are precluded from assisting in the actual service of process, other than helping to locate the individual being served. Service of process will be made under circumstances providing the maximum amount of privacy practicable.

2.6.2. Military Dependents and Non-employee Civilians (to include sponsored civilians) under 14 years of age for Utah process and under 18 years of age for federal process: Contact the minor's sponsor (in sponsor's absence, the minor's parent or guardian) and request that the minor be brought to the 75 SFS office for service, along with a parent, guardian, or person charged with the care and custody of the minor. If the minor refuses or fails to report, then 75 SFS will detail a security forces person to escort the process server to the minor's residence or other known location on base.

2.6.3. Military Dependents and Non-employee Civilians, 14 years of age or older for Utah process or 18 years of age or older for federal process: Contact the individual directly and request he/she present himself/herself for service at the 75 SFS office. If the individual refuses or fails to report, then 75 SFS will detail a security forces person to escort the process server to the individual's residence or other known location on base.

2.6.4. Members of the United States Armed Forces: Contact the individual's immediate supervisor and ask him/her to request that the individual report to the 75 SFS office. If the individual refuses or fails to do so, then 75 SFS will detail a security forces person to escort the process server to the individual's place of duty, on-base residence, or other known location on base.

2.6.5. In all cases, if the process server is unable to make contact with the subject, the Security Forces Control Center will work with the process server to arrange for a return visit on the same calendar day without requiring a return visit to the Civil Law Division for legal review. Return visits on any other calendar day or the introduction of any new documents will require the process server to repeat the steps outlined in previous paragraphs of this instruction.

2.7. In those cases where both a service member and spouse are to be served, and they reside together on base, and service of process can be accomplished upon both by service upon either person at their residence; then, after the requisite approval has been obtained, a security forces person will be detailed to escort the process server to the person's residence.

2.8. In-state and out-of state service of process issued by a federal court or a court of a state is authorized on Hill AFB, the UTTR, Little Mountain and Carter Creek, Utah if made in accordance with this publication.

3. Voluntary Acceptance of Out-of-State Service of Process. Arrangements may be made for off-base voluntary acceptance of out-of-state service of process.

4. Arrest Warrants. Utah and federal arrest warrants will be served in the same fashion as the process described above, except where, in the opinion of the process server and 75 SFS, "no notice" service is required to ensure the safety of those effecting service or where 75 SFS

concludes that other practical reasons dictate a "no notice" service. A request for delivery of an Air Force member by authorities of any other state, refer to AFI 51-1001, *Delivery of Personnel to United States Civilian Authorities for Trial*.

5. Seizure, Repossession, Attachment, etc. , on Hill AFB, the UTTR, Little Mountain and Carter Creek, Utah. No property whatsoever within the confines of the above-named installations will be seized, repossessed, attached or otherwise executed upon without the express consent of the owner of such property or upon the presentation of process authorizing the same issued by a court of the state of Utah or a federal court.

5.1. Advance consent to seize, repossess, or attach, given by the creditor in the contract of sale, promissory note, installment sales contract, or other financing instrument or contractual document, is not express consent within the meaning of this publication.

5.2. Persons desiring to seize, repossess, or attach property on Hill AFB, the UTTR, Little Mountain and Carter Creek, Utah will follow the procedures for service of process in paragraph 2. Specifically, they will identify themselves to the sentry at the point of entry and declare their intent to seize, repossess, or attach. Once the credentials or identification have been established, the sentry will direct the process server to OO-ALC/JAC for review of the documentation. Thereafter, [paragraphs 2.5, 2.6, and 2.7](#) apply.

6. Garnishment or Wage Assignments. All documents pertaining to garnishments or wage assignments of Air Force personnel will be sent directly by the process server to the Defense Finance and Accounting Service (DFAS). DFAS processes all court-ordered garnishments for military members and civilian employees. Garnishments for Non-Appropriated Fund Instrumentalities and contract employees will be sent to their appropriate agents designated to accept service of legal process pertaining to garnishment or wage assignment. Current DFAS information and addresses are available on the internet at <http://www.dfas.mil/garnishment.html>.

PATRICK C. HIGBY, Col, USAF
75th Air Base Wing Commander

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFPD 51-10, *Making Military Personnel, Employees, and Dependents Available to Civilian Authorities*, 19 October 2006

AFI 51-1001, *Delivery of Personnel to United States Civilian Authorities for Trial*, 20 October 2006

Abbreviations and Acronyms

75 SFS—Security Forces Squadron

DFAS—Defense Finance and Accounting Service

OO-ALC/JA—Office of the Staff Judge Advocate

NAFI—Non-appropriated Fund Instrumentalities

SFCC—Security Forces Control Center

UTTR—Utah Test and Training Range

Terms

Express Consent—Actual, informed, and current consent given after the decision to seize, repossess, or attach has been made, and given after the seizer, reposessor, or attacher requests permission from the owner (registered owner in the case of motor vehicles) of the property to be seized, repossessed, or attached.

Attachment 2

FIGURE 2.1 JURISDICTION MAP

