



DEPARTMENT OF THE NAVY

U.S. NAVAL SUPPORT ACTIVITY NAPLES ITALY

PSC 817 BOX 1

FPO AE 09622-0001

NAVSUPACT NAPLES INST 5800.5B
N01J

08 FEB 2022

NAVSUPACT NAPLES INSTRUCTION 5800.5B

From: Commanding Officer, U.S. Naval Support Activity Naples, Italy

Subj: PROCEDURES FOR ACCEPTING SERVICE OF PROCESS FOR ITALIAN CIVIL
AND CRIMINAL MATTERS

Ref: (a) 32 CFR § 720.20, Service of Process upon Personnel
(b) The Hague Convention on the Service Abroad of Judicial and Extra-Judicial
Documents in Civil or Commercial Matters, 15 Nov 65, 20 U.S.T. 1361; 658
U.N.T.S. (1977)
(c) JAGINST 5800.7G, Manual of the Judge Advocate General
(d) NATO SOFA, Article VIII, paragraphs 5(G) and 9
(e) Servizio Notificazione Atti Giudiziari (Service of Process Envelope)
(f) PS Form 3883-A, USPS Firm Delivery Receipt

1. Purpose. Per references (a) through (d), this instruction prescribes procedures and requirements for accepting Italian civil and criminal service of process served upon individuals and U.S. Commands at U.S. Naval Support Activity (NAVSUPACT), Naples, Italy.

2. Cancellation. NAVSUPACTNAPLESINST 5800.5A

3. Applicability. This instruction applies to all personnel assigned to or employed at NAVSUPACT Naples including those attached to tenant commands.

4. Procedures

a. Service by Mail. Per reference (e), Italian law requires judicial service of process by mail to be enclosed in a green envelope marked Servizio Notificazione Atti Giudiziari.

(1) Service by mail on the U.S. is usually addressed to "Comando Marina Militare" or the name of a Department of Defense command or agency. Upon receipt, the Naval Supply Systems Command (NAVSUP) Fleet Logistics Center Sigonella (FLCSI), Naples, Post Office will notify the Commander, Navy Region Europe, Africa, Central (CNREURAFCENT) Office of the General Counsel (OGC) via reference (f).

(2) Service by mail on individuals is usually addressed to the individual. The FLCSI Naples Post Office will use standard U.S. registered mail notifications to inform addressees of receipt. If the addressee does not retrieve the mail, the FLCSI Naples Post Office will return it to sender.

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b. Personal Service for Civil Litigation. The NAVSUPPACT Naples Security Department, which is responsible for base access requests will refer process servers to India Seven section to facilitate interactions between process servers and the individual to be served. If India Seven is unable to contact the person to be served, India Seven will provide the process server the following Fleet Mail Center address: Name of Person, Name of Command, Base della Marina Militare USA, Viale Fulco Ruffo di Calabria, 80144 Napoli. After providing this information, the NAVSUPPACT Naples Security Department will file a Report of Investigation memorializing the individual's refusal or failure to accept the service of process.

c. Personal Service for Criminal Actions. Italian law enforcement performs service of process on individual involved in criminal actions with Security Department coordination.

(1) Upon notification of service of process, the NAVSUPPACT Naples Security Department will first notify U.S. Region Legal Service Office, Europe, Africa, Central (RLSO EURAFCENT) via phone and e-mail. If the Italian police provide a fax of the service of process, the fax will be transmitted to RLSO EURAFCENT. Security will notify the NAVSUPPACT Naples Staff Judge Advocate (SJA) of the notification in either situation.

(2) RLSO EURAFCENT will contact the individual to provide a rights advisement and assist the individual in securing a defense counsel prior to interrogation.

(3) Security will provide the individual a rights advisement, including the rights to counsel and to remain silent, before any investigative agency (Italian police, Navy Criminal Investigation Services (NCIS), Criminal Investigative Division, Security, etc.) questions the individual.

d. Service of process on individuals no longer assigned to or employed at NAVSUPPACT Naples will be served by the RLSO EURAFCENT Foreign Criminal Jurisdiction Office.

e. Upon notification that a Servizio Notificazione Atti Giudiziari for a criminal case is to be served on an individual, the NAVSUPPACT Naples Security Department will immediately notify the individual and RLSO EURAFCENT.

5. Inquiries. Parties wishing to serve process by mail without providing a specific address for the individual to be served will be provided the Fleet Mail Center mailing address listed above. Inquiries as to service of process on the U.S. Government will be directed to the CNREURAFCENT OGC.

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records' disposition schedules located on the Department of the Navy Assistant for Administration, Directives and Records Management Division portal page

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at: <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records' disposition schedules, please contact the local records manager or the OPNAV Records Management Program (DNS-16).

7. Review and Effective Date. Per OPNAVINST 5215.17A, NAVSUPPACT Naples will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, Navy policy, and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years unless revised or cancelled in the interim and will be reissued by the 10-year anniversary date if it still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.



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Releasability and distribution:

NAVSUPPACTNAPLESINST 5216.4DD

Lists: I through IV

Electronic via NAVSUPPACT Naples website:

https://www.cnic.navy.mil/regions/cnreurfcent/installations/nsa_naples/about/departments/administration_n1/administrative_services/instructions.html