



1. PURPOSE

The purpose of this document is to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 U.S.C. §2576a and to promote the efficient and expeditious transfer of the property.

2. AUTHORITY

The Secretary of Defense is authorized by 10 U.S.C. §2576a to transfer to Federal and State Agencies, personal property that is in excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counter-drug or counter-terrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA).

3. STAFFING AND FACILITIES

On August 2, 2005, the Governor of Oklahoma appointed the Oklahoma Federal Surplus Property (FSP) Manager as State Coordinator for the 1033 Program. The FSP Manager may designate a Point of Contact (POC) with signature authority to administer the day-to-day operation of the program.

4. TERMS AND CONDITIONS

a. Law Enforcement Agency (LEA) Eligibility Criteria

The LEA must be a "law enforcement activity" whose primary function is enforcement of applicable Federal, State and local laws as defined by DLA regulation and whose compensated officers have powers of arrest and apprehension.

b. How to Enroll in the State 1033 Program

LEAs must complete a data sheet and request enrollment via the State Coordinator.

NOTE: Upon request of LESO, a mission statement is to be provided along with the data sheet. If the enrollment request is approved by the State Coordinator, it will be forwarded to the LESO. If approved by the LESO, the State Coordinator or POC will be contacted and provided with a LEA screener's authorization memo (Authorization Letter for Property Screening and Receiving). Once enrolled, the LEA must sign a Memorandum of Understanding (MOU) with the State Coordinator agreeing to the terms and conditions of the 1033 Program. As soon as a LEA is properly enrolled, materials may be screened manually at a Defense Reutilization and Marketing Office (DRMO); however, the State Coordinator must provide the LEA with their LEA identification (ID) number so they may screen and request materials online.

c. LEA Screener Criteria

Screeners must be full-time sworn police officers employed by the LEA. LEAs are allowed a maximum of four (4) screeners per agency. A maximum of two (2) authorized screeners may physically screen at any DRMO at one time.

d. Identification/Acquisition/Transportation of Property

LEAs find needed property online through the Defense Reutilization and Marketing Service (DRMS) website: www.drms.dla.mil or by physically visiting a DRMO. Once the property has been identified, LEAs submit a manual or electronic DRMS Form 103 to the State Coordinator. The State Coordinator will either approve or disapprove the request. If approved, it is sent to the LESO. If approved by the LESO, it is submitted to the Defense Reutilization and Marketing Service according to Military Standard Requisitioning and Issues Procedures or a manual DD Form 1348 is sent to the State Coordinator. It is the responsibility of the LEA, at the LEA's expense, to transport requested property from the DRMO to the location. DLA or FSP will not fund the transportation cost.

e. Storage of Property

It is the responsibility of the gaining LEA to store property received through the 1033 Program.

f. Distribution of Property

The LESO will approve property requests in the following priority counter-drug or counter-terrorism and then any other law enforcement activities.

g. Security of Property

It is the responsibility of the gaining LEA to safeguard all property received through the 1033 Program. Should any property become lost due to theft, destruction or unauthorized sale/disposal, the LEA must notify the State Coordinator of such loss within seven (7) working days after the incident. The State Coordinator will contact LESO for additional guidance.

h. Accountability of Property

The State Coordinator and each LEA must maintain records that provide an "audit trail" for all property acquired through the 1033 Program. These records include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 10, ATF Form 5 (Weapons Transfer, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under applicable State statutes and regulations for the program and such property.

i. Inactive File

On October 1, 2003, the LESO instituted a five year file retention policy. This policy states LESO will maintain active files for two years and inactive file for three years. After five years, the files are destroyed with the exception of DEMIL codes B through Q, sensitive items, and items valued at \$20,000 or more.

j. Utilization of Property

Property received through the 1033 Program must be placed into use within one year of receipt and utilized for a minimum of 18 months unless its condition renders it unusable. If property is not placed in use within one year of receipt, it must be transferred to another authorized agency, or returned to a DRMO. Property return/turn-ins must be coordinated in writing through the State Coordinator and the LESO and the turn-in cost is at the LEA's expense.

k. Transfer of Property

LEAs must coordinate, in writing, transfer of 1033 property through the State Coordinator. The State Coordinator will request final approval from the LESO. Property may be transferred within the State or between States as long as it is properly coordinated with the State Coordinators and the LESO. If approved, a "LESO transfer approval memo" will be sent to the State Coordinator.

l. Disposal of Property

LEAs must request and receive approval, in writing, from the State Coordinator prior to disposal of any 1033 property. The State Coordinator will request final approval from the LESO. If approved, a "LESO disposal approval memo" will be sent to the State Coordinator. Only DEMIL codes A, B and Q may be approved for disposal. Items with DEMIL codes C, D, E, F, G, and P must be transferred to an authorized agency or must be returned to a DRMO when no longer needed. Costs incurred for transfers, disposals, or turn-ins is the responsibility of the LEA.

- (1) **DEMIL code A:** Does not require demilitarization and may be disposed of after obtaining State Coordinator and LESO approval.
- (2) **DEMIL code B:** Does not require demilitarization and may be disposed of or returned to a DRMO. If disposed of, it must be in accordance with Trade Security Controls (TSC) (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I4160.14, Volume VII).
- (3) **DEMIL code Q:** Does not require demilitarization and may be disposed of or returned to a DRMO. If disposed of, it must be in accordance with Commerce Control List Items (CCLI) disposition requirements (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Demilitarization Manual; DRMS-I 4160.14, Volume VII).
- (4) **DEMIL codes C, D, E, F, G and P:** Require demilitarization and must be returned to a DRMO. The State Coordinator will obtain the LESO's approval for equipment returns.

The LESO will provide turn-in documentation (DD Form 1348-1A). With few exceptions, the LEA will be asked to coordinate the turn-in with a local DRMO. The LEA informs the LESO which DRMO has agreed to accept the turn-in.

The LESO will prepare turn-in documentation to the accepting DRMO. Upon receipt of the turn-in documentation, the LEA must return the property to the specified DRMO. The DRMO personnel receiving the materials will sign the turn-in document and give the LEA a copy of the signed turn-in documentation. This turn-in documentation must be maintained in the LEA's files and a copy of the documentation must be forwarded to the State Coordinator for their files. (See DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII for DEMIL rules).

Before disposing of MLI/CCLI property (DEMIL codes B and Q) except from DOD 4160.21-M, Federal and State agencies must consider the export control requirements as promulgated by the Department of State, Department of Commerce and the Treasury Department, as applicable. Disposal methods shall ensure that appropriate safeguard requirements are in place prior to disposal. These will include, but are not limited to:

- (1) Notification of export control requirements to the end-user;
- (2) Exclusion of individuals, entities or countries who are excluded from Federal programs by the General Services Administration;
- (3) Exclusion if delinquent on obligations to the U. S. Government or are debarred or suspended from DOD contracts;
- (4) Exclusion if currently suspended for TSC violations; and,
- (5) Exclusion if subject to denial, debarment or other sanctions under public law.

m. Training

The State Coordinator, the State Coordinator's staff and the LEA should be familiar with guidance on the following websites:

- (1) LESO operations www.dla.mil/j-3/leso (1033Program/Automation training guides)
- (2) DRMS operations www.drms.dla.mil (automation requisitioning process/procedures)

1033 PROGRAM MEMORANDUM OF UNDERSTANDING

The following recitals represent the Memorandum of Understanding between the State of Oklahoma, Office of Management and Enterprise Services, Division of Capital Assets Management, Property Distribution Department as State Coordinator of the 1033 Program and the Law Enforcement Agency named herein.

THE STATE WILL

- a. Receive applications for participation in this program from its law enforcement agencies and validate with signature, their law enforcement mission prior to forwarding to the LESO for approval as an authorized LEA. Once the approval process is completed and the agency is loaded in the DRMS automated requisitioning system, provide enrolled LEAs with their LEA ID number so they may request materials on-line.
- b. Forward requests to the LESO for excess property that is necessary to meet requirements for the LEA efforts. Assure the recipient LEA is properly identified on all requisitions.
- c. Be responsible for the transfer of property to qualified LEAs.
- d. Assure the LEAs agree, at no expense to the U. S. Government, the State of Oklahoma, or the FSP 1033 Program, to maintain adequate liability and property damage insurance coverage and workers' compensation insurance to cover any claims.
- e. Control and maintain accurate records on all property obtained under this program. These records must provide an "audit trail" for individual items of property from receipt to disposal, transfer or turn-in. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, ATF Form 5 (Weapons Transfer), Certificate of Aircraft Registration AC Form 8050-3), Aircraft Registration Application (AC Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and property.
- f. Enter into agreements with LEAs to assure they fully comply with the terms, conditions and limitations applicable to property transferred pursuant to this program.
- g. Allow a maximum of four (4) screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "letter of authorization/datasheet" provided to the LESO, to be updated as changes occur, or whenever LESO requests an update. A weapons POC full-time officer must be included on the "letter of authorization/datasheet" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time.
- h. Identify to LEAs property requiring demilitarization and the special controls on MLI/CCLI and FSCAP.
- i. Assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- j. Assure that the following weapons are registered with the U. S. Treasury Department's ATF: M14, M16, M21, M79, and silencers. The State and each LEA must comply with all applicable firearm laws and regulations. Report by phone to be followed in writing via email, fax, or US Postal Service all stolen or unaccounted for weapons to DLA and LESO not later than seven (7) working days after it is discovered. All weapon transfers between LEAs must be approved in writing by the State Coordinator and the LESO before the transfer occurs. Maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles issued to LEAs in the State.
- k. Identify to the LESO each request that will be used in counter-drug or counter-terrorism activities.
- l. Ensure LEAs are aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). Assist LEAs by providing information, as required, for audit submission. Assist LEAs by identifying which property oversight agency the audit information must be submitted to.
- m. Review and update the State Plan of Operation annually (calendar year) or when the Governor or the Governor appointed State Coordinator changes. The State Coordinator will provide the LESO with a copy of any updated plan. If there are no changes to the State Plan of Operation, the State Coordinator will send a signed letter or e-mail notice to the LESO indicating the plan has been reviewed and no changes were necessary.

- n. Ensure all LEAs enrolled in the 1033 Program maintain a current copy of the State Plan of Operation and Memorandum of Understanding.
- o. Conduct periodic reviews of each LEA enrolled in the program, to include physical inventory spot checks of property received and any related records. Additionally, ensure LEAs are in compliance with applicable State Plan of Operation and Memorandum of Agreement. These reviews must be documented and maintained by the State Coordinator for future LESO compliance reviews.
- p. Obtain reconciliation reports from the LESO website and conduct monthly, quarterly and annual reconciliations between LEAs and the LESO.
- q. Ensure serial/tail numbers are provided to the LESO on items such as Peacekeepers/Armored Personnel Carriers (APCs), aircraft, night vision goggles (NVGs)/sights and weapons.
- r. Submit requests for property returns (turn-ins to a DRMO) to the LESO. NOTE: Costs of Shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- s. Submit disposal, transfer and inventory adjustment requests to LESO.
- t. Contact the LESO in writing not later than thirty (30) calendar days prior to a State Coordinator change.
- u. All property transfers will cease if no current Governor's letter is on file; the State has not signed the MOA with DLA; the State Coordinator or POC does not validate all property requests or there is no State Plan of Operation on file.
- v. Assess a handling charge based upon the acquisition value, condition, and life expectancy of the property to be donated to cover FSP 1033 Program operating expenses and costs.

THE LAW ENFORCEMENT AGENCY WILL:

- a. Submit applications for participation in the LESO 1033 Program to the State Coordinator for approval. Provide a mission statement to the State Coordinator and the LESO.
- b. If possible, submit requests for property electronically. Provide justification to the State Coordinator for all requisitions.
- c. Agree to maintain, at no expense to the U.S. Government and the State of Oklahoma, adequate liability, property damage and workman's compensation insurance to cover any claims.
- d. Control and maintain accurate records on all property obtained under this program. These records must provide an "audit trail" for individual items of property from receipt to disposal, transfer or turn-in. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, ATF Form 5 (Weapons Transfer), Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and property.
- e. Comply with the terms, conditions and limitations applicable to property transferred pursuant to this program.
- f. Allow a maximum of four (4) screeners per LEA. The screeners must be named in a 1033 Program Data Sheet provided to the LESO through the State Coordinator, to be updated as changes occur, or whenever the State Coordinator or the LESO requests an update. A full-time sworn police officer must be included on the 100 Program Data Sheet as a weapons point of contact (POC) for LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) authorized screeners may physically screen at any DRMO at one time.
- g. Appoint a property accountability officer responsible for approving or disapproving all property requests at the LEA level and maintaining all accountability records for property received.
- h. Assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- i. Assure that the following weapons are registered with the U. S. Treasury Department's ATF: M14, M16, M21, M79, and silencers. Recipients must comply with all applicable firearm laws and regulations. Report by phone to be followed in writing via email, fax, or US Postal Service all stolen or unaccounted for weapons to DLA, LESO, and State Coordinator not later than seven (7) working days after it is discovered. All weapon transfers between LEAs must be approved by the LESO before the transfer occurs. Maintain an approved copy and provide a copy to the State Coordinator of the ATF Form 10 for all M14, M16, M21 and M79 rifles received through this program.

- j. Identify to the LESO each request that will be used in counter-drug or counter-terrorism activities.
- k. Maintain a copy of the current State Plan of Operation/Memorandum of Understanding.
- l. Be knowledgeable of their responsibilities mandated by the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). (\$500,000 threshold 3-2-05)
- m. Conduct periodic reviews to include physical inventory and spot checks of actual property and related records. Ensure compliance with applicable MOA and the State Plan Operation/Memorandum of Understanding.
- n. Obtain reconciliation reports from the State Coordinator and conduct monthly, quarterly and annual reconciliations. Provide reconciliation reports to the State Coordinator.
- o. Ensure serial/tail numbers are provided to the State Coordinator on items such as Peacekeepers/APCs, aircraft, NVGs/sights and weapons.
- p. Conduct inventory reconciliations and provide inventory reconciliation results electronically to the State Coordinator within 10 working days of the monthly, quarterly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- q. Submit requests for property returns (turn-ins to a DRMO) in writing to the State Coordinator. NOTE: Costs of shipping or repossession of the property by the U. S. Government will be borne by the LEA.
- r. Submit disposal, transfer and inventory adjustment requests to the State Coordinator.
- s. If possible, notify the State Coordinator, in writing, not later than thirty (30) days prior to a change in property accountability officers.

IN WITNESS WHEREOF, the parties hereby certify that each has carefully read, fully understand, and agree to all the terms and conditions of the LESO 1033 Program Memorandum of Understanding, which shall be effective as of the latest date of the parties' signatures executed below.

Agency Name

LESO State Coordinator Signature

Agency Director, County Judge, or Mayor Signature

Type/Print Name

Date Signed

Type/Print Name and Title

Date Signed

Sheriff or Police Chief's Signature

Type/Print Name and Title

Date Signed

STATE OF OKLAHOMA

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STATE OF OKLAHOMA

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COUNTY OF _____

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COUNTY OF _____

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Subscribed and sworn to before me on _____

by _____.

Notary Public: _____

My commission expires: _____

Subscribed and sworn to before me on _____

by _____.

Notary Public: _____

My commission expires: _____