

**STATE OF VIRGINIA
1033 PROGRAM
PLAN OF OPERATION**

INTRODUCTION:

The Virginia State Military Excess Property Program was initiated to distribute excess property, at no charge, to Virginia Law Enforcement Agencies (LEA) to support law enforcement activities with priority given to counter-drug and counter-terrorism activities.

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 which is transferred pursuant to 10 U.S.C. §2576a and to promote the efficient and expeditious transfer of the property.

AUTHORITY:

The Secretary of Defense is authorized by 10 U.S.C. §2576a to transfer to Federal and State Agencies, personal property that is 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 counterdrug/counterterrorism 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). The distribution of property will be accomplished through the 1033 Program. The Law Enforcement Support Office (LESO) located at Fort Belvoir, Virginia is charged with managing the 1033 Program.

STAFFING AND FACILITIES:

The Department of State Police will provide a 1033 Program State Coordinator. The Superintendent of State Police has designated the Property and Logistics Officer (Captain) as the 1033 State Coordinator. The Department will also provide one full-time Office Services Specialist for clerical support and one full-time State Police Sergeant, who will manage the operation of the 1033 Program and will serve as a Department screener. The Sergeant may screen on a limited basis for those Virginia LEAs who can not screen for themselves.

The Department of State Police will provide office space for the operations of the 1033 Program. The office space will be at State Police Administrative Headquarters, Richmond, Virginia. The

Department will provide storage space for storing acquired property prior to distribution to a LEA. This should occur on a limited basis. It is intended that each LEA screen for their own needs and pickup the property authorized for LEA use.

TERMS AND CONDITIONS:

The DLA has final authority to determine the type, quantity, and location of excess property suitable for use by LEAs. The 1033 Program provides no entitlement for a state agency or LEA to receive DoD excess property. Property available through the 1033 Program is for the use of the authorized program participants to support law enforcement activities, with priority given to counter-drug and counter-terrorism activities. Property shall not be acquired for speculative or possible future use, nor shall it be warehoused. It is the intent of the program that property received should be put to use to directly support bona fide law enforcement activities. Unless otherwise provided, property may not be obtained for the purpose of sale, lease, rent, exchange, barter, to secure a loan, or to otherwise supplement normal LEAs budgets. The requisitioning of condition code "A" property for the purpose of cannibalization is not authorized. Any repair, maintenance, insurance, or other expenses associated with these items is the sole responsibility of the receiving LEA. Title for property received is granted to the State or designee (receiving LEA) for property as designated or determined by DLA. Costs of shipping or repossession of the property by the U.S. Government will be borne by the State Agency or LEA having title and/or possession of property.

To the extent permitted by state law, the State or LEA shall indemnify and hold harmless from any and all suits, actions, demands, or claims of any nature arising out of the use of the property received through the 1033 Program. This hold harmless is authorized by section 52-11.3 Code of Virginia. The Department of State Police agrees to maintain and assure that the Virginia LEAs maintain adequate insurance to cover damages or injuries to persons or property relating to the use of the property. Self-insurance is considered acceptable. The DoD assumes no liability for damages or injuries to any person or property arising from the use of the property.

- **Law Enforcement Agency (LEA) Eligibility Criteria:** Must be a "law enforcement activity" whose primary function is enforcement of applicable Federal, State and local laws as defined by DLA regulations (this is referring to DLA Directive (DLAD) 4160.10 which will be superseded by the One Book) and whose compensated officers have powers of arrest and apprehension.
- **How to Enroll in the State 1033 Program:** LEA must request enrollment via their State Coordinator. LEAs must provide a completed data sheet to their State Coordinator. **NOTE:** Upon request of the Law Enforcement Support Office (LESO), a mission statement may need to be provided along with the data sheet. If the enrollment request is approved by the State Coordinator, it will be forwarded to LESO. If approved by LESO, the State Coordinator will be contacted and provided with a LEA screener's authorization memo (Authorization Letter for Property Screening and Receiving). The LEA must sign a Memorandum of Agreement (MOA) with the State Coordinator agreeing to the terms and conditions of the 1033 Program. As soon as an agency is properly enrolled, materials may be screened manually at a Defense

Reutilization and Marketing Office (DRMO); the State Coordinator will provide the LEA with their LEA login so they may access, screen and request materials using automation. Generally, the State Coordinator's Office will provide the LEA with the LEA login within one week of participation approval. The State Coordinator's Office may be contacted at any time between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday for LEA login information.

- **LEA Screener Criteria:** Must be full-time/part-time officers assigned to the LEA. LEAs are allowed a maximum of four (4) screeners per agency. A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time.
- **Identification/Acquisition/Transportation of Property:** LEAs may find needed property electronically through the Defense Reutilization and Marketing Service (DRMS) website: www.drms.dla.mil or by physically visiting the nearest DRMO. Once property has been identified, LEAs submit a manual or electronic DRMS Form 103 to the State Coordinator. The State Coordinator approves/disapproves the request. If approved, it is sent to the LESO. If approved it goes to Military Standard Requisitioning and Issue Procedures (MILSTRIP) or a manual DD Form 1348 is sent to the State Coordinator. It is the responsibility of the agency receiving the property to transport requested property from the DRMOs or make arrangements to have the requested property shipped. It is the sole responsibility of the receiving agency to fund the transportation cost of the property being received. DLA and the State Coordinator's Office will not fund transportation costs. Each LEA shall screen for themselves and pick up their own property. Each LEA upon acquiring property should ensure and determine that an accurate count of property is made prior to leaving a DRMO or immediately upon receiving a property shipment from a DRMO. It is the LEA's responsibility to resolve property shortages/overages with DRMO representatives and to report any property overages or shortages to the State Coordinator's Office without delay. All received property, property overages and shortages, and non-receipt of property shall be documented on form 1348-1A and forwarded to the State Coordinator's Office. In the absence of form 1348-1A, receipt of property may be documented on the automated LESO Detail for DTID printout. This printout is available to the LEA through automation or upon request through the State Coordinator's Office.

The Sergeant assigned to the 1033 Program will determine if the requesting LEA is eligible to receive property by assuring the requesting LEA has a MOA on file and the screeners are currently authorized. The Sergeant will also consider the property requested and determine if it is appropriate considering the size of the agency, the stated use for the property, and past property received to ensure equitable distribution of property.

The allocation of requested property will be based on the date of request and needs of the LEAs with first priority given to counter-drug activities and counter-terrorism activities and then to general law enforcement activities.

All requested property will require written justification. The written justification will accompany all property requests when submitted to the State Coordinator for approval.

- **Storage of Property:** It will be the gaining LEAs responsibility to store property received through the 1033 Program.
- **Distribution of Property:** LESO will approve property request(s) in the following priority: counterdrug/counterterrorism and then any other law enforcement activities.
- **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, this information must be forwarded to the State Coordinator within seven (7) working days after the incident. The State Coordinator will contact the LESO for additional guidance.
- **Accountability of Property:** Each LEA and the State must maintain records for all property acquired through the 1033 Program. These records must provide an “audit trail” for individual items of property from receipt to distribution. 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 Bureau of Alcohol, Tobacco and Firearms (ATF) Form 10s, 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 this property.
- **Active and Inactive Filing System:** The State Coordinator’s Office shall establish at a minimum and maintain standards for file retention that is comparable to those established for and by LESO. Present minimum file retention standards for LESO allows for the destruction of demil “A” files after five years of retention except for \$20,000 or more high dollar property items. Retention of files will be by Federal Year (October 1 through September 30). All other property files will remain active throughout the life cycle of the property item and the property has been returned to a DRMO through LESO and the State Coordinator’s Office.
- **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 one year, unless the condition renders it unusable. Property not placed in use within 1 year of receipt, should be transferred to another authorized agency, or returned to a DRMO. Property returns/turn-ins must be coordinated through the applicable State Coordinator and LESO.
- **State Compliance Reviews:** The State Coordinator’s Office shall conduct on-site compliance reviews with LEAs during each calendar year. The purpose of the compliance review shall be to ensure that the LEA has complied with the requirements of the 1033 Program. Compliance Reviews may be conducted with any LEA that has received DOD property at any time in the program. Compliance Review efforts on property will generally focus, but not be limited to, property items with Demil classification of B,C,D,E,F,G, AND P that require LESO disposal or LESO disposal approval.

- **Transfer of Property:** LEAs must coordinate, in writing, transfer of 1033 property through their 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 Coordinator and LESO. If approved, LESO will send to the State Coordinator an approved Virginia Transfer Request Form. For more information regarding these items, view the following links:

<http://www.demil.osd.mil> Defense Demilitarization and Trade Security Controls Program

<http://www.dtic.mil/mctl> Military Critical Technologies List

<http://www.drms.dla.mil/drms/internal/demil/CriticalBuzzKeyPt.pdf> Critical Federal Supply Class (FSC) and Buzz words

<http://www.drms.dla.mil/drms/internal/demil/FSCAP.pdf> Flight Safety Critical Aircraft Parts (FSCAP)

The following can not be transferred without SC/ LESO approval:

1. Weapons of any type or Aircraft/FSCAP
 2. Demil Equipment- Classifications B,C,D,E,F,G,P and Q
 3. Non-Demil Equipment- Classification A
 4. MLI/CCLI Equipment- (Munitions List Item and Commerce Control List Item)
 5. Critical FSC
- **Issuing property within the Department of State Police:** Requests for military excess property to be issued within the Department should be initiated by memorandum or SP-57 to Property and Logistics Division identifying the property required. The request must be approved by a Division Commander and channeled through the appropriate Bureau for approval of the Bureau Director. Upon receipt of the approved request, the Sergeant will screen for the property and notify the Division when the property becomes available. The issue of the property will be through normal supply procedures. All equipment requiring a property number will receive that number prior to issue from the Property and Logistics Division. That number will be recorded on the completed requisition (SP-57).
 - **Property issued to LEAs through the State Coordinator's Office:** When property is picked up by a LEA, a "Transfer Request Form" will be completed and signed by the transferring and receiving parties to document property transfers. The LEA will be responsible for transporting items from the storage facility.
 - **Weapons:** Weapons are a highly desirable DOD property item by LEAs. When a DOD weapon of any type is transferred to a participating agency that weapon(s) shall remain in the custodial possession of the LEA receiving the weapon or weapons. No weapon shall be traded or barter under any circumstances. LESO and the State Coordinator's Office must approve all weapon transfers or weapon disposals. Lost or stolen weapons shall be reported to the State Coordinator's Office not later than seven working days after the incident has occurred and/or the discovery of such incident. All firearms to include the M-14, M-16, M-

21 and M-79 must be registered with the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms. Recipients must comply with all applicable Federal and State firearm laws and regulations.

- **Disposal of Property:** LEAs must request approval, verbally or in writing, written being the preferred method, from their State Coordinator before any 1033 property is disposed of. The State Coordinator will request final approval from the LESO. If approved, LESO will send to the State Coordinator an approved Virginia Disposal Request Form. Costs incurred for transfers, disposals or turn-ins will be borne by the LEA.
 - **DEMIL code A:** does not require demilitarization and may be disposed after obtaining State Coordinator and LESO approval. **(Demil Code A property is the only property that LEAs will be allowed to dispose of without returning to a DRMO for disposal).**
 - **DEMIL code B:** **(Federal guidelines require that Demil Code B property be returned to a DRMO for disposal.).** **When an LEA no longer requires MLI/CCLI** (Demilitarization B) property, the property must be transferred to another LEA or turned in to the nearest DRMO. The LEA must request the transfer or turn-in to the nearest DRMO through the State Coordinator, who in turn must request approval from LESO. Demil code B property will not physically move until the approval process is complete. All costs relating to the turn-in of property will be borne by the LEA.
 - **DEMIL code Q:** **(Federal guidelines require that Demil Code Q property be returned to a DRMO for disposal.)** When an LEA no longer requires MLI/CCLI Demilitarization Q) property, the property must be transferred to another LEA or turned in to the nearest DRMO. The LEA must request the transfer or turn-in to the nearest DRMO through the State Coordinator, who in turn must request approval from LESO. Demil code Q property will not physically move until the approval process is complete. All costs relating to the turn-in of property will be borne by the LEA.
 - **DEMIL codes C, D, E, F, G and P:** require demilitarization and must be returned to a DRMO. The State Coordinator must obtain the LESO's approval for equipment returns.
 - LESO will provide turn-in documentation (DD Form 1348-1A). With few exceptions, the State/LEA will be asked to coordinate the turn-in with a local DRMO. The State/LEA informs LESO which DRMO has agreed to accept the turn-in. LESO will then provide turn-in documentation for 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 receipt paperwork. This receipt paperwork must be maintained in the LEA's files and a copy of the receipt must be forwarded to the State Coordinator for filing for documentation purposes. (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)

No disposal, destruction/demilitarization or transfer of the following shall occur without the approval of State Coordinator/LESO:

1. Aircraft/FSCAP
 2. Demil Equipment (Classifications B,C,D,E,F,G,Q, and P)
 3. Non-Demil Equipment (Classification A)
 4. MLI/CCLI Equipment (Munitions List Item and Commerce Control List Item)
 5. Critical FSC
 6. Weapons of any type
 7. High Dollar Value property items of \$20,000 or more.
- **Training:** The State Coordinator, his/her staff and LEAs should be trained/familiar with guidance on the following websites:
 - ABCs of DEMIL www.drms.dla.mil/rtd03/demilcodes.htm (knowledge of demilitarization codes)
 - DEMIL Manuals: Department of Defense (DOD) 4160.21-M, Defense Material Disposition Manual :www.drms.dla.mil/publications/4160.21/toc.htm or: <https://www.drms.dla.mil/publications/index.shtml>
 - DLA operations www.dla.mil (DLA handbook)
 - LESO operations <https://pubweb.drms.dla.mil/cmisis> (1033 Program/Automation training guides)
 - DRMS operations www.drms.dla.mil (automation requisitioning process/procedures)
 - Federal property condition codes www.drms.dla.mil/rtd03/conditioncodes.htm
 - **Notices Criteria:** A LEA may be provided with a notice for noncompliance of the 1033 Program guidelines and procedures. The following is a list which is not all inclusive of circumstances that could result in a notice:
 1. Failure to submit required documentation for the receipt of DOD property.
 2. Misuse of DOD property.
 3. Failure to maintain proper documentation/audit trail of DOD property.
 4. Failure to report missing/stolen DOD weapons
 5. Failure to submit proper documentation for weapons registration.
 6. Unauthorized DOD weapons transactions such as weapon transfers without the express approval of LESO and the State Coordinator's Office. This shall also include the unauthorized disposal of any type of weapon.
 7. Failure to submit property reports that are requested by the State Coordinator's Office which are intended to document property receipt and/or property retention

verification.

8. Failure to report missing/stolen DOD property.

- **Termination Criteria:** A LEA may terminate participation in the 1033 Program by submitting written notice that they no longer wish to participate. LEA suspension from the 1033 Program may be for a time period that may extend indefinitely as adjusted by the facts and circumstances of the incident, the results of an investigation and/or the existence of personnel involved in or responsible for the incident. The following is a list which is not all inclusive of circumstances that could result in suspension from the program for a period of time:
 1. Failure to submit required documentation for the receipt of property.
 2. Misuse of DOD property.
 3. Failure to maintain proper documentation/audit trail of DOD property.
 4. Failure to report missing/stolen DOD weapons.
 5. Failure to submit proper documentation for weapons registration.
 6. Unauthorized DOD weapons transactions such as weapon transfers without the express approval of LESO and the State Coordinator's Office. This shall also include the unauthorized disposal of any type of weapon.
 7. Failure to submit property reports that are requested by the State Coordinator's Office which are intended to document property receipt and/or property retention verification.

THE STATE COORDINATOR'S OFFICE WILL:

- a. Receive applications for participation in this program from its law enforcement activities and validate with signature, their law enforcement mission prior to forwarding to LESO for approval as an authorized LEA. Once the approval process is complete and the agency is loaded in the DRMS automated requisitioning system, provide enrolled LEAs with their LEA login so they may request materials on-line.
- b. Forward requests to LESO for excess property that is necessary to meet requirements for LEA efforts. Assure the recipient LEA is identified on all requisitions.
- c. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- d. Assure the LEAs agree to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- e. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. 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, 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 this property. Files will be retained in accordance with the approved established retention schedule and shall meet or exceed minimum LESO file retention requirements.

- f. Enter into agreements with LEAs to assure they fully comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- g. Allow a maximum of four (4) screeners, full-time/part-time officers, per LEA. 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 point of contact (POC) 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. 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 and M79. The State and each LEA must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to DLA, LESO not later than seven (7) working days after it is discovered. The State Coordinator must provide a weapon POC on all LEA data sheets when applicable. All weapon transfers between LEAs must be approved by LESO before any weapons may be transferred. Maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles issued to State/LEA.
- j. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- k. 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. The oversight agency for the State of Virginia is the Auditor of Public Accounts, P.O. Box 1295, Richmond, Virginia 23218.
- l. Review and update State Plan of Operation annually (calendar year) or when the Governor-appointed State Coordinator changes or Governor changes. If there are no changes to the State Plan of Operation send a signed letter/email to the LESO indicating that the plan has been reviewed and no changes were necessary.

- m. Ensure all LEAs enrolled in the State 1033 Program maintain a current copy of the State Plan of Operation or MOU.
- n. 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 Memorandum of Agreement (MOA)/MOU and/or the State Plan of Operation. These reviews must be documented and maintained by the State Coordinator for future LESO compliance reviews.
- o. Obtain reconciliation reports from the LESO website and/or conduct monthly, quarterly and annual reconciliations between the State/LEA and LESO as deemed appropriate by LESO.
- p. Ensure serial/tail numbers are provided to LESO on items such as Peacekeepers/armored personnel carriers (APCs), aircraft, weapons and provide NSN information on night vision goggles/sights to LESO along with other pertinent information when available.
- q. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO month. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- r. Submit requests for property returns (turn-ins to a DRMO) to 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 when a change in the State Coordinator occurs. It is LESO's request that this information be provided not later than 30 calendar days prior to a State Coordinator change. This information will be provided to LESO, as requested, provided such circumstances will allow for such prior notification. In circumstances, such as termination, where the appointed State Coordinator is unable to function and perform his or her duties as the State Coordinator, LESO shall be notified in writing without delay.
- 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 and there is no State Plan of Operation on file.
- v. Maintain a database file to account for DOD property received and issued. This database file will be so that any person with reasonable computer knowledge can operate the database. The objective of the database will be to monitor and control equipment issues to LEAs. The database will allow property to be tracked by NSN and/or DTID and will contain the identification of all property issued to a LEA. An annual report, for APA purposes, will be generated identifying the property and the dollar amount each LEA has received. Each LEA will be identified on the database by name. State agencies will be identified by their agency name.

- w. Data entry for the database will be made from the automated property requests, Military Property Request Form 103, Military Form 1348-1A (Receipt and Turn-in), Virginia Transfer Request Form, and the Virginia Disposal Request Form.
- x. After a Domestic Disaster, collect accountability information from effected agencies that have DoD weapons, aircraft and high dollar value sensitive items (Demil B and Q) valued at \$20,000.00 or more.

THE LAW ENFORCEMENT AGENCY WILL:

- a. Submit applications for participation in this program to the State Coordinator for approval. Upon request from the State Coordinator or LESO provide a mission statement.
- b. Submit requests for property either electronically or manually. Electronic property requests are preferred and are the generally accepted method of screening property. Manual property requests will continue to be processed in the absence of electronic screening availability. Written justification for all electronic and manual property requests to the State Coordinator is required.
- c. Agrees to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- d. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. 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, 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 statues and regulations for the program and this property.
- e. Comply with the terms, conditions and limitations applicable to property transferred pursuant to the 1033 Program.
- f. Allow a maximum of four (4) screeners, full-time/part-time officers, per LEA. The screeners must be named in a "letter of authorization/datasheet" provided to the LESO, to be updated every 12 months, as changes occur, or whenever LESO requests an update. A weapons POC fulltime 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. Appoint a property accountability officer responsible for maintaining all accountable records for property received.

- g. Assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- h. Assure that the following weapons are registered with the U.S. Treasury Department's ATF: M14, M16, M21 and M79. Recipients must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to LESO through the State Coordinator not later than seven (7) working days after the incident has occurred. All participating LEAs that have weapons or are attempting to acquire military weapons must provide a weapon POC on LESO data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. LEA must maintain an approved copy of the ATF Form 10 for all M14, M16, M21 and M79 rifles received. The LEA shall forward a copy of all ATF weapons registrations (Form 10 and for transfers Form 5) indicating ATF approval to the State Coordinator's Office without delay upon receipt from ATF. A copy of all full automatic weapons registrations through the Virginia State Police shall also be forwarded to the State Coordinator's Office without delay. No weapons shall be transferred or disposed of without LESO approval.
- i. Identify to LESO and the State Coordinator's Office each request that will be used in counterdrug/counterterrorism activities.
- j. LEAs enrolled in the State 1033 Program must maintain a copy of the State Plan of Operation.
- k. LEAs must be aware of their responsibilities under the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). The oversight agency for the State of Virginia is Auditor of Public Accounts, P.O. Box 1295, Richmond, Virginia 23218.
- l. Conduct periodic reviews to include physical inventory/spot checks of actual property and related records. Ensure compliance with applicable MOA and the State Plan of Operation.
- m. Provide reconciliation reports to the State Coordinator, upon request, which may consist of special, monthly, quarterly, or annual reconciliations.
- n. Ensure serial/tail numbers are provided to the State Coordinator on items such as Peacekeepers/APCs, aircraft, and weapons. Provide LESO with NSN information for night vision goggles/sights along with other pertinent information upon request or as mandated.
- o. Make efforts to retain a signed copy of all property reconciliation documentation for future reference.
- p. Submit requests for property returns (turn-ins to a DRMO) to the State Coordinator. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- q. Submit disposal, transfer and inventory adjustment requests to the State Coordinator.

- r. Submit required LESO accountability documentation to the State Coordinator's Office when affected by any Domestic Disaster (natural disasters, terrorist attacks and riots). Documentation shall be submitted on all aircraft, weapons and certain types of vehicles to include humvees and armored vehicles, high dollar value sensitive items valued at \$20,000.00 or more, and demil type property. Accountability documentation shall be submitted within 45 days of the domestic disaster.

s. **AIRCRAFT REQUEST PROCEDURES**

Under Section 1033 of the National Defense Authorization Act for fiscal year 1997 (10 U.S.C.2576a) the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including aircraft, that the Secretary determines is suitable for use by the agencies in law enforcement activities. Agencies in law enforcement activities are defined as government agencies whose primary function is the enforcement of applicable Federal, State and Local laws and whose law enforcement officers have powers of arrest and apprehension. All requests for aircraft from State and local law enforcement agencies must be submitted through the appropriate governor appointed State coordinator for approval. A listing of State coordinators is available upon request from the Defense Logistics Agency's Law Enforcement Support Office (LESO). The following procedures must be followed when submitting requests.

On agency letterhead answer the following questions in narrative form. Please address each question in a separate paragraph.

1. Administrative Data: Name, Address, Phone and FAX umbers of the requesting agency. Full name of the chief executive official of the requesting agency. Any additional points of contact.
2. The type and quantities of aircraft requested. Must include the aircraft's intended use and the impact the resource will have within the requesting agency's jurisdiction as well as surrounding jurisdictions.
3. The size of the requesting agency's jurisdiction by population and area.
4. Written understanding of the terms and conditions applicable to aircraft transfers as detailed in the MOA between DLA and the governor appointed state coordinator. (Response must detail the specific terms of transfer.)
5. Written description of agency's plan to maintain, operate and finance the requested aircraft.
6. Written understanding of the FAA regulations governing the operation of the requested aircraft. (Response must detail the specific regulations.)

The letter must be signed by the chief executive official of the requesting agency and then forwarded to the State Coordinator for state review. If approved at the state level the request will be forwarded to the servicing LESO for action. A request approved at the state level is

no guarantee that the requesting agency will receive an aircraft. Agencies approved to receive aircraft will be contacted by their respective state coordinators. Questions regarding this application should be directed to your State Coordinator.

t. WEAPONS REQUEST PROCEDURES

Request for weapons shall be done on agency letterhead to the State Coordinator providing the following complete information in narrative form in the order provided:

1. Administrative Data: Name, address, phone and fax numbers of the requesting agency. Full name of the chief executive official of the requesting agency. Any additional points of contact. Number of full-time sworn officers. Number of full-time drug officers. Number of full-time counter-terrorism officers. Number of personnel assigned to a tactical team. Agency weapons point of contact.
2. The LESO must receive written assurance for the Chief Executive Official that the requesting agency has:
 - a. Read and understands the terms and conditions applicable to weapon transfers as detailed in the MOA between the Defense Logistics Agency and the governor appointed State Coordinator, (contact State Coordinator for copy of agreement).
 - b. That the agency has the ability to maintain, operate, finance and properly store the requested weapons, (a description of agencies plan would best answer this requirement. Detailed information on weapons storage is needed.
 - c. That the Chief Executive Official of the requesting agency is familiar with the Bureau of Alcohol, Tobacco and Firearms regulations governing the registration of the requested weapons.
3. The type and quantity of weapons being requested, its intended use, and the impact the resource will have on the requesting agencies jurisdiction and on surrounding jurisdictions. Restricted weapon types generally available are the M-16 (5.56mm) and the M-14 (7.62mm). The State Coordinator's Office should be contacted to determine if other types of weapons are available. The present maximum transfer rate for weapons is one weapon per five sworn personnel for weapons

received directly from DOD weapons inventory.

4. The size of the requesting agencies jurisdiction by population and area.

5. The signature of the chief executive official of the requesting agency.

State Coordinator Signature
Captain Michael E. Bolton

Date 4-29-09

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