



*California Emergency Management Agency
Public Safety Procurement Program*

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**CALIFORNIA STATE PLAN OF OPERATION
Memorandum of Agreement and Understanding
Federal Excess Property 1033 Program**

NAME OF LAW ENFORCEMENT AGENCY Milpitas Police Department

PURPOSE:

The purpose of this State Plan of Operation (SPO) - Memorandum of Agreement and Understanding, as may be amended, is to set forth the terms and conditions that will be binding between the California Public Safety Procurement Program (CPSPP) and certified California Law Enforcement Agencies (LEAs) with respect to excess Department of Defense (DoD) personal property that 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 counter drug/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) in determining whether property is suitable for use by agencies in law enforcement activities.

ORGANIZATIONAL AUTHORITY:

The Governor of California has designated the California Emergency Management Agency's (Cal EMA) Secretary and/or Undersecretary as the State Coordinator to implement this program statewide. Under the auspices of the Cal EMA Secretary, delegated operational authority has been assigned to the Law Enforcement and Victim Services Division- Public Safety Branch- Public Safety Procurement Section and is operating as the California Public Safety Procurement Program (CPSPP) 1033 Excess Property Program.

OPERATIONAL AUTHORITY:

Under the CPSPP, the 1033 Coordinators, herein referred to as the State Coordinator (SC) and designated State Point of Contact (SPOC), have operational authority for the daily conduct, management, oversight and policy of this program.

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TERMS AND CONDITIONS:

The DoD, through the DLA, has final authority to determine the type, quantity, and location of excess personal property suitable for use in law enforcement activities, if any, which will be transferred to the State. This agreement creates no entitlement for the LEA to receive DoD excess personal property. Property available under this agreement is for the current use of authorized program participants; it will not be requested nor issued for speculative use/possible future use with the exception of authorized Transitional Distribution Points (TDPs) and/or Customer Reserve Stock (CRSs), which are required to utilize property within one year or schedule its return to the DLA Disposition Services. Property will not be obtained for the purpose of sale, lease, rent, exchange, barter, or to secure a loan, or to otherwise supplement normal LEA or State/local governmental entities budgets. All requests for property will be based on bona fide law enforcement requirements.

Requests for property for the purpose of cannibalization will be considered for approval on a case-by-case basis. A memorandum must be submitted, thru the State Coordinator's Office, to the Director of the Law Enforcement Support Office (LESO) requesting approval. Any transportation, repair, maintenance, insurance, disposal or other expenses associated with these items is the sole responsibility of the LEA.

The LEA acknowledges that there are hazards associated with the use of this property which could cause damage to property and/or serious injury or death. The LEA agrees that it is not the responsibility of the U.S. Government, Cal EMA and /or the State of California to provide appropriate training to any person who may use this property. To the extent permitted by law, the LEA shall indemnify and hold the U.S. Government, Cal EMA and/or the State of California harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of or damage to property and injuries, illness or disabilities to or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the LEA, its agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or while the property is in the possession of, used by or subject to the control of the LEA, its agents, servants, or employees after the property has been removed from U.S. Government control. The LEA agrees to maintain adequate liability and property damage insurance coverage and workmen's compensation insurance to cover damages or injuries to persons or property relating to the use of the property. Self-insurance by the LEA is considered acceptable. The U.S. Government, Cal EMA and/or the State of California assume no liability for damages or injuries to any person(s) or property arising from the condition or use of the property.

Law Enforcement Agency (LEA) Eligibility Criteria:

DLA defines law enforcement activities as activities performed by governmental agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension. Additionally, California State and Local Governmental Agencies, with sworn officers as defined in California Penal Code 830, are eligible to participate in the 1033 Program.

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LEA Program Requirement:

Certified LEAs that acquire demilitarization or Demil B thru Q property or weapons must be continually certified in the program to continue to use this property. Failure to maintain an active status could result in the turn-in of all such property.

How to Enroll in the State 1033 Program:

LEAs must request enrollment in the program by completing a certification request. This certification application must include: copy of the SPO signed by the agency's Chief Executive Officer; signed copy of the LESO application for participation and CPSPP's law enforcement data sheet. The certification application should be submitted to the 1033 SC/SPOC. Upon review and approval, the SC/SPOC will forward the approved certification to the Law Enforcement Support Office (LESO) for final approval. With LESO's approval, the SC/SPOC will provide the agency with an LEA screener's authorization memo (Authorization Letter for Property Screening and Receiving). Additionally, the CPSPP will provide the LEA with their identification (ID) number so they may screen and request property through DLA Disposition Services automation system.

LEA Screener Criteria:

May be full-time and/or part-time paid employees of the agency. Screener may be sworn officers and/or non-sworn personnel assigned by the LEA to perform these duties. LEAs are required to have a minimum of two (2) and a maximum of four (4) screeners per agency. Only two (2) authorized screeners may physically screen at any DLA Disposition Services site at one time. **NOTE: Volunteers or contracted employees do not qualify and cannot be assigned screeners for the LEA.**

Weapons Point of Contact (WPOC) Criteria:

The WPOC must be a paid full-time sworn officer of the LEA. Responsibilities include maintaining 1208/1033 weapons accountability and providing required documentation, reports or inventories of 1208/1033 weapons as determined by the SC's office or LESO.

Aircraft Point of Contact (APOC) Criteria:

Must be a full-time sworn officer paid by the agency. It is recommended that this individual has comprehensive knowledge of the agencies air operations mission, and responsibilities. This individual should be familiar with the Federal Aviation Administration (FAA) rules pertaining to the use of government aircraft. Responsibilities include providing required documentation, reports or inventories of all 1208/1033 aviation property held by the LEA.

Property Accountability Officer (PAO) Criteria:

The PAO may be a full-time or part-time paid employee of the agency. The PAO may be a sworn officer or civilian employee assigned by the LEA to perform these duties. The PAO is responsible for approving/disapproving all property requests and maintaining all accountability records for property received. Responsibilities include providing required documentation, reports or inventories of all 1208/1033 property held by the LEA. Note: LEA must designate an individual within their agency as the PAO and failure to meet this requirement may result in non participation in the 1033 program.

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Identification/Acquisition of Property:

LEAs search and find needed property electronically through the DLA Disposition Services website: www.drms.dla.mil or by physically visiting a DLA Disposition Services site. Once property has been identified, LEAs submit an online request via the DLA Disposition Services system to the SC's Office. The SC/SPOC approves or disapproves the request. If the request is approved it is forwarded electronically to the LESO and if approved it goes to Military Standard Requisitioning and Issue Procedures (MILSTRIP) for final approval. If the request is approved, the DLA Disposition Services system will show a ***Request approved by Milstrip***. The requesting LEA is responsible for checking the DLA Disposition Services system and contacting the issuing DLA Disposition Services office to arrange pick-up or transportation of the approved item.

Manual Acquisition of Property: Under special circumstances, an LEA may request property manually via the DLA Form 103. LEA should contact the SC's office for further guidance on this procedure.

IMPORTANT NOTE: LEAs have 14 days from the MILSTRIP approval date to obtain the item screened from the DLA Disposition Services office. Failure to obtain this item will result in the item going back into the system for re-issuance.

Acquisition of Weapons:

LEAs may request weapons through the program. See CPSPP's web site under the weapons link for specific requirements. The weapons terms and conditions are handled under the **CPSPP Weapons Agreement**.

Acquisition of Aircraft:

LEAs may request aircraft through the program. See CPSPP's web site under the aircraft link for specific requirements. CPSPP maintains a priority aircraft list and aircraft reassignments are based on a "first in, first out" policy. LESO will notify CPSPP when aircraft become available and CPSPP will contact the first LEA on the list.

Transportation of Property:

It is the responsibility of the LEA to transport requested property from the DLA Disposition Services offices to their location. Additionally, transportation costs associated with the turn-in of property to a DLA Disposition Services office are the responsibility of the agency. The DLA/CPSPP does not fund the transportation cost associated with property received under this program.

Storage of Property:

Cal EMA is not currently an authorized Transitional Distribution Point (TDP) nor is it authorized to maintain any Customer Reserve Stock (CRS), therefore Cal EMA maintains no warehousing facilities. The LEA is responsible for the proper storage and safeguarding of property received.

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Utilization of Property:

If property is not placed in use by the recipient within one (1) year, the LEA must contact the CPSPP to coordinate the transfer of property to another qualified LEA or the return of the property to the nearest DLA Disposition Services office for proper disposition. Once the DLA/LESO is notified, and a DLA Disposition Services office is identified, property must be returned within thirty (30) days. The LEA will bear the responsibility of returning the property to DLA Disposition Services. Under no circumstances will property be sold or transferred to non-U.S. persons or exported.

Distribution of Property:

CPSPP will approve requests for property from LEAs based on a “first come, first served” and “fair and equitable” distribution. LESO will approve requests for property for any law enforcement activities with preference given to requests justified with a counter drug or counter terrorism nexus.

Security of Property:

It is the responsibility of the LEA to safeguard all DoD 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 SC office. Excess DoD personal property with a Demilitarization Code of C, D, E, F, or G must be reported to the DLA LESO within twenty-four (24) hours. Excess DoD personal property with a Demilitarization Code of A, B, or Q must be reported to the DLA LESO within seven (7) days. Extensions will be granted on a case-by-case basis.

Accountability of Property:

LEAs are required to maintain an active and current inventory of all excess Federal property received through the program. LEAs must have in place a property tracking system, manual or automated.

This system must show receipt, issuance, inventory and disposition of excess Federal property.

In the event of a domestic disaster (e.g., natural disasters, terrorist attacks, riots) accountability of excess Federal property must be conducted by every LEA within the affected area. Upon early determination of potential property loss of excess Federal property, the LEA must contact the CPSPP office for guidance. The loss of excess Federal property with a demilitarization code of C, D, E, F, or G, will be reported, via the CPSPP office, to the DLA/LESO within seven (7) days. The loss of excess Federal property with a Demilitarization Code of A, B, or Q will be reported, via the CPSPP office, to the DLA/LESO within thirty (30) days.

LEA's unable to meet these timelines should contact the SC's office for assistance. Extensions will be granted on a case-by-case basis.

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Title of Property:

The DoD has authorized the transfer and use of excess Federal property to Law Enforcement Agencies and as such reserves the right to recall any and all property issued through the 1208/1033 programs. As stipulated in Federal regulations, title may be conditionally granted to a LEA, however **prior written approval** must be obtained by the LEA before the disposal, sale, auction, trade-in, salvage or transfer of any 1208/1033 property can occur. LEAs should contact the SC's office for further clarification and direction. Property will not be physically moved until the approval process is complete. Costs of shipping or repossession of the excess DoD personal property by the U.S. Government will be borne by the LEA.

NOTE: If the LEA decides to withdraw from the 1033 program, they may be required to transfer or turn-in all excess Federal property obtained through the program. Final equipment disposition will be determined by the SC/LESO. The LEA should contact the SC's office for further clarification and guidance. Under no circumstance should the LEA dispose of any 1208/1033 equipment until an approved disposition plan is provided by CPSPP/LESO and has been forwarded to the LEA.

Records Management:

Property records will be concise, accurate, and be able to provide timely and relevant information. LEAs should maintain all records in accordance with the DLA Record Management Procedures and Records (DLA Directive 5025.30 - Appendix 1 - Records Management).

All excess Federal property with a Demilitarization Code A will have their files maintained in an active status for two (2) years, then placed in an inactive status for three (3) additional years, after which they may be destroyed.

All excess Federal property with a Demilitarization Code B through Q will have their files maintained, in an active status, through the life cycle of the property. If an item is approved for turn-in, transfer, or disposal, files will move to an inactive status and will be maintained for an additional three (3) fiscal years, after which they may be destroyed.

All excess Federal property records for items deemed "sensitive to theft" and "high dollar" will require the LEA to contact the SC's office.

The SC will work with LESO for determination of the property classification and the records retention requirements required for the life cycle of the property.

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State Compliance Reviews:

The CPSPP will conduct a periodic review of LEAs enrolled in the program to ensure accountability, responsibility and program compliance. These reviews will include physical inventory/spot checks of property received and any related records.

CPSPP personnel will verify LEAs are in compliance with the SPO and Federal regulations related to the excess Federal property program. These reviews will be documented and a copy sent to the LEA.

Additionally, a copy will be maintained in the CPSPP office. If an LEA is found to be out of compliance with the terms or conditions of the SPO, they will be given thirty (30) days to correct the deficiencies. If the LEA fails to correct the problems, the CPSPP Office/LESO may suspend/terminate the LEA from the program and may require the return of all equipment obtained under the 1208/1033 program. The LEA will bear all expenses related to turn-in, transfer or disposal of all excess Federal property.

Turn in of Property:

The LEA will coordinate all turn-in requests through the CPSPP and must use the 1033 Program Turn-In Request form. Demil C, D, E, F, and G & P items require demilitarization and must be returned to a DLA Disposition Services office. Also, Demil B and Q items do not require demilitarization, but must be returned to a DLA Disposition Services site. Turn-in requests can include; items the LEA does not want to dispose of through their own agency procedure, property that can be reused by another LEA or property that the CPSPP or LESO has directed the LEA to return to a DLA Disposition Services site. It is the responsibility of the LEA to contact a DLA Disposition Services office to arrange for the return of property. Once the LEA has contacted a DLA Disposition Services office and they have agreed to accept the property, the LEA will submit the 1033 Program Turn-In Request form to the CPSPP. CPSPP will approve the request and forward to LESO for the issuance of the turn in form DD-1348. Once issued by LESO, the turn in form DD-1348 will be sent to the CPSPP, who will forward a copy to the LEA. Upon receipt of the turn-in documentation, the LEA must return the property to the specified DLA Disposition Services site within 14 working days. DLA Disposition Services personnel receiving the materials will sign the turn-in document and provide 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 further processing. Upon completion, the paperwork will be placed in CPSPP files.

Transfer of Property:

LEAs must coordinate, in writing, the transfer of 1033 property through the CPSPP and must use the 1033 Program Transfer Request form. The CPSPP will request final approval from the LESO. Property may be transferred within California or between other states as long as it is properly coordinated with the CPSPP and LESO.

If approved, the LESO approved 1033 Transfer Request form will be returned to the SC's office and will be forwarded to the LEA transferring the equipment. **NOTE: No equipment is to be physically transferred**

between agencies until the transfer has been approved by the CPSPP and LESO. Failure to comply with this directive could result in the suspension of an LEA from the 1033 program.

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- **Aircraft/Flight Safety Critical Aircraft Parts (FSCAP)**

All aircraft (fixed wing and rotary wing) and (FSCAP) may be transferred to LEAs for its use in law enforcement activities. All LEAs and all subsequent users must be aware of and agree to provide all required controls in accordance with applicable laws and FAA regulations for these items. Additionally, the following conditions apply:

LEAs may transfer aircraft and FSCAP to other authorized LEAs, provided the aircraft and components are maintained in accordance with applicable airworthiness standards and procedures for maintenance and repair and provide further that the LEAs perpetuate repair and maintenance documentation.

The LEA must request the transfer of aircraft and FSCAP through the CPSPP, who in turn must request approval from the LESO. Aircraft or FSCAP items that do not meet these standards must be turned into a DLA Disposition Services office when no longer required by the LEA. Aircraft and FSCAP will not physically move until the approval process is complete. All costs related to the transfer of aircraft and FSCAP will be borne by the LEA. LEAs may transfer Munitions List items (MLI) aircraft related items, requiring demilitarization (Demilitarization Codes C, D, E, and F) or items not requiring demilitarization (Demil B), to another authorized LEA within their State, to an authorized LEA in another participating State, or they must be turned-in to a DLA Disposition Services office when no longer required for law enforcement use. The LEA must request the transfer or turn-in of MLI aircraft related items through the State Coordinator, who in turn must request approval from the LESO. MLI items will not physically move until the approval process is complete. All costs related to the transfer or turn-in of MLI items will be borne by the LEA.

- **Weapons**

LEAs may transfer weapons provided through the 1208 or 1033 Program to an authorized LEA within their State, to an authorized LEA in another participating State, or they must turn-in their weapons to the U.S. Army Tank-Automotive and Armaments Command (TACOM) when no longer required for law enforcement use. The LEA must request the transfer or turn-in of weapons through the State Coordinator, who in turn must request approval from the LESO. Weapons will not physically move until the approval process is complete. All costs related to the transfer or turn-in of weapons will be borne by the LEA.

Disposition of Property:

For the disposition or inventory adjustment of 1208/1033 property, LEAs are to contact CPSPP for guidance. All disposition/adjustment requests should be submitted on a 1033 Program Inventory Adjustment form. This form must be completed with the reason for the disposition/adjustment of 1208/1033 property. Once approved at the State level, the form will be forwarded to LESO for final approval. If approved, a LESO approved form will be sent to the CPSPP and will be forwarded to the LEA for final disposition of the property.

- **Aircraft/FSCAP**

LEAs enrolled in the 1208 Program **may sell, trade or barter aircraft and aircraft parts issued on or before September 30, 1996.** LEAs that received aircraft or aircraft parts after September 30, 1996, have the following options: retain the aircraft or aircraft parts, transfer them to another LEA or turn them in to DLA Disposition Services.

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The LEA must request to sell, trade, barter, transfer or turn-in aircraft and aircraft parts through the CPSPP, who in turn must request approval from the LESO. Aircraft and aircraft parts will not physically move until the approval process is complete. All costs related to the sell, trade, barter, transfer or turn-in will be borne by the LEA.

- **Weapons**

The LEA must turn-in any weapon damaged beyond repair. These weapons must be returned to the U.S. Army Tank-Automotive and Armaments Command (TACOM). Please contact the CPSPP for guidance. Transportation costs will be borne by the LEA and the weapons must be shipped by traceable means, including all originally issued parts, assembled as originally configured (damage permitting).

- **All Property**

All property should follow the demilitarization disposal guidance as follows:

Demil code A: does not require demilitarization and may be disposed after obtaining CPSPP and LESO approval.

Demil code Q with Integrity code of 6: *Will be treated like a Demil Code of A.* Does not require demilitarization and the LEA may dispose of the property after obtaining CPSPP and LESO approval.

Demil codes B-Q with the exception of DEMIL Q with Integrity code 6 must be returned to DLA Disposition Services. The LEA must obtain approval from a specific DLA Disposition Services office, CPSPP, and LESO, prior to equipment returns.

Demilitarization of Property:

The demilitarization of all DoD property is the responsibility of the DLA Disposition Services. LEAs are prohibited from destroying any DoD property that requires demilitarization.

THE STATE OF CALIFORNIA (Cal EMA) WILL:

The State will establish and submit to the LESO, a State Plan of Operation, developed in accordance with Federal and State laws conforming to the provisions of the agreement between the Defense Logistics Agency and the State of California. This State Plan of Operation (SPO) will detail organizational and operational authority. It will also address procedures for making determinations of LEA eligibility, allocation and equitable distribution of material, accountability and responsibility concerning excess DoD personal property, training and education, Program Compliance Reviews (PCRs), and procedures for turn-in, transfer, and disposal.

The CPSPP is required to sponsor LEAs that want to actively participate in the program by receiving applications for participation for 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 completed and the agency is entered in the DLA Disposition Services automated requisitioning system by LESO, the CPSPP will provide the enrolled LEAs with their LEA ID number so they may request property online.

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CPSPP staff will:

- a. Conduct training and familiarization for LEAs related to the operational requirements of the 1033 program. Training may be conducted using the following forums: training conferences; one-on-one trainings; telephonic support or web-based applications.
- b. Screen all LEA's requests for excess DoD personal property. The CPSPP will: validate that all approved requests for property are legitimate and for law enforcement purposes; forward requests to LESO for excess property that is necessary to meet requirements for LEA activities; and ensure the recipient LEA is identified on all requisitions.
- c. Ensure that property received through the 1033 Program is only distributed to an authorized LEA for whom the initial request was made and justification was provided, unless the property was requested for a TDP or from CRS.
- d. Maintain an accessible website that will provide timely and accurate guidance, information, and links for all individuals who work or have an interest in the 1033 Program.
- e. Receive applications for participation in this program from law enforcement agencies and validate their law enforcement mission prior to forwarding to LESO for approval as an authorized LEA.
- f. Once the approval process is completed and the agency is loaded into the DLA Disposition Services automated requisitioning system, CPSPP will provide the enrolled LEA with their LEA ID number so they may request property online.
- g. Forward requests to LESO for excess property that is necessary to meet requirements for LEA missions. Ensure the recipient LEA is identified on all requisitions.
- h. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- i. Direct that the LEAs agree to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and worker's compensation insurance to cover any claims.
- j. Control and maintain accurate records on all property obtained under this plan in accordance with the current LESO MOA. These records provide an "audit trail" for individual items of property from receipt to distribution.
- k. Enter into agreements with LEAs to ensure they comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- l. Direct that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- m. Direct that all weapons are registered with the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms and the U. S. Army Tank Automotive and Armaments Command. Recipients must comply with all applicable firearms laws and regulations. The LEA will provide a weapon's POC on its data sheet. All weapon transfers between LEAs must be approved by the

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CPSPP/LESO before it is completed. LEAs must maintain an approved copy of the ATF Form 10 or Form 5 for all weapons.

- n. Direct that LEAs are aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). **Reference:**(www.whitehouse.gov/omb/circulars/a133/a133.html)
- o. Review and/or update the MOA between the DLA and the State of California annually or when the Governor or Governor-appointed State Coordinator changes. If there are no changes to the MOA, a signed letter/email will be sent to the LESO indicating that the plan has been reviewed and no changes were necessary.
- p. Direct that all LEAs enrolled in the State 1033 Program maintain a current copy of the California State Plan of Operation (SPO) signed by the agency Chief Executive Officer (CEO).
- q. Obtain annual property inventory reports from the LESO and direct the LEAs to conduct an annual inventory of property including: Demil B thru Q property and specialized items such as APCs, Aircraft, Watercraft, Night Vision devices, and Weapons.
- r. Direct LEAs to provide serial/tail numbers on items such as peacekeepers/armored personnel carriers (APCs), aircraft, watercraft and weapons.
- s. Submit requests for property returns, disposals, transfers and inventory adjustment requests to LESO for final approval.

THE LAW ENFORCEMENT AGENCY WILL:

- a. Submit *certification paperwork* for participation in this program to the CPSPP for approval. Refer to CPSPP's web site for necessary procedures and documentation. Once approved, the certification remains valid for a one year period. New certification requests must be submitted within thirty days (30) of the certification expiration.
- b. If the agency CEO changes, a new certification request is required as soon as the change has occurred.
- c. Maintain an active status if they acquired Demil B thru Q items or weapons through the program. Failure to maintain an active status will result in the turn-in of all such property.
- d. Submit requests for property electronically via the DLA Disposition Services applications or manually via the DLA form 103. The LEA must provide written justification for all requisitions to the CPSPP describing how the property will support their law enforcement activity.
- 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 for the life cycle of the property. The CEO or his/her designee must certify all annual inventory requirements. All annual inventory certifications must be kept on by file indefinitely by the LEA.

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- f. The records maintained must also satisfy any and all pertinent requirements under California statutes and Federal regulations for the program. (DLA Directive 5025.30 - Appendix 1)
- g. Comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- h. 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 fulltime sworn 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 DLA Disposition Services office at one time.** The CEO will designate a property accountability officer responsible for approving/disapproving all property requests and maintaining all accountability records for property received.
- i. Ensure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- j. If applicable, ensure that all weapons obtained through the 1033 Program will be registered with the U.S. Treasury Department's ATF. Recipients must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to the CPSPP immediately after the incident has been discovered. The LEA must provide a weapon POC on all data sheets. All weapon transfers between LEAs must be approved by the LESO before completion. The LEA must maintain on file an approved copy of the ATF Form 5/10 for all weapons obtained through the 1033 Program. The CEO or his/her designee must verify that a physical weapons inventory has been conducted, verifying 100% accountability of all weapons issued to the LEA.
- k. Identify to LESO each request that will be used in counter drug/counterterrorism activities.
- l. LEAs must be aware of their responsibilities under the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). **Reference: (www.whitehouse.gov/omb/circulars/a133/a133.html)**
- m. Conduct periodic reviews to include physical inventory/spot checks of actual property and related records. Ensure compliance with the State Plan of Operation and/or applicable Federal regulations.
- n. Conduct property reconciliations and adjustments as requested by the CPSPP/LESO.
- o. Will conduct an annual inventory of property as directed by the CPSPP or LESO including: Demil B thru Q and specialized items such as APCs, aircraft, watercraft, night vision devices, and weapons.
- p. Ensure serial/tail numbers are provided to the CPSPP on items such as peacekeepers/APCs, aircraft, watercraft and weapons.

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- q. Submit requests for property returns, disposals, transfers and inventory adjustment requests to the CPSPP for final approval.
- r. Contact the CPSPP, in writing, not later than 30 days prior, when the property accountability officer changes.

OTHER TERMS AND CONDITIONS:

By signing this SPO or accepting excess Federal personal property under this SPO, the LEA pledges that it agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- A. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) as implemented by DoD regulations 32 CR Part 195.
- B. On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Dept. of Health and Human Services regulations in 45 CFR Part 90.
- C. On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 U.S.C. 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DoD regulations at 32 CFR Part 56.

NOTICES:

Any notices, communications or correspondence related to this agreement shall be provided by the United States Postal Service, express service, or facsimile to the pertinent DLA office. The DLA LESO, may, from time to time, propose modifications or amendments to the provisions of this MOA. In such cases, reasonable opportunity will, insofar as practicable, be afforded to the CPSPP to conform to changes affecting their operations.

AMENDMENTS:

Should amendments to the MOA/MOU become necessary, it is agreed that all parties will acknowledge and agree to these changes upon written notification by CPSPP. It is further stipulated that the changes will become effective upon notification and the LEAs will incorporate these changes into their written procedures related to the 1033 Program.

**California Emergency Management Agency
Public Safety Procurement Program**

TERMINATION:

This MOA/MOU may be terminated by either party, provided the other party receives thirty (30) calendar days notice, in writing, or as otherwise stipulated by Public Law.

The undersigned LEA hereby agrees to comply with all provisions set forth herein and acknowledges that any violation of the terms and conditions of this SPO may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

If the LEA determines that they wish to withdraw from the 1033 program, the disposition of the equipment acquired through the program and currently held by the LEA will be determined by LESO/CPSPP. This equipment disposition could include the turn-in or transfer of property to another authorized LEA.

A final equipment disposition plan will be prepared and sent to the LEA. The LEA will have ninety (90) calendar days to comply with the plan and any and all disposition costs will be borne by the LEA.

IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

State Coordinator Signature

Gwen Durling, PS/VS Division Chief

Type/Print Name and Title

Date: _____



LEA Chief Executive Officer Signature

Chief Steve Pangelinan

Type/Print Name and Title

Date: 3-6-13

(DLA Directive 5025.30 - <http://www.calema.ca.gov/PublicSafetyandVictimServices/Pages/About-the-1033-Program.aspx> - Appendix 1 - Records Management)