

Please complete all fields. (Use NA if requested information does not apply).

Agency Information	
Date	04/19/2010
Agency Name	Brentwood PD
Street Address	9100 Brentwood Blvd.
City	Brentwood, CA
Zip + Four	94513-1364
County	Contra Costa
Default E-mail Address	NA
Primary Telephone Number	(925) 634-6911
Primary Fax Number	(925) 809-7799
Number of Full Time Sworn Officers	64
Number of Part Time Sworn Officers	0
Number of Reserve Sworn Officers	0
Has LEA participated in the past?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Chief Executive Officer (CEO) Information	
Title (Sheriff, Chief, DA, etc...)	Chief
Name	Mark Evenson
Telephone Number	(925) 634-6911
E-mail Address	mevenson@ci.brentwood.ca.us
Property Accountability Officer (Main Point of Contact)	
Title	Sergeant
Name	Sal DiMercurio
Office Phone Number	(925) 809-7717
Cellular Phone Number	(925) 584-0347
E-mail Address	sdimercurio@ci.brentwood.ca.us
Weapons Point of Contact (Must be a full time, compensated sworn officer)	
Title	Sergeant
Name	Sal DiMercurio
Office Phone Number	(925) 809-7717
Cellular Phone Number	(925) 584-0347
E-mail Address	sdimercurio@ci.brentwood.ca.us
Aircraft Point of Contact	
Title	NA
Name	NA
Office Phone Number	
Cellular Phone Number	
E-mail Address	

Authorized Screener Data (Must have a minimum of two screeners)

Screener #1	
Title	Lieutenant
Name	Doug Silva
Office Phone Number	(925) 809-7712
Cellular Phone Number	(925) 584-8292
E-mail Address	dsilva@ci.brentwood.ca.us
Screener #2	
Title	Sergeant
Name	Sal DiMercurio
Office Phone Number	(925) 809-7717
Cellular Phone Number	(925) 584-0347
E-mail Address	sdimercurio@ci.brentwood.ca.us
Screener #3	
Title	Seargeant
Name	Anthony Oerelemans
Office Phone Number	(925) 809-7751
Cellular Phone Number	(925) 584-0359
E-mail Address	aoerlemans@ci.brentwood.ca.us
Screener #4	
Title	Officer
Name	Casey McNerthney
Office Phone Number	(925) 809-7746
Cellular Phone Number	
E-mail Address	cmcnerthney@ci.brentwood.ca.us

Agency 1033 Equipment Information

Does your agency currently have Equipment from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your agency currently have Weapons from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your agency currently have Aircraft from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your agency currently have Armored Response Vehicles from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your agency currently have HMMWVs from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your agency currently have Watercraft from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does your agency currently have Vehicles from the 1208 or 1033 Program?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No



LAW ENFORCEMENT AGENCY
DATA SHEET
1033 EXCESS PROPERTY PROGRAM



AGENCY INFORMATION

LEA	Brentwood PD	DATE	04/19/2010
County	Contra Costa		
AUTHORIZED SCREENERS: Must be Paid Agency Employees (Minimum 2)			
Screeners # 1	Rank	Lieutenant	Name
			Doug Silva
Office Number	(925) 809-7712		E-Mail
			dsilva@ci.brentwood.ca.us
Cell phone	(925) 584-8292		
Screeners # 2	Rank	Sergeant	Name
			Sal DiMercurio
Office Number	(925) 809-7717		E-Mail
			sdimercurio@ci.brentwood.ca.us
Cell phone	(925) 584-0347		
Screeners # 3	Rank	Sergeant	Name
			Anthony Oerelemans
Office Number	(925) 809-7751		E-Mail
			aocerlemans@ci.brentwood.ca.us
Cell phone	(925) 584-0359		
Screeners # 4	Rank	Officer	Name
			Casey McNerthney
Office Number	(925) 809-7746		E-Mail
			cmcnerthney@ci.brentwood.ca.us
Cell phone			
WEAPONS POC: Must be Full-Time, Compensated Sworn Officer			
Weapons POC	Rank	Sergeant	Name
			Sal DiMercurio
Office Number	(925) 809-7717		E-Mail
			sdimercurio@ci.brentwood.ca.us
Cell phone	(925) 584-0347		
AIRCRAFT POC			
Aircraft POC	Rank	NA	Name
			NA
Office Number			E-Mail
Cell phone			
Property Accountability Officer (Main Point of Contact)			
PAO	Rank	Sergeant	Name
			Sal DiMercurio
CELLPHONE	(925) 584-0347		E-Mail
			sdimercurio@ci.brentwood.ca.us
COUNTY SHERIFF / CHIEF OF POLICE / EXECUTIVE OFFICER			
Agency CEO	Title	Chief	Name
			Mark Evenson
Office Number	(925) 634-6911		E-Mail
			mevenson@ci.brentwood.ca.us



*California Emergency Management Agency
Public Safety Procurement Program*

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

NAME OF LAW ENFORCEMENT AGENCY Brentwood PD

PURPOSE:

The purpose of this State Plan of Operation - Memorandum of Agreement and Understanding (SPO), 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 State Coordinator to implement this program statewide. Under the auspices of the Cal EMA's Undersecretary, delegated operational authority been assigned to the Law Enforcement and Victim Services Division-Drug Enforcement and Public Safety Procurement 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. Their responsibility includes ensuring that all program participants comply with applicable Federal and State laws and directives related to this program.

*California Emergency Management Agency
Public Safety Procurement Program*

TERMS AND CONDITIONS:

The Department of Defense (DOD), through 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 Defense Reutilization Marketing Office (DRMO). 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, the California Emergency Management Agency (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 government 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.

*California Emergency Management Agency
Public Safety Procurement Program*

Law Enforcement Agency (LEA) Program Requirement:

Certified LEAs that acquire 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 will 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: agency description; copy of the State Plan of Operations signed by the agency's Chief Executive Officer; compliance with current laws statement; and signed copy of the LESO application for participation. The certification application should be submitted to the 1033 State Point of Contact/State Coordinator. Upon review and approval, the SPOC/SC will forward the approved certification to the Law Enforcement Support Office (LESO) for final approval. With LESO's approval, the SPOC/SC will provide the agency with a 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 the DRMS 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 DRMO at one time. NOTE: **Volunteers or contracted employees do not qualify and cannot be assigned screeners for the LEA.**

Weapons Point of Contact Criteria:

The Weapons Point of Contact 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 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 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:

May be a full-time or part-time paid employee of the agency. PAO may be sworn officer and/or non-sworn employee assigned by the LEA to perform these duties.

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

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.

Identification/Acquisition of Property:

LEAs find needed property electronically through the Defense Reutilization and Marketing Service (DRMS) website: www.drms.dla.mil or by physically visiting a DRMO. Once property has been identified, LEAs submit an on-line request via the DRMS system to the SC's Office. The SC 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 DRMS system will show a *Request approved by Milstrip*, the requesting LEA is responsible for checking the DRMS system and contacting the issuing DRMO to arrange pick up or transportation of the approved item.

Manual Acquisition of Property: Under special circumstances, LEA may request property manually via the DRMS form 103 process. 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 DRMO. 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 under separate cover. 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 under separate cover. 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 DRMOs to their location. Additionally, transportation costs associated with the turn-in of property to a DRMO are the responsibility of the agency. DLA/CPSPP does not fund the transportation cost associated with property received under this program.

*California Emergency Management Agency
Public Safety Procurement 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.

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 to another qualified LEA or the return of the property to the nearest DRMO for proper disposition. Once the DLA LESO is notified and a DRMO is identified, property must be returned within thirty (30) days. The LEA will bear the burden of returning the property to the DRMO. Under no circumstances will property be sold or otherwise transferred to non-U.S. persons or exported.

Distribution of Property:

CPSPP will approve requests for property from LEA's 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 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 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 (i.e. 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 DLA LESO within thirty (30) days. Extensions will be granted on a case-by-case basis and LEAs unable to meet these timelines should contact the CPSPP office for assistance.

California Emergency Management Agency Public Safety Procurement Program

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 regulation, title may be conditionally granted to 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 they obtained through the program. Final equipment disposition will be determined by the CPSPP/LESO. The LEA should contact the SC's office for further clarification and guidance. Under no circumstance should the LEA disposal of any 1208/1033 equipment until an approved disposition plan is provided by CPSPP/LESO and has been forwarded to the LEA.

Records Management:

These records will be concise, accurate, and be able to provide timely and relevant information. Maintain all records in accordance with the DLA Record Management Procedures and Records (DLAD 5025.30 - See Appendix 1). Specific guidelines are provided below:

All excess federal property records of consumable items will have their files maintained in an active status for one (1) year, after the property is placed in use. After the one-year, move records to an inactive status for one (1) year, then may be destroyed. Exception: Once property has been removed from the LEA's official inventory, the records may be destroyed immediately.

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, then 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, then the file will move to an inactive status and will be maintained for an additional three (3) fiscal years, then may be destroyed.

All excess federal property records for items deemed "sensitive to theft" will require the LEA to contact the CPSPP office for determination of the property classification and the records retention requirements.

State Compliance Reviews:

CPSPP will conduct periodic review of each LEA 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.

*California Emergency Management Agency
Public Safety Procurement Program*

Additionally, ensure LEAs are in compliance with the State Plan of Operation (SPO) and Federal regulations related to the excess federal property program. These reviews will be documented and a copy will be 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 the LEA from the program and may require the return of any and 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:

LEA will coordinate all turn in requests through the CPSPP and must use CalEMA form 657DT. Demil C, D, E, F, G & P items require demilitarization and must be returned to a DRMO. Also, Demil B and Q items do not require demilitarization, but must be returned to a DRMO. Turn in requests can include: items the LEA does not want to dispose of through their own agency procedure, property that can be re-used by another LEA or property that the CPSPP or LESO has directed the LEA to return to a DRMO. It is the responsibility of the LEA to contact a DRMO to arrange for the return of property. Once the LEA has contacted a DRMO and they have agreed to accept the property, the LEA will submit the 657DT to the CPSPP. CPSPP will approve the request and forward to LESO for the issuance of the turn in 1348. Once issued by LESO, the turn in 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 DRMO with 14 working days. 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 further processing and when completed 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 form 657T. 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 657T 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 the LEAs from the 1033 program.**

- **Aircraft/FSCAP**

All aircraft (fixed wing and rotary wing) and Flight Safety Critical Aircraft Parts (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

*California Emergency Management Agency
Public Safety Procurement Program*

procedures for maintenance and repair and provided 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 DRMO 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 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 the DRMO 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 1033 or 1208 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.

All Demilitarization required Munitions List Items (MLI); Commerce Control List Items (CCLI) may be transferred to LEAs for its use in law enforcement activities.

Disposal of Property:

LEAs must request approval, in writing, from the CPSPP before any 1033 property is disposed of. All disposal requests must be submitted on CalEMA form 657DT. The form 657DT must be completed with the justification for disposal of this equipment and must include the method of disposal (salvage, junk, and trade-in). Once approved at the State level, the form 657DT will be forwarded to LESO for final approval. If approved, a LESO approved 657DT will be sent to the CPSPP and will be forwarded to the LEA for disposal. DEMIL codes A may be approved for disposal in accordance with that agency's written disposal procedures.

- **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 the DRMO.

California Emergency Management Agency Public Safety Procurement Program

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 one year of possession.
- **DEMIL codes C, B, D, E, F, G and all DEMIL Code Q with the exception of Integrity code 6** require demilitarization and must be returned to a DRMO. The CPSPP must obtain the LESOs approval for equipment returns.

Demil of Property:

The demilitarization of all DOD property is the responsibility of the Defense Reutilization and Marketing Service (DRMS). 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 law and 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 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.

*California Emergency Management Agency
Public Safety Procurement Program*

Once the approval process is completed and the agency is loaded in the DRMS automated requisitioning system by LESO, the CPSPP will provide the enrolled LEAs with their LEA ID number so they may request materials on-line.

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; or web based applications.
- b. The CPSPP will screen all LEAs 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 assure the recipient LEA is identified on all requisitions.
- c. CPSPP will 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. The CPSPP will 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. CPSPP will maintain and update an automated listing of all California LEAs who are or have been a participant in the 1208/1033 program.
- f. 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.
- g. Once the approval process is completed and the agency is loaded in the DRMS automated requisitioning system, CPSPP will provide the enrolled LEAs with their LEA ID number so they may request materials on-line.
- h. 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.
- i. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- j. Ensure 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.
- k. 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: form 657, 657A, 657T, CalEMA form 657DT, DRMS Form 103 with all justifications or printouts of automated requests.

*California Emergency Management Agency
Public Safety Procurement Program*

DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 5/10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork issued through the LESO. The records maintained must also satisfy any and all pertinent requirements under California statutes and regulations for the program and this property.

- l. In accordance with the LESO policy CCDPP will institute a 5-year file retention policy. CPSPP will maintain active files for 2 years and inactive files for 3 years.
- m. After five years, the files will be destroyed with the exception of DEMIL code B through Q, sensitive items.
- n. 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.
- o. Allow a maximum of two (2) screeners per LEA to physically screen at any DRMO (one primary and one alternate). The screeners must be named in a "letter of authorization" provided to the cognizant LESO, to be updated every other year, or as changes occur.
- p. Ensure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- q. Ensure 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 LESO before it is completed. LEAs must maintain an approved copy of the ATF Form 10 or Form 5 for all weapons.
- r. Identify to LESO each request that will be used in counter drug/counterterrorism activities.
- s. Ensure 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)*
- t. Review and/or update the Memorandum of Agreement (MOA) between 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.
- u. Ensure all LEAs enrolled in the State 1033 Program maintain a current copy of the California State Plan of Operation (SPO) signed by the agency executive officer.
- v. Conduct periodic reviews of each LEA enrolled in the program, to include physical inventory/spot checks, of property received and any related records.

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

Additionally, ensure LEAs are in compliance with applicable Federal regulations and the California State Plan of Operation. These reviews must be documented and maintained by the CPSPP for future LESO compliance reviews.

- w. Obtain reconciliation reports from the LESO website and conduct monthly and annual reconciliations between the State/LEA and LESO.
- x. Obtain annual property inventory reports from the LESO and direct the LEAs to conduct an annual inventory of property. Property included: Demil B thru Q and specialized items such as APCs, Aircraft, Night Vision devices, and Weapons.
- y. Ensure serial/tail numbers are provided to LESO on items such as Peacekeepers/armored personnel carriers (APCs), aircraft, night vision devices and weapons.
- z. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO within 10 working days of the monthly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- aa. Submit requests for property returns (turn-ins to a DRMO) to LESO for final approval. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- bb. Submit disposal, transfer and inventory adjustment requests to LESO.
- cc. Contact the LESO in writing not later than 30-calendar days prior, to a State Coordinator/State Point of Contact change.
- dd. All property transfers will cease if: no current Governor's letter is on file; the State has not signed the MOA with DLA; the CPSPP does not validate all property requests; and/or there is no State Plan of Operation on file.

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 two year period. Complete new certification requests must be submitted with thirty day (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 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.

*California Emergency Management Agency
Public Safety Procurement Program*

- d. Submit requests for property electronically via the DRMS applications or manually via the DRMS form 103. The LEA must provide written justification for all requisitions to the CPSPP describing how the property will support the 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. These documents include but are not limited to the following: form 657, 657A, 657T, CalEMA form 657DT, 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 5/10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork issued through the LESO.
- f. The records maintained must also satisfy any and all pertinent requirements under California statutes and Federal regulations for the program and this property. (Refer to attachment A)
- 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 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 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 handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- j. Ensure that the following weapons are registered with the U.S. Treasury Department's ATF: M14, M16, and M79. Recipients must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to LESO through the CPSPP not later than seven (7) working days 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 it is completed. LEA must maintain an approved copy of the ATF Form 5/10 for all M14, M16, and M79 received.
- 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.

*California Emergency Management Agency
Public Safety Procurement Program*

- n. Obtain reconciliation reports from the CPSPP and conduct property reconciliations as requested by CPSPP/LESO.
- o. Will conduct an annual inventory of property as directed by CPSPP/LESO. Property included: Demil B thru Q and specialized items such as APCs, Aircraft, Night Vision devices, and Weapons
- p. Ensure serial/tail numbers are provided to the CPSPP on items such as Peacekeepers/APCs, aircraft, NVGs/sights and weapons.
- q. Submit requests for property returns (turn-ins to a DRMO) to the CPSPP. 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 CPSPP.
- s. 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 cognizant 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.

*California Emergency Management Agency
Public Safety Procurement Program*

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.

TERMINATION:

This MOA/MOU may be terminated by either party, provided the other party receives thirty calendar days (30) 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



LEA Chief Executive Officer Signature

Gary Howard, 1033 State Coordinator

Type/Print Name and Title

Chief Mark Evenson

Type/Print Name and Title

Date: _____

Date: 04/19/2010

STATE OF CALIFORNIA
PUBLIC SAFETY PROCUREMENT PROGRAM

WEAPONS AGREEMENT

This Weapons Agreement is entered into between **The State of California Emergency Management Agency (Cal EMA)** and the Brentwood PD [here after referred to as Law Enforcement Agency (LEA)], to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DoD) personal property being transferred pursuant to 10 U.S.C§2576a.

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 or counterterrorism activities, under such terms as prescribed by the Secretary. Law Enforcement Activities are defined as activities performed by government 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.

MUTUALLY AGREED UPON TERMS AND CONDITIONS OF AGREEMENT:

The LEA accepts these weapons "as is" with no warranties of any kind including any implied warranties such as warranties of fitness for any purpose.

The DoD has authorized the transfer and use of excess Federal property to LEAs and as such reserves the right to recall any and all property obtained through the 1208 or 1033 Programs. All costs associated with the shipping of weapons to or from the U.S. Government will be borne by the LEA.

The LEA acknowledges that there are hazards associated with the use of these weapons which can cause damage to property, serious injury or death. The LEA agrees to maintain, at its own expense, adequate liability and property damage insurance and workman's compensation insurance to cover any such claims. The LEA also agrees to provide appropriate training to any person who may use these weapons.

The DoD and Cal EMA assume no liability for damages or injuries to any person or property arising from the use of these weapons. The LEA shall indemnify and hold the United States Government and the State of California harmless from any and all suits, actions, demands or claims of any nature arising out of the use of these weapons.

The LEA certifies that no person who has been convicted of a misdemeanor crime of domestic violence will be allowed to possess, transport or otherwise have access to any weapons obtained through the 1208 or 1033 Programs.

Disposition of any weapons obtained through the 1208 or 1033 Programs, if no longer needed for LEA use, must be coordinated through the State Point of Contact (SPOC) and the Law Enforcement Support Office (LESO).

Federal and State policies forbid the sale of any weapon obtained through the 1208 or the 1033 Programs.

Weapons may not be transferred to licensed firearms dealers or other persons.

Weapons returned to the U.S. Army Tank-Automotive and Armaments Command (TACOM) must be shipped via traceable means, include all originally issued parts, assembled as originally configured (damage permitting).

Weapons will be accounted for at all times. The LEA will maintain an inventory tracking system that will provide positive protection, inventory control, and accountability. At a minimum the tracking system will include the location, issue date, last inventory date, and to whom the weapon is issued. When weapons are not issued to individuals on duty they should be secured in storage areas that are protected by an intrusion detection system or under constant surveillance with access limited to authorized personnel. If for operational necessity individuals are authorized by departmental policy to retain weapons while off duty those individuals must secure any program weapon in their residence.

Any weapon obtained through the 1208 or the 1033 Programs that becomes damaged beyond economical repair, becomes missing, has been lost or stolen must be reported by serial number to the SPOC immediately via telephone or e-mail. The following documentation must be submitted to the SPOC within five (5) business days of an original report.

1. For a Weapon that is damaged beyond economical repair, submit:
 - a. A letter, signed by the LEA's Weapons Point of Contact (WPOC) or Chief Executive Official (CEO), identifying the weapon by make, model, and serial number; details of the event that lead to damage; and corrective actions, if any.
 - b. Limited Technical Inspection conducted by a qualified armorer or gunsmith which states, "weapon is damaged beyond economical repair."
 - c. A completed and signed Cal EMA Form 657TI – Turn In Request.

2. For a missing weapon submit:

NOTE: After 30 days, a missing weapon is considered lost or stolen.
Submit additional documentation as required in paragraph three (3).

- a. An e-mail or fax, identifying the weapon's make, model, and serial number; details of why the weapon is considered missing and actions taken to locate the weapon.
- b. A copy of the dated print-out that shows that the weapon has been entered into the National Crime Information Center (NCIC) database.

3. For a lost or stolen weapon submit:

- a. A letter, signed by the LEA's WPOC or CEO, identifying the weapon's make, model, and serial number; details of theft or loss; actions taken to re-locate the weapon; and corrective actions to be implemented in order to prevent future events from occurring. Include the date time group (DTG) that the weapon was lost or stolen, statements of circumstance from all persons involved, and copies of all pertinent inventory records and issue logs. If negligence is a cited cause in loss, indicate that disciplinary action has been taken.
- b. A copy of the approved ATF Registration Form 5 or Form 10 that may be associated with the lost or stolen weapon.
- c. A copy of the police report.
- d. A dated print-out that shows that the lost or stolen weapon has been entered into the National Crime Information Center (NCIC) database.
- e. A completed and signed Cal EMA Form 657D – Disposal Request that includes the lost or stolen weapon serial number.

The SPOC will conduct an investigation and prepare a recommendation for LESO to consider. This recommendation, along with all pertinent documentation, will be sent to LESO for final determination.

If a lost or stolen weapon is subsequently recovered, the LEA must notify the SPOC in writing, within five (5) business days, identifying the weapon by serial number and the circumstances of the recovery.

LEAs are no longer authorized to demilitarize or destroy any weapon obtained through the 1208 or 1033 Programs. Weapons damaged beyond economical repair must be returned to TACOM.

A complete weapons inventory will be submitted to the SPOC annually and whenever the WPOC changes. Any lost or stolen weapon will remain on the LEA's weapons inventory and will be included on all required inventory reports.

As stipulated in the Code of Federal Regulations, title may be conditionally granted to LEA's in order to facilitate firearms registration and reporting as required. Machine guns defined by 26 U.S.C 5848(b) not owned by the United States, or any agency thereof, must be registered with the Bureau of Alcohol, Tobacco and Firearms (ATF). Unregistered machine guns transferred by DOD to civilian law enforcement agencies may be lawfully registered by the receiving agency by submitting an ATF Form 10, Application for Registration of Firearms Acquired by Certain Governmental Entities, to ATF. All machine guns transferred through this program are required to be registered with ATF, and are restricted for law enforcement use only. Requirements of this registration can be found in the Code of Federal Regulations at 27 CFR 179.101-105. Upon proof of ATF registration, the LEA must send a copy of the completed documents to the SPOC.

Failure to comply with the terms of this agreement may result in suspension or termination from the 1033 Program. The disposition of all equipment obtained through the 1208 or 1033 Programs and currently held by the LEA will be determined by the SPOC and LESO. A final equipment disposition plan will be prepared and sent to the LEA. The LEA will have 90 calendar days to comply with the plan. Any and all disposition costs will be borne by the LEA.

NOTICES:

Either party may terminate this Weapons Agreement, provided the other party receives thirty-calendar days notice, in writing, or as otherwise stipulated by Public Law. If the LEA determines that they wish to withdraw from the 1033 Program, the disposition of the weapons acquired through the program and currently held by the LEA will be determined by the SPOC and LESO. A final equipment disposition plan will be prepared and sent to the LEA. The LEA will have 90 calendar days to comply with the plan. Any and all disposition costs will be borne by the LEA.

ACCEPTANCE

The LEA by signing below accepts weapons via the 1033 Weapons Program and agrees to abide by the terms and conditions as stated above.

LEA WEAPONS POINT OF CONTACT SIGNATURE



LEA WEAPONS POINT OF CONTACT NAME/TITLE Sergeant Sal DiMercurio

1033 PROGRAM STATE POINT OF CONTACT GARY HOWARD

DATE SIGNED _____