



New York State 1033 Federal Excess Property Program

PLAN OF OPERATION

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STATE OF NEW YORK
Division of Criminal Justice Services

1033 FEDERAL EXCESS PROPERTY PROGRAM

PLAN OF OPERATION

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1.0 GENERAL INFORMATION

1.1 What is the 1033 Program?

The 1033 Program (formerly the 1208 Program) allows law enforcement agencies nationwide to receive Department of Defense (DOD) excess property (hereafter referred to as “property”). The Defense Logistics Agency (DLA) Defense Reutilization and Marketing Service (DRMS) disposes of excess property received from the military services. When items are no longer needed by a DOD agency or military service, they are determined “excess” and turned in to the nearest Defense Reutilization and Marketing Office (DRMO), a field office of DRMS. Property can then be transferred to law enforcement agencies nationwide.

1.2 Department of Defense Authority and Staffing

The Secretary of Defense is authorized by Title 10, United States Code, Section 2576a (10 USC §2576a) to transfer to Federal and State Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counterdrug/counterterrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the DLA in determining whether property is suitable for use by agencies in law enforcement activities. The DLA Law Enforcement Support Office (LESO) is responsible for the policy and procedures supporting the 1033 property disposal program. Additionally, the LESO serves as a liaison between the State Coordinator (SC), State Point of Contact(s) (SPOC) and DLA for the 1033 Program.

1.3 Purpose

The purpose of this State Plan of Operation is to set forth the terms and conditions which will be binding on the parties with respect to excess DOD personal property which is transferred pursuant to 10 USC §2576a; and to promote the efficient, expeditious transfer and accountability of all property.

1.4 State Organizational Authority and Staffing

The Governor of New York has designated a State Coordinator (SC) within the Division of Criminal Justice Services (DCJS), to provide administrative oversight and management of the 1033 Program. Within DCJS, the SC and the designated State Point of Contact(s) (SPOC) have operational authority to ensure that all participants comply with applicable Federal and State laws, directives, and policies for participation in the Program.

1.5 Finding Information on the 1033 Program

Information on the Program can be obtained from the following documents or sites:

- ✓ NYS Plan of Operations for 1033 Federal Excess Property Program
- ✓ Memorandum of Agreement between NYS and the DLA
- ✓ Memorandum of Agreement between NYS and the LEA
- ✓ The LESO website: <https://pubweb.drms.dla.mil/leeds/>
- ✓ eJusticeNY Law Enforcement Suite
- ✓ Law Enforcement Agency Customer Guide

1.6 State Coordinator Contact Information

Mailing Address:

State Coordinator
1033 Surplus Property Program
Office of Public Safety
NYS Division of Criminal Justice Services
Alfred E. Smith Building, 3rd Floor
80 South Swan Street
Albany, New York, 12210

Telephone Numbers:

1033 Federal Excess Property Program: 518-485-1419

FAX Number: 518-485-7639

2.0 ENROLLMENT IN THE 1033 PROGRAM

2.1 How to Enroll in the 1033 Program:

The NYLEA must request enrollment through the State Coordinator by submitting an enrollment packet consisting of a NYS Enrollment Application, LESO Law Enforcement Agency Application for Participation, signed Memorandum of Agreement between NYS and the New York Law Enforcement Agency (NYLEA), and any other forms or documents the State Coordinator may require at the time of application.

Comprehensive guidelines for the Program are outlined in the NYS Plan of Operations and are found under the enrollment packet or publications page.

The enrollment packet is available through the eJusticeNY Law Enforcement Suite. Law enforcement agencies must have an account with eJusticeNY to review or obtain Program materials.

Agencies that previously received property through the 1208/1033 Programs must account for such property to the satisfaction of the State Coordinator and LESO as part of the initial or re-enrollment process.

An enrollment packet that meets established criteria will receive initial approval from the State Coordinator and be forwarded to LESO for final approval. If approved by LESO, the NYLEA will receive from LESO a “Letter of Authorization to Remove Property” and a “Screener’s Letter” which authorizes the screening and pick-up of property at DRMOs. The State Coordinator will then provide the NYLEA with an identification number generated by LESO which will also allow the agency to electronically screen for property nationwide through a web based application. The LEA should bring both letters to the DRMO when screening or picking up property.

2.2 NYLEA Enrollment

NYLEAs must enroll as a single organization. Enrollment requests for subordinate components, units, troops, commands etc. within the agency will not be allowed except at the discretion of the State Coordinator where warranted. In such cases, the NYLEA CEO remains responsible for the security and accountability of all property.

3.0 ELIGIBILITY AND STAFFING REQUIREMENTS

3.1 NYLEA Eligibility Criteria

To participate in the 1033 Program, an agency must perform law enforcement activities whose primary function is the enforcement of applicable Federal, State and local laws and whose sworn compensated officers have powers of arrest and apprehension. Identified below are agencies in NYS eligible to participate in the 1033 Program; property obtained must be specifically used for law enforcement purposes:

1. Police Departments of Villages, Towns, Cities and Counties where such Village, Town, City or County is a political subdivision of the State of New York recognized as such by the Office of the State Comptroller and where the primary statutory purpose of the department is police activity;
2. Sheriff's Office of the counties outside New York City;
3. Police Agencies of the State of New York: Division of State Police, University Police, Department of Environmental Conservation Police and Forest Rangers, and the New York State Park Police;
4. State Department of Correctional Services Emergency Response Teams and Hostage Rescue Teams; and
5. State Division of Parole Absconder Search Units and the Bureau of Special Services;
6. District Attorney Investigators; and
7. State Liquor Authority Enforcement Unit.

3.2 Multi-Agency Task Forces and Units

Multi-agency law enforcement task forces or other multi-agency law enforcement units are not eligible to participate in the 1033 Program. However, a NYLEA can order property for use by their own individual police officers assigned to such task force or unit. The Chief Executive Officer (CEO), Property Accountability Officer (PAO) and if appropriate, the Weapons Point of Contact (WPOC) are responsible for the security and accountability of the property at all times.

The CEO of a NYLEA which is participating in the multi-agency task force or unit may order property (excluding weapons) for use by other agency members in the performance of their official duties. In this situation, the CEO and PAO are responsible for the security and accountability of the property. If such multi-agency task force or unit disbands, the CEO and PAO are responsible for the recovery of the property.

3.3 Federal Agencies

Federal law enforcement agencies, including those with offices or operations within New York State, are not eligible to participate in the New York State 1033 Program. Federal agencies must contact LESO directly for information on the Program.

3.4 NYLEA Staffing Requirements

Chief Executive Officer – The Chief Executive Officer is responsible for direct command of the NYLEA.

The CEO must appoint a sworn compensated police officer as the Property Accountability Officer (PAO). The CEO and PAO are responsible for the security, accountability and record keeping of all property received through the 1208/1033 Programs.

The CEO must appoint a sworn, compensated full-time police officer as the Weapons Accountability Point of Contact (WPOC) if the agency intends to request weapons. The CEO, PAO and WPOC are responsible for the security, accountability and record keeping of all weapons and weapon accessories received through the 1208/1033 Programs.

If applicable, the CEO must appoint an Aircraft/Aircraft Parts Accountability Point of Contact (APOC). The APOC can be a full-time sworn, compensated police officer or a full-time employee of the agency with expertise in the field of Aviation. The CEO, PAO and APOC are responsible for the security, accountability and record keeping of all aircraft and aircraft parts received through the 1208/1033 Programs.

Note: The PAO can also be identified as the WPOC and APOC.

The CEO must appoint a minimum of 2 (two) with a maximum of 4 (four) “Screeners” who will be authorized to “screen” or search for property either physically at a Defense Reutilization and Marketing Office (DRMO), or electronically utilizing the Defense Reutilization and Marketing Service (DRMS) website. Screeners must be sworn compensated police officers. A maximum of only 2 screeners may physically screen for property at a DRMO at one time. Appointed screeners are the only agency personnel authorized to screen for property at a DRMO, however additional personnel may assist in receiving property previously screened and approved for transfer.

3.5 Reporting Requirements for Changes in Staffing

When changes occur with the Chief Executive Officer; Property, Weapons or Aircraft Accountability Officers; or screeners; the CEO must report them by submitting an updated LESO Law Enforcement Agency Application for Participation to the State Coordinator within 30 days. The screening, ordering, transfer, disposal or taking possession of property will not be authorized until the new information has reviewed and approved by the State Coordinator and LESO.

- A change in the CEO will require the resubmission of the Memorandum of Agreement, LESO Law Enforcement Application for Participation, and any other documents as required by the State Coordinator.
- Changes in Property, Weapons and Aircraft Accountability Officers will require the submission of address, telephone and cell number information.
- A change in the Screener will require the submission of address, telephone and cell number information and the resubmission of the LESO Data Sheet.

3.6 Staffing Changes - Security and Accountability of Property

Newly assigned staff will be responsible for the security and accountability of all 1208/1033 property held by the NYLEA, to include property obtained prior to their appointment.

3.7 Suspension or Termination from the 1033 Program

A NYLEA may be suspended or terminated from the 1033 Program for failure to comply with the provisions of the NYS 1033 Plan of Operation, State/NYLEA Memorandum of Agreement, or applicable state/federal statutes or regulations.

4.0 PROPERTY

4.1 Property - General Terms and Conditions

The DOD, through the DLA, has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the State. This agreement creates no entitlement in the State to receive 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 or possible future use. Property will not be obtained for the purpose of sale, lease, rent, exchange, barter, to secure a loan, or to otherwise supplement normal NYLEA or State/local governmental entities budgets. All requests for property will be based on bona fide law enforcement requirements.

In accordance with the DCJS's agreement with DLA, the NYLEA shall place all property received into service within one year of receipt and that all property received remain in service for a minimum of one year unless otherwise provided. Only in special circumstances will property be obtained and held for the minimum time frames. Approval will be considered on a case by case basis.

If property is not put into use by the recipient within one (1) year, the NYLEA must contact the State Coordinator who will coordinate with LESO for the return of the property to the nearest DRMO for proper disposition. Once a DRMO is identified, property must be returned within thirty (30) days. The NYLEA will be responsible for returning the property and any associated costs will be the responsibility of the NYLEA. Under no circumstances will property be sold or otherwise transferred to non-U.S. entities.

The State Coordinator reserves the right to require NYLEAs to submit a yearly utilization report for selected property including, but not limited to, aircraft, watercraft, night vision devices, vehicles, weapons and high mobility and armored vehicles.

The DOD has authorized the transfer and use of excess Federal property to the NYLEA and as such reserves the right to recall any and all property issued through the 1208/1033 Programs. Costs of shipping or repossession of the excess DOD personal property by the U.S. Government will be covered by the NYLEA.

To the extent permitted by law, the State Coordinator/NYLEA shall indemnify and hold the U.S. Government 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 State/NYLEA, 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 State/NYLEA, its agents, servants, or employees after the property has been removed from U.S. Government control.

4.2 Required Insurance for Participation

The NYLEA will maintain adequate insurance to cover damages or injuries to persons or property relating to the use of property received under the 1208/1033 Programs.

The NYLEA agrees to maintain, at no expense to the U.S. Government or New York State, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.

4.3 Property Subject to Additional Controls

NYLEAs should be aware that specific property is subject to additional controls, accountability, transfer and records maintenance standards. This includes: High Profile Property (including Weapons, Vehicles, NVDs, Aircraft, Watercraft, HMMWVs and APCs), High Value Property (Acquisition Cost of \$20,000 or more) and/or High Awareness Property - Demilitarization required property, Munitions List Items (MLI) property, Commerce Control List Items (CCLI) property and Flight Safety Critical Aircraft Parts (FSCAP) property.

4.4 Training for the Utilization of Property

The NYLEA is responsible for providing appropriate training, where applicable, to any persons who may use property obtained through the 1208/1033 Programs.

4.5 Utilization of Property

Property must be used only for law enforcement purposes. The NYLEA shall retain possession of all property until coordination through the State Coordinator has been completed for the transfer, disposal or turn-in of property. Property is not to be loaned or transferred to unauthorized entities or to be used for unofficial activity.

4.6 Cannibalization

Requests for property for the purpose of cannibalization will be considered for approval on a case by case basis. A request must be submitted to LESO through the State Coordinator. Any transportation, repair, maintenance, insurance, disposal, or other expenses associated with the property will be the sole responsibility of the NYLEA.

4.7 Transportation Costs for Property

NYLEAs are responsible for the transport of property and all associated expenses. This includes taking possession, transfer, turn in or disposal.

4.8 Security and Storage of Property

It is the sole responsibility of the NYLEAs for the security and storage of **all property** received through the 1208/1033 Programs.

4.9 Environmentally Regulated Property

The NYLEA must assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.

4.9.1 Costs for Turn-in or Disposal of Property

Law enforcement agencies will be responsible for associated costs to meet DOD requirements for the disposal or turn-in of property that contains radioactive components or hazardous materials. DOD requirements include the removal of these components or materials before property may be turned in or disposed of. Examples of property containing amounts of radiation include the titanium alloy in OH-58 Honeywell T-53 and T-55 Helicopter engines, the operator's gauges on M-Series 2.5 Ton military cargo trucks and certain internal components of military night vision devices.

NYLEAs should factor in these requirements and associated costs when determining the need for property.

4.10 Title, Transfer and Disposal of Property

Property is provided to NYLEAs free of charge. However, agencies are responsible for all costs relating to obtaining, maintaining, transferring, returning or disposing of 1208/1033 property, the cost of insurance when required, and any repair, record keeping, training, compliance or security costs.

All property transferred from the Department of Defense (DOD) to NYLEAs, unless title is conditionally granted, remain the property of the DOD. The NYLEA is responsible for the security and accountability of the property. Property will not be disposed of, turned into a DRMO, or transferred by the NYLEA without the permission of the State Coordinator and LESO.

4.11 Fair and Equitable Distribution of Property

The State Coordinator may develop and implement procedures to insure fair and equitable distribution of property.

4.12 NYLEAs and the Single Audit Act of 1984 as Amended (31 U.S.C. 7501-7)

NYLEAs must be aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). NYLEAs can find information regarding the Single Audit Act at the eJusticeNY Law Enforcement Suite.

4.13 Release of Information on High Profile Property

In accordance with DLA policy and federal law, the State Coordinator; NYLEAs; local, county, or state governmental entities are prohibited from releasing any information on high profile property to the public, the media or in response to a Freedom of Information Law (FOIL) request. High Profile property includes tactical and armored vehicles, night vision equipment, watercraft, weapons and aircraft.

5.0 SCREENING AND REQUESTING PROPERTY

5.1 Defense Reutilization and Marketing Office (DRMO) Locations

A current list of DRMO's may be accessed via a link at the eJusticeNY Law Enforcement Suite or directly at: <http://www.drms.dla.mil/drmo/drmo-locations.shtml>.

5.2 1033 Program Software

The Defense Reutilization and Marketing Service's (DRMS) Law Enforcement Support Office (LESO) Web software referred to as the **"DRMS LESO Application"** enables:

NYLEAs to:

- Search (screen) for equipment by Federal Supply Class (FSC), National Stock Number (NSN) or National Item Identification Number (NIIN), full or partial name, by DRMO, region, date the item entered inventory, and/or condition code;
- Review specific condition or historical information about the equipment;
- Submit equipment requests;
- Obtain request approvals/rejections;
- Modify or delete equipment requests; and
- View equipment request histories for the NYLEA.

Enables the State Coordinator to:

- Review item requests;
- Modify, approve, or reject item requests; and
- Review information about the equipment.

5.3 Accessing the DRMS LESO Application

Refer to the DRMS/LESO National Property Requisition Law Enforcement Agency Customer Guide located on the eJusticeNY Law Enforcement Suite for further information on the DRMS LESO Application.

5.4 Frequency and Amount of Property Ordered

The State Coordinator reserves the right to limit the number and types of items ordered to ensure equitable distribution of property statewide.

5.5 Screening, Holding and Requesting Property

NYLEAs can "screen" or search for property electronically through the DRMS LESO Application or manually (physically) by visiting a DRMO. Only authorized screeners can screen for property. NYLEAs screening electronically should verify property availability telephonically with the holding DRMO and to obtain any additional information on the desired property.

Aircraft and Weapons cannot be ordered electronically through the DRMS LESO Application or directly from a DRMO. Weapons and Aircraft must be ordered utilizing the Request/Justification Form.

5.5.1 Screening, Holding and Requesting Electronically

When property has been identified electronically, a **detailed justification for the property must be provided by the NYLEA and include its specific intended use, how it will support the agency mission, the impact on the jurisdiction in obtaining the property, and if the property will be used in counterdrug/counterterrorism activities.** The State Coordinator and LESO must approve the request. In part, LESO approval is based on first come/first served. Guidelines on the electronic process can be accessed by referencing DRMS/LESO National Property Requisition Law Enforcement Agency Customer Guide on the eJusticeNY Law Enforcement Suite.

If the request is approved by LESO, it is forwarded to Military Standard Requisitioning and Issue Procedures (MILSTRIP) for final approval and processing and a DD Form 1348-1A is generated and forwarded to the DRMO for processing of the property for pick-up. The NYLEA must check the DRMS LESO Application for approval notification and contact the issuing DRMO to arrange pick-up or transportation of the property. Representatives from the NYLEA must bring the CEO signed Letter of Authorization to Remove Property to the DRMO when picking up property. One screener must be present when picking up property.

The NYLEA has 14 days from the approval date to obtain the item from the DRMO once they have been contacted by the DRMO. **Upon receiving the property, the NYLEA must fax a copy of the signed DD Form 1348-1A to the State Coordinator within 5 business days.** If an item is unavailable for pick-up at a DRMO when the NYLEA arrives, the agency must contact the State Coordinator immediately. The State Coordinator will provide the NYLEA with LESO contact information. The NYLEA must then contact LESO directly to address the issue. This will prevent the item from being inappropriately added to the NYLEAs inventory.

5.5.2 Screening and Requesting Manually at a DRMO

Screening of property may be manually (physically) conducted by the NYLEA while on-site at the DRMO. When property has been identified, the NYLEA must complete a DRMS Form 103 while on-site at the DRMO to hold the property and forward it by e-mail or fax to the State Coordinator. The property will be physically tagged at the DRMO upon completion of the DRMS Form 103. The submission of the DRMS Form 103 begins a hold on the property. The State Coordinator and LESO must approve the request or the property becomes available to other DRMO customers. Where a Request/Justification Form is required, a **detailed justification for the property must be provided by the NYLEA and include its specific intended use, how it will support the agency mission, the impact on the jurisdiction in obtaining the property, and if the property will be used in counterdrug/counterterrorism activities.** The NYLEA must submit the form by e-mail (scanned copy or with electronic signature) or fax to the State Coordinator for approval.

The DRMS Form 103 **must** include the following information:

- Item Nomenclature (i.e. ¾ ton truck, blankets, gas generator, etc)
- National Stock Number (i.e. 2920-00-switch, 2410-00-185-9792, etc)
- Unit of Issue (i.e. each (ea), example: roll (ro), pair (pr), drum (dr), pound (lb), etc)
- Quantity (i.e. 1, 22, 250, etc)
- Document Number (DTID) (i.e. N0016462200013)
- Warehouse Location (i.e. B011025A0, RCP Norfolk, etc)
- DEMIL CODES (i.e. A, B, etc)
- Condition Code (i.e. B4, F1, H7, etc)

- Unit Price (\$1.00, \$750.00, \$32,500, etc)
- Total Price (multiply price by quantity, i.e. 25 ea X \$1.00 - \$25.00)

From the approved DRMS Form 103, a DD Form 1348-1A is generated by LESO and forwarded to the DRMO for processing of the property for pick-up. The NYLEA must check the DRMS LESO Application for approval notification and contact the issuing DRMO to arrange pick-up or transportation of the property. **Upon receiving the property, the NYLEA will fax or e-mail (scanned document) a copy of the signed DD Form 1348-1A to the State Coordinator within 5 business days.**

If an item is unavailable for pick-up at a DRMO when the NYLEA arrives, the agency must contact the State Coordinator immediately. The State Coordinator will provide the NYLEA with LESO contact information. The NYLEA must then contact LESO directly to address the issue. This will prevent the item from being inappropriately added to the NYLEAs inventory.

5.5.3 Condition Codes/Disposal Codes

The physical condition of available property can be determined by the assigned supply condition codes. These codes are used to classify material in terms of readiness for issuance and use or to identify action underway to change the status of material.

When property is returned to a DRMO, a disposal condition code is assigned to the property indicating physical condition of item.

6.0 SCREENING AND REQUESTING PROPERTY WITH SPECIAL REQUIREMENTS

6.1 Request/Justification Form

The State Coordinator requires the submission of the Request/Justification Form (obtained from the eJusticeNY Law Enforcement Suite from NYLEAs that are **manually requesting**:

- Boats and Watercraft;
- Night Vision Devices;
- High Mobility Multi Purpose Wheeled Vehicles and Armored Vehicles; and
- Infrared Aiming Lights/Specialized Weapons Optics

Information on the forms is required by LESO for approval and processing. The request/justification forms are in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator for review, and must be approved prior to the request being approved and forwarded to LESO. The State Coordinator reserves the right to modify or limit the request prior to forwarding to LESO. **Upon receiving the property, the NYLEA must fax or e-mail (scanned document) a copy of the signed DD Form 1348-1A to the State Coordinator within 5 business days.**

6.2 Flyable Aircraft

6.2.1 Requests for Flyable Aircraft

Requests for aircraft require the completion of an **Aircraft Request /Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and mailed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The

ordering of aircraft is limited to one per NYLEA every three year period. However, NYLEAs requiring additional aircraft must articulate the need in the request to the State Coordinator.

Upon approval from the State Coordinator and LESO for a flyable aircraft, the State Coordinator will request from LESO all available flight historical records and related documentation to FSCAP components. This documentation will be available for inspection by NYLEAs prior to transfer. The documentation will be sufficient to be accepted by a FAA authorized repair facility for evaluation and possible determination for use on an aircraft. DOD makes no representation as to the property's conformance to FAA requirements. The LEA must subject the assets to safety inspection, repair, and/or overhaul by a competent manufacturer or other entity such as those certified by the FAA prior to placing into use. The property that is provided to the NYLEA may not meet FAA design standards, and/or may have been operated outside the limitations required by the Federal Aviation Regulations.

Upon taking possession of an aircraft, the NYLEA must submit to the State Coordinator copies of the FAA Standard Airworthiness Certificate and/or the FAA Certificate of Aircraft Registration.

6.2.2 LESO Aircraft Distribution Priority

The list of eligible agencies waiting for 1033 Program aircraft far exceeds the available supply. The current LESO aircraft National Priority List (NPL) for aircraft is calculated and prioritized based upon the following criteria approved by Office of the Secretary of Defense (OSD):

- a. The number of excess aircraft available to the LESO program.
- b. The date the request was received by LESO.
- c. Fair and equitable distribution.
- d. High Intensity Drug Trafficking Area (HIDTA).
- e. Geographic responsibility.

The sale or previous sale of 1208 Program aircraft acquired on or before September 30, 1996 by an NYLEA may impact the LESO's deliberations regarding issuance of similar additional aircraft to that agency in the future under the fair and equitable distribution criterion outlined above. NYLEAs are required to comply with all Federal Trade Security Controls and any other applicable regulations concerning transfer of the aircraft.

6.2.3 Aircraft Availability -

The LESO website is periodically updated to reflect the current availability of aircraft at: <https://pubweb.drms.dla.mil/leeds/QRTUPDATE.htm>.

6.2.4 Minimum Possession Requirements

The DLA Memorandum of Agreement (MOA) with the State Coordinator and the DLA for the 1033 Program requires that aircraft be maintained by the recipient activity for a minimum of five (5) years. At the end of this period, if the aircraft is no longer needed by the organization, yet remains flyable, the LESO requests that the organization return the aircraft to the DOD so it can be transferred to other authorized 1033 customers awaiting aircraft of this type.

6.2.5 Operational Use Requirement

Aircraft received by a NYLEA under the 1208/1033 Programs must be engaged in operational use within one year of acquisition. Aircraft not in operation within one year may result in the State Coordinator requiring the return of the aircraft to DOD control.

Aircraft may only be used for law enforcement purposes.

6.2.6 Physical Security and Accountability of Aircraft and Aircraft Parts

The NYLEA CEO, PAO and APOC are responsible for the physical security and accountability of all 1208 and 1033 Program aircraft and aircraft parts.

6.2.7 Sale/Trade/Gift of 1208/1033 Program Aircraft or Aircraft Parts

Aircraft and aircraft parts received by a NYLEA under the 1208 Program **on or before September 30, 1996** can be sold, traded, bartered or donated by a NYLEA. The sale, trade, barter or donation of aircraft or aircraft parts requiring demilitarization must receive prior approval from the State Coordinator and LESO. No aircraft or aircraft parts will physically move prior to State Coordinator and LESO approval. Aircraft and aircraft parts received **after September 30, 1996** cannot be sold, traded, bartered or donated under any circumstance. Aircraft and aircraft parts received after September 30, 1996 can only be transferred to another authorized law enforcement agency, turned-in to a DRMO or kept by the NYLEA. State Coordinator and LESO approval is required for transfer or turn in.

Required procedures for the sale, trade or gift of a 1208 Program aircraft and aircraft parts acquired on or before September 30, 1996 are as follows:

- The NYLEA must obtain a copy of the prospective recipient's valid driver's license and insure that it reflects the true identity of the recipient.
- The NYLEA must insure the recipient fully, legibly and correctly completes and signs the Defense Logistics Agency Form 1822 (see <https://demil.osd.mil>).
 - This form notifies the recipient that if the intent is to export the property, an export license or letter of authorization is required from the U.S. Department of State or U. S. Department of Commerce. In signing this form, the recipient also agrees to cooperate with and permit authorized Government representatives to inspect and verify the existence and condition of the MLI/CCLI that has been acquired.
 - The NYLEA must brief the prospective recipient on all provisions and restrictions contained on the Form 1822 and retain a written record of the briefing including the date, location, method, who conducted the brief and the topics covered. The NYLEA must retain this record in a file related to the specific aircraft or aircraft part indefinitely; and
 - If the DLA Form 1822 is completed on behalf of a corporation or business, the person executing the Form 1822 must provide the NYLEA with their driver's

license and documentation authorizing them to sign documents on behalf of the corporation or business.

- The NYLEA must check the current DOD Demilitarization Code of the aircraft or aircraft part utilizing the Defense Logistics Agency Information Service (DLAIS) Public Inquiry Selection Menu at WebFLIS Public Search (www.dlis.dla.mil/WebFLIS).
- The NYLEA CEO must submit a written request to the State Coordinator to sell, trade, or gift an aircraft or aircraft part requiring demilitarization. The request must include the proposed disposition, the current DOD Demilitarization Code of the Aircraft or aircraft part; statement of flight hours, copies of maintenance records for the period the NYLEA had the aircraft/aircraft part; status of aircraft (flyable/not flyable); digital photographs of the aircraft interior and exterior (front and side view and data plate). The CEO must also include the completed Form 1822 and a copy of the recipient's driver's license with the request.
 - The State Coordinator will forward the documents to LESO for review.
 - LESO will forward the documents to the DOD Trade Security Controls Assessment Office (TSCAO) for a review of the prospective recipient.
 - Upon completion of the TSCAO review, LESO will approve or disapprove the request.
- If the request is approved, the NYLEA must submit a copy of Bill of Sale or documentation of the trade or gift to LESO through the State Coordinator within 5 days of completing the transaction.
 - Any funds or items of value received by the NYLEA in the sale, trade or gift of an aircraft or aircraft part must be returned directly to the NYLEA and be utilized for law enforcement purposes.

6.2.8 Certifications, Maintenance, Personnel and Operations - Requirements

- The NYLEA is responsible for meeting all applicable Federal Aviation Administration (FAA) standards of airworthiness, registration, maintenance, operations and training requirements and all other regulations for the aircraft. NYLEA must insure that aircraft and components are maintained in accordance with applicable airworthiness standards and procedures for maintenance and repair and that the NYLEAs perpetuate repair and maintenance documentation.
- NYLEAs must assure that the aircraft is in a flyable condition in compliance with all applicable Code of Federal Regulations (CFR 14 and 49), FAA rules and regulations using Part 27, 43, 65, and 91, as standard.
- Aircraft obtained through the 1033 Program may only be used for law enforcement activities and may only be occupied by law enforcement personnel.
- NYLEAs must assure that aircraft maintenance will be performed by qualified FAA License Airframe and Powerplant mechanics, with the training and certification to maintain the aircraft, or maintained by a FAA Part 145 Certified Repair Station.

- NYLEAs must maintain and operate aircraft in accordance with manufacturer's specifications, and/or approved Interagency Committee for Aviation Policy (ICAP) guidelines and within CFR 14 Regulations and using AC 43.13-1B and 2A as guidelines. NYLEAs must have the resources to finance the requested aircraft for training and maintenance throughout the time the airplane or rotorcraft is in use.
- Only parts that meet Federal Aviation Administration (FAA) standards of airworthiness and meet maintenance conformance for the type of aircraft, operational requirements and specifications of manufacturer's maintenance standards, can be used for 1208/1033 Program aircraft. All parts must be designed for and be usable in that aircraft type and be secured in a stockroom for security.
- Where aircraft maintenance is conducted by an outside contractor who supplies their own parts; the NYLEA will be liable for the overhaul certification of the parts received before installment. All replaced parts must be returned to the DRMO through coordination with the State Coordinator.
- The NYLEA must subject the assets to safety inspections, repairs, and/or overhaul by the (competent) manufacturer or an entity such as those certified by the FAA prior to placing parts into service. All parts are to be repaired or overhauled in accordance with manufacturer's recommendations or AC 43.13-1B & 2A and/or Manufacturer's Maintenance Manuals.
- If the contractor does use 1033 Program parts, replaced parts must be returned to the DRMO through coordination with the State Coordinator. All 1208/1033 and non 1208/1033 parts used in 1208/1033 aircraft received by NYLEA's will be inspected using a tag system affixed to parts to identify the condition of items.
- Flight operations shall be consistent with 14 Code of Federal Regulations (CFR) Part 91 where applicable.
- The pilot is responsible for computing the weight and balance for all flights and for assuring that the gross weight and center of gravity do not exceed the aircraft's limitations. Pilots shall be responsible for the proper loading and securing of all cargo. Helicopter load calculations shall be computed and completed by the pilot using appropriate flight manual hover performance charts.

6.2.8.A Standard and Restricted Category Aircraft

All standard category aircraft shall be operated within the instructions and limitations stipulated in the approved flight manual.

Aircraft with type certificates shall conform to the approved type design, or be in a properly altered state.

6.2.8.B Non-Certificated Aircraft

All non-certificated aircraft shall be operated within the instructions and limitation stipulated in the appropriate flight manual.

All non-certificated aircraft shall be in compliance with the appropriate Instructions for Continued Airworthiness Supplement.

The NYLEAs shall annually issue an Approved Flight Program to be maintained by the agency certifying that the aircraft meets the requirements herein.

6.2.8.C Aircraft Requirements- General

NYLEA's aircraft shall conform to the Aviation standards, including the requirements of aircraft maintenance and any model specific requirements outlined in Section 6.2.

All required documents needed to verify the data of Helicopter Records (including airframe logs, engine logs, compliance with mandatory manufacturer's bulletins, Federal Aviation Administration (FAA) Airworthiness Directives (AD's) compliance, and aircraft status record, etc.) shall be made available to any appropriate inspector.

All required documents needed to verify the data of Airplane Records (including airframe logs, engine logs, compliance with mandatory manufacturer's bulletins, Federal Aviation Administration (FAA) Airworthiness Directives (AD's) compliance, and aircraft status record, etc.) shall be made available to any appropriate inspector.

6.2.8.D Airplane Performance Requirements

Single engine aircraft shall have a power loading of not more than 13.5 pounds per horse power.

Multi engine aircraft shall be capable of at least 200 horsepower; per engine; and engine developing less than 240 horse power shall be turbo/super charged.

Each take off shall meet aircraft climb performance requirements of 14 CFR.

6.2.8.E Condition of Equipment

NYLEA's 1208/1033 Program aircraft and equipment shall be in good condition and function properly.

Aircraft systems and components shall be free of leaks except within limitations specified in the appropriate maintenance manual.

All windows and windshields shall be clean and free of scratches, cracks, crazing, distortion, or repairs, which hinder visibility. Repairs such as safety wire lacing and stop drilling of cracks are not acceptable permanent repairs. Permanent repairs or replacement shall be performed at the next scheduled maintenance function where the repair can be performed but no later than six (6) months.

The aircraft interior shall be clean and neat. There shall be no un-repaired tears, rips, cracks, or other damage to the interior. All interior materials shall meet FAA standards. Interior of non-certificated aircraft must meet the manufacturer's standards for their interior and any modifications must meet FAA standards.

The exterior finish, including the paint, shall be clean, neat, and in good condition (i.e. severe fading or large areas of flaking or missing paint and etc.) Military or other low visibility paint schemes are unacceptable. Any corrosion shall be within manufacturer or FAA acceptable limits.

6.2.8.F Center of Gravity

All aircraft shall be configured and operated within the center of gravity limits stated in the appropriate flight manual.

6.2.8.G General Equipment

The following is required for all aircraft:

- Instrumentation required by the Type Certificate and 14 CFR for use with the make and model furnished.
- Free air temperature gauge.
- Approved aircraft lighting for night operation in accordance with 14 CFR, Part 91.209, plus instrument lights.
- First Aid Kit Aeronautical.
- Survival Kit Aeronautical.
- The fire extinguisher(s) shall be a hand-held bottle, fully charged, with a minimum of a 2-B:C rating, maintained in accordance with National Fire Protection Association (NFPA) 10 and mounted with a quick release attachment accessible to the flight crew while seated.

The following is required for helicopters:

- FAA approved double-strap shoulder harness with automatic locking inertia reels for each front seat occupant. Shoulder straps and lap belts shall fasten with one single-point, metal-to-metal, and quick-release mechanism. Standard factory shoulder harnesses are acceptable for Aerospatiale and Bell transport category helicopters. Military style harnesses are acceptable.
- FAA approved shoulder harness integrated with seat belt with one single point metal to metal quick release mechanism for each passenger position.
- One flight hour meter (Hobbs) installed in a location observable by the pilot and front seat observer while seated. The meter shall be wired in series with a switch on the collective control, and a switch activated by engine or transmission oil pressure or equivalent system, to record flight time (in hours and tenths of hours) only.
- External load operations from other than the manufacturer's designated pilot station are allowed only when the aircraft has been properly modified. For standard category aircraft, alteration of the aircraft shall be approved under an

FAA Supplemental Type Certificate (STC) or field approval and designation in the aircraft Flight Manual Single Piloted Aircraft, field approvals in lieu of STCs are not acceptable unless observation while the pilot's focus is on the external load.

- Convex mirror for observation of external loads and landing gear.
- Standard Category helicopters with a floor height greater than 18-inches shall have an approved personnel access step to assure safe entrance and exit from each door of the helicopter. A section of external cargo rack may be utilized as a step by providing a clear space covered with non-skid material.
- Complete set of current aeronautical charts covering area of operation. The NYLEA's shall be responsible for providing navigation publications and inventory.
- Dual controls are required for pilot evaluations.
- One or more white or white and red strobe light(s) mounted on top of the helicopter or otherwise visible from above. In accordance with 14 CFR Part 27.1401, Anti-collision Light System (d) Color. Each anti-collision light shall be aviation red and shall meet the applicable requirements of 14 CFR Part 27.1397. In order to meet agreement specifications, NYLEA's shall obtain FAA approval (FAA Form 337) to alter the aircraft, if applicable.
- High visibility markings on main rotor blades (Visibility Markings on Main Rotor Blades).

The following are required for Fixed Wing Operations:

- Safety Belts. FAA-approved shoulder harness front seat occupant. Shoulder straps and lap belts shall fasten with one single-point, metal-to-metal, and quick release mechanism. Standard factory shoulder harnesses are acceptable. Military style harnesses are acceptable.
- Seat belts for all seats. One set of individual lap belts for each occupant.
- Flight Hour Meter. Each aircraft shall be equipped with a flight hour meter, measures in hours and tenths.
- Cargo Restrain. The NYLEA shall furnish tie downs, net (s), or cargo straps meeting requirements of 14 CFR to restrain cargo while in flight.
- Each aircraft shall carry current copies of aeronautical charts covering area of operation.

6.2.8.H Cargo Hooks and Long Line Equipment Requirements

- One cargo hook that may be loaded and locked in a single motion with one hand, and is rated at the maximum lifting capacity of the aircraft. The cargo hook shall be inspected, overhauled and tested in accordance with the manufactures instructions. If the manufacture has no requirements then as a minimum, the cargo hook shall be completely disassembled and inspected with repairs made as required, lubricated and a full-load operational check in accordance with manufacturers recommendations every 24 months.
- One remote cargo hook and 150 foot long line. Long line may consist of multiple segments.

6.2.8.I Fire Fighting Operations – Helicopters and Airplanes

- 1033 helicopters and airplanes cannot be used for firefighting operations to include fire fighting drills. Except, however, in the event of a mass casualty incident or similar life threatening emergency.

6.2.8.J Communications Systems

NYLEA required avionics systems and communication equipment must meet the performance specifications as specified in accordance with manufacture's requirements for airplane and rotorcraft type to include:

- Emergency Locator Transmitters

One automatic-portable/automatic-fixed or automatic-fixed Emergency Locator Transmitter (ELT) utilizing an external antenna and meeting the same requirements as those detailed for airplanes in 14 CFR Part 91.207 (excluding 14 CFR Part 91.207f), shall be installed per the manufacturer's installation manual, in a conspicuous or marked location. ELT's certified under Technical Standard Orders Authorization (TSO) TSO-91 are not acceptable. Note: ELTs operating on 121.5 MHz, 406 MHz or both frequencies are acceptable.
- VHF-AM Transceivers:

One panel mounted VHF-AM aeronautical transceiver (VHF-1), operating in the frequency band of 118.000 to 136.975 MHz, with a minimum of 120-channels in no greater than 25 kHz increments, and a minimum of 5-watts carrier output power.
- A Police radio capable of communicating with NYLEAs in their geographical operating area.
- Aeronautical VHF-FM radio transceiver (FM-1).

6.2.8.K Aircraft and Equipment Security

The security of 1033 Program aircraft and equipment is the responsibility of the NYLEA and must be electrically and/or mechanically disabled by one independent security systems whenever the aircraft is unattended. Deactivating security systems shall be incorporated into preflight checklists to prevent accidental damage to the aircraft or interfere with safety of flight.

6.2.8.L Aircraft Maintenance

These general maintenance requirements are applicable to both certificated and non-certificated aircraft. See below for additional specific compliance instructions for non-certificated aircraft.

- Type certificated aircraft shall be maintained in accordance with the requirements of 14 CFR Part 43 and Part 91 and the manufacturer's instructions regardless of its public use status.
- Persons authorized to perform maintenance, preventive maintenance; rebuilding and alterations will do so in accordance with Federal Aviation Regulations (FAR) Part 43 and Part 65. FAA, CFR 14, Part 91 Repair Stations may be used for specific maintenance functions that the repair station is certified for. The aircraft must be returned to service under the repair station certificate and not under an individual's certificate for the repair station; for example, repairman or A&P mechanic. The repair station may not be used in lieu of the carded helicopter mechanic required by this agreement. Refer to the non-certificated aircraft supplements for specific requirements.
- Special equipment and/or modification of the aircraft to meet requirements shall be inspected, repaired, and altered in accordance with 14 CFR requirements and manufacturer's recommendations or engineered data and, if required, be FAA approved.
- Aircraft shall have discrepancies and inoperative equipment repaired or replaced as per FAR 91.405
- Except as provided in FAR part 91.213, no pilot will take off an aircraft with inoperative instruments or equipment allowed by FAR 91.213(d) (2).
- No aircraft will be operated in an un-worthy or unsafe condition in accordance with FAR 91.7 and will have such conditions repaired before resuming normal operations.
- Maintenance records keeping will be in accordance with FAR 91. Content, form and disposition of the records will be in accordance with the requirements of FAR Part 43. Reference FAA Advisory Circular (AC) No. 43-9C as revised.
- In accordance with FAR 91.403(c) no aircraft will be operated unless the mandatory replacement times, inspection items or related procedures are complied with. Aircraft shall not be approved or used if any component time in service exceeds the manufacturer's recommended Time Between Overhaul (TBO) unless

authorized by an industry accepted extension. (Manufacturer's, Military, FAA-approved extension etc.)

- The applicable Airworthiness Directives required by FAR Part 39 shall be complied with. Refer to the non-certificated aircraft supplements for specific requirements.
- The manufactures mandatory bulletins are to be complied with. Refer to the non-certificated aircraft supplements for specific requirements.
- Aircraft shall comply with the inspection requirements of FAR 91.409. Refer to non-certificated aircraft supplements for specific requirements.
- Inspections shall be performed in a lighted and heated maintenance facility or hanger.
- The aircraft's equipped weight is to be calculated using weight and balance data which was determined by actual weighing of the aircraft. The aircraft will be re-weighed following any major repair or major alteration or change to the equipment list which significantly affects the center of gravity of the aircraft. All weighing of aircraft shall be performed on scales that have been certified as accurate within the preceding 24-months. The certifying agency may be an accredited weights and measures laboratory.
- A list of equipment installed in the aircraft at the time of weighing shall be compiled. The equipment list shall include the name of each item installed for aircraft configuration changes (seats, doors, radios, cargo hook, baskets, special mission equipment, etc.) shall also be listed including the name, weight, and arm of each item. Each page of the equipment list shall identify the specific aircraft by serial and registration number. Each page of the equipment list shall be dated indicating the last date of actual weighing or computation. The weight and balance shall be revised each time equipment is removed or installed.
- For turbine powered aircraft, power assurance check shall be accomplished on the first day of operation, and thereafter within each 30 day interval of agreement of flight operations unless prohibited by environmental conditions (i.e. weather, smoke, rain). The power assurance check shall be accomplished by the NYLEA's in accordance with the Aircraft Flight Manual or approved company performance monitoring program. The results shall be recorded in the appropriate aircraft flight records. Aircraft with power output below the minimum published performance charts or procedures shall be removed from service. The below-minimum power condition shall be corrected before returning to service and availability.
- A maintenance test flight must be performed, in accordance with FAR 91.407, after any maintenance activity which could have appreciably altered the aircraft's flight characteristics or substantially affected its operation in flight.

Non-Certificated Aircraft Specific Requirements:

Non-type certificated public use aircraft will be maintained in a manner consistent with certificated aircraft 14 CFR Part 43 and Part 91 and in accordance with the aircraft manufacturer standards, including specific Instructions for Continued Airworthiness (ICA). All airplanes and rotorcraft will utilize an aircraft logbook for times and maintenance records.

Inspection programs, airworthiness limitations, overhauls, and retirement items are all addressed in each aircraft model standards as per manufacturer. All FAA AD are complied with as per FAA standards.

Return to Service:

The aircraft, components, and assemblies shall be considered certificated for the purpose of return to service by persons authorized to perform maintenance and preventive maintenance under Part 65, in accordance with FAR Part 43.

The execution of the repair or alteration will be in accordance with FAR 43, Appendix A by persons authorized as per FAA 43.3. Aircraft records shall be maintained, but a copy of FAA Form 337 need not be submitted to the FAA.

The following requirements must be met when performing major modifications or alterations on non-certificated aircraft:

- Modifications or alterations performed on non-certificated aircraft are to be based on approved acceptable data and in accordance with standard aeronautical practices. Examples of data shall be per Advisory Circular (AC) 43-210.

Military Modification Data. This shall include: Modification Work Orders (MWO); Aviation Safety Action Message (ASAM); and Safety of Flight (SOF).
- The modifications and alterations must be documented in the aircraft's records.
- The weight and balance data and equipment list must be updated when required.
- Instructions for Continued Airworthiness (ICA) are to be incorporated into the aircraft's records and maintenance program to ensure that the aircraft is properly maintained. Refer to FAA Order 8110.54 for assistance. At a minimum ICA's must include the standards outlined as per AC-43-210.
- A flight manual supplement must be added to the flight manual when a modification affects the operation of the aircraft.
- When 1208/1033 Program aircraft parts reach the end of their service life based on age and/or flight hours or when parts are damaged beyond reissue, the NYLEA is responsible for returning the parts to DOD after approval from the State Coordinator and LESO.

6.2.8.L.1 Cannibalization of Aircraft

Cannibalization of 1208/1033 Program aircraft requires prior approval by the State Coordinator and the LESO Director. The NYLEA must submit a written request with the following information:

- Details for the cannibalization.
- Operational status of the aircraft considered for cannibalization (flyable/non-flyable). If non-flyable, detail requirements to make it flyable.
- Benefit to the agency for the cannibalization.

6.2.8.L.2 Avionics Installation and Maintenance Standards

All avionics systems used in or on the aircraft and their installation and maintenance shall comply with all manufacturer's specifications and applicable 14 CFR requirements.

Strict adherence to the recommendations in FAA AC 43.13-1B Chapter 11, "Aircraft Electrical Systems" and Chapter 12, "Aircraft Avionics Systems" as well as AC 43.13-2A Chapter 1, "Structural Data", Chapter 2, "Radio Installation", and Chapter 3, "Antenna Installation", is required.

All avionics systems requiring an antenna shall be installed with a properly matched aircraft-certified, broadband antenna unless otherwise specified.

Antennas shall be polarized as required by the avionics system and have a Voltage Standing Wave Ratio (VSWR) less than 2.5 to 1.

Labeling and marking of all avionic controls and equipment shall be clear, understandable, legible, and permanent. Electronic label maker marking is acceptable.

Avionics equipment mounting location and installation shall not interfere with passenger safety, space, and comfort. Avionics equipment will not be mounted under seats designed for energy attenuation. In all instances, the designated areas for collapse shall be protected.

6.2.8.M Operations

6.2.8.M.1 General

Regardless of any status as a public aircraft operation, the NYLEA shall operate in accordance with their approved FAA Operations Specifications and all portions of 14 CFR Part 91, (including those portions applicable to civil aircraft) and each certification required under this standard.

Any local state or federal Government representative may inspect the Pilot's Airplane Pilot Qualification Card or Certification at any time.

6.2.8.M.2 Pilot Authority, Responsibilities and Operations

Designating a Chief Pilot: The CEO of a NYLEA using or requesting 1208/1033 aircraft or aircraft parts shall designate a Chief Pilot (CP). The CP must be a full-time compensated employee of the agency.

Minimum requirements to act as a Chief Pilot:

- Commercial, Instrument or ATP Certificate with appropriate rating (airplane or helicopter)
- For NYLEAs using Helicopters:

Total Time – 1000 Hours
Pilot in Command – 750 Hours
Pilot in Command, Turbine Powered Helicopters – 750 hour
- For NYLEAs using Airplanes:

Total Time – 1000 Hours
Pilot in Command – 750 hours

Responsibilities of the Chief Pilot: The Chief Pilot will be responsible for ensuring all training, flight operations, maintenance and other operations are conducted in accordance with the standards requirements and guidelines of the NYS 1033 Plan of Operations and LESO.

The Pilot-In-Command (PIC): is responsible for the safety of the aircraft, loading and unloading of occupants and cargo. The pilot shall comply with the directions of the Government, except when in the pilot's judgment compliance will be a violation of applicable federal or state regulations or agreement provisions. The pilot has final authority to determine whether the flight can be accomplished safely and shall refuse any flight or landing which is considered hazardous or unsafe.

The pilot is responsible for computing the weight and balance for all flights and for assuring that the gross weight and center of gravity do not exceed the aircraft's limitations. Pilots shall be responsible for the proper loading and securing of all cargo. Load calculations shall be computed and completed by the pilot.

Smoking is prohibited within 50-feet of fuel servicing vehicle, fueling equipment or aircraft. After rotorcraft engine(s) shutdown, the pilot may not exit the aircraft while the rotor(s) are turning.

Pilot will use an approved aircraft cockpit checklist for all flight operations.

Equipment such as radios, survival gear, fire tools, etc., shall be located in or on the aircraft in such a manner as to potentially not cause damage or obstruct the operation of equipment or personnel. All cargo shall be properly secured.

The pilot shall not permit any passenger in the aircraft or any cargo to be loaded therein unless authorized by the helicopter crews.

Passenger Briefing:

Before each takeoff, the Pilot-In-Command (PIC) shall ensure that all passengers have been briefed in accordance with the briefing items contained in 14 CFR 135. Briefing shall include the following:

- ✓ Personal Protective Equipment (PPE);
- ✓ Shut-Off Procedures for Battery and Fuel; and
- ✓ Aircraft Hazards.

Flight Following:

Pilots are responsible for flight following with the FAA or in accordance with the approved flight following procedures which includes Automated Flight Following (AFF) and radio check-ins.

Aircraft Operations:

All aircraft operations conducted under “public use” will be Visual Flight Rules (VFR) Flights. Operation in Instrument Meteorological Condition (IMC) for “public use” flights, except during a declared emergency, is prohibited.

Fuel Reserve:

To provide adequate fuel reserve all operations shall comply with 14 CFR Part 91 for VFR (20-minutes reserve).

Helicopter/Airplane Maximum Gross Weight Pilot Requirements:

Helicopters and airplanes with a maximum gross weight in excess of 8000 pounds will be operated by two pilots, one of which will meet the minimum qualifications to act as pilot-in-command as defined in Section 6.2 in the NYS 1033 Plan of Operations.

6.2.8.M.3 Flights With Cowling(s) or Doors Open/Removed

The NYLEA is responsible for removal, reinstallation and security of the doors. Flights with cowlings removed are not permitted. The aircraft external registration number shall be displayed in such a manner not to be compromised.

6.2.8.M.4 Environmental Responsibilities

The NYLEA is responsible to ensure that all maintenance, fueling, and flight activities do not cause environmental damage to property or facilities. The NYLEA is responsible to clean and rehabilitate areas adversely affected by activities and shall, whenever practical and possible, utilize solvents and cleaning agents that are either biodegradable or consistent with acceptable safety, health and environmental concern practices

The NYLEA is responsible for all clean-up of fuel, oil, and retardant contamination on airport ramps, retardant sites, parking areas, landing areas, etc., when caused by aircraft or personnel.

The NYLEA shall ensure that they are in compliance with 40 CFR Part 112; Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Plan Requirements (SPCC).

6.2.8.M.5 Personnel

General:

Pilots, fuel servicing personnel, and mechanics shall speak English fluently and communicate clearly.

Pilots must be compensated employees of the NYLEA.

Inspector Qualifications:

Inspectors are the persons certifying that personnel and equipment meet the requirements herein. Inspectors are to be personnel with qualifications consistent with the Inspectors which perform similar duties.

Pilot Approvals and Qualifications:

The CEO and Chief Pilot (CP) will verify through the State Coordinator that pilots meet the experience and qualification requirements under Section 6.2 in the Plan of Operations.

Each Pilot in Command (PIC) shall, at the discretion of the Chief Pilot, pass a flight evaluation check. The satisfactory completion of the evaluation flight will not substitute for any of the total flight hour requirements listed in this clause.

All Pilots shall possess a current Class I or Class II FAA Medical Certificate.

The PIC shall be capable of performing basic programming functions and operations of installed aircraft avionics. This includes the ability to enter and utilize newly assigned frequencies and tones by selected channel positions. The PIC shall be able to instruct the Agency Observer in how to perform basic programming and operation of VHF-AM and VHF-FM radios, and GPS.

Provide evidence of Airman Competency Proficiency Check by Agency airman and signed by Chief Pilot.

Notwithstanding, 14 CFR Part 61.57, "Recent Flight Experience" helicopter PICs shall meet requirements of 14 CFR Part 61.57.

Each pilot shall pass an agency flight evaluation in make, model, and series-conducted over typical terrain.

Pilots may function as mechanics providing:

The pilot meets all the Mechanic Qualifications of this Agreement.

Pilot duty limitations will apply to the pilot when functioning as a mechanic.

When pilots act as a mechanic, mechanic duties in excess of 2-hours will apply as flight hours on a one-to-one basis toward flight hour limitations.

A mechanic, other than the pilot, shall perform any scheduled inspections such as 50-hour, 100-hour, or progressive inspections.

If approved by the NYLEA and in accordance with 14 CFR Part 43.5 and 43.7, pilots may perform preventive maintenance on the aircraft.

6.2.8.M.5.a Pilot Requirements – General

Helicopter:

Commercial or Airline Transport Pilot (ATP) Certificate with appropriate rating (Rotorcraft-Helicopter) and a valid Class I or Class II FAA Medical Certificate.

The Chief Pilot shall certify each pilot's approval documenting make, model and series of aircraft approved to operate and the missions each pilot is approved to perform.

Written evidence of qualification to transport external loads.

Written evidence of an Equipment Check Endorsement for Restricted Category Helicopters by the Chief Pilot (as applicable).

Proof of qualifications to meet 14 CFR Part 137.53 for congested areas.

Pilot Requirements – Experience:

Pilots shall have accumulated as pilot-in-command (PIC) the minimum flight hours listed below. Flight hours shall be determined from a certified pilot log.

• **Helicopter: Pilot in Command**

<u>All Helicopters</u>	<u>Minimum Experience Flying Hours</u>
Total Time	750 hours
Pilot in Command	500 hours
Total Pilot in Command (turbine powered)	500 hours
Make, Model, Series – last 12 months	50 hours

- **Airplane: Pilot in Command**

All Airplanes

Total Time	750 hours
Pilot in Command Fixed Wing	500 hours
Pilot in Command:	
Category and Class to be flown	200 hours
Night	100 hours
Instrument in Flight	150 hours
Instrument Actual/Simulated	175 hours
Make and Model to be flown	50 hours
Make and Model – Proceeding 12 months	50 hours

- **Co-Pilot Requirements (If Applicable):**

Co-pilots/Second-In-Command (SIC) shall meet requirements of operator's certificate.

6.2.8.M.5.b Mechanic Qualifications

The following requirements apply to maintenance technicians maintaining aircraft (airplanes and rotorcraft) under field conditions:

- The mechanic shall have a valid FAA Mechanic Certificate with Airframe and Power Plant (A&P) ratings, and shall have held the certificate with both ratings for a period of 24-months. The mechanic shall have been actively engaged in aircraft maintenance as a certificated mechanic for at least 18-months out of the last 24-months immediately preceding the start date of the agreement.
- The mechanic shall have 12-months experience as an A & P mechanic in maintaining helicopters. Three months experience shall have been in the last two years.
- The mechanic must show evidence of maintaining a helicopter of the same make and model as they are maintaining for the NYLEA.
- Mechanics shall have satisfactorily completed a manufacturer's maintenance course or an equivalent DOD approved training program for the make and model of helicopter/airplane or show evidence the mechanic has 12 months maintenance experience on a helicopter/airplane of the same make and model used by the NYLEA
- When requested by any government official, each mechanic shall furnish a valid license. The license must be valid for the duration of the mechanics employment with the NYLEA.

6.3 Requests for Aircraft Parts

Requests for aircraft parts require the completion of an **Aircraft Parts Request/Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. Ordering of parts should be for anticipated usage for a twelve (12) month period and for aircraft in the possession of the NYLEA. Property or parts must be obtained for use in non-certificated public use aircraft, **NOT** for privately owned airplanes/rotorcraft, or airplanes/rotorcraft belonging to another agency, a non-law enforcement agency or commercial operation.

The Request/Justification must include:

- Who will install/replace/repair the requested parts in the aircraft and that they possess the appropriate level of Federal Aviation Administration approved training and certification to maintain and repair the aircraft. Aircraft maintenance must be performed by qualified FAA Licensed Airframe and Powerplant mechanics, with training and certification to maintain the aircraft, or FAA Part 145 Certified Repair Station. A copy of the appropriate Federal Aviation Administration Certificates and/or licenses specific to that aircraft, for those persons who will fly and maintain that aircraft will be included with the Request/Justification Form. The request must identify the intended use for the aircraft parts.

6.4 Weapons – General Information

The DOD is authorized to transfer weapons to Law Enforcement Agencies for law enforcement use only under Section 1033 of the National Defense Authorization Act for fiscal year 1997 (10 U.S.C.2576a) that the Secretary determines is suitable for use by the agencies in law enforcement activities. The number of weapons approved for transfer is based on a formula to allow for fair and equitable distribution of available weapons nationwide. The formula is based on the number of full and part time sworn compensated officers in a Law Enforcement Agency and the type weapon that is requested. The quantity of available weapons may be less than demand; therefore, the State Coordinator may reduce the number of weapons requested. For automatic rifles (M-14s, M-16s), the total **maximum** approved quantity is **20 percent of the number of full and part time sworn compensated officers**. For other weapons including handguns the total **maximum** quantity is equal to 100 percent of the number of **full and part time sworn compensated** officers. Previous transfer of like automatic and non-automatic weapons through the 1208/1033 Programs will affect the number of weapons approved. Additionally, the State Coordinator will consider, property accountability history of an NYLEA, the actual number of patrol/investigator vehicles on the road per shift, the possession of non-1208/1033 weapons of the same type and the total number of SWAT/Special Response Team members. The State Coordinator and LESO reserves the right to reduce the total number and type of 1208/1033 weapons provided to a NYLEA. The NYLEA accepts transfer of 1033 Programs weapons “as is” with no warranty of any kind including any implied warranties such as warranties of fitness for any purpose.

Weapons must remain in operational use by the NYLEA for a minimum of three years.

The LESO website is periodically updated to reflect the current availability of weapons and weapon types at: <https://pubweb.drms.dla.mil/leeds/QRTUPDATE.htm>.

6.4.1 Automatic, Semi-Automatic and Manually Operated Weapons

Long guns with automatic fire capability (automatic weapons) are subject to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) registration and transfer requirements under the National Firearms Act (26 U.S.C. 5845 [b]). Military M-14 Rifles (7.62mm NATO caliber) and M-16 Rifles and carbines (5.56mm NATO caliber) obtained through the 1033 Program are classified as automatic weapons. NYLEAs are required to comply with BATFE regulations upon taking possession and transferring automatic weapons. All automatic weapons must be registered BATFE.

Semi-automatic weapons (pistols, shotguns and rifle) and manually operated weapons (revolvers, rifles and pump action shotguns) not subject to the National Firearms Act and do not require registration through BATFE.

6.4.2 Requests for Automatic and Non-Automatic Weapons

The NYLEA must submit a **Weapons Request/Justification Form** for either automatic or non-automatic weapons. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and mailed or e-mailed (scanned copy or with electronic signature) to the State Coordinator for review and approval. Factors for consideration will include the equitable distribution of weapons statewide, the number of 1208/1033 weapons already in possession of the NYLEA, the number of non-1208/1033 weapons of the requested type currently in the possession of the NYLEA, the 1208/1033 weapon accountability history of the NYLEA and the level of involvement in counter-drug and counter-terrorism operations by the NYLEA. If the State Coordinator approves the request, the Form will be forwarded to LESO for approval and disposition.

When requesting weapons, the CEO must acknowledge the following:

- That there are hazards associated with the use of such property, which can cause damage to property and serious injury or death;
- Weapons remain the property of the DOD. Final disposition of all weapons obtained through the program must be approved by the State Coordinator and LESO prior to any action being taken by the NYLEA. Costs of shipping or repossession of the property by the U.S. Government will be borne by the NYLEA;
- To the extent permitted by law, the NYLEA shall indemnify and hold the United States government, the New York State Division of Criminal Justice Services, the State of New York, it's officers, employees, and the people of New York harmless from any and all suits, actions, demands, or claims of any nature arising out of the possession or use of the weapons;
- Agrees to provide appropriate training to any person who may use the weapons;
- The NYLEA is in compliance with the Lautenberg Amendment of 1996 [officially known as, Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence – 18 U.S.C. §922(g)(9)]. This amendment prohibits any person who has been convicted of a misdemeanor crime of domestic violence from possessing, transporting or otherwise have access to any weapons transferred through the 1208/1003 Programs;

- The weapons are transferred “as is” with no warranty of any kind including implied warranties, such as warranties of fitness for any purpose;
- The NYLEA agrees to maintain, at its own expense adequate liability and property damage insurance and workman’s compensation insurance to cover any such claims related to these weapons;
- NYLEAs may in limited cases with State Coordinator and LESO approval, transfer weapons provided through the 1208/1033 Programs to an authorized NYLEA or a law enforcement agency outside New York 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 NYLEA must request the transfer or turn-in of weapons through the State Coordinator who will approve or disapprove the request. If approved, the State Coordinator 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 NYLEA. The weapons may not be transferred to licensed firearms dealers, individual police officers or any other persons.
- The NYLEA has the ability to maintain, operate, finance, properly store and insure the physical security and accountability of all requested weapons.
- Automatic weapons will be registered with BATFE upon taking possession. Requirements of this registration can be found in the Code of Federal Regulations at 27 CFR 179.101-105.

6.4.2.A Weapons Ordering Process and Procedures

All approved weapon requests are compiled monthly and placed on a National Priority Listing referred to as a Tranche Listing. On the Tranche Listing, weapons are first prioritized by the law enforcement agency's mission, the date LESO received the request, and then by the date the law enforcement agency originally requested the weapon(s).

Upon LESO approval, the NYLEA will receive through the State Coordinator a letter from LESO identifying the Tranche List and the quantity, type and caliber of weapons approved. The Tranche List is forwarded to the Military Tank Automotive and Armament Command (TACOM) at Rock Island, IL for approval. When TACOM approves the Tranche List, LESO will send notification through the State Coordinator to the NYLEA. This notification details the BATFE requirements for automatic weapons, provides shipping and handling cost information, and includes Checklist and Serial Number Request Forms which must be completed by the NYLEA. The Checklist details the total shipping and handling costs for the weapons and requires the NYLEA to provide a shipping address. The shipping address must be the official agency address and cannot be a post office box. Upon receiving the Checklist, the NYLEA has the opportunity to reduce the number of weapons it wants to receive, or may cancel the order. The NYLEA has a maximum of 45 days to pay TACOM or the order will be cancelled. The completed Checklist must be returned to TACOM and include payment for the full amount. Payment must be in the form of a certified or cashier’s check; postal or bank money order; or city, state or county check. Once the Checklist and payment is received at TACOM, the weapons repository at Anniston Army Depot in Alabama has 60 days to pack and ship the weapons to the NYLEA. However, it could be longer depending on other priority shipments. Once an order has shipped a NYLEA cannot refuse the

shipment. If a NYLEA's request is listed toward the end of the Tranche and Anniston does not have enough weapons on hand to completely fill the order, the NYLEA will receive as many weapons as are available and any unused shipping and handling costs will be refunded to the NYLEA. The total length of time from LESO approval of a weapon request to delivery to the NYLEA will be approximately 6 months.

- Weapons that arrive inoperable must be reported to the State Coordinator. Weapons may not be returned without coordination with the State Coordinator.

6.4.3 Automatic Weapons

6.4.3.A Restrictions on Requesting Automatic Weapons

The State Coordinator is limiting the approval of automatic weapons to M-14 and M-16 rifles. If other types of automatic weapons become available through LESO, the State Coordinator will determine if these weapons will be considered for approval. No other requests for automatic rifles/weapons or grenade launchers will be considered for approval.

A NYLEA may request M-14 and M-16 automatic rifles equal to 20 percent of the number of sworn officers.

6.4.3.B Requirements Upon Receiving Automatic Weapons

Within seven (7) days of receiving the automatic weapon(s), the NYLEA must submit to BATFE two copies of the Form 10 (Application for Registration of Firearms Acquired by Certain Governmental Entities) for each automatic weapon received. The BATFE will return an approved copy of the Form 10 to the NYLEA. The NYLEA must immediately forward a copy of the approved Form 10 to the State Coordinator and maintain copies of submitted and approved Form 10s for as long as the weapon is in its possession.

Within 14 days of receiving automatic weapons, the NYLEA must:

- Submit the Serial Number Request Form to LESO and send a copy to the State Coordinator
- Submit a Weapon Verification Form to the State Coordinator providing the following information for each weapon: type, model, manufacturer, barrel length, weapon receiver serial number, storage location and confirm the submission of the Form 10 to BATFE.

The Form 10, Serial Number Request and Weapon Verification Forms are available on the eJusticeNY Law Enforcement Suite.

6.4.4 Non-Automatic Weapons

6.4.4.A Requesting Non-Automatic Weapons

A NYLEA may requisition non-automatic weapons at the 100% ratio of its total number of full-time and part-time sworn compensated officers.

6.4.4.B Requirements Upon Receiving Non-Automatic Weapons

Within 14 days the NYLEA must submit a Weapon Verification Form to the State Coordinator providing the following information for each weapon: type, model, manufacturer, barrel length and weapon receiver serial number and storage location.

6.4.5 Modification and Repair of Weapons

Certain authorized modifications may be made to weapons as long as no damage to the weapon occurs and the modification does not prevent it from being restored to its original configuration. Under no circumstances will a barrel be cut, the trigger assembly changed, the trigger pull adjusted, or the internal components and action be changed or modified. Replaced parts must be accounted for and maintained with the weapon in a separate storage container bearing the weapon serial number. Prior to State Coordinator and LESO approval for turn-in or transfer, the weapon must be returned to its original configuration using the original parts.

Authorized modifications are:

- The addition of iron, “red dot,” and optical sights;
- The addition of other aiming devices;
- The addition of weapon lights; and
- The replacement of a fixed stock with an adjustable stock.

Repairs to any weapons must be performed by a qualified gunsmith or armorer and repair parts must meet original specifications and be designed for the intended weapon. The cost of repairs is the responsibility of the NYLEA. Records of any repair as well as replaced parts will be maintained by the NYLEA in a manner that the records and parts are identifiable to the specific weapon for as long as the weapon remains in the possession of the NYLEA. Upon approved transfer or return, these records and parts will accompany the weapon.

6.4.6 Ammunition

Only ammunition recommended by the manufacturer may be used for 1208/1033 weapons.

6.4.7 Security and Accountability

Weapons received through the 1208/1033 Programs must be used for law enforcement purposes only and may not be obtained for display, parade or ceremonial use. **The NYLEA must retain possession of all weapons until coordination through the State Coordinator has been completed for transfer or turn-in.** Weapons are not to be loaned, traded, bartered, or transferred to unauthorized entities or to be used for unofficial activity.

The NYLEA is responsible for the security of all 1208/1033 Program weapons. LESO requires that these weapons be stored apart from all other agency owned or seized weapons. The NYLEA must conduct an internal 100% reconciliation review of all 1208/1033 Program weapons every twelve months and report the findings to the State Coordinator.

6.4.8 Damaged Weapon

Damage that occurs to a weapon that results in an indecipherable serial number must be reported by the CEO in writing to the State Coordinator within 7 days. The letter must describe the circumstance for the damage and include a certification as to the authenticity of the damaged weapon.

6.5 Requests for Boats/Watercraft

Requests may be made electronically or manually. Manual requests for boats/watercraft require the completion of a **Property Request/Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The ordering of boats/watercraft is limited to one per NYLEA. However, NYLEAs with large bodies of navigable waters requiring additional boats/watercraft must articulate the need in the request to the State Coordinator.

LESO consideration for boats/watercraft is based on first come/first served, the number of 1208/1033 watercraft currently in the possession of the requesting agency, geographic maritime responsibility and agency mission. When requesting boats/watercraft the NYLEA must identify the navigational waterway(s).

For further information on the ordering process refer to sections 5.5.1 and 5.5.2.

6.6 Requests for Night Vision Devices (NVD)

Requests may be made electronically or manually. Manual requests for night vision devices require the completion of a **Property Request/Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The ordering and total possession of NVDs is restricted to 5 % of the total number of compensated sworn police officers in the NYLEA. NYLEAs with 19 or fewer officers may request 1 NVD.

For further information on the ordering process refer to sections 5.5.1 and 5.5.2.

6.6.1 Night Vision Device (NVD) – DOD Loan Lease Program

NYLEAs can loan-lease serviceable NVDs for \$300.00 per unit per year through an independent program sponsored by the Crane, Indiana, Naval Surface Warfare Center. This is not part of the 1033 Program and does not involve the State Coordinator or require State Coordinator approval. For additional information on this Program refer to eJusticeNY Law Enforcement Suite.

6.7 Requests for High Mobility Multi Purpose Wheeled Vehicles (HMMWV)

Requests may be made electronically or manually. Manual requests for high mobility multipurpose wheeled vehicles (HMMWV) require the completion of a **Property Request/Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The ordering of HMMWV is limited to one per NYLEA. However, NYLEAs requiring additional vehicles must articulate the need in the request to the State Coordinator.

For further information on the ordering process refer to sections 5.5.1 and 5.5.2.

6.8 Requests for Armored Personnel Carriers (APC)

Requests may be made electronically or manually. Manual requests for armored personnel carriers (APC) require the completion of a **Property Request/Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The ordering of APCs is limited to one per NYLEA. However, NYLEAs requiring additional vehicles must articulate the need in the request to the State Coordinator.

For further information on the ordering process refer to sections 5.5.1 and 5.5.2.

6.9 Requests for Other Types of Vehicles

Requests may be made electronically or manually. Manual Requests for automobiles, trucks etc. require the completion of a **Property Request/Justification Form**. The Request/Justification Form is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The ordering of these types of vehicles is limited to one per NYLEA. However, NYLEAs requiring additional vehicles must articulate the need in the request to the State Coordinator.

If the request is approved, the DRMO must issue a Certificate of Release of Motor Vehicle (Form SF-97) to the NYLEA for any non-tactical, non-tracked, or vehicle not requiring demilitarization weighing less than 16,000 pounds. The NYLEA should ensure the DRMO issues the SF-97. If the DRMO does not have the form for issuance, the NYLEA must contact the State Coordinator while on-site and before leaving the DRMO. The SF-97 is required for the registration of the vehicle in New York State.

For further information on the ordering process refer to sections 5.5.1 and 5.5.2.

6.10 Requests for Infrared Aiming Lights/Specialized Weapons Optics

Requests may be made electronically or manually. Manual requests for infrared aiming lights/specialized weapons optics require the completion of a **Property Request/Justification Form**. The Request/Justification Forms is in a writeable format and must be **typed** and signed by the CEO and faxed or e-mailed (scanned copy or with electronic signature) to the State Coordinator. The ordering and total possession of this type of equipment is not to exceed 5 % of the total number of compensated sworn police officers. NYLEAs with 19 or fewer officers may request one.

For further information on the ordering process refer to sections 5.5.1 and 5.5.2.

7.0 PROPERTY RECORDS

7.1 Record Keeping Requirements

All excess DOD personal property must be managed utilizing property accounting records that are concise, accurate, and able to provide timely and relevant information. Records must be maintained apart from other agency records and until the property is turned in, disposed of, or transferred in accordance with the DLA Record Management Procedures and Records (DLA Directive 5025.30).

Records must provide an audit trail for all property from receipt (“cradle”), to transfer, turn-in, or disposal (“grave”), and arranged in a manner that facilitates easy review, audit and accountability of property.

These documents include, but are not limited to the following:

- ✓ DRMS Form 103 (Screener Tally Sheet);
- ✓ Request/Justification Forms required by the State Coordinator and/or LESO;
- ✓ DD Form 1348-1A, Issue/Release/Receipt/Turn In Document;
- ✓ Requests for transfer, turn-in, or disposal;
- ✓ DLA Form 1822 End Use Certificate;
- ✓ Submitted and approved BATFE Forms 5 and 10;
- ✓ Serial Number Request Forms (for weapons)
- ✓ Weapon Verification Forms
- ✓ Federal Aviation Administration Certificate of Aircraft Registration (AC Form 8050-3);
- ✓ Federal Aviation Administration Aircraft Registration Application (AC 8050-1); and
- ✓ Digital photographs.

7.2 File Retention

Property records in the possession of the NYLEA, with the exception of consumable items, must be retained for five (5) Federal fiscal years (Federal fiscal begins October 1 and goes through September 30) with the following exceptions:

- Property records of consumable items must be maintained in an active status for (1) year, then placed in an inactive status for (1) year, then may be destroyed.
- All property records that are more than five (5) fiscal years old may be purged **with the exception** of Demilitarization Code B through Q property deemed **“sensitive to theft” or “high dollar.”** High dollar is defined as property with an original acquisition value of more than \$20,000.
- Records for property with a Demilitarization Code A must be maintained in an active status for two (2) years, placed in an inactive status for three (3) additional years, and then may be destroyed.
- Records for property with a Demilitarization Code B through Q must be maintained through the life cycle of the property except for Q-6 (Integrity code 6). If an item is approved for turn-in, transfer, or disposal, the file must move to an inactive status and be maintained for an additional three (3) fiscal years, then may be destroyed.

8.0 RECONCILIATIONS, REVIEWS AND INSPECTIONS

8.1 LESO Program Compliance Review

LESO will conduct a Program Compliance Review (PCR) of New York State’s 1033 Program every two (2) years and may also at that time inspect individual NYLEAs. If a NYLEA fails a PCR, the State Coordinator may temporarily suspend participation in the 1033 Program. If a NYLEA fails to correct identified deficiencies by LESO within thirty (30) days, the State Coordinator through LESO will permanently suspend their participation in the Program. The NYLEA will be required to relinquish all property and will bear all expenses related to the turn-in of property to the nearest DRMO, the transfer

of property to an approved NYLEA, or disposal of property as approved by the State Coordinator and LESO.

8.2 State Coordinator Reconciliations, Reviews and Inspections

The NYLEA must cooperate with the following reviews:

- The State Coordinator will review Reconciliation Reports through LEEDS and conduct monthly reconciliations of property records as required. At the discretion of the State Coordinator, NYLEAs may be required to conduct additional reconciliations of property and records and submit written reports.
- The State Coordinator will conduct an annual accountability review of all 1208/1033 property held by NYLEAs consisting of written accountability inquiries and accountability certifications from the agency CEO and PAO, and APOC and WPOC as appropriate. This review will include inquiries to determine compliance with the Plan of Operations and MOA between the State Coordinator and the agency.
 - As part of the annual accountability, LESO requires **digital photographs** of aircraft, watercraft, armored vehicles, high mobility multipurpose wheeled vehicles (HMMPWV), and night vision devices. The photographs must show a full front and side view of the item and a readable photograph of the vehicle identification number (VIN), serial number, hull number, airframe number, or data plate. The State Coordinator may also require photographs of additional property to verify accountability.
- LESO also requires the State Coordinator to conduct annual on-site accountability inspections of selected NYLEAs to inventory property and review records. The inspections will be documented and a copy of the findings forwarded to the agency.

If a NYLEA does not comply with or fails an accountability review or inspection, the State Coordinator may temporarily suspend participation in the Program. If a NYLEA fails to comply or correct identified deficiencies within thirty (30) days, the State Coordinator through LESO will permanently suspend participation in the 1033 Program. The NYLEA will be required to relinquish all property and will bear all expenses related to the turn-in of property to the nearest DRMO, the transfer of property to an approved NYLEA, or disposal of property as approved by the State Coordinator and LESO.

9.0 REPORTING LOST, STOLEN, DAMAGED, DESTROYED OR UNACCOUNTED FOR PROPERTY

9.1 General Reporting Requirements

All property that is missing, unaccounted for, lost, stolen, illegally sold, damaged, illegally manipulated, illegally diverted, or inappropriately destroyed must be reported by the CEO in writing to LESO through the state coordinator and forwarded within seven (7) working days. The written notification must include the following:

1. Detailed circumstances;
2. A copy of the police report (if applicable) completed by the investigating agency; and

3. The original DD Form 1348-1A for each piece of property. The DD Form 1348-1A must include the following: original supply document number, Defense Turn In Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator enough information about each piece of property (description, document number, National Stock Number (NSN), DTID, etc.) so that LESO can locate the property within the LEEDS database.

9.2 Lost, Stolen or Missing Property - Reporting Requirements for Specific Types of Property

1. Property with Demilitarization Codes B,C, D, E, F, or G, and Q-3 must be reported by the CEO in writing to the State Coordinator within twenty-four (24) hours. The State Coordinator will then notify LESO.
2. Property with Demilitarization Codes A and Q-6 must be reported by the CEO in writing to the State Coordinator within seven (7) working days. The State Coordinator will then notify LESO.
3. **High Profile Property** (all vehicles, armored and tactical vehicles, watercraft and aircraft) must be reported by the CEO in writing to the State Coordinator within twenty-four (24) hours. The State Coordinator will then notify LESO.
4. **Weapons** must be reported by the CEO telephonically to the State Coordinator within twenty-four (24) hours. A letter from the CEO is also required and must be either faxed or e-mailed (scanned letter or with electronic signature) within three (3) days. Information forwarded to the State Coordinator must include the weapon(s) type, caliber, manufacturer, model, barrel length, overall length and weapon receiver serial number, last known date of possession, circumstances of the loss and confirmation that BATFE, DCIS and Anniston Army Depot were notified. The NYLEA must also:
 - Within 24 hours enter the information into NYSPIN, NCIC and eJusticeNY;
 - Within 24 hours, telephonically notify the nearest regional BATFE office, Anniston Army Depot, and the Defense Criminal Investigation Service (DCIS), and provide written notification to BATFE National Firearms Act Branch and DCIS within seven (7) days. Mailing information for these agencies is provided below:

Bureau of Alcohol, Tobacco, Firearms and Explosives

National Firearms Act Branch
244 Needy Road
Suite 1250
Martinsburg, WV. 25405

Defense Criminal Investigative Service

Northeast Field Office (Office Code: 10FO)
Airport Business Complex
10 Industrial Highway, Bldg Y
Suite 401, Lester, PA 19113
Voice: (610) 595-1923/24
Automated Attendant: (610) 595-1904
Fax: (610) 595-1934

Anniston Army Depot

- Provide a copy of the police report completed by the investigating agency to the State Coordinator (State Coordinator will forward a copy to LESO) and
- Provide the State Coordinator with the original DD Form 1348-1A for each weapon. The DD Form 1348-1A must include the following: original supply document number, Defense Turn In Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator with enough information about each weapon (description, document number, National Stock Number (NSN), DTID, etc.) so that LESO can locate the property within the LEEDS database.

9.3 Accountability of Property after a Domestic Disaster

In the event of a domestic disaster, accountability of personal property must be conducted within the affected area. Personal property with a Demilitarization Code of B, C, D, E, F, G, Q-3 must be reported by the CEO in writing to LESO through the State Coordinator within seven (7) days. Property with a Demilitarization Code of A and Q-6 must be reported within thirty (30) days. Reporting time requirements may be adjusted, at the discretion of the State Coordinator and the LESO, depending on the scope of the domestic disaster.

9.3.1 Property Destroyed or Damaged by a Domestic Disaster

Property with Demilitarization Codes of A, B, C, D, E, F, G or Q that was destroyed or damaged by a domestic disaster (fire, flood, tornado, hurricane etc.) must be reported by the CEO in writing to LESO through the state coordinator. The following is required under these circumstances:

1. The letter must include the date and details of the circumstances; how the remains of the property, if any, will be disposed of and by whom; and if automatic weapons were involved, confirmation that BATFE National Firearms Branch was notified;
2. Provide the State Coordinator with the original DD Form 1348-1A for each piece of property. The DD Form 1348-1A must include the following: original supply document number, Defense Turn In Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator enough information about each piece of property (description, document number, National Stock Number (NSN), DTID, etc.) so that LESO can locate the property within the LEEDS database; and
3. Provide the State Coordinator with a photograph of the remains, if any, of each piece of High Profile Property (including Weapons, Vehicles, NVDs, Aircraft, Watercraft, HMMWVs and APCs), High Value Property (Acquisition Cost of \$20,000 or more) and/or High Awareness Property - Demilitarization required property, Munitions List Items (MLI) property, Commerce Control List Items (CCLI) property and Flight Safety Critical Aircraft Parts (FSCAP) property.

Note: This property cannot be disposed of without permission of the State Coordinator and LESO.

9.4 Property Destroyed or Disposed of Without State Coordinator and LESO Approval

Property will not be destroyed or disposed of without State Coordinator and LESO approval. If property was destroyed or disposed of without approval, the NYLEA must report to LESO through the state coordinator the following:

- A written confirmation from the CEO on agency letterhead detailing the circumstances of the destruction and/or disposal, how the property was disposed of and by whom.
- The original DD Form 1348-1A for each piece of property. The DD Form 1348-1A must include the following: original supply document number, Defense Turn In Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator enough information about each piece of property (description, document number, National Stock Number (NSN), DTID, etc.) so that LESO can locate the property within the LEEDS database.

Note: NYLEAs remain financially responsible for property destroyed or disposed of without State Coordinator and LESO approval. The final determination as to value and potential reimbursement will be decided by the LESO.

9.5 State Coordinator Investigations and LESO Notification

State Coordinators are required to keep property accountability records and to investigate any alleged misuse of property and in certain cases to report violations of the Memorandum of Agreement to LESO. The State Coordinator, when it is determined necessary, may request investigative assistance from state and federal criminal investigative agencies in cases of theft, suspected theft, illegal diversion, or manipulation of excess DOD personal property by a NYLEA. The State Coordinator is also required to notify LESO of theft, suspected theft, illegal diversion, or manipulation of excess DOD personal property by a NYLEA for referral to the appropriate criminal investigative agency.

10.0 TRANSFER, DISPOSAL AND TURN IN OF PROPERTY- GENERAL INFORMATION

10.1 Requirements for State Coordinator and LESO Approval

All transfer or disposal of property received by NYLEAs under the 1208/1033 Programs requires State Coordinator and LESO approval before any action is taken by the NYLEA. No property will be transferred, disposed of or returned to a DRMO without prior State Coordinator and LESO approval. NYLEAs should be aware that all property has specific LESO requirements for the transfer or disposal process. All requests from a NYLEA to transfer or dispose of property must be in writing and require the signature of the NYLEA CEO and the State Coordinator prior to submission to LESO for approval.

10.2 Property Subject To Additional Transfer and Disposal Requirements

NYLEAs should be aware that many types of property are subject to additional disposal and transfer requirements. This includes, but may not be limited to: High Profile Property (including Weapons, NVDs, Vehicles, Aircraft, Watercraft, HMWVs and APCs), High Value Property (Acquisition Cost of \$20,000 or more) and/or High Awareness Property - Demilitarization required property, Munitions List Items (MLI) property, Commerce Control List Items (CCLI) property and Flight Safety Critical Aircraft Parts (FSCAP) property.

10.3 Transfer and Disposal Definitions

10.3.1 Demilitarization

Demilitarization (DEMIL) is the act of destroying the offensive or defensive advantages inherent in certain types of military equipment. DOD Manual 4160.21-M-1, entitled “DOD Demilitarization Manual” governs all property that requires demilitarization.

10.3.2 Determining Demilitarization Codes

For NYLEAs that are physically screening/requesting property at a DRMO, the DEMIL Code for the specific property will be available from the DRMO. For NYLEAs that are screening/requesting property through the DRMS LESO web based system, the DEMIL Code will be indicated on the property record at which they are looking. The DEMIL Code for the property will also appear on the Form DD-1348-1A which is generated by LESO for NYLEAs to bring to the DRMO to pick up requested property and maintain according to record keeping requirements. NYLEAs may also check current DOD Demilitarization Codes of property utilizing the Defense Logistics Agency Information Service (DLAIS) Public Inquiry Selection Menu at WebFLIS Public Search (www.dlis.dla.mil/WebFLIS).

10.3.3 Munitions List Items

Munitions List Items (MLI) is property that is listed in the International Traffic in Arms Regulation, published by the U.S. Department of State (DOS). The export of this property requires DOS approval and appropriate licensing. There are two categories of MLI; those that require demilitarization (DEMIL), and those that do not. A good example of a MLI requiring DEMIL is a “Peacekeeper” armored vehicle.

10.3.4 Commerce Control List Items

Commerce Control List Items (CCLI) - Through its Export Administration Regulations, the Department of Commerce (DOC) places export controls on many commodities, some of which can be obtained as DOD excess property through the LESO. The reasons for these controls include issues regarding national security, antiterrorism, chemical and biological weapons, missile technology, nuclear proliferation, crime control, technology transfer, and scarcity of materials. These regulations, in short, prohibit transfer of this property to foreign governments or non-U.S. citizens without a validated export license. When disposing of 1033 property, the NYLEA should be aware of these regulations, and pass the information along with the property at the time of disposal.

10.3.5 Flight Safety Critical Aircraft Parts

Any aircraft part, assembly, or installation that contains a critical characteristic whose failure, malfunction or absence could cause a catastrophic failure resulting in loss or serious condition is considered Flight Safety Critical Parts (FSCAP). A Critical Characteristic is any feature, such as: dimension, tolerance, finish, material, manufacturing process, inspection process, operation, depot overhaul requirement, field maintenance, assembly and that if non-conforming, missing, or degraded may cause the failure or malfunction of the FSCAP.

10.4 End Use Certificate (DLA Form 1822)

End-Use Certificate (EUC): DLA Form 1822, must be completed when title for Munitions List Items (MLI) and Commerce Control List Items (CCLI) are being transferred as the result of sale or donation.

NOTE: Only certain property received prior to or on September 30, 1996 under the 1208 Program can be sold or donated by a NYLEA – and State Coordinator and LESO approval is required before such an event takes place. This form notifies the recipient that if the intent is to export the property, an export license or letter of authorization is required from the Department of State or Department of Commerce. In signing this form, the recipient also agrees to cooperate with and permit authorized Government representatives to inspect and verify the existence and condition of the MLI/CCLI that has been acquired.

10.5 Special Requirements Associated With Aircraft, FSCAP, MLI and CCLI

All aircraft (fixed wing and rotary wing), Flight Safety Critical Aircraft Parts (FSCAP), Demilitarization required Munitions List Items (MLI), Commerce Control List Items (CCLI) may be transferred from the LESO (with State Coordinator and LESO approval) to a NYLEA for its use in law enforcement activities. All NYLEAs and all subsequent users must be aware of and agree to provide all required controls in accordance with applicable laws and regulations for these items. Additionally, the following conditions apply:

NYLEAs may transfer aircraft and FSCAP to other authorized NYLEAs, with State Coordinator and LESO approval, provided the aircraft and parts meet FAA Standards of Airworthiness and are maintained in accordance with applicable airworthiness standards and procedures as required by the State Coordinator. The NYLEA must request the transfer of aircraft and FSCAP, from LESO through the State Coordinator. 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 NYLEA.

NYLEAs may transfer FSCAP and MLI items requiring demilitarization (Demilitarization Codes C, D, E, and F) to another authorized NYLEA or they must be turned-in to the nearest DRMO when no longer required for law enforcement use. The NYLEA must request the transfer or turn-in of FSCAP and MLI items from LESO through the State Coordinator. Aircraft and FSCAP will not physically move until the approval process is complete. All costs related to the transfer or turn-in of FSCAP and MLI items will be borne by the NYLEA.

10.6 Aircraft and Aircraft Parts Received Before September 30, 1996

Aircraft and aircraft parts received by a NYLEA under the 1208 Program **on or before September 30, 1996** can be sold, traded, bartered or donated by a NYLEA. The sale, trade, barter or donation of aircraft or aircraft parts requiring demilitarization must receive prior approval from the State Coordinator and LESO. No aircraft or aircraft parts will physically move prior to State Coordinator and LESO approval. Aircraft and aircraft parts received **after September 30, 1996** cannot be sold, traded, bartered or donated under any circumstance. Aircraft and aircraft parts received after September 30, 1996 can only be transferred to another authorized law enforcement agency, turned-in to a DRMO or kept by the NYLEA. State Coordinator and LESO approval is required for transfer or turn in.

The NYLEA must ensure that the End-Use Certificate (EUC) DLA Form 1822, be completed when title for MLI and CCLI Aircraft and Aircraft Parts received before September 30, 1996 is being transferred as the result of sale, trade, barter or donation. This form notifies the recipient that if the intent is to export the property, an export license or letter of authorization is required from the U.S. Department of State or U. S. Department of Commerce. In signing this form, the recipient also agrees to cooperate

with and permit authorized Government representatives to inspect and verify the existence and condition of the MLI/CCLI that has been acquired. The NYLEA must provide a signed copy of DLA Form 1822 to the State Coordinator, and receive State Coordinator and LESO approval before the aircraft and aircraft parts physically move.

10.7 Aircraft and Aircraft Parts Received After September 30, 1996

NYLEAs that received aircraft or aircraft parts after September 30, 1996 have the following options: retain the aircraft or aircraft parts, transfer them to another NYLEA or turn them in to the nearest DRMO. The NYLEA must request to transfer or turn-in of aircraft and aircraft parts from LESO through the State Coordinator. Aircraft and aircraft parts will not physically move until the approval process is complete. All costs related to the transfer or turn-in to a DRMO will be borne by the NYLEA.

When the NYLEA no longer requires Aircraft and Aircraft Parts (MLI/CCLI, Demilitarization B and Q) received after September 30, 1996, the NYLEA must transfer the equipment to another authorized NYLEA or turn-in to the nearest DRMO. The NYLEA must request the transfer or turn-in to the nearest DRMO from LESO through the State Coordinator. MLI/CCLI (Demilitarization Codes B and Q) property will not physically move until the approval process is complete. All costs related to transfer or turn-in of property will be borne by the NYLEA.

10.8 Transfer and Turn-in of Weapons

NYLEAs may transfer **with State Coordinator and LESO approval**, weapons provided through the 1208/1033 Programs to an authorized NYLEA, to an authorized Law Enforcement Agency in another participating State, or they must be turned in to the Department of Defense U.S. Army Tank-Automotive and Armaments Command (TACOM) when no longer required for law enforcement use. In order to receive approval to transfer or turn-in weapons, the NYLEA must have the original DRMS document number that accompanied the weapons when the agency originally took possession. Weapons will not physically move until the approval process is complete.

- When the transfer of weapon(s) has been completed, the State Coordinator will notify Anniston Army Depot.

Approved transfer of an automatic weapon(s) to an authorized NYLEA or out of state participating law enforcement agency, or the Department of Defense will require the submission of BATFE Form 5 (Application for Tax Exempt Transfer and Registration of Firearm). The NYLEA should submit two copies of the Form 5 to BATFE within 7 (seven) days of transfer of the weapon(s). The NYLEA will receive a signed copy of the Form 5 from the BATFE National Firearms Act Branch. The NYLEA must maintain a copy of both the submitted and signed Form 5.

10.9 Time Requirements Regarding Disposal of Property

Property held by a NYLEA for less than two years will not be approved for disposal by the State Coordinator.

11.0 TRANSFER OF PROPERTY

11.1 State Coordinator and LESO Approval of Property Transfer

NYLEAs must coordinate with LESO through the State Coordinator for the transfer of 1208/1033 property. All requests must be in writing from the CEO. No transfers of 1208/1033 property will occur and no property will physically move without State Coordinator and LESO approval.

11.2 Cost of Transfer

All costs related to the transfer of 1208/1033 Program property to DOD is the responsibility of the NYLEA holding the property. Transfers of property between authorized NYLEAs may be arranged between agencies.

11.3 Transfer of Property from an Out of State Law Enforcement Agency

Transfer of 1208/1033 Program property from an out-of-state LEA to a NYLEA must be requested by the transferring LEA through their State Coordinator. No property will physically move until the approval process is complete.

11.4 Transfer of Property to an Out of State Law Enforcement Agency

Transfer of 1208/1033 Program property from a NYLEA to a participating out-of-state law enforcement agency must be requested from LESO through the State Coordinator. No property will physically move until the approval process is complete.

11.5 Transfer of Property between NYLEAs

Transfer of 1208/1033 Program property between NYLEAs must be requested from LESO through the State Coordinator. The receiving NYLEA must be an active participant in the 1033 Program. No property will physically move until the approval process is complete.

11.6 Transfer Process for Property Other Than Weapons and Aircraft

The NYLEA holding the property will:

- Submit a letter to the State Coordinator on agency letterhead signed by the CEO requesting transfer of 1208/1033 Program property to another NYLEA or participating out-of-state law enforcement agency. The letter must include justification for the transfer and identify the type and quantity of property to be transferred. The NYLEA holding the property must enter into a memorandum of agreement with the receiving agency and be signed by both parties. The memorandum must acknowledge release of the property by the holding agency and acceptance by the receiving agency. The memorandum should also include a tentative date for the transfer.
- The NYLEA holding the property will also submit to the State Coordinator the original DD Form 1348-1A for each piece of property. The DD Form 1348-1A must include the following: original supply document number, Defense Turn in Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator enough information about

each piece of property (document number, National Stock Number (NSN), DTID, etc.) so that LESO can locate the property within the LEEDS database.

- The holding and receiving LEAs will complete the LESO Transfer Request Form which is available at the eJusticeNY website. The holding NYLEA must complete the “Releasing Agency” section, complete requested information on the list of property to be transferred, *and be signed by the CEO in the* Releasing Agency Signature block. The holding NYLEA will then forward the Form to the receiving LEA.
- The receiving NYLEA or participating out-of-state law enforcement agency completes the “Receiving Agency” information on the LESO Transfer Form *and the CEO signs* the Receiving Agency signature block. The receiving agency then sends the form to the State Coordinator.

The State Coordinator will:

- Approve or disapprove the request. If approved, the State Coordinator will forward the original DD form 1348-1A and the memorandum to LESO for approval.

The LESO will:

- Verify that both the requesting and gaining NYLEA’s are enrolled in the 1033 Program. LESO will also run a history on the property in question. Upon completion of these queries, LESO will approve/disapprove the request.
- If approved, LESO will also make the property adjustments within the LEEDS system.

12.0 DISPOSAL OF PROPERTY

12.1 State Coordinator and LESO Approval of Property Disposal

NYLEAs must receive written approval from LESO through the State Coordinator for the disposal of 1208/1033 property. No disposals of 1208/1033 property will occur and no property will physically move without State Coordinator and LESO approval.

12.2 Demilitarization (DEMIL) Codes and Disposal Requirements

12.2.1 Disposal of Property with DEMIL Code A:

Property with a DEMIL Code A does not require demilitarization and is not required to be returned to a Defense Reutilization and Marketing Office (DRMO). LESO will remove DEMIL Code A property from a NYLEA’s inventory after one year. All property must be disposed of in accordance with applicable federal, state and local laws and environmental regulations but only after approval has been received from the State Coordinator and LESO. Demil Code A property will not physically move until the approval process is complete. All costs related to disposal of property will be borne by the NYLEA.

12.2.2 Disposal of Property with DEMIL Code Q Integrity code of 6:

Property with a DEMIL Code Q Integrity code of 6 will be treated as Demil Code A property. It may be disposed of by local means after approval is given by the State Coordinator and LESO.

Property with an Integrity code of 6 is non-critical FSC/FSG MLI or non-sensitive CCLI requiring mutilation overseas. However, property with a Demil Code Q with an **Integrity code of 3** cannot be disposed of by a NYLEA. The property must be returned to the DRMO for disposal. Property with an Integrity code of 3 is critical FSC/FSG MLI or sensitive CCLI which requires mutilation worldwide. Property with a Demil Code Q Integrity code of 6 will not physically move until the approval process is complete. All costs related to disposal of property will be borne by the NYLEA.

12.2.3 Disposal of Property with DEMIL Code B, C, D, E, F, G, and Q3

Property with DEMIL Codes B, C, D, E, F, G, Q3 requires demilitarization and must be returned to a DRMO with approval from the State Coordinator and LESO. Property must have been in service for a minimum of two years prior to disposal.

12.3 DRMO Turn In of Property Procedures

- The NYLEA CEO must submit a signed request to the State Coordinator for the turn-in of property. The letter must document the reason(s) for the turn-in.
- The NYLEA must complete the LESO Turn-In/Disposal Form which is available at the eJusticeNY website. The form must be submitted to the State Coordinator after completing the agency contact information and listing each piece of property to be turned in. The following information must also be included for each piece of property: file number, national stock number, defense turn in document number, supply document number, quantity and DEMIL Code.
- The NYLEA must also submit the original DD Form 1348-1A for each piece of property. The DD Form 1348-1A must include the following: original supply document number, Defense Turn In Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator enough information about each piece of property (item description, original supply document number, National Stock Number (NSN), DTID and quantity being transferred) so that LESO can locate the property within the LEEDS database. The NYLEA will also indicate on the form which DRMO has agreed to accept the property.
- The State Coordinator will approve or disapprove the turn in request. If approved, the request will be forwarded to LESO for approval.
- LESO will run a history on the property. Upon completion of this inquiry, LESO will approve/disapprove the request. If approved, LESO will generate a DD Form 1348-1A (turn-in document).
- LESO will forward the turn-in document to the State Coordinator.
- The State Coordinator will forward the turn-in document to the NYLEA.

12.3.1 Turn In of Property at a DRMO

With few exceptions, the NYLEA will be asked to coordinate the turn-in with a local DRMO. The NYLEA informs the State Coordinator and LESO which DRMO has agreed to accept the turn-in of property. LESO will then provide a copy of the turn-in documentation to the accepting DRMO. Upon receipt of the turn-in documentation from the State Coordinator, the NYLEA must return the

property to the specified DRMO within 30 days. The DRMO personnel receiving the materials will sign the turn-in document indicating the property has been turned in and will give the NYLEA a copy of the signed receipt paperwork. Upon receipt of the signed DD 1348-1A from the DRMO, the LESO will take the property that was returned off the NYLEA's inventory in the LEEDS system.

This receipt paperwork must be maintained in the NYLEA's files and a copy must be forwarded to the State Coordinator for their files. NOTE: Most DRMOs have specified days and time during which turn in property is accepted. NYLEAs should contact the DRMO.

12.4 Disposal of Property Procedures Not at a DRMO

- NYLEAs will request approval from the State Coordinator for the disposal of property. If approved, the request will be forwarded to the LESO for approval.
- The NYLEA CEO must submit a signed request to the State Coordinator for the disposal of property. The letter must document the reason(s) for the disposal.
- The NYLEA must complete the LESO Turn-In/Disposal Form which is available at the eJusticeNY website. The form must be submitted to the State Coordinator after completing the agency contact information and listing each piece of property to be turned in. The following information must also be included for each piece of property: file number, national stock number, defense turn in document number, supply document number, quantity and DEMIL Code.
- The NYLEA must also submit the original DD Form 1348-1A for each piece of property. The DD Form 1348-1A must include the following: original supply document number, Defense Turn In Document (DTID) number, and the quantity being transferred. If the original DD Form 1348-1A is unavailable, the NYLEA will provide the State Coordinator enough information about each piece of property (item description, original supply document number, National Stock Number (NSN), DTID and quantity being transferred) so that LESO can locate the property within the LEEDS database.
- The State Coordinator will approve or disapprove the turn in request. If approved, the request will be forwarded to LESO for approval.
- LESO will run a history on the property. Upon completion of this inquiry, LESO will approve/disapprove the request.
- If approved, the LESO will determine the required disposal requirements. The LESO will notify the State Coordinator and the NYLEA as to the required disposal requirements.
- If approved, LESO will make the property adjustments within the LEEDS system. Once the adjustments are made within the LEEDS system, LESO will forward a copy of original disposal request packet back to the State Coordinator. The packet will have a stamped cover sheet stating, "complete" that will be signed and dated by LESO. The State Coordinator will then forward the Turn In/Disposal document to the NYLEA.
- The NYLEA will dispose of the property in the manner directed by the DEMIL code LESO. The NYLEA will then send a copy of the approved Turn In/Disposal Document to the State Coordinator with an attached cover letter on agency letterhead signed by the

CEO indicating that the property listed in the Turn In/Disposal document was disposed of in the manner directed by the DEMIL code LESO and give the date of the disposal.

If the disposal request is disapproved at LESO, property turn-in at a DRMO is an option that the NYLEA can consider or Transfer to another LEA.

13.0 1033 PROGRAM INFORMATION AND TRAINING

13.1 1033 Program and Law Enforcement Support Office

In addition to the information included in the Plan of Operations, general information on the 1033 Program and the Law Enforcement Support Office is available through the LESO website at:
<https://pubweb.drms.dla.mil/leeds>.

13.2 Training - Ordering Property Electronically through the Defense Reutilization and Marketing Service (DRMS) Website

The LESO provides a comprehensive training guide titled Law Enforcement Agency Customer Guide on ordering property electronically through the DRMS. This Guide is available on the eJusticeNY Law Enforcement Suite.

Appendix 1 - Acronyms

AC - Advisory Circular

AD's - Airworthiness Directives

A&P- Airframe and Power plant Ratings

AFF- Automated Flight Following

APC- Armored Personnel Carrier

APOC- Aircraft/Aircraft Parts Accountability Point of Contact

ASAM- Aviation Safety Action Message

ATP- Airline Transport Pilot

BATFE- Federal Bureau of Alcohol, Tobacco, Firearms & Explosives

CCLI – Commerce Control List Items

CEO- Chief Executive Officer

CFR- Code of Federal Regulations (CFR 14 and 49)

CP- Chief Pilot

DEMIL- Demilitarization Codes

DCIS- Defense Criminal Investigation Service

DLA- Defense Logistics Agency

DOD-Department of Defense

DRMO- Defense Reutilization and Marketing Office

DRMS- Defense Reutilization and Marketing Service

DTID- Defense Turn In Document Number

ELT- Emergency Locator Transmitter

EUC- End-Use Certificate

FAA- Federal Aviation Administration

FAA-STC- Supplemental Type Certificate

FAR –Federal Aviation Regulations

FSCAP- Flight Safety Critical Aircraft Parts

HIDTA- High Intensity Drug Trafficking Area

HMMW- High Mobility Multipurpose Wheeled Vehicle / Humvee

ICA- Instructions for Continued Airworthiness

ICAP- Interagency Committee for Aviation Policy

IMC- Instrument Meteorological Condition

LEEDS- Law Enforcement Equipment Database System

LESO- Law Enforcement Support Office

MLI- Munitions List Items
MILSTRIP- Military Standard Requisitioning and Issue Procedures
MOA- Memorandum of Agreement
MWO- Modification Work Orders
NATO- North Atlantic Treaty Organization
NBC- Nuclear, Biological and Chemical Masks
NFPA- National Fire Protective Association
NPL- National Priority List
NSN- National Stock Number
NVD's- Night Vision Devices
NYLEA- New York Law Enforcement Agency
OGE- Out of Ground Effect
OSD- Office of the Secretary of Defense
PAO- Property Accountability Officer
PCR- Program Compliance Review
PIC – Pilot-In-Command
PPE- Personal Protective Equipment
SC- State Coordinator
SIC- Second –In-Command otherwise known as Co-Pilot
SOF- Safety of Flight
SPCC- Spill Prevention, Control and Countermeasure Plan Requirements
SPOC- State Point of Contact
TACOM- U.S. Army Tank Automotive and Armaments Command
TBO- Time Between Overhaul
TSCAO- Trade Security Controls Assessment Office
TSO- Technical Standard Orders
VFR- Visual Flight Rules
VSWR- Voltage Standing Wave Ratio
WPOC -Weapons Point of Contact

Appendix 2- Condition Codes/Disposal Codes

CONDITION CODES

The physical condition of property can be determined by the assigned supply condition codes. These codes are used to classify material in terms of readiness for issuance and use or to identify action underway to change the status of material. The codes for property can be obtained from the automation system. The codes are defined as follows:

- A** Serviceable (Issuable without Qualification) - New, used, repaired, reconditioned material serviceable and issuable to all customers without limitations or restrictions. Includes material with more than 6 months of shelf-life remaining.
- B** Serviceable (Issuable with Qualification) - New, used, repaired, reconditioned material serviceable and issuable for its intended purpose, but restricted from issue to specific units, activities or geographical areas by reason of its limited usefulness or short service life expectancy. Includes material with 3 through 6 months shelf-life remaining.
- C** Serviceable (Priority issue)- Items serviceable and issuable to selected customers, but must be issued before Supply conditions Code A and B material to avoid loss of a usable asset. Includes material with less than 3 months shelf-life remaining.
- D** Serviceable (Test/Modification) - Serviceable material that requires test, modification, conversion or disassembly.
- E** Unserviceable (Limited Restoration) - Involves limited expense or effort to restore to serviceable, accomplished where the stock is located.
- F** Unserviceable (Repairable) - Economically repairable items which require repair, overhaul or reconditioning.
- G** Unserviceable (Incomplete) - Material requiring additional parts/components to complete the end item prior to issue.
- H** Unserviceable (Condemned) - Material determined to be unserviceable and does not meet repair criteria. NOTE: Classify obsolete and excess material to its proper condition before consigning to the DRMO. DO NOT classify material in supply condition H unless it is truly unserviceable and does not meet repair criteria.
- I** Reserved
- J** Suspended (In stock) - Items in stock that have been suspended from issue pending condition. Classification or analysis when the true condition is unknown. Includes shelf-life Type II material that has reached the expiration data, and Type II shelf-life material that has passed expiration date and cannot be extended.
- K** Suspended (Returns) - Items returned from customer and uses suspended from issued pending inspection and condition classification.

- L** Suspended (Litigation) - Material held pending litigation or negotiation with contractor or common carrier. Includes shipments with overages, defects, or other conditions that require negotiations or litigation with procurement sources or common carrier to determine responsibility or liability for correction. Assets held pending the results of a report of survey are also included. This code should not be used with misdirected shipments.

- M** Suspended (In work) - Items on inventory control record but that have been delivered to and accepted by an Army or DOD maintenance facility or a contractor's plant for processing.

- N** Suspended (Ammunition suitable for emergency combat use only) - Ammunition stocks suspended from issue except for emergency combat use.

- O** Reserved

- Q** Suspended (Product Quality Deficiency) - Unserviceable items with potential or confirmed quality deficiencies. DRMO downgrades items to scrap that require mutilation.

- R** Suspended (Reclaimed items awaiting condition determination) - Assets turned in by reclamation activities which do not have the capability (e.g., skills, manpower, or test equipment) to determine the materiel condition. Actual condition will be determined prior to induction into maintenance activities for repair /modification.

- S** Unserviceable (SCRAP) – Only for transactions involving shipments to Defense Reutilization and Marketing Office (DRMO). Items that have no value except for basic materiel content. No stock will be reordered as on hand in condition code S.

- T – Z** Reserved

DISPOSAL CODES

A Disposal Condition Code is a code assigned by the DRMO receiver after inspection of an item which is used to designate the physical condition of that item. They are as follows:

- 1** Unused (Good) - Property which is in new condition or unused condition and can be used immediately without modifications or repairs.

- 4** Used (Good) - Property which shows some wear, but can be used without significant repair.

- 7** Repairs Required- Property which is unusable in its current condition, but can be economically repaired.

- X** Salvage - Property which has some value in excess of its basic material content, but repair or rehabilitation is impractical and/or uneconomical.

- S** Scrap - Property that has no value except for its basic material content.

Federal Condition Codes (Combinations of the Supply and Disposal Condition Codes) are as follows:

A1, A4

B1, B4

C1, C4

D1, D4, D7

E7

F7, FX

G7, GX

H7, HX

Appendix 3 - Definitions

A

Accountability - Obligation of an LEA to account for its property, accept responsibility for it, and to disclose the results in a transparent manner.

Aircraft/Aircraft Parts Accountability Point of Contact (APOC) - The main point of contact in a LEA for 1033 Aircraft and Aircraft Parts. The CEO, PAO and APOC are responsible for the security, accountability and record keeping of all aircraft and aircraft parts received through the 1208/1033 Programs.

Armored Personnel Carrier (APC) - An armored vehicle, usually equipped with treads, used to transport infantry. Vehicles designed primarily to transport troops, while at the same time affording those carried some protection against small arms, light support weapons, blast, nuclear and chemical attack.

C

Cannibalization - The process of removing serviceable parts from a piece of equipment in order to repair another piece of equipment.

Certificated Aircraft - Any registered aircraft, with a standard air worthiness certificate issued for aircraft type certified in the normal, utility, aerobatic, commuter, or transport category and also possess an airworthiness certification and issuance of an FAA form 8100-2.

Chief Executive Officer (CEO) – Highest ranking administrator in charge of a Law Enforcement Agency who remains responsible along with the PAO for the security and accountability of the property at all times.

Chief Pilot (CP) - The Chief Pilot will be responsible for ensuring all training, flight operations, maintenance and other operations are conducted in accordance with the standard requirements and guidelines of the 1033 Plan of Operations, and LESO and State Coordinator requirements.

Class I FAA Medical Certificate - A first-class medical certificate is required for airline transport pilots. This certificate has the most restrictive medical standards, which is valid for 6 months and must be renewed every 6 months. After 6 months (if the certificate is not renewed), it reverts to a second-class medical for another 6 months, and 24 or 36 months for a third-class medical.

Class II FAA Medical Certificate - A second-class medical certificate is required for commercial pilots, which includes crop dusters, charter pilots, corporate pilots, as well as air traffic controllers, flight navigators, flight engineers, and first officers of commercial airline operators (this can vary by each operator). This certificate is valid for 12 months. After 12 months, it reverts to a third-class medical certificate. Commercial pilots who do not exercise the privileges of their commercial pilot certificate only need a third-class medical certificate.

Commerce Control List Items (CCLI) - Through Export Administration Regulations, The Department of Commerce (DOC) places export controls on many commodities, some of which can be obtained as DOD excess property through the LESO.

Condition Codes - The physical condition of property can be determined by the assigned supply condition codes. These codes are used to classify material in terms of readiness for issuance and use or to identify action underway to change the status of material.

Consumable Items - Items that may be depleted or worn out by use.

D

Defense Logistics Agency (DLA) - The Defense Logistics Agency is the Department of Defense's largest logistics combat support agency, providing worldwide logistics support in both peacetime and wartime to the military services as well as several civilian agencies and foreign countries.

Defense Reutilization and Marketing Office (DRMO) - An office that disposes of United States military surplus.

Defense Reutilization and Marketing Service (DRMS) - The DRMS is part of the Defense Logistics Agency. Function is to provide the DOD's best value services and deliver great performance to LEA's for the reuse, transfer, donation, sale or disposal of excess/surplus property.

Defense Turn In Document (DTID) Number - A "DTID" number is the "disposal serial number" attached to each piece of DRMS property. This number is 14 digits long (sometimes suffixed with a letter) and is the central reference number used for every transaction regarding a given item.

Demilitarization (Demil) Codes - A DEMIL Code is a code assigned to an item that identifies the required demilitarization. The demil code identifies the level of required demilitarization for property previously used in the government sector before it is released into the public sector.

Department of Defense (DOD) - The federal department charged with coordinating and supervising all agencies and functions of the government relating directly to national security and the military.

Department of Transportation, Federal Aviation Administration Advisory Circular-AC 43.13-1B- FAA Acceptable Methods, Techniques, and Practices - Aircraft Inspection and Repair

Department of Transportation, Federal Aviation Administration Advisory Circular - AC 43.13-2A- FAA Acceptable Methods, Techniques, and Practices - Aircraft Alterations

Disposal Condition Code - A numeric or alpha-numeric assignment to property indicating physical condition of item upon turn-in.

DLA Record Management Procedures and Records (DLA Directive 5025.30) - All excess DOD personal property will be managed utilizing property accounting records. These records will be concise, accurate, and be able to provide timely and relevant information. Records will be maintained in accordance with the DLA Record Management Procedures and Records (DLA Directive (DLAD) 5025.30).

DOD Manual 4160.21-M-1 - Entitled "DOD Demilitarization Manual" governs all property that requires demilitarization.

F

Federal Aviation Administration (FAA) - An agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the U.S.

FAA Supplemental Type Certificate (STC) - A type certificate (TC) issued when an applicant has received FAA approval to modify an aircraft from its original design.

Federal Aviation Regulations (FAR) - Rules prescribed by the Federal Aviation Administration (FAA) governing all aviation activities in the United States. The FARs are part of Title 14 of the Code of Federal Regulations (CFR). A wide variety of activities are regulated, such as airplane design, typical airline flights and pilot training activities.

1033 Federal Excess Property Program - (formerly the 1208 Program) The National Defense Authorization Act authorizes the Secretary of Defense to transfer excess Department of Defense (DOD) personal property to federal, state, and local LEAs .

Federal Bureau of Alcohol, Tobacco, Firearms & Explosives (BATFE) - is a specialized federal law enforcement agency and regulatory organization within the United States Department of Justice. Its responsibilities include the investigation and prevention of federal offenses involving the unlawful use, manufacture, and possession of firearms and explosives, acts of arson and bombings, and illegal trafficking of alcohol and tobacco products. The ATF also regulates via licensing the sale, possession, and transportation of firearms, ammunition, and explosives in interstate commerce.

Flight Safety Critical Aircraft Parts (FSCAP) - Any part, assembly, or installation containing a critical characteristic whose failure, malfunction or absence could cause a catastrophic failure resulting in loss or serious damage to the aircraft or an uncommanded engine shutdown resulting in an unsafe condition.

H

High Awareness Property - Property which requires Demilitarization. See section 12.0 for Demilitarization Codes and Disposal Requirements.

High Mobility Multipurpose Wheeled Vehicle (HMMWV or Humvee) - A military 4WD motor vehicle.

High Profile Property - Includes Weapons, Vehicles, NVD's, Aircraft, Watercraft, HMMWV's and APC's- Property subject to additional controls, accountability, transfer and records maintenance standards.

High Value Property - Property with an acquisition cost of \$20,000 or more.

I

Infrared Aiming Lights - A unique night sighting system that uses infrared light to assist in the aiming process.

Instrument Meteorological Condition (IMC) - Sometimes referred to as Blind flying, is an aviation term that describes weather conditions that normally require pilots to fly primarily by reference to instruments, and therefore under Instrument Flight Rules (IFR), rather than by outside visual references under Visual Flight Rules (VFR). Typically, this means flying in clouds, bad weather or at night.

Interagency Committee for Aviation Policy (ICAP) - Fifteen federal agencies that use aircraft have signed a Safety Standards Agreement, developed by General Services Administration (GSA) and the ICAP. Through this agreement, the agencies consent to adopt the ICAP's Safety Standards Guidelines, write agency-specific standards based on the guidelines, and provide for independent enforcement of the agency standards.

L

Lautenburg Amendment of 1996 - [officially known as), Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence from possessing firearms. – 18 U.S.C. §922(g)(9)]

Law Enforcement Equipment Database System (LEEDS) - The LESO uses a web based system called LEEDS to support Law Enforcement Agencies. LEEDS replaces the former Counter-Narcotics Management Information System (CMIS). The LEEDS system is used by the LESO staff and State Coordinators to issue, track and dispose of, all property issued through the 1033 program.

Law Enforcement Support Office (LESO) - The LESO serves as a liaison between the State Point of Contact (SPOC) and Defense Logistics Agency (DLA) and is responsible for the policy and procedures supporting the 1033 property disposal program.

M

Military Standard Requisitioning and Issue Procedures (MILSTRIP) - Its purpose is to prescribe uniform procedures, data elements, codes, formats, forms, and time standards for use in automated and manual data processing, involving both high speed electronic and other media of communications employed in the requisitioning, issuing, lateral redistribution, return, and disposal of DOD material.

Munitions List Items (MLI) - Property that is listed in the International Traffic in Arms Regulation, published by the U.S. Department of State (DOS).

N

National Firearms Act (26 U.S.C. 5845 [b]) - Maintains the National Firearms Registration and Transfer Record (NFRTR) and processes applications and notices associated with the manufacture, registration, transfer, and transportation of NFA firearms.

National Fire Protective Association (NFPA) - A U.S. organization charged with creating and maintaining minimum standards and requirements for fire prevention, training, and equipment, as well as other life-safety codes and standards. This includes everything from building codes to the personal protective equipment utilized by firefighters while extinguishing a blaze.

National Priority List (NPL) - The current LESO aircraft NPL for aircraft is calculated and prioritized based upon the following criteria approved by Office of the Secretary of Defense (OSD):

- a. The number of excess aircraft available to the LESO program.
- b. The date the request was received by LESO.
- c. Fair and equitable distribution.
- d. High Intensity Drug Trafficking Area (HIDTA).
- e. Geographic responsibility.

National Stock Number (NSN) – A 13 digit numeric code, identifying all the “standardized material items of supply” as they have been recognized by the United States Department of Defense.

Night Vision Device (NVD’s) – An optical instrument that allows images to be produced in levels of light approaching total darkness.

Non-certificated Aircraft - Any registered aircraft, without a standard airworthiness certificate or FAA form 8100.2. Aircraft is used in public usage for Government purposes.

Nuclear, Biological and Chemical Masks (NBC) - A respirator that contains a chemical air filter and is worn over the face as protection against toxic gases and aerosols.

NYS Memorandum of Agreement with Department of Defense - Entered into between the Defense Logistics Agency (DLA) and the State of New York, to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 USC § 2576a and to promote the efficient and expeditious transfer of the property and to ensure accountability of same.

NYS Memorandum of Agreement with Law Enforcement Agencies - The purpose of this agreement is to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 USC § 2576a under the DOD 1033 Surplus Property.

NYS Plan of Operations - It set forth’s the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 USC § 2576a and to promote the efficient and expeditious transfer of the property and to ensure accountability of same.

P

Pilot-In-Command (PIC) - Is responsible for the safety of the aircraft, loading and unloading of occupants and cargo.

Program Compliance Review (PCR) - A review conducted to estimate a LEA's utility, operational effectiveness, and operational suitability, as well as the need for any modifications.

Property Accountability Officer (PAO) - Orders and issues the property for their individual police officer(s) remains responsible for the security and accountability of the property at all times.

R

Request/Justification Form - The State Coordinator requires the submission of Request/Justification Forms (Found on the eJusticeNY Law Enforcement Suite) from NYLEAs to order weapons, aircraft, aircraft parts and some other types of property. Information on the forms is required by LESO for approval and processing.

S

Screeners - The CEO must appoint a minimum of 2 (two) and a maximum of 4 (four) "Screeners" who will be authorized to "screen" or search for property either physically at a Defense Reutilization and Marketing Office (DRMO), or electronically utilizing the Defense Reutilization and Marketing Service (DRMS) website. Screeners must be sworn compensated police officers. Appointed screeners are the only agency personnel authorized to screen or pick up property at a DRMO

Single Audit Act of 1984 Amended (31 U.S.C. 7501-7) - It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards.

Specialized Weapons Optics - These may include magnifying rifle scopes, "red dot" sights and infrared aiming lights.

State Coordinator (SC) - The liaison between the Department of Defense and LEA's. The SC provides operational oversight and management of the 1033 Surplus Property Program.

State Point of Contact (SPOC) - Has operational authority for the daily conduct and management, oversight and policy of the 1033 Surplus Property Program.

T

Tank Automotive and Armaments Command (TACOM) - Generates, provides, and sustains mobility, lethality, and survivability for soldiers, other U.S. armed services, and allies - all to ensure United States Army readiness. TACOM's military and civilian associates find and implement technology and logistics solutions for the soldier. TACOM serves as the weapons repository for all weapons request under the 1033 program.

Tranche - A listing of all approved weapon requests from LESO which are compiled monthly and placed on a National Priority List.

V

Visual Flight Rules (VFR) - are a set of regulations which allow a pilot to operate an aircraft in weather conditions generally clear enough to allow the pilot to see where the aircraft is going.

W

Weapons (Automatic) - An automatic weapon is designed so that upon pulling and holding the trigger back once, all projectiles fire that are contained in the weapon's magazine. Automatic weapons are also referred to as "machine guns" although in the military terminology, "machine guns" usually refer to crew served larger caliber automatic weapons. Depending on the model and variant, the military shoulder fired automatic weapons available through the 1208/1033 Program are capable of "full automatic fire" (all projectiles in the magazine are fired upon one pull of the trigger) and "semi automatic only" fire (one projectile is fired for each pull of the trigger) or "burst automatic fire" (three projectiles are fired upon one pull of the trigger)- or a combination of these modes of fire. In both automatic, burst and semi-automatic mode, the gases produced by the explosion of the cartridge (consisting of the cartridge case, primer, propellant and projectile) are used to eject the spent cartridge from the weapon and place a new cartridge into a position where it is ready to be fired. Shoulder fired automatic weapons carried by individual soldiers are sometimes also referred to as "assault weapons" because of their ability to fire in automatic mode a cartridge of intermediate caliber. All automatic weapons have special registration and transfer requirements from BATFE under the National Firearms Act. In addition to applying to civilians, these requirements also apply to law enforcement agencies.

Weapons (Semi-Automatic) - A semi-automatic weapon requires a single pull back on the trigger to fire each projectile in the magazine. Commercially produced versions of the M-14 and M-16 rifles for sale to civilians are all semi-automatic only, though they resemble cosmetically the military automatic M-14 and M-16 Rifles. They are not designed for automatic fire, and cannot be converted legally to fire in automatic mode. These are sometimes erroneously referred to as "assault weapons" even though they lack the ability to fire in "automatic" mode. Of the weapons available under the 1208/1033 Programs, semi-automatic weapons include pistols such as the .45 caliber Model 1911A1. Semi-automatic weapons are not subject to special National Firearms Act requirements.

Weapons Point of Contact (WPOC) - The CEO must appoint a sworn, full or part time compensated police officer as the Weapons Accountability Point of Contact (WPOC). LESO requires that every participating agency appoint a WPOC, even if the agency does not possess weapons. The CEO, PAO and WPOC are responsible for the security, accountability and record keeping of all weapons and weapon accessories received through the 1208/1033 Programs.