



**GEORGIA DEPARTMENT OF PUBLIC SAFETY
EXCESS PROPERTY PROGRAM
(1033)
INFORMATION PACKET**

Revised 2011

- A. Under Section 1033 of the National Defense Authorization Act for fiscal year 1997, the Secretary of Defense may transfer to federal and state agencies personal property of the Department of Defense (DOD); including aircraft that the Secretary determines is suitable for use by agencies in law enforcement activities. The state or local Law Enforcement Agency (LEA) must utilize the property for law enforcement activities, including counter-drug and counter-terrorism activities.

The Secretary of Defense has defined agencies in law enforcement activities as government agencies whose primary function is the enforcement of applicable federal, state and local laws and whose compensated law enforcement officers have powers of arrest and apprehension.

The Defense Logistics Agency (DLA) defines law enforcement activities as activities performed by government agencies whose primary function is the enforcement of applicable federal, state and local laws and whose compensated law enforcement officers have powers of arrest and apprehension.

**B. TERMS AND CONDITIONS BETWEEN THE DEFENSE LOGISTICS AGENCY
AND STATE OF GEORGIA:**

The Terms and Conditions between the Defense Logistics Agency and the State of Georgia are found in the Agreement between the Defense Logistics Agency and the State of Georgia Memorandum of Agreement (MOA) under the 1033 Excess Property Overview section of the Excess Property web page. LEA's must read and agree with these terms in order to participate in the 1033 program, by signing a MOA. This is located under 1033 sample forms.

C. REQUIREMENTS TO OBTAIN EXCESS MILITARY PROPERTY FOR LAW ENFORCEMENT AGENCIES (LEA) (Section 1033)

As part of our ongoing efforts to make it simpler for LEA's to get DOD property, the system has gone to an automated process. There are several web sites that LEA's will need to properly utilize this service.

1. The first web page is <http://dps.georgia.gov/02/dps/home/0,2228,5635600,00.html>
 - a. This is this is Department of Public Safety home page where there is a link to Excess Property, under Division. In order to participate in the program, you must enroll. In order to enroll you must complete Law Enforcement Agency (LEA) Application for Participation and MOA with the Excess Property Office. The LEA data sheet drives the process. Once this office receives the completed LEA data sheet and MOA, your department will be issued a login ID. The LEA data sheet and MOA must be updated whenever there are changes in the number of sworn officers, LEA POC's, Weapon POC's or when the head of the agency changes.
2. The third web page is <https://www.drms.dla.mil/rtd03/leso/index.shtml>
 - a. This is the DLA Disposition Services web page which has the automated screening program for LEA's to look for property.

NOTE:

Point of Contact(s) (POC) must complete the training class or be brief by Excess Property, before the LEA can receive their log in ID

D. REQUEST FOR FIREARMS: (*Firearms require a separate request.*)✦

You must complete LAW ENFORCEMENT AGENCY (LEA) WEAPONS REQUEST

1. LESO Request for Weapons form, which is found as a separate file on the Excess Property Website under the 1033 Excess Property – Sample Forms link
The executive official of the requesting agency must sign the request

2. The total maximum of approved weapons cannot exceed the percent of the number of sworn officers. The percent for M16 is 100%, M14 is 50%. 45 Caliber pistols 100% and Shotguns is 20%. Previous transfer of like weapons through the 1208/1033 Programs will also affect the number of weapons approved. The Excess Property SPOC is accountable for the ultimate disposition of all weapons issued. If a weapon becomes unserviceable, or is no longer required, the SPOC must be contacted as soon as possible. The SPOC will explain the actions to be taken to dispose of the property. Weapons cannot be sold or traded; these are DEMIL required items.
3. Once LESO has notified the DPS Excess Property Office of the transfer of the weapons, the LEA will be notified in order to proceed with the transfer of the requested weapons. This will involve someone from the requesting department to hand deliver to the DPS Excess Property Office a certified or cashier's check, bank money order, or postal money order, payable to U.S. Treasury, in the specified amount. This covers all shipping charges. The LEA's agency representative will sign a "Transfer Agreement" and will be given a copy for their records. **This must be completed with 30 days of the notification.** You will be invoiced separately for the surcharge.
4. LEA's must provide the DPS Excess Property Office with a copy of the ATF Form 10, a copy showing that they have submitted the ATF Form 10 to ATF, and a copy of the approval from ATF showing that the weapons are registered with ATF. Blank ATF Forms 10 or 5 can be found at the ATF web site at (<http://www.atf.treas.gov/>). Click on "forms" and you can download the appropriate form. The blank forms are also located on the DPS Excess Property web site under 1033 Excess Property – Sample Forms section.

E. REQUEST FOR AIRCRAFT: (*Aircraft require a separate request.*)✦

LESO Request for Aircraft form, this is found as a separate file on the Excess Property Website under the 1033 Excess Property – Sample Forms link.

1. The executive official of the requesting agency must sign the request.

✦NOTE: When an aircraft is no longer required by your agency, you must contact the Excess Property office for proper disposal procedures. No aircraft can be sold or traded; these are DEMIL required items.

LEA's must provide this office with a copy of the AC Form 8050, showing that the aircraft is registered with the FAA.

F. REQUEST FOR ARMORED VEHICLES/ARMORED PERSONNEL CARRIER (APC) (*Armored vehicles require a separate request.*)✦

LESO Request for ARMORED VEHICLES/ARMORED PERSONELL CARRIER (APC) form is found as a separate file on the Excess Property Website under the 1033 Excess Property – Sample Forms link

★NOTE: When an armored personnel carrier vehicle is no longer required by your agency, you must contact the Excess Property office for proper disposal procedures. No Peacekeeper/APC can be sold or traded, these are DEMIL required item.

G. IMPORTANT INFORMATION:

1. The Executive Head of each LEA must designate one of its officers or employees as the Excess Property Point of Contact (POC), Aircraft POC if applicable and weapons POC for that agency on the LEA data sheet. An alternate may also be designated, if necessary. An example of a letter to appoint a POC is on the GEMA Excess Property web site under the **1033 Excess Property – Sample Forms** Section.
2. ***We do not have an inventory of stock equipment.*** All equipment acquired will be screened through the Internet and picked up by the LEA at the location where the property is located.
3. The receiving LEA official will be required to provide the Excess Property Office with three (3) photos which should include front, left side and data plate of all tactical vehicles (e.g., VIN numbers or serial numbers).
4. Each participating agency must have a Law Enforcement Agency Data Sheet signed by the head of the agency on file. This LEA Data Sheet must be renewed annually.
5. If you are a new LEA signing up to participate in the 1033 program, you must submit an agency letter which must contain the following information:
 - a. Name, Address, Phone and Fax numbers.
 - b. Full name of the executive head.
 - c. Any additional points of contact.
 - d. Number of sworn officers to include reserve officers.
 - e. Number of counter-drug officers.
 - f. Number of counter-terrorism officers.
 - g. Number of personnel assigned to a tactical team.
 - h. Statement that the department has arrest and apprehension authority.

A sample of this letter is posted on the DPS Excess Property web site under **1033 Excess Property – Sample Forms** section.

6. If you have any questions or concerns, please feel free to contact us at (404) 624-7040 or E-mail dsherrod@gsp.net.

- 7 It is the LEA's responsibility to request title for all vehicles to include trailers and any other items that require a title from the receiving DRMO. The Request for Title form is under the 1033 Excess Property Overview section of the Excess Property web site.

D. ACCOUNTABILITY/RESTRICTIONS:

All property is identified by a National Stock Number (NSN). Each stock number has a DEMIL code assigned to it. All equipment with a DEMIL A will be taken off your inventory after 12 months. There is one exception to this, if the DEMIL code changes during that 12 month period, the new assigned DEMIL code will apply. All property with a DEMIL code B through Q, see below description.

DEMIL Code Description

A - Non-MLI/**Non-SLI** -- Demilitarization not required

B - **MLI** (Non-Significant Military Equipment - Non-SME) -- Demilitarization not required. Trade Security Controls (TSCs) required at disposition.

C - MLI (SME). Remove and/or demilitarize installed key point(s) as prescribed in DOD 4160.21-M-1. Defense Demilitarization Manual, or lethal parts, components and accessories.

D - **MLI** (SME). Total destruction of item and components so as to preclude restoration or repair to a usable condition by melting, cutting, tearing, scratching, crushing, breaking, punching, neutralizing, etc. (As an alternate, burial or deep water dumping may be used when coordinated with the DOD Demilitarization Program Office.)

E - MLI (NON-SME). Additional critical items/material determined to require demilitarization, either key point or total destruction. Demilitarization instructions to be furnished by the DOD Demilitarization Program Office.

F - **MLI** (SME) -- Demilitarization instructions to be furnished by the Item/Technical Manager.

G - MLI (SMIE). Demilitarization required AEDA. Demilitarization, and if required, declassification and/or removal of sensitive markings or information will be accomplished prior to physical transfer to a DRMO. This code will be used for all AEDA items, including those which also require classification and/or removal of sensitive markings or information.

P - **MLI** (SME). Security Classified Item Declassification and any additional demilitarization and removal of any sensitive markings or information will be

accomplished prior to accountability or physical transfer to a DRMO. This code will not be assigned to AEDA items.

Q - CCLI. Commerce Control List Item Demilitarization not required. CCLI are dual-use (military, commercial, and other strategic uses) items under the jurisdiction of the Bureau of Export Administration, U.S. Department of Commerce, through the Export Administration Regulations. The types of items under the Commerce Control List (CCL) are commodities (i.e., equipment, materials, electronics, propulsion systems, etc.), software, and technology. The CCL does not include those items exclusively controlled by another department or agency of the U.S. Government.

✦NOTE: All equipment must be placed in used within one year from the date of receipt and be used for one year.

E. DISPOSAL OF DEMIL PROPERTY:

1. LEAs must submit a LESO Form to Excess Property for approval prior to disposing of property.
2. All requests must include justification for the disposal.
3. The request must state if the equipment is serviceable or beyond repair.
4. The LEAs justification must include a detailed description of the method of disposal.
5. Once approved, DEMIL A and DEMIL Q6 property can be disposed of through normal government disposal procedures.
6. LESO must approve all property before it can be disposed.
7. This request must also include a Turn-in/Disposal Request Form (see Excess Property web site under 1033 Excess Property – Sample Forms section) and must be signed by both parties.

F. DISPOSAL OF DEMIL ITEMS (B-Q):

DEMILITARIZED ITEMS (B through Q) CANNOT BE DISPOSED OF BY THE LEA; THEY MUST BE RETURNED TO DEPARTMENT OF DEFENSE THROUGH LESO PROCEDURES. CONTACT THE GEMA SPOC FOR INSTRUCTIONS ON HOW TO DO THIS.

G. DISPOSAL OF AIRCRAFT:

1. To: Sell/Trade/Transfer Flyable and Non-Flyable Aircrafts:

Must submit the following documentation to Excess Property to be forward to LESO:

- Written request (To: Sell/Trade/Transfer the aircraft).
 - Copy of the flight records showing that the aircraft has been maintained and flown for five years.
 - Copy of all aircraft parts and supplies obtained through the 1033 program for the aircraft.
 - Written statement from the Chief Pilot stating that the aircraft have been maintained and used for five years.
 - You must ensure that the DLA Form 1822 (End-User Certificate) is completed and legible. (MUST BE TYPED)
 - The DLA Form 1822 must be submitted with the written request.
2. A final decision for the sale/trade/transfer of the aircraft will not be made until DLA/LESO has received the approval from DCIA.
3. Instruction for completing DLA Form 1822 (End-User Certificate) is available at the following web site at (<http://demil.osd.mil/demil>).

H. VALIDATION:

1. The DPS Excess Property office conducts annual program compliance visits.
2. Representatives of Excess Property will conduct announced validations to ensure compliance and to assist LEAs.
3. LESO conducts compliance reviews for each state every 24 months. During their visit, they may want to visit local LEAs. If this is the case, the LEA will be notified in advance.
4. If the LEA agency head changes, the incoming agency head must validate, in writing, the property in their possession. LEAs can request that a DPS- Excess Property Officer come to their location and conduct an onsite validation.
5. When LEAs combine or disband, the DPS Excess Property office must be notified in writing as to which agency the 1033 excess property equipment has been transferred.

I. TRANSFER OF PROPERTY:

1. The transfer of property from one LEA to another LEA must be approved by DLA/LESO before the transfer can take place.
2. The holder of the property must submit a letter stating that they have property to transfer to another LEA. The receiving LEA must also submit a letter stating that are requesting this property from the LEA transferring the property.
3. This request must also include a Transfer Request Form (see 1033 Excess Property – Sample Form section) and must be signed by both parties.

J. COMMON QUESTIONS:

1. **Do we add this equipment to our property inventory?**
All property received must be accounted for, if your department requires that all property is added to your department inventory, then that's what should take place.
2. **Can the equipment be modified?**
Yes
3. **Does the equipment have to be accounted for?**
Yes, all property should be treated as any other equipment within your agency and must be accounted for until you have an approval for disposal from Excess Property.
4. **What are the costs for the property?**
No cost for the property, however, the LEA is responsible any shipping cost.
5. **Does a LEA have to accept an item they have requested?**
No, if an item is no longer needed or is considered unsuitable, an agency may cancel the request.
6. **What if an item is no longer needed after being in use for a period of time?**
You must submit LESO Request for Disposal to Excess Property Office for proper disposal procedures.
7. **Is there a priority system as to who (which agency) has priority to receive excess property?**
Yes. (1) Counter-drug (2) Counter-terrorism (3) Law enforcement activities
8. **What are the most common reasons for requests being disapproved?**
The request is not fully justified such as how the equipment will be used or the equipment will be used outside the scope of Section 1033. A higher priority unit.
9. **Can a LEA receive equipment for training?**

Yes; however, Section 1033 can only support in-service training and not new recruit training.

10. Can LEAs obtain weapons for their Honor Guard?

No, however, you can request them from The Department of the Army Donations Program for Static Displays/Monuments and Ceremonial rifles. Visit web site (<http://www.tacom.army.mil/donations>)

11. Can repair parts be requested?

Yes, requests for parts will be processed, but please be extremely selective on types and numbers requested.

12. Can the 1033 program support jails?

Only SWAT/CERT teams and K-9 units assigned to jails, detention facilities and prisons are eligible to request property.