



DEFENSE LOGISTICS AGENCY
DISPOSITION SERVICES
74 WASHINGTON AVENUE NORTH
BATTLE CREEK, MICHIGAN 49037-3092

J412

19 MAR 2015

MEMORANDUM FOR THE STATE OF UTAH

SUBJECT: 1033 Program Compliance Review (PCR)

In accordance with the DLA/State of Utah Memorandum of Agreement dated September 2, 2014 a Program Compliance Review (PCR) was conducted on the State of Utah 1033 Program Office and received a rating of COMPLIANT.

Over 2,315 line items of Controlled Property have been transferred to your State, with an Original Acquisition Value of \$5,873,582.25. The PCR was conducted March 9-13, 2015 by a DLA Disposition Services J412 Law Enforcement Support Office (LESO) Western Team consisting of Mr. Michael Smith, and Mr. Travis Baughman. DLA Disposition Services is a field activity of DLA and has program management responsibilities for the 1033 Program as delegated by the Office of the Secretary of Defense.

State of Utah personnel conducted themselves professionally during the course of this review. The DLA Disposition Services LESO PCR Team visited twenty-four (24) State of Utah Law Enforcement Agencies (LEAs) in addition to the detailed review of the State Office. Each LEA was honest and forthright during this PCR. The State 1033 Program Office and each of the selected LEAs were motivated, knowledgeable, and enthusiastic about the 1033 Program. The next PCR is tentatively scheduled for March 2017.

The full March 2015 PCR Report is attached for your review. We look forward to assisting the State of Utah with this great and valuable program. Please feel free to contact me with any questions or concerns at Carlos.S.Torres@dla.mil or call (269) 961-4285.

For 

CARLOS S. TORRES
Chief, Law Enforcement Support Office
Customer Support

Attachment:

1. Program Compliance Review

cc:

Governor, State of Utah

Date: March 9, 2015

**MEMORANDUM FOR THE STATE OF UTAH
1033 PROGRAM STATE COORDINATOR**

SUBJECT: Program Compliance Review (PCR) Checklist

I. LESO will Verify:

- *1. Is the State Coordinator (SC) appointed, in writing, by the current Governor of the State? *PASS*
 - 1a. Appointment letter effective date: *10/28/09*
- *2. Is the SC appointment letter on-file with the Law Enforcement Support Office (LESO)? *PASS*
- *3. Has the current SC signed the current Defense Logistics Agency (DLA) Memorandum of Agreement (MOA)? *PASS*
 - 3a. MOA date: *9/2/14*
 - 3b. Addendum(s) date: *11/10/14*
- 4. If applicable, are State Points of Contact (SPOCs) appointed, in writing, by the current Governor appointed SC? *YES*
 - 4a. Is SPOC appointment letter (s) on-file with the LESO? *YES*
- 5. Has the SC delegated his/her authority to anyone other than a SPOC? *NO*
 - 5a. Is delegation of authority letter (s) on-file with the LESO? *N/A*

Comments:

The Governor has appointed Mr. Dan R. Martinez as the State Coordinator for the state of Utah 1033 Program, with an appointment date of October 28, 2009. The State Coordinator has appointed Ms. Loretta Potter as the State Point of Contact (SPOC) with an appointment date of November 8, 2010. Ms. Potter has been granted approval authority for the 1033 Program.

II. Website Knowledge:

- 1. Appointed personnel performing the duties with the State 1033 Program, are proficient and knowledgeable when utilizing the following DLA websites:
 - 1a. LESO Website: <https://www.leso@dla.mil> *YES*
 - 1b. FEPMIS Website: <https://fam.nwcg.gov/fam-web/> *YES*
 - 1c. FEPMIS IBM COGNOS Reports Portal: <https://fam.nwcg.gov/crn/cgi-bin/cognos.cgi> *YES*
 - 1d. AMPS Website: <https://amps.dla.mil> *YES*
 - 1e. RTD Website: <https://business.dla.mil/landing/index.jsp> *YES*
 - 1f. DLA Disposition Services Website: <https://www.dispositionservices.dla.mil/index.shtml> *YES*

Comments:

No issues to report.

III. Eligibility Requirements:

- 1. Are Applications for participation submitted by Law Enforcement Agencies (LEA) with arrest and apprehension authority signed by the Chief Executive Official (CEO), then forwarded to the SC? *YES*
- 2. Does the SC and/or SPOC (s) verify that the LEA is authorized to *YES*

participate in the 1033 Program?

Comments

3. Are new Applications for participation and address changes to LEA's forwarded to the LESO for approval? *YES*

4. Does the State ensure that LEAs have a training plan in place which covers the use of Tactical Vehicles, Aircraft and Weapons currently on the LEAs property book or prior to any new requisitions? *YES*

5. Does the State require the LEA to pay a fee for participation in the program *YES*

5a. If yes, thoroughly explain fee system:

The State Coordinator's office charges the LEA 3% per requisition, based on the acquisition value at the time of approval.

Comments:

No issues to report.

IV. Records Management:

*1. Is there a current DLA approved State Plan of Operation (SPO) on file for the State? *PASS*

1a. SPO effective date: *3/17/14*

*2. Does the SC keep a current copy of the SPO, signed by the LEA CEO in each LEA file? *PASS*

3. Does each LEA keep a current copy of the Addendum, signed by the LEA CEO in each LEA file? *YES*

4. Does the SPO address the following areas:

4a. Purpose *YES*

4b. Authority *YES*

4c. Terms and Conditions:

-LEA Eligibility Criteria *YES*

-How to enroll in the 1033 Program *YES*

-LEA Screener Criteria *YES*

-Identification/Acquisition of Property *YES*

-Transportation of Property *YES*

-Storage of Property *YES*

-Distribution of Property *YES*

-Security of Property *YES*

-Accountability of Property *YES*

-Establish an Inactive File *YES*

-Utilization of Property *YES*

-State internal compliance reviews *YES*

-Transfer of property *YES*

-Disposal of property *YES*

-Turn-in of property *YES*

4d. DEMIL Property requirements *YES*

4e. Training requirements and opportunities *YES*

4f. State responsibilities in the 1033 Program *YES*

4g. LEA responsibilities in the 1033 Program *YES*

4h. Suspension and/or Termination Criteria *YES*

4i. Signature requirements (i.e. LEA CEO/SC/SPOC) *YES*

*5. Transfers of high visibility property are approved by the DLA LESO. PASS

Comments: *No issues to report*

V. Records Retention:

1. Are the following documents on-file with the SCs Office and/or LEA?
 - 1a. DLA Form 103s (aka Manual Requisitions) if applicable YES
 - 1b. DD Form 1348-1A (for all 1033 Program property currently on the LEA inventory). YES
 - 1c. DLA LESO approvals for Transfers of Aircraft, Vehicles and Weapons. YES
 - 1c. DLA LESO approvals for cannibalization of Aircraft and/or Vehicles. YES
 - 1d. DD Form 1348-1A for all turn in's. YES
 - 1e. Approved DD Form 200 for removal of property from record. YES
 - 1f. FAA Certificate of Aircraft Registration (Form 8050-1) YES
 - 1g. Approved Exception to policy memorandums (if applicable) YES

Comments: *No issues to report.*

VI. Property and Inventory Control:

1. Is 1033 Program property properly stored in a controlled storage area with limited access? YES
2. Have all reports of missing, lost, stolen, damaged or destroyed 1033 Program property been reported to the appropriate SCs Office? YES
3. Have all reports of missing, lost, stolen, damaged or destroyed 1033 Program property been reported to the appropriate Local/State/Federal Officials and the LESO? Note: If the property is DEMIL Coded B, C, D, E, F, G or Q you have (24) Hours for notification. If your property is DEMIL Code A, you have within (7) days to report. YES
4. In determining SCs recommendation for approval of LEA request, is consideration given to the needs and resources of its LEAs (i.e. size of LEA, mission requirement and like property on hand)? NOTE: LESO personnel must conduct a random search of records. YES
5. Are annual reconciliations of property receipts being conducted? YES
6. Has the State submitted the previous Fiscal Year's certified inventory to the LESO? YES
- *7. Are photographs and serial numbers to include; Side and Data Plates provided to the LESO for Aircraft, Watercraft and Tactical Vehicles and other Controlled Property? PASS
- *8. Are photographs of Weapons serial numbers provided to the LESO? PASS

Comments: *No issues to report.*

VII. Transitional Distribution Point (TDP):

- *1. Is there an authorization document from DLA, on hand, authorizing your State to operate as a TDP? N/A
- 2. Are TDP property requests earmarked for a specific LEA identifying them as the end user? N/A
- 3. Is 1033 property identified and stored separate from other categories of property such as 1122 and State Agencies for Surplus Property (SASP)? N/A
- 4. Does the SC and/or SPOC understand that transfers of 1033 Program property from the TDP to LEAs within his/her State still need to be processed via the LESO prior to physical movement of property? N/A

Comments: *The State of Utah does not currently operate as a Transitional Distribution Point (TDP).*

VIII. Compliance and Utilization Reviews:

- *1. Does the State Coordinator ensure an internal PCR is performed for at least 5% of LEAs that have a property book from the DLA LESO Program on an annual basis? PASS

2. LEAs visited during the State Level 1033 Compliance Review:

- | | |
|--|----------------------------------|
| 1. <i>Weber County Sheriff's Dept.</i> | 2. <i>Brigham Police Dept.</i> |
| 3. <i>South Jordan Police Dept.</i> | 4. <i>Hurricane Police Dept.</i> |
| 5. <i>Box Elder County Sheriff's Dept.</i> | 6. <i>Utah Highway Patrol</i> |
| 7. <i>Cottonwood Heights Police Dept.</i> | 8. <i>Nephi Police Dept.</i> |
| 9. <i>Salt Lake City County</i> | |

- 3. Does the SC follow through with LEAs to rectify cases on non-compliance found on State Level PCRs? YES

- 4. Does the SC provide and maintain documentation to the DLA LESO in cases of non-compliant LEAs (aka Corrective Action Plans)? YES

- 5. What steps are taken to resolve cases of non-compliance to the terms and conditions of the 1033 Program?

Comments: *In cases of non-compliance the State Coordinator's office will suspend a Law Enforcement Agency (LEA) and contact the DLA LESO Western Team Lead within the respective reporting time required by the Memorandum of Agreement (MOA). The State Coordinator maintains all associated reports, spreadsheets and correspondence in the State Level LEA files indefinitely.*

IX. Non-Utilized 1033 Program Property:

- 1. Are current procedures in place for LEAs to identify and report serviceable property when no longer needed? YES

- 2. What steps does the SC take to ensure LEAs do not requisition unnecessary or excessive amounts of property?

The State Coordinator's office ensures LEAs do not requisition unnecessary or excessive amounts of property by comparing each requisition to the requesting agencies current property book and number of officers, ensuring that the allocation limits are not exceeded.

- 3. What steps does the SC take to ensure 1033 Program controlled property is not sold?

The State Coordinator's office emphasizes the importance that 1033 Program controlled property is not sold. This is communicated to newly enrolled LEAs and awareness is maintained through yearly 1033 application updates, annual inventory certification and State Level 1033 Compliance Reviews.

3a. What steps does the SC take to document the authorized sale of DEMIL Q (with Integrity Code of 6) after 1 year from receipt to an authorized buyer who has an approved TSC assessment and an End Use Certificate (EUC), DLA Form 1822)?

The State Coordinator's office will maintain all appropriate forms (TSC assessment letter and DLA Form 1822) and will ensure that once the sale has taken place, they will obtain a copy of the sales receipt and forward to the DLA LESO.

4. Has there been an incident, since the last conducted PCR, where an LEA has sold controlled property received under the 1033 Program or received 1033 Program property for the sole purpose of selling it? NO

4a. If yes, provide detail and supporting documentation of the outcome (who, what, when, where, how much).

No incidents have been reported to, or discovered by the State Coordinator's Office since the last conducted PCR.

Comments: *No issues to report.*

X. Compliance to DLA MOA:

- | | |
|--|-----|
| 1. Is all property transferred consistent with requirements of the DLA MOA and any Addendums? | YES |
| 2. Is the SCs Office aware that they must ensure that the LEA maintains adequate insurance to cover damages or injuries to persons or property relating to the use of the property? (Self-insurance by the State/LEA is acceptable) | YES |
| 3. Is the SCs Office aware that property available under the MOA is for the current use of authorized program participants; it will not be requested nor issued for speculative use? | YES |
| 4. Is the SCs Office aware that property will not be obtained for the purpose of sale, lease, loan rent, exchange, barter, to secure a loan, or to otherwise supplement normal LEA or State/Local governmental entity budgets? | YES |
| 5. Is the SCs Office aware that any transportation, repair, maintenance, insurance, training, disposal or other expenses associated with the excess Department of Defense (DOD) personal property is the sole responsibility of the State/LEA? | YES |
| 6. Is the SCs Office aware that all property obtained under the MOA must be placed into use within one (1) year of receipt and utilized for a minimum of one (1) year, unless the condition of the property renders it unusable? | YES |
| 7. Is the SCs Office aware approval of any variation to the above standard for property no longer needed by an LEA must be approved by the LESO through the SCs Office? | YES |
| 8. Is the SCs Office aware that the DOD has authorized the transfer and use of excess DoD property to the State/LEA and as such reserves the right to recall any and all property issued at the state or LEA expense? | YES |

9. Is the SCs Office aware that after one year from receipt, excess DEMIL A property will transfer title to the State/LEA? YES
10. Is the SCs Office aware that after one year from receipt, excess DEMIL Q (with Integrity Code of 6) becomes eligible to be sold to an authorized buyer who has an approved TSC assessment and an End Use Certificate (EUC), DLA Form 1822? YES
11. Is the SCs Office aware of the requirement (when applicable) of the LEA to complete and submit the ATF Form 5, Application for Tax Exempt Transfer and Registration of Firearm? YES
12. Is the SCs Office aware of the requirement (when applicable) of the LEA to complete and submit the ATF E-Form 10, Application for registration of Firearms acquired by Certain Government Entities? YES
13. Is the SCs Office aware that to the extent permitted by law, the SC/LEA 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/LEA, its agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or while the property is in the possession of, used by or subject to the control of the State/LEA, its agents, servants, or employees after the property has been removed from U.S. Government control. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of the property. YES
14. Is the SCs Office aware of the MOA Addendum Dated 7 November, 2014 into the State Plan of Operation (SPO), requiring the State and LEAs to adhere to the following program changes: YES
- a. With all requests for Tactical Vehicles, Aircraft and Weapons, the State and/or LEAs must certify that they have a training plan which covers the use of the requested equipment. Requests without this documentation will not be approved.
 - b. The Demilitarization Code of "Q" with Integrity Code of "6" has been considered to be Commerce Control List items (cannot be exported) and is considered controlled property by the Department of Defense and DLA. This replaces any language of the current MOA that refers to property with a DEMIL code of Q6.

Comments: *No Issues to Report*

XI. Conclusion:

The Program Compliance Review for the State of UTAH has been completed. The DLA LESO has found the State to be COMPLIANT with the current terms and conditions as set forth in the DLA to State MOA.

XII. Areas of Concern and/or Recommendation:

During the course of the LEA Reviews, the PCR Team identified and documented two (2) issues with Mine Resistant Ambush Protected (MRAP) Vehicle serial numbers input in the Federal Excess Property Management Information System (FEPMIS). This occurred due to the LEA using the incorrect data plates for reference at Iron County Sheriff's Department and Cedar City Police Department.

Note: *Both serial numbers and photos were corrected in FEPMIS the same day as identified.*

The DLA LESO recommends that the State Coordinator's office continue to ensure that all LEAs with serially controlled property are aware of the importance of proper serial number identification and documentation in FEPMIS.

XIII. Areas of Praise:

The PCR Team would like to recognize the hard work and thorough preparation for the PCR by the State Coordinator's office, particularly the State Point of Contact Ms. Loretta Potter. The PCR Team and SPOC were consistently met by LEA's who were well prepared with the availability of 1033 assets and program documentation. The PCR Team would like to thank each of the twenty four (24) fully compliant Law Enforcement Agencies for their cooperation and support shown during each visit.

XIV. LEAs visited during the DLA LESO PCR:

- | | |
|------------------------------------|---------------------------------------|
| 1. Beaver County Sheriff's Dept. | 13. Nephi Police Dept. |
| 2. Bountiful Police Dept. | 14. North Ogden Police Dept. |
| 3. Cedar City Police Dept. | 15. North Salt Lake City Police Dept. |
| 4. Davis County Sheriff's Dept. | 16. Parowan Police Dept. |
| 5. Grantsville Police Dept. | 17. Payson Police Dept. |
| 6. Heber City Police Dept. | 18. South Jordan Police Dept. |
| 7. Hurricane City Police Dept. | 19. Spanish Fork Police Dept. |
| 8. Iron County Sheriff's Dept. | 20. Springfield Police Dept. |
| 9. Juab County Sheriff's Dept. | 21. Tooele County Sheriff's Dept. |
| 10. Layton Police Dept. | 22. Wasatch County Sheriff's Dept. |
| 11. Millard County Sheriff's Dept. | 23. Washington County Sheriff's Dept. |
| 12. Morgan County Sheriff's Dept. | 24. West Bountiful Police Dept. |

XV. PCR Inventory Results:

STATE OF UTAH 1033 PROGRAM PROPERTY						
	STATE TOTALS	*REQUIRED SAMPLE SIZE	TOTAL REVIEWED DURING PCR		TOTAL ON-HAND	% ACCURACY
WEAPONS	1,314	290	*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD	290	100%
			290	0		
AIRCRAFT	N/A	N/A	*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD	N/A	N/A
			N/A	N/A		
WATERCRAFT	N/A	N/A	*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD	N/A	N/A
			N/A	N/A		
TACTICAL VEHICLES	15	6	*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD	6	100%
			6	0		
GENERAL PROPERTY	986	19	*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD	19	100%
			19	0		
TOTALS	2,315	315	315	0	315	100%
**OVERALL STATE INVENTORY ACCURACY RATE (%):					100%	

* The DLA LESO PCR Team is required to physically inventory or obtain a copy of an acceptable custody card for 100% of the 1033 Program Weapons, Aircraft, Watercraft, Tactical Vehicles and other controlled property as listed in the record of property, for each LEA that has been selected for review during the PCR. The LEA must provide the DLA LESO PCR Team a copy of any custody card (s) used, at the time of the site visit, and must maintain the custody card (s) on-file as part of substantiating records. An acceptable version of a custody card must contain the following elements: 1) LEA name, 2) Name of individual responsible for physical custody of item, 3) Item nomenclature (Name), 4) Serial number of item (if applicable), 5) QTY of item (if more than one), 6) Printed name of individual responsible for physical custody of item 7) Signature of individual responsible for physical custody of the item and 8) Date.

**Overall State Inventory Accuracy Rate (%) is determined by adding required Weapons (A), Aircraft (B), Watercraft (C), Tactical Vehicles (D) and General Property (E) at LEAs selected for review during the PCR, and dividing by the actual # of the property that was physically inventoried (X) or verified via an approved custody card (Y) during the course of the PCR

$\frac{A + B + C + D + E}{(X + Y)}$	= Overall State Inventory Accuracy Rate (%)
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XVI. PCR Training provided to the State: N/A

PCR Training Date:

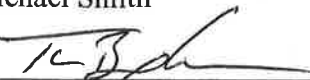
<u># of Agencies Trained</u>	<u># of Officers Trained</u>	<u># of SC/SPOC trained</u>	<u># of DLA Disposition Services Field Representatives Trained</u>
N/A	N/A	N/A	N/A

Thank you for the professionalism and support shown to us during our visit. As always, we at the LESO stand ready to support and serve. If you have any questions or concerns, please feel free to contact us at 1-800-532-9946 or via email at: <https://www.leso@dla.mil>.

XVII. PCR Team:

X 

Michael Smith

X 

Travis Baughman

Dates of PCR: 3/9/15 to 3/13/15