

**MISSOURI DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE DIRECTOR  
CRIMINAL JUSTICE/LAW ENFORCEMENT UNIT**

**LESO PROGRAM  
POLICIES AND PROCEDURES**

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## **I. PURPOSE**

The purpose of the LESO Program Policies and Procedures manual is to set forth the terms and conditions, which will be binding on the parties with respect to Department of Defense (DOD) excess personal property transferred pursuant to 10 USC § 2576a, in order to promote the efficient and expeditious transfer of the property and to ensure accountability of the property.

## **II. AUTHORITY**

The Secretary of Defense is authorized by 10 USC § 2576a to transfer to State Law Enforcement 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 preferences for counter-drug/counter-terrorism or border security activities, under such terms prescribed by the Secretary.

The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA) in determining whether property is suitable for use by agencies in law enforcement activities. 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 a State or Territory.

Within Missouri, the Department of Public Safety (DPS) is the Governor-appointed agency to administer the LESO Program. Specifically within the Department of Public Safety, the State Coordinator is the Program Manager of the Criminal Justice/Law Enforcement (CJ/LE) Unit. Once appointed, the CJ/LE Program Manager may choose to name and delegate all or a portion of his/her authority to an authorized State Point of Contact(s). Contact information for the State Coordinator (SC) and State Point of Contacts (SPOCs) are available on the DPS - DOD webpage at <http://dps.mo.gov/dir/programs/cjle/dod.php> and on the DLA webpage at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/SCLocatorMap.aspx>.

## **III. HISTORY**

In 1990, Section 1208 of the National Defense Authorization Act (NDAA) of 1990 authorized transfer of military hardware from the DOD broadly to "federal and state agencies" but specifically "for use in counter-drug activities". Until 1997, it was called the "1208 Program" and run by the DOD from the Pentagon and its regional offices.

In 1995, the Law Enforcement Support Office (LESO) was created within the DLA to work exclusively with law enforcement. The LESO is located in Battle Creek, MI.

In 1997, the "1208 Program" was expanded to the "1033 Program" with the National Defense Authorization Act for Fiscal Year 1997 allowing "all law enforcement agencies to acquire property for bona fide law enforcement purposes that assist in their arrest and apprehension mission", and that "preference is given to counter-drug and counter-terrorism requests".

Until September 28, 2015, the Missouri Department of Public Safety operated as a Transitional Distribution Point (TDP). This authorization began in July 1993. The TDP model benefited the Law Enforcement Agencies (LEAs) within Missouri by allowing them to physically inspect items to determine use. The Missouri TDP staff screened and received property and placed it in the distribution center in Jefferson City, which was a central location for all LEAs in the state. The central location allowed feasible travel for viewing and pickup of property. Having the property on hand at the distribution center allowed the LEAs to pick up more items in one trip, avoiding the need to schedule multiple direct pick up events or arrange for multiple shipments from the holding unit(s), and provided the LEAs with more flexibility in arranging property transport than the more restrictive timeframe required by the holding units. Only one (1) other state (Wisconsin) was actively authorized to operate as a TDP at the time such decision was made to dissolve TDPs. It was the decision of the DLA to discontinue the TDP model.

In 2016, the “1033 Program” began being referred to as the “LESO Program” because the program no longer fell under Section 1033 of the National Defense Authorization Act, and the preference was extended to include “counter-drug/counter-terrorism and border security activities”.

#### IV. ELIGIBILITY

DLA defines law enforcement activities as activities performed by governmental agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated<sup>1</sup> officers have powers of arrest and apprehension.

*NOTE: While college and university law enforcement agencies are eligible to participate in the LESO Program (pending they meet all the other eligibility requirements), K-12 law enforcement agencies are no longer eligible to participate in the LESO Program following the release of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition. Active K-12 law enforcement agencies will not automatically be terminated from the LESO Program and asked to return their controlled property, but such K-12 law enforcement agencies will not be allowed to requisition additional property. Furthermore, K-12 law enforcement agencies not actively enrolled in the LESO Program will not be allowed to enroll in the LESO Program.*

With the exception of those noted above, law enforcement agencies are eligible for the Missouri LESO Program if all the following is met:

1. The department has a physical address in Missouri.
2. The department’s primary function is the enforcement of applicable Federal, State, and local laws.

3. The department's compensated<sup>i</sup> law enforcement officers have powers of arrest and apprehension.
4. The department is recognized by the Missouri State Highway Patrol (MSHP) as a law enforcement agency and by the Missouri Department of Public Safety, Peace Officers Standard and Training (POST) Unit as having licensed officers.
5. The department has at least one (1) full-time, compensated<sup>i</sup> law enforcement officer employed by the law enforcement agency.

*NOTE: Only full-time and part-time, compensated<sup>i</sup> law enforcement officers are authorized to receive (use) property. Reserve officers are not authorized to receive property.*

## **V. ENROLLMENT**

Missouri law enforcement agencies who wish to acquire and/or retain LESO Program property must be enrolled and authorized to use the LESO Program. To enroll in the Missouri LESO Program, eligible law enforcement agencies must complete the "LESO Program Application", which is available at <http://www.dps.mo.gov/dir/programs/cjle/dod.php>.

The "LESO Program Application" includes the following documents:

1. Contact Information
2. Law Enforcement Agency (LEA) Application for Participation
3. State Plan of Operation (SPO)

The LEA Application for Participation form will require a signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). The SPO will require a signature of the Chief Law Enforcement Executive Official (e.g. Chief, Sheriff, Director, Colonel, Marshal) and the Local Governing Executive Official (e.g. Mayor, City Administrator, County Executive, County Commissioner, Director). The signature of these parties demonstrates an agreement to the terms and conditions of the LESO Program and consent to receive excess military equipment from the LESO Program.

Once completed, the "LESO Program Application" must be submitted to the Missouri LESO Program staff through any of the following methods:

Email: MissouriLESO@dps.mo.gov

Fax: (573) 526-1876

Mail: Missouri Department of Public Safety - LESO, 4720 Scruggs Station Road,  
Jefferson City, MO 65109

## **VI. ENROLLMENT REVIEW**

Upon receipt of a “LESO Program Application”, the Missouri LESO Program staff will review the submission for eligibility and take the appropriate action to approve or disapprove the enrollment.

The application review will consist of, but may not be limited to, the following:

1. ORI (Originating Agency Identifier) lookup to verify the existence of the law enforcement agency. The ORI is used to identify the level of government of the agency (e.g. city, county, state, federal) and the type of agency (e.g. prosecuting attorney’s office, correctional institution, civil court, railroad or campus police department, probation and parole office, medical examiner and coroner’s office), as applicable.
2. DPS-POST lookup to verify the number of licensed/commissioned officers.
3. Internet search of the local agency to identify any fraud and/or instability within the local agency and/or the law enforcement department. The Internet search is used to determine whether or not a precursor for unaccountability exists. Contact with other agencies (e.g. DPS-POST, MSHP) may be made to gather additional details regarding the background of the law enforcement department, law enforcement department head, and/or local agency.
4. Review of previous experience of the law enforcement agency with Missouri LESO Program staff and/or DPS-Criminal Justice/Law Enforcement (CJ/LE) grant staff.
5. Review of previous participation, if applicable, in the Missouri LESO Program by the law enforcement agency.
6. If applicable, Missouri LESO Program staff may request additional justification and/or documentation, as needed.

## **VII. ENROLLMENT APPROVAL**

The “LESO Program Application” is necessary for enrollment of non-participating law enforcement agencies to include law enforcement agencies that have never participated in the LESO Program and law enforcement agencies previously terminated from the LESO Program.

If enrollment is approved by the Missouri LESO Program staff, the State Coordinator (SC) or authorized State Point of Contact (SPOC) will sign the Law Enforcement Agency (LEA) Application for Participation and State Plan of Operation (SPO) and will forward the signed documents to LESO for further review and approval.

If enrollment is approved by LESO, notification will be forwarded to the Missouri LESO Program staff, and the Missouri LESO Program staff will forward the executed, signed copy of

the “LESO Program Application” to the law enforcement agency. The “LESO Program Application” will include the law enforcement agency’s Department of Defense Activity Address Code (DoDAAC). The DoDAAC is a six position code that uniquely identifies a Department of Defense unit, activity, or organization that has the authority to requisition, contract for, receive, have custody of, issue, or ship DOD assets.

*NOTE: Law enforcement agencies enrolled to participate in the LESO Program are required to retain a copy of the current, fully signed “LESO Program Application” and may be required to produce such copy upon inspection by the Missouri LESO Program staff, LESO, or Office of Inspector General (OIG). The “LESO Program Application” may be retained in electronic or paper format so long as the record is readily accessible.*

Within ten (10) business days of forwarding the executed, signed copy of the “LESO Program Application”, the Missouri LESO Program staff will provide a comprehensive overview of the LESO Program verbally and/or in writing to the law enforcement agency.

A law enforcement agency’s approved level of participation in the LESO Program may be limited if deemed appropriate by the Missouri LESO Program staff and/or LESO. Participation includes either access to all LESO Program property or access to only non-Executive Order (non-EO) controlled DEMIL Code “A” LESO Program property. If a law enforcement agency is limited in its participation of the LESO Program, the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

## **VIII. ENROLLMENT DENIAL**

If enrollment is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff. The Missouri LESO Program will maintain a log of disapproved applications and will, as applicable, notify LESO of any disapproved applications.

Denial for participation does not preclude the law enforcement agency from re-applying for participation in the future. If corrective action is taken to rectify the reason(s) for previous denial and such can be demonstrated to the Missouri LESO Program staff (and/or to LESO), the Missouri LESO Program staff will review the “LESO Program Application” and re-consider the law enforcement agency for participation.

## **IX. CHANGE IN ENROLLMENT STATUS**

The Missouri LESO Program staff reserve the right to change the enrollment status of any law enforcement agency during the course of participation in the LESO Program. Reasons for such change include, but may not be limited to: 1) the law enforcement agency disbands, 2) the law enforcement agency does not retain at least one (1) full-time, compensated<sup>1</sup> officer, 3) lost, stolen, or misappropriated property, 4) failure to complete the annual inventory certification, 5) a pending or active criminal investigation of the department, 6) failure to cooperate with a recall of

LESO property, 7) falsification of program applications or documents, and/or 8) failure to cooperate with Missouri LESO Program staff.

Changes in enrollment status generally occur for a minimum of sixty (60) days but may last longer depending on the circumstances.

If the enrollment status of the law enforcement agency changes at any time during the course of participation in the LESO Program, the law enforcement agency will receive written notification, with the reasoning, from Missouri LESO Program staff.

If the law enforcement agency disbands or the law enforcement agency does not retain at least one (1) full-time, compensated<sup>i</sup> employee, the law enforcement agency will have a period of no more than thirty (30) days to return all property on record with LESO. The law enforcement agency will be responsible for returning property to the appropriate Disposition Services (DS) site within the stated time period and/or cooperating with Missouri LESO Program staff to facilitate the transfer of property to another LESO authorized participating agency.

## **X. CHANGE IN ENROLLMENT INFORMATION**

If information supplied in the “LESO Program Application” changes during the course of participation in the LESO Program, the law enforcement agency must submit, within thirty (30) days of the change, a revised “LESO Program Application”.

Changes that necessitate a revised “LESO Program Application” include:

1. Change in law enforcement agency name
2. Change in law enforcement agency physical address or other agency information
3. Change in number of full-time or part-time officers  
*NOTE: This would be a result of decisions to increase or decrease the authorized staffing levels of the law enforcement agency and is not intended for temporary personnel vacancies due to resignations, authorized leave, etc. The officer count dictates property allocation limits. Therefore, the officer count provided should represent the department’s authorized hiring level (or realistic hiring level if the authorized hiring level is not obtainable).*
4. Addition, deletion, or other change in property screener and/or Controlled Vehicle, Small Arm (Weapon), or Aircraft Point of Contact
5. Change in Local Governing Executive Official (e.g. Mayor, City Administrator, County Executive, County Commissioner, Director)
6. Change in Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal)
7. Release of a new version of the State Plan of Operation (SPO)

The above mentioned changes require the Missouri LESO Program staff to update its records.



The above mentioned changes require the Missouri LESO Program staff to also forward the revised "LESO Program Application" to LESO to update its records. Following the update, LESO will notify the Missouri LESO Program staff, and the Missouri LESO Program staff will forward the executed, signed copy of the "LESO Program Application" to the law enforcement agency.

As applicable, records will be updated by Missouri LESO Program staff and/or LESO following completion of the above process.

*NOTE: Law enforcement agencies enrolled to participate in the LESO Program are required to retain a copy of the current, fully signed "LESO Program Application" and may be required to produce such copy upon inspection by the Missouri LESO Program staff, LESO, or Office of Inspector General (OIG). The "LESO Program Application" may be retained in electronic or paper format so long as the record is readily accessible.*

## **XI. AIRCRAFT**

Aircraft is requisitioned directly from LESO, following the necessary requisition forms and approval and placement on the National Waiting List (NWL). Aircraft parts are requisitioned and allocated through RTDWeb.

Law enforcement agencies must ensure the following standards are in place prior to the receipt of the aircraft and remain in place while the aircraft is on LESO's property book:

### **1. Operation**

Law enforcement agencies shall be responsible for identifying the authorized operator(s). At a minimum, the aircraft operator(s) shall hold a valid pilot's license for the aircraft model being made available from the LESO Program, adhere to the required Federal Aviation Administration (FAA) standards, be authorized to operate government aircraft by their employed governmental entity, and have completed the required training as specified below.

### **2. Policies and Protocols**

Law enforcement agency policies must include protocols on general policing principles as well as specific protocols on the appropriate use of controlled equipment. Both components are critical and complementary. At the outset, there must be an agency-wide commitment to partner with the community the law enforcement agency is sworn to protect and serve, to respect and uphold community members' civil rights and civil liberties, and to receive the public's input regarding the law enforcement agency's activities in a meaningful way. As a result of that commitment and engagement, law enforcement agencies can develop specific policies and protocols to determine, among other things, when, how often, and in what manner controlled equipment should be used.

Pursuant to Recommendation 2.1 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire aircraft from the LESO Program must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards.

- **General Policing Standards** includes policies on (a) Community Policing<sup>ii</sup>; (b) Constitutional Policing<sup>iii</sup>; and (c) Community Input and Impact Considerations<sup>iv</sup>.
- **Specific Controlled Equipment Standards** includes policies specifically related to (a) Appropriate Use of Controlled Equipment<sup>v</sup>; (b) Supervision of Use<sup>vi</sup>; (c) Effectiveness Evaluation<sup>vii</sup>; (d) Auditing and Accountability<sup>viii</sup>; and (e) Transparency and Notice Considerations<sup>ix</sup>.
- **Record-Keeping Requirement.** Upon request, law enforcement agencies must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols, to the Federal agency (and the Missouri LESO Program staff) that supplied the equipment/funds.

### 3. Training

Appropriate and relevant training for law enforcement personnel on General Policing Standards, Specific Controlled Equipment Standards, and the technical operation of controlled equipment is vital to fully implementing law enforcement policies and protocols and to ensuring that the use of controlled equipment complies with constitutional standards for the protection of civil rights and civil liberties. Training objectives should define and explain relevant concepts and demonstrate the application of such concepts through equipment-based scenarios to show appropriate and proper use of controlled equipment by law enforcement personnel and the negative effects and consequences of misuse.

Pursuant to Recommendation 2.2 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire aircraft from the LESO Program must ensure that its personnel are appropriately trained and that training meets the following requirements:

- **Required Annual Training on Protocols<sup>x</sup>:** On an annual basis, all law enforcement personnel who may use or authorize use of controlled equipment (e.g. aircraft) must be trained on the law enforcement agency's General Policing Standards and Specific Controlled Equipment Standards.
- **Required Operational and Technical Training:** Law enforcement personnel who use controlled equipment (e.g. aircraft) must be properly trained on, and have achieved technical proficiency in, the operation or utilization of the controlled equipment at issue. To the extent possible, law enforcement trainings related to

controlled equipment (e.g. aircraft) should include scenario-based training that combines constitutional and community policing principles with equipment-specific training. Law enforcement personnel authorizing or directing the use of controlled equipment (e.g. aircraft) should have enhanced scenario-based training to examine, deliberate, and review the circumstances in which controlled equipment (e.g. aircraft) should or should not be used.

In addition, law enforcement agencies shall be responsible for identifying a training program for the operator(s) of the aircraft. The training must, at a minimum, meet all the ground and flight training requirements listed in the Federal Aviation Regulations (FAR) for the type of aircraft. These requirements include aeronautical knowledge areas and flight maneuvers for the type of aircraft. Law enforcement agencies must train the operator(s) within six (6) months of obtaining the aircraft, or within six (6) months of the aircraft becoming flyable if maintenance is required upon acquisition, to ensure the aircraft operator(s) is familiar with the basic operations of the aircraft to mitigate risk to both the officer and the public. (All operators must complete training prior to the operation of the aircraft; this includes new employees hired and identified as operators.)

Furthermore, law enforcement agencies must provide personnel authorizing or directing the use of aircraft with enhanced scenario-based training to examine, deliberate, and review the circumstances in which the aircraft should or should not be used.

A training log shall be maintained by the law enforcement agency to document training completion and be made available to Missouri LESO Program staff upon request.

Training should be provided from a qualified instructor. The instructor will be required to certify completion of the training program for each attendee and such certification must be made available to Missouri LESO Program staff upon request. The training records should be retained for at least three (3) years from the date of completion of the training.

#### **4. After-Action Review**

Law enforcement agencies, the communities they serve, and the Federal Government all have an interest in ensuring that when law enforcement agencies acquire controlled equipment (e.g. aircraft) they use that equipment appropriately – consistent with the protocols they have adopted and the training they provide to their personnel. Whether a law enforcement agency uses controlled equipment appropriately and according to required protocols and training also is a key factor in determining its eligibility for continued or future participation in Federal controlled equipment acquisition programs.

Pursuant to Recommendation 2.3 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, 1) Law enforcement agencies that acquire aircraft must collect and retain “Required Information” (described below) when law enforcement activity that involves a “Significant Incident” requires, or results in, the use

of any Federally-acquired controlled equipment (e.g. aircraft) and 2) When unlawful or inappropriate police actions are alleged and trigger a Federal compliance review, and the Federal agency determines that controlled or prohibited equipment was used in the law enforcement activity under review, the law enforcement agency must produce or generate a report(s) containing “Required Information” (described below):

- **“Significant Incident” Defined:** Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury<sup>xi</sup>; (c) a demonstration or other public exercise of First Amendment rights; or (d) an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.
- **“Required Information” to be Collected and Retained:** (a) Identification of controlled equipment used (e.g. categories and number of units of controlled equipment used, make/model/serial number); (b) description of the law enforcement operation involving the controlled equipment; (c) identification of LEA personnel who used the equipment and, if possible, civilians involved in the incident; and (d) result of controlled equipment use (e.g., arrests, use-of-force, victim extraction, injuries).
- **Format of Information Collection and Retention.** No new form or format is required as long as the Required Information is retained in a manner that is easily accessible and organized. For example, information about the use of controlled equipment can be included in an Operations Plan, detailed in officer daily logs, or described in use-of-force reports.
- **Record-Keeping Requirement.** Law enforcement agencies retain “Significant Incident” reports and “Required Information” for a period of at least three (3) years and must provide a copy of these records, upon request, to the Federal agency (and Missouri LESO Program staff) that supplied the equipment/funds. This information also should be made available to the community the law enforcement agency serves in accordance with applicable policies and protocols including considerations regarding the disclosure of sensitive information.

## 5. Insurance

Law enforcement agencies shall be responsible for identifying and maintaining a reasonable level of property insurance for the aircraft depending on the type of aircraft and the usage of such aircraft.

## 6. Storage

Law enforcement agencies shall be responsible for identifying storage means for the aircraft. At a minimum, law enforcement agencies should ensure that the aircraft is

secured from public access during storage and that adequate measures are in place to mitigate the risk of loss, damage, or theft.

Refer to the “Storage/Maintenance of Property” section of this manual for additional information and suggestions.

## **7. Maintenance**

Law enforcement agencies shall be responsible for identifying their fiscal wherewithal to support the operation and maintenance of the aircraft. At a minimum, law enforcement agencies must ensure the aircraft is maintained in a safe and sustainable operating condition and that such aircraft is response capable at all times. (If the aircraft becomes inoperable or irreparable, refer to the “Disposal of Controlled Property” and/or “Cannibalization” section of this manual for more information.)

## **8. Modifications**

Law enforcement agencies are allowed to paint and affix police markings to aircraft so long as the modifications do not degrade the aircraft from original manufacture.

Requests for aircraft (but not aircraft parts) require the submission of the “LESO Aircraft Application”, which is available at <http://www.dps.mo.gov/dir/programs/cjle/dod.php> and includes two (2) forms: 1) Law Enforcement Agency (LEA) Executive Order (EO) Controlled Aircraft Request form and 2) Aircraft Justification form. In addition, the requesting law enforcement agency must submit a copy of the department’s training plan/safety standard and a copy of the operator(s)’s pilot license.

The Law Enforcement Agency (LEA) Executive Order (EO) Controlled Aircraft Request form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). The Aircraft Justification form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal) and the Local Governing Executive Official (e.g. Mayor, City Administrator, County Executive, County Commissioner, Director). The signatures of these parties demonstrate an agreement to the terms and conditions of obtaining aircraft from the LESO Program and consent to receive the aircraft from the LESO Program.

Once completed, the “LESO Aircraft Application” must be submitted to the Missouri LESO Program staff through any of the following methods:

Email: MissouriLESO@dps.mo.gov

Fax: (573) 526-1876

Mail: Missouri Department of Public Safety - LESO, 4720 Scruggs Station Road,  
Jefferson City, MO 65109

A review of the “LESO Aircraft Application” will consist of, but may not be limited to, the following:

1. Verification the requesting law enforcement agency has an active, current “LESO Program Application” on file with Missouri LESO Program staff.
2. Verification the requesting law enforcement agency has a current Aircraft Point of Contact on file with Missouri LESO Program staff.
3. Verification the requesting law enforcement agency has an active FEPMIS user.
4. Verification the property will be used for approved law enforcement activities and is appropriate for the law enforcement agency (or area being served).
5. Verification the request meets the requirements for obtaining such property.
6. Where applicable, review of use of similar property previously obtained from the LESO Program.

If the “LESO Aircraft Application” is approved by the Missouri LESO Program staff, the State Coordinator (SC) or State Point of Contact (SPOC) will sign the Law Enforcement Agency (LEA) Executive Order (EO) Controlled Aircraft Request form and forward the application to LESO for further review and approval. If the request is approved by LESO, the appropriate LESO staff will sign the Law Enforcement Agency (LEA) Executive Order (EO) Controlled Aircraft Request form and forward the form back to the Missouri LESO Program staff. The Missouri LESO Program staff will then forward the fully executed, signed “LESO Aircraft Application” to the requesting law enforcement agency. When the property becomes available, the Missouri LESO Program staff will notify the law enforcement agency and will provide instructions to begin the acquisition/transfer process.

If the “LESO Aircraft Application” is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

## **XII. ARMORED VEHICLES**

For purposes of the LESO Program, “armored” vehicles are considered controlled items under Executive Order 13688 on Federal Support for Law Enforcement Equipment Acquisition. Armored vehicles include, but are not limited to, Cargo Trucks, High Mobility Multi-purpose Wheeled Vehicles (HMMWVs), Uparmored Humvees (UAHs), and Mine-Resistant Ambush Protected (MRAPS). The primary purpose of an armored vehicle in Missouri law enforcement is for special response and tactics/operations, search and rescue, and evacuations/emergency situations.

Armored vehicles are requisitioned and allocated through RTDWeb following submission of the “LESO Controlled Vehicle Application” and approval from the Missouri LESO Program staff and LESO.

There are no allocation limitations for cargo trucks, but the current allocation for HMMWVs, which is subject to change, is one (1) vehicle for every three (3) full-time and part-time, compensated<sup>1</sup> officers, the current allocation for UAHs, which is subject to change, is one (1) vehicle per law enforcement agency, and the current allocation for MRAPs, which is subject to change, is one (1) vehicle per law enforcement agency.

*NOTE: Some models of vehicles previously classified and issued as a HMMWV have recently been reclassified by DLA as a UAH if it encompasses the characteristics and armoring of a UAH. Law enforcement agencies in possession of a now-classified UAH(s) are grandfathered and will not be asked to return any over-allocation of UAHs but, unless an exception is made specifically for the law enforcement agency, will not be able to obtain an additional quantity of a UAH due to the current allocation limits.*

Law enforcement agencies must ensure the following standards are in place prior to the receipt of the armored vehicle and remain in place while the armored vehicle is on LESO’s property book:

## **1. Operation**

Law enforcement agencies shall be responsible for identifying authorized operators. At a minimum, armored vehicle operators shall hold a valid driver’s license, be authorized to operate government vehicles by their employed governmental entity, and have completed the required training as specified below.

## **2. Policies and Protocols**

Law enforcement agency policies must include protocols on general policing principles as well as specific protocols on the appropriate use of controlled equipment. Both components are critical and complementary. At the outset, there must be an agency-wide commitment to partner with the community the law enforcement agency is sworn to protect and serve, to respect and uphold community members’ civil rights and civil liberties, and to receive the public’s input regarding the law enforcement agency’s activities in a meaningful way. As a result of that commitment and engagement, law enforcement agencies can develop specific policies and protocols to determine, among other things, when, how often, and in what manner controlled equipment should be used.

Pursuant to Recommendation 2.1 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire an armored vehicle from the LESO Program must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards.

- **General Policing Standards** includes policies on (a) Community Policing<sup>ii</sup>; (b) Constitutional Policing<sup>iii</sup>; and (c) Community Input and Impact Considerations<sup>iv</sup>.
- **Specific Controlled Equipment Standards** includes policies specifically related to (a) Appropriate Use of Controlled Equipment<sup>v</sup>; (b) Supervision of Use<sup>vi</sup>; (c) Effectiveness Evaluation<sup>vii</sup>; (d) Auditing and Accountability<sup>viii</sup>; and (e) Transparency and Notice Considerations<sup>ix</sup>.
- **Record-Keeping Requirement.** Upon request, law enforcement agencies must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols, to the Federal agency (and the Missouri LESO Program staff) that supplied the equipment/funds.

### 3. Training

Appropriate and relevant training for law enforcement personnel on General Policing Standards, Specific Controlled Equipment Standards, and the technical operation of controlled equipment is vital to fully implementing law enforcement policies and protocols and to ensuring that the use of controlled equipment complies with constitutional standards for the protection of civil rights and civil liberties. Training objectives should define and explain relevant concepts and demonstrate the application of such concepts through equipment-based scenarios to show appropriate and proper use of controlled equipment by law enforcement personnel and the negative effects and consequences of misuse.

Pursuant to Recommendation 2.2 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire an armored vehicle from the LESO Program must ensure that its personnel are appropriately trained and that training meets the following requirements:

- **Required Annual Training on Protocols<sup>x</sup>:** On an annual basis, all law enforcement personnel who may use or authorize use of controlled equipment (e.g. armored vehicle) must be trained on the law enforcement agency's General Policing Standards and Specific Controlled Equipment Standards.
- **Required Operational and Technical Training:** Law enforcement personnel who use controlled equipment (e.g. armored vehicle) must be properly trained on, and have achieved technical proficiency in, the operation or utilization of the controlled equipment at issue. To the extent possible, law enforcement trainings related to controlled equipment (e.g. armored vehicle) should include scenario-based training that combines constitutional and community policing principles with equipment-specific training. Law enforcement personnel authorizing or directing the use of controlled equipment (e.g. armored vehicle) should have



enhanced scenario-based training to examine, deliberate, and review the circumstances in which controlled equipment (e.g. armored vehicle) should or should not be used.

In addition, law enforcement agencies shall be responsible for identifying a training program for the operator(s) of the armored vehicle. The training must, at a minimum, cover 1) operator training emphasizing public safety, 2) infrastructure awareness due to weight and size, 3) seat time/familiarization, and 4) adherence to state and federal (DOT) licensing laws. Law enforcement agencies must train the operator(s) of the armored vehicle within six (6) months of obtaining the vehicle, or within six (6) months of the armored vehicle becoming useable if maintenance is required upon acquisition, to ensure the vehicle operator(s) is familiar with the basic operations of the armored vehicle to mitigate risk to both the officer and the public. (All operators must complete training prior to operation of the armored vehicle; this includes new employees hired and identified as operators.)

Furthermore, law enforcement agencies must provide personnel authorizing or directing the use of armored vehicles with enhanced scenario based training to examine, deliberate, and review the circumstances in which the armored vehicle should or should not be used.

A training log shall be maintained by the law enforcement agency to document training completion and be made available to Missouri LESO Program staff upon request.

Training should be provided from a qualified instructor. The instructor will be required to certify completion of the training program for each attendee and such certification must be made available to Missouri LESO Program staff upon request. The training records should be retained for at least three (3) years from the date of completion of the training.

#### **4. After-Action Review**

Law enforcement agencies, the communities they serve, and the Federal Government all have an interest in ensuring that when law enforcement agencies acquire controlled equipment they use that equipment appropriately – consistent with the protocols they have adopted and the training they provide to their personnel. Whether a law enforcement agency uses controlled equipment appropriately and according to required protocols and training also is a key factor in determining its eligibility for continued or future participation in Federal controlled equipment acquisition programs.

Pursuant to Recommendation 2.3 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, 1) Law enforcement agencies that acquire an armored vehicle must collect and retain “Required Information” (described below) when law enforcement activity that involves a “Significant Incident” requires, or results in, the use of any Federally-acquired controlled equipment (e.g. armored vehicle) and 2) When unlawful or inappropriate police actions are alleged and trigger a Federal compliance

review, and the Federal agency determines that controlled or prohibited equipment was used in the law enforcement activity under review, the law enforcement agency must produce or generate a report(s) containing “Required Information” (described below):

- **“Significant Incident” Defined:** Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury<sup>x1</sup>; (c) a demonstration or other public exercise of First Amendment rights; or (d) an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.
- **“Required Information” to be Collected and Retained:** (a) Identification of controlled equipment used (e.g. categories and number of units of controlled equipment used, make/model/serial number); (b) description of the law enforcement operation involving the controlled equipment; (c) identification of LEA personnel who used the equipment and, if possible, civilians involved in the incident; and (d) result of controlled equipment use (e.g., arrests, use-of-force, victim extraction, injuries).
- **Format of Information Collection and Retention.** No new form or format is required as long as the Required Information is retained in a manner that is easily accessible and organized. For example, information about the use of controlled equipment can be included in an Operations Plan, detailed in officer daily logs, or described in use-of-force reports.
- **Record-Keeping Requirement.** Law enforcement agencies retain “Significant Incident” reports and “Required Information” for a period of at least three (3) years and must provide a copy of these records, upon request, to the Federal agency (and Missouri LESO Program staff) that supplied the equipment/funds. This information also should be made available to the community the law enforcement agency serves in accordance with applicable policies and protocols including considerations regarding the disclosure of sensitive information.

## 5. Insurance

Law enforcement agencies shall be responsible for identifying the insurance coverage plan for the armored vehicle. At a minimum, law enforcement agencies should have liability and uninsured motorist insurance, as required for vehicles licensed within the State of Missouri.

## 6. Storage

Law enforcement agencies shall be responsible for identifying storage means for the armored vehicle. At a minimum, law enforcement agencies should ensure that the

armored vehicle is secured from public access during storage and that adequate measures are in place to mitigate the risk of loss, damage, or theft.

Refer to the “Storage/Maintenance of Property” section of this manual for additional information and suggestions.

## **7. Maintenance**

Law enforcement agencies shall be responsible for identifying their fiscal wherewithal to support the operation and maintenance of the armored vehicle. At a minimum, law enforcement agencies must ensure the armored vehicle is maintained in a safe and sustainable operating condition and that such armored vehicle is response capable at all times. (If the armored vehicle becomes inoperable or irreparable, refer to the “Disposal of Controlled Property” and/or “Cannibalization” section of this manual for more information.)

## **9. Modifications**

Law enforcement agencies are allowed to paint and affix police markings to armored vehicles so long as the modifications do not degrade the vehicle from original manufacture.

Requests for armored vehicles require the submission of the “LESO Controlled Vehicle Application”, which is available at <http://www.dps.mo.gov/dir/programs/cjle/dod.php> and includes four (4) forms: 1) Law Enforcement Agency (LEA) Executive Order (EO) Controlled Vehicle Request form, 2) Armored Vehicle Justification form, 3) Demilitarization Preparation Responsibilities form (needed for MRAP requests only), and 4) Requirements to Receive Up Armored HMMWVs (UAHs) memo (needed for UAH requests only). In addition, the requesting law enforcement agency must submit a copy of the department’s training plan/safety standard.

The Law Enforcement Agency (LEA) Executive Order (EO) Controlled Vehicle Request form, Demilitarization Preparation Responsibilities form (where applicable), and Requirements to Receive Up Armored HMMWVs (UAHs) (where applicable) will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). The Armored Vehicle Justification form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal) and the Local Governing Executive Official (e.g. Mayor, City Administrator, County Executive, County Commissioner, Director). The signatures of these parties demonstrate an agreement to the terms and conditions of obtaining an armored vehicle from the LESO Program and consent to receive the armored vehicle from the LESO Program.

Once completed, the “LESO Controlled Vehicle Application” must be submitted to the Missouri LESO Program staff through any of the following methods:

Email: MissouriLESO@dps.mo.gov

Fax: (573) 526-1876

Mail: Missouri Department of Public Safety - LESO, 4720 Scruggs Station Road,  
Jefferson City, MO 65109

A review of the “LESO Controlled Vehicle Application” will consist of, but may not be limited to, the following:

1. Verification the requesting law enforcement agency has an active, current “LESO Program Application” on file with Missouri LESO Program staff.
2. Verification the requesting law enforcement agency has a current Controlled Vehicle Point of Contact on file with Missouri LESO Program staff.
3. Verification the requesting law enforcement agency has an active RTDWeb user and active FEPMIS user.
4. Verification the property will be used for approved law enforcement activities and is appropriate for the law enforcement agency (or area being served).
5. Verification the request meets the requirements for obtaining such property, such as, but not limited to, adherence to the property allocation standards set by LESO.
6. Where applicable, review of use of similar property previously obtained from the LESO Program.

If the “LESO Controlled Vehicle Application” is approved by the Missouri LESO Program staff, the State Coordinator (SC) or State Point of Contact (SPOC) will sign the Law Enforcement Agency (LEA) Executive Order (EO) Controlled Vehicle Request form and forward the application to LESO for further review and approval. If the request is approved by LESO, the appropriate LESO staff will sign the Law Enforcement Agency (LEA) Executive Order (EO) Controlled Vehicle Request form and forward the form back to the Missouri LESO Program staff. The Missouri LESO Program staff will then forward the fully executed, signed “LESO Controlled Vehicle Application” to the requesting law enforcement agency. The law enforcement agency will either be notified when the LESO property becomes available or be provided instructions to begin the acquisition process via RTDWeb or the transfer process from another LESO participating law enforcement agency.

*NOTE: Law enforcement agencies approved to receive an EO-controlled DEMIL A or DEMIL Coded B, C, D, E, F, G, and Q vehicle may need to complete a DLA Form 1928 titled “Certificate to Register a Tactical Vehicle”, which is available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Forms.aspx>, following receipt of such vehicle. This form is commonly needed by law enforcement*

*agencies 1) trying to insure the vehicle and the insurance company is requesting proof of registration (lawful possession) by the law enforcement agency and/or 2) trying to request license plates for the vehicle to operate on the roadways. The completed DLA Form 1928 should be forwarded to the Missouri LESO Program staff who will forward to LESO. Completion of a Form 1928 will not relinquish title from DLA to the law enforcement agency but rather may assist with insurance or licensing matters.*

If the “LESO Controlled Vehicle Application” is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

### **XIII. EXECUTIVE ORDER (EO) CONTROLLED PROPERTY**

For purposes of the LESO Program, “EO Controlled Property” under Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition includes: Breaching Apparatus, Riot Batons, Riot Helmets, and Riot Shields.

EO Controlled Property is requisitioned and allocated through RTDWeb following submission of the “LESO EO Controlled Property Application” and approval from the Missouri LESO Program staff and LESO.

Law enforcement agencies must ensure the following standards are in place prior to the receipt of EO Controlled Property and remain in place while the EO Controlled Property is on LESO’s property book:

#### **1. Operation**

Law enforcement agencies shall be responsible for identifying authorized users. At a minimum, users shall have completed the required training as specified below.

#### **2. Policies and Protocols**

Law enforcement agency policies must include protocols on general policing principles as well as specific protocols on the appropriate use of controlled equipment. Both components are critical and complementary. At the outset, there must be an agency-wide commitment to partner with the community the law enforcement agency is sworn to protect and serve, to respect and uphold community members’ civil rights and civil liberties, and to receive the public’s input regarding the law enforcement agency’s activities in a meaningful way. As a result of that commitment and engagement, law enforcement agencies can develop specific policies and protocols to determine, among other things, when, how often, and in what manner controlled equipment should be used.

Pursuant to Recommendation 2.1 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire EO Controlled Property from the LESO Program must adopt robust and specific written

policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards.

- **General Policing Standards** includes policies on (a) Community Policing<sup>ii</sup>; (b) Constitutional Policing<sup>iii</sup>; and (c) Community Input and Impact Considerations<sup>iv</sup>.
- **Specific Controlled Equipment Standards** includes policies specifically related to (a) Appropriate Use of Controlled Equipment<sup>v</sup>; (b) Supervision of Use<sup>vi</sup>; (c) Effectiveness Evaluation<sup>vii</sup>; (d) Auditing and Accountability<sup>viii</sup>; and (e) Transparency and Notice Considerations<sup>ix</sup>.
- **Record-Keeping Requirement.** Upon request, law enforcement agencies must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols, to the Federal agency (and the Missouri LESO Program staff) that supplied the equipment/funds.

### 3. Training

Appropriate and relevant training for law enforcement personnel on General Policing Standards, Specific Controlled Equipment Standards, and the technical operation of controlled equipment is vital to fully implementing law enforcement policies and protocols and to ensuring that the use of controlled equipment complies with constitutional standards for the protection of civil rights and civil liberties. Training objectives should define and explain relevant concepts and demonstrate the application of such concepts through equipment-based scenarios to show appropriate and proper use of controlled equipment by law enforcement personnel and the negative effects and consequences of misuse.

Pursuant to Recommendation 2.2 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire EO Controlled Property from the LESO Program must ensure that its personnel are appropriately trained and that training meets the following requirements:

- **Required Annual Training on Protocols<sup>x</sup>:** On an annual basis, all law enforcement personnel who may use or authorize use of controlled equipment (e.g. breaching apparatus, riot batons, riot helmets, and riot shields) must be trained on the law enforcement agency's General Policing Standards and Specific Controlled Equipment Standards.
- **Required Operational and Technical Training:** Law enforcement personnel who use controlled equipment (e.g. breaching apparatus, riot batons, riot helmets, and riot shields) must be properly trained on, and have achieved technical proficiency in, the operation or utilization of the controlled equipment at issue. To the extent possible, law enforcement trainings related to controlled equipment

(e.g. breaching apparatus, riot batons, riot helmets, and riot shields) should include scenario-based training that combines constitutional and community policing principles with equipment-specific training. Law enforcement personnel authorizing or directing the use of controlled equipment (e.g. breaching apparatus, riot batons, riot helmets, and riot shields) should have enhanced scenario-based training to examine, deliberate, and review the circumstances in which controlled equipment (e.g. breaching apparatus, riot batons, riot helmets, and riot shields) should or should not be used.

In addition, law enforcement agencies shall be responsible for identifying a training program for all users of the EO Controlled Property. The training must, at a minimum, cover 1) utilization training emphasizing public safety and 2) familiarization with the type and capabilities of property. Law enforcement agencies must train the user(s) within three (3) months of obtaining the property, or within three (3) months of the property becoming useable if maintenance is required upon acquisition, to ensure the users are familiar with the basic operations of the EO Controlled Property to mitigate risk to both the officer and the public. (All users must complete training prior to utilization of the EO controlled property; this includes new employees hired and identified as users.)

Furthermore, law enforcement agencies must provide personnel authorizing or directing the use of EO controlled property with enhanced scenario based training to examine, deliberate, and review the circumstances in which the EO controlled property should or should not be used.

A training log shall be maintained by the law enforcement agency to document training completion and be made available to Missouri LESO Program staff upon request.

Training should be provided from a qualified instructor. The instructor will be required to certify completion of the training program for each attendee and such certification must be made available to Missouri LESO Program staff upon request. The training records should be retained for at least three (3) years from the date of completion of the training.

#### **4. After-Action Review**

Law enforcement agencies, the communities they serve, and the Federal Government all have an interest in ensuring that when law enforcement agencies acquire controlled equipment they use that equipment appropriately – consistent with the protocols they have adopted and the training they provide to their personnel. Whether a law enforcement agency uses controlled equipment appropriately and according to required protocols and training also is a key factor in determining its eligibility for continued or future participation in Federal controlled equipment acquisition programs.

Pursuant to Recommendation 2.3 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, 1) Law enforcement agencies that acquire EO

Controlled Property must collect and retain “Required Information” (described below) when law enforcement activity that involves a “Significant Incident” requires, or results in, the use of any Federally-acquired controlled equipment (e.g. breaching apparatus, riot batons, riot helmets, and riot shields) and 2) When unlawful or inappropriate police actions are alleged and trigger a Federal compliance review, and the Federal agency determines that controlled or prohibited equipment was used in the law enforcement activity under review, the law enforcement agency must produce or generate a report(s) containing “Required Information” (described below):

- **“Significant Incident” Defined:** Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury<sup>xi</sup>; (c) a demonstration or other public exercise of First Amendment rights; or (d) an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.
- **“Required Information” to be Collected and Retained:** (a) Identification of controlled equipment used (e.g. categories and number of units of controlled equipment used, make/model/serial number); (b) description of the law enforcement operation involving the controlled equipment; (c) identification of LEA personnel who used the equipment and, if possible, civilians involved in the incident; and (d) result of controlled equipment use (e.g., arrests, use-of-force, victim extraction, injuries).
- **Format of Information Collection and Retention.** No new form or format is required as long as the Required Information is retained in a manner that is easily accessible and organized. For example, information about the use of controlled equipment can be included in an Operations Plan, detailed in officer daily logs, or described in use-of-force reports.
- **Record-Keeping Requirement.** Law enforcement agencies retain “Significant Incident” reports and “Required Information” for a period of at least three (3) years and must provide a copy of these records, upon request, to the Federal agency (and Missouri LESO Program staff) that supplied the equipment/funds. This information also should be made available to the community the law enforcement agency serves in accordance with applicable policies and protocols including considerations regarding the disclosure of sensitive information.

## 5. Storage

Law enforcement agencies shall be responsible for identifying storage means for the EO Controlled Property. At a minimum, law enforcement agencies should ensure that the EO Controlled Property is secured from public access during storage and that adequate measures are in place to mitigate the risk of loss, damage, or theft.



Refer to the “Storage/Maintenance of Property” section of this manual for additional information and suggestions.

## **6. Chain of Custody**

If the EO Controlled Property is issued to an officer(s), the law enforcement agency must maintain property records to document the chain of custody of the issued EO Controlled Property. The custody card/inventory list must identify the EO Controlled Property, the EO Controlled Property’s serial number (where applicable, or any other identifying information), and the receiving officer’s name and must include the signature of the receiving officer indicating that he/she has received the identified EO Controlled Property.

An example of an approved custody card can be found online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Forms.aspx>. Law enforcement agencies are allowed to create their own custody card or property tracking list so long as all the required elements outlined in LESO’s example are collected.

## **7. Maintenance**

Law enforcement agencies must establish adequate maintenance procedures to keep the property in good condition so that such EO Controlled Property is response capable at all times.

## **8. Modifications**

Law enforcement agencies are allowed to paint and affix police markings to EO Controlled Property so long as the modifications do not degrade the item(s) from original manufacture.

Requests for EO Controlled Property require the submission of the “LESO EO Controlled Property Application”, which is available at <http://www.dps.mo.gov/dir/programs/cjle/dod.php> and includes two (2) forms: 1) Law Enforcement Agency (LEA) Executive Order (EO) Controlled Property Request form and 2) Controlled Property Justification form. In addition, the requesting law enforcement agency must submit a copy of the department’s training plan/safety standard.

The Law Enforcement Agency (LEA) Executive Order (EO) Controlled Property Request form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). The Controlled Property Justification form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal) and the Local Governing Executive Official (e.g. Mayor, City Administrator, County Executive, County Commissioner, Director). The signatures of these parties demonstrate an agreement to the terms

and conditions of obtaining EO Controlled Property from the LESO Program and consent to receive the EO Controlled Property from the LESO Program.

Once completed, the “LESO EO Controlled Property Application” must be submitted to the Missouri LESO Program staff through any of the following methods:

Email: MissouriLESO@dps.mo.gov

Fax: (573) 526-1876

Mail: Missouri Department of Public Safety - LESO, 4720 Scruggs Station Road,  
Jefferson City, MO 65109

A review of the “LESO EO Controlled Property Application” will consist of, but may not be limited to, the following:

1. Verification the requesting law enforcement agency has an active, current “LESO Program Application” on file with Missouri LESO Program staff.
2. Verification the requesting law enforcement agency has a current Property Accountability Officer on file with Missouri LESO Program staff.
3. Verification the requesting law enforcement agency has an active RTDWeb user and active FEPMIS user.
4. Verification the property will be used for approved law enforcement activities and is appropriate for the law enforcement agency (or area being served).
5. Verification the request meets the requirements for obtaining such property.
6. Where applicable, review of use of similar property previously obtained from the LESO Program.

If the “LESO EO Controlled Property Application” is approved by the Missouri LESO Program staff, the State Coordinator (SC) or State Point of Contact (SPOC) will sign the Law Enforcement Agency (LEA) Executive Order (EO) Controlled Property Request form and forward the application to LESO for further review and approval. If the request is approved by LESO, the appropriate LESO staff will sign the Law Enforcement Agency (LEA) Executive Order (EO) Controlled Property Request form and forward the form back to the Missouri LESO Program staff. The Missouri LESO Program staff will then forward the fully executed, signed “LESO EO Controlled Property Application” to the requesting law enforcement agency. The law enforcement agency will be provided instructions to begin the acquisition process via RTDWeb or the transfer process from another LESO participating law enforcement agency.

If the “LESO EO Controlled Property Application” is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

#### **XIV. SMALL ARMS (WEAPONS)**

Small Arms (Weapons) are acquired one of two ways, following submission of the “LESO Small Arms Application” and approval from the Missouri LESO Program staff and LESO: 1) as a transfer from agency-to-agency or 2) as a transfer directly from the Anniston Army Depot. For agency-to-agency transfers, the Missouri LESO Program staff will coordinate in-state transfers whereas LESO will coordinate out-of-state transfers. In addition, LESO will coordinate transfers directly from the Anniston Army Depot.

The current allocation for small arms, which is subject to change, is one (1) type of small arm for each full-time and part-time, compensated<sup>1</sup> officer.

*NOTE: The type of small arm for purposes of allocation limits is not categorical (i.e. rifles, pistols, shotguns, and suppressors) but rather is by individual style of small arm (i.e. M14 rifles, M16 rifles, pistols, glocks, revolvers, shotguns, and suppressors).*

Law enforcement agencies must ensure the following standards are in place prior to the receipt of the small arm and remain in place while the small arm is on LESO’s property book:

##### **1. Operation**

Law enforcement agencies shall be responsible for identifying authorized operators. At a minimum, operators shall have completed the required training as specified below.

##### **2. Policies and Protocols**

Law enforcement agency policies must include protocols on general policing principles as well as specific protocols on the appropriate use of controlled equipment. Both components are critical and complementary. At the outset, there must be an agency-wide commitment to partner with the community the law enforcement agency is sworn to protect and serve, to respect and uphold community members’ civil rights and civil liberties, and to receive the public’s input regarding the law enforcement agency’s activities in a meaningful way. As a result of that commitment and engagement, law enforcement agencies can develop specific policies and protocols to determine, among other things, when, how often, and in what manner controlled equipment should be used.

Pursuant to Recommendation 2.1 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire small arms from the LESO Program must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards.

- **General Policing Standards** includes policies on (a) Community Policing<sup>ii</sup>; (b) Constitutional Policing<sup>iii</sup>; and (c) Community Input and Impact Considerations<sup>iv</sup>.
- **Specific Controlled Equipment Standards** includes policies specifically related to (a) Appropriate Use of Controlled Equipment<sup>v</sup>; (b) Supervision of Use<sup>vi</sup>; (c) Effectiveness Evaluation<sup>vii</sup>; (d) Auditing and Accountability<sup>viii</sup>; and (e) Transparency and Notice Considerations<sup>ix</sup>.
- **Record-Keeping Requirement.** Upon request, law enforcement agencies must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols, to the Federal agency (and the Missouri LESO Program staff) that supplied the equipment/funds.

### 3. Training

Appropriate and relevant training for law enforcement personnel on General Policing Standards, Specific Controlled Equipment Standards, and the technical operation of controlled equipment is vital to fully implementing law enforcement policies and protocols and to ensuring that the use of controlled equipment complies with constitutional standards for the protection of civil rights and civil liberties. Training objectives should define and explain relevant concepts and demonstrate the application of such concepts through equipment-based scenarios to show appropriate and proper use of controlled equipment by law enforcement personnel and the negative effects and consequences of misuse.

Pursuant to Recommendation 2.2 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, law enforcement agencies that acquire small arms from the LESO Program must ensure that its personnel are appropriately trained and that training meets the following requirements:

- **Required Annual Training on Protocols<sup>x</sup>:** On an annual basis, all law enforcement personnel who may use or authorize use of controlled equipment (e.g. small arms) must be trained on the law enforcement agency's General Policing Standards and Specific Controlled Equipment Standards.
- **Required Operational and Technical Training:** Law enforcement personnel who use controlled equipment (e.g. small arms) must be properly trained on, and have achieved technical proficiency in, the operation or utilization of the controlled equipment at issue. To the extent possible, law enforcement trainings related to controlled equipment (e.g. small arms) should include scenario-based training that combines constitutional and community policing principles with equipment-specific training. Law enforcement personnel authorizing or directing the use of controlled equipment (e.g. small arms) should have enhanced scenario-

based training to examine, deliberate, and review the circumstances in which controlled equipment (e.g. small arms) should or should not be used.

In addition, law enforcement agencies shall be responsible for identifying a qualification training program for the operator(s) of the small arm(s). Law enforcement agencies must train the operator(s) within 3 months of issuing the small arm to the individual to ensure the operator(s) are familiar with the basic use of the small arm to mitigate risk to both the officer and the public. The training must, at a minimum, cover 1) rules to ensure firearms safety, 2) identification of the major component parts of the small arm, and 3) identification of the fundamental of shooting.

Furthermore, law enforcement agencies must provide personnel authorizing or directing the use of small arms with enhanced scenario based training to examine, deliberate, and review the circumstances in which the small arm should or should not be used.

A training log shall be maintained by the law enforcement agency to document training completion and be made available to Missouri LESO Program staff upon request.

Training should be provided from a qualified instructor. The instructor will be required to certify completion of the training program for each attendee and such certification must be made available to Missouri LESO Program staff upon request. The training records should be retained for at least three (3) years from the date of completion of the training.

#### **4. After-Action Review**

Law enforcement agencies, the communities they serve, and the Federal Government all have an interest in ensuring that when law enforcement agencies acquire controlled equipment they use that equipment appropriately – consistent with the protocols they have adopted and the training they provide to their personnel. Whether a law enforcement agency uses controlled equipment appropriately and according to required protocols and training also is a key factor in determining its eligibility for continued or future participation in Federal controlled equipment acquisition programs.

Pursuant to Recommendation 2.3 of Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition, 1) Law enforcement agencies that acquire weapons must collect and retain “Required Information” (described below) when law enforcement activity that involves a “Significant Incident” requires, or results in, the use of any Federally-acquired controlled equipment (e.g. small arms) and 2) When unlawful or inappropriate police actions are alleged and trigger a Federal compliance review, and the Federal agency determines that controlled or prohibited equipment was used in the law enforcement activity under review, the law enforcement agency must produce or generate a report(s) containing “Required Information” (described below):

- **“Significant Incident” Defined:** Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury<sup>x1</sup>; (c) a demonstration or other public exercise of First Amendment rights; or (d) an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed.
- **“Required Information” to be Collected and Retained:** (a) Identification of controlled equipment used (e.g. categories and number of units of controlled equipment used, make/model/serial number); (b) description of the law enforcement operation involving the controlled equipment; (c) identification of LEA personnel who used the equipment and, if possible, civilians involved in the incident; and (d) result of controlled equipment use (e.g., arrests, use-of-force, victim extraction, injuries).
- **Format of Information Collection and Retention.** No new form or format is required as long as the Required Information is retained in a manner that is easily accessible and organized. For example, information about the use of controlled equipment can be included in an Operations Plan, detailed in officer daily logs, or described in use-of-force reports.
- **Record-Keeping Requirement.** Law enforcement agencies retain “Significant Incident” reports and “Required Information” for a period of at least three (3) years and must provide a copy of these records, upon request, to the Federal agency (and Missouri LESO Program staff) that supplied the equipment/funds. This information also should be made available to the community the law enforcement agency serves in accordance with applicable policies and protocols including considerations regarding the disclosure of sensitive information.

## 5. Storage

Law enforcement agencies shall be responsible for identifying storage means for the small arm. At a minimum, law enforcement agencies should ensure that the small arm is secured from public access during storage and that adequate measures are in place to mitigate the risk of loss, damage, or theft.

Refer to the “Storage/Maintenance of Property” section of this manual for additional information and suggestions.

## 6. Chain of Custody

Law enforcement agencies must maintain property records to document the chain of custody of the issued small arm. The custody card/inventory list must identify the small arm, the small arm’s serial number, and the receiving officer’s name and must include the

signature of the receiving officer indicating that he/she has received the identified small arm.

An example of an approved custody card can be found online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Forms.aspx>. Law enforcement agencies are allowed to create their own custody card or property tracking list so long as all the required elements outlined in LESO's example are collected.

## **7. Maintenance**

Law enforcement agencies must establish adequate maintenance procedures to keep the property in good working condition so that such small arm is response capable at all times.

## **8. Modifications**

Small arms can be modified (e.g. painted, replace the upper receiver, replace the barrel, replace the hand guards, replace the butt stock, affix scope) so long as no holes are drilled and all removed parts are retained. (When the small arm is later returned to LESO, or transferred to another law enforcement agency, all parts must be included in the turn-in.) Modifications shall not degrade the small arm from original manufacture.

Requests for small arms require the submission of the "LESO Small Arms Application", which is available at <http://www.dps.mo.gov/dir/programs/cjle/dod.php> and includes two (2) forms: 1) Law Enforcement Agency (LEA) Small Arms Request form and 2) Law Enforcement Agency (LEA) LESO Program Small Arms Justification form. In addition, the requesting law enforcement agency must submit a copy of the department's training plan/safety standard.

The LEA Small Arms Request form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). The LEA LESO Program Small Arms Justification form will require the signature of the Chief Law Enforcement Official (e.g. Chief, Sheriff, Director, Colonel, Marshal), the Weapons Point of Contact (POC) (if applicable), and the Local Governing Executive Official (e.g. Mayor, City Administrator, County Executive, County Commissioner, Director). The signatures of these parties demonstrate an agreement to the terms and conditions of obtaining a weapon from the LESO Program and consent to receive the weapon from the LESO Program.

Once completed, the "LESO Small Arms Application" must be submitted to the Missouri LESO Program staff through any of the following methods:

Email: [MissouriLESO@dps.mo.gov](mailto:MissouriLESO@dps.mo.gov)

Fax: (573) 526-1876

Mail: Missouri Department of Public Safety - LESO, 4720 Scruggs Station Road,  
Jefferson City, MO 65109

A review of the “LESO Small Arms Application” will consist of, but may not be limited to, the following:

1. Verification the requesting law enforcement agency has an active, current “LESO Program Application” on file with Missouri LESO Program staff.
2. Verification the requesting law enforcement agency has a current Small Arms (Weapons) Point of Contact on file with Missouri LESO Program staff.
3. Verification the requesting law enforcement agency has an active FEPMIS user.
4. Verification the property will be used for approved law enforcement activities and is appropriate for the law enforcement agency.
5. Verification the request meets the requirements for obtaining such property, such as, but not limited to, adherence to the property allocation standards set by LESO.
6. Where applicable, review of use of similar property previously obtained from the LESO Program.

If the “LESO Small Arms Application” is approved by the Missouri LESO Program staff, the State Coordinator (SC) or State Point of Contact (SPOC) will sign the Small Arms Request form and forward the application to LESO for further review and approval. If the request is approved by LESO, the appropriate LESO staff will notify the Missouri LESO Program staff. The Missouri LESO Program staff will then forward the executed, signed Small Arms Request form to the requesting law enforcement agency. When the LESO property becomes available, the Missouri LESO Program staff will notify the law enforcement agency and will provide instructions to begin the acquisition/transfer process.

*NOTE: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (commonly referred to as the “ATF”) National Firearms Act (NFA) Branch is responsible for the effective administration of the National Firearms Act, 26 U.S.C. Chapter 53. Law enforcement agencies receiving NFA controlled small arms (i.e. M16 rifles, M14 rifles, suppressors, and silencers) through the LESO Program will be required to complete and submit the ATF Form 5 titled “Application for Tax Exempt Transfer and Registration of Firearm” following LESO’s approval of the “LESO Small Arms Application”. [Non-NFA small arms (i.e. pistols, revolvers, and shotguns) do not require the ATF Form 5.] The ATF will review the submission and will forward its decision in writing to the law enforcement agency. This process can take up to 90 days so the submitting law enforcement agency is encouraged to start the process shortly after receiving notification from the Missouri LESO Program staff. Once approval is received from the ATF, the law enforcement agency must then notify the Missouri LESO Program staff in*



*order to obtain approval to proceed with the transfer. (In the event the law enforcement agency is receiving a NFA controlled small arm directly from a DLA Disposition Services site or from a LESO participating law enforcement agency that failed to previously complete the ATF Form 5 process, the gaining law enforcement agency will be required to instead complete the ATF Form 10 titled "Application for Registration of Firearms Acquired by Certain Governmental Entities". Similar to the ATF Form 5 process, the ATF will review the submission and will forward its decision in writing to the law enforcement agency. This process can also take up to 90 days so the submitting law enforcement agency is encouraged to start the process shortly after receiving notification from the Missouri LESO Program staff. Once approval is received from the ATF, the law enforcement agency must then notify the Missouri LESO Program staff in order to obtain approval to proceed with the transfer. Law enforcement agencies should retain the approved ATF paperwork for each NFA controlled small arm in its possession to demonstrate appropriate and lawful possession of such firearm in the event of inspection by the ATF, Office of Inspector General (OIG), LESO, or Missouri LESO Program staff.*

If the "LESO Small Arms Application" is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

## **XV. SCREENING OF PROPERTY**

The term "screening" is commonly used to refer to the request of property from the LESO Program.

In general, the majority of LESO property items are electronically screened via DLA Disposition Services RTDWeb at <https://amps.dla.mil/oim>. However, certain commodity items (i.e. EO Controlled breaching apparatuses, riot batons, riot helmets, riot shields, and armored vehicles) require submission of the applicable application request forms (as detailed in an earlier section of this manual) by the law enforcement agency and subsequent approval from Missouri LESO Program staff and LESO prior to the item being screened in RTDWeb.

Some high profile, high awareness, Demilitarization required property (i.e. aircraft and weapons) is made available to LESO Program participants outside of RTDWeb. Specific instructions for these types of items are outlined in earlier sections of this manual and are available from Missouri LESO Program staff.

Property that has been deemed excess to the needs of the DOD are loaded into RTDWeb, and the DLA screening timeline begins with a seven (7) day period in which only DOD agencies may request such property. Following this initial seven-day period, both DOD agencies and Special Programs (which includes LESO) may request property for a period of fourteen (14) days. After the fourteen-day period lapses, screening is open to DOD agencies, Office of Facilities and Administrative Services (OFAS), and Donees for a twenty-one (21) day period, but DEMIL Code A property is not available for screening during this phase. After the twenty-one day

period lapses, it is followed by a five (5) day period for Federal Donation. Once these periods have lapsed, a final two (2) day period opens for all previously mentioned customers (including LESO). After the final two-day period has lapsed, the property proceeds through a sales phase for disposition.

To access RTDWeb, the law enforcement agency must be enrolled with Account Management and Provisioning System (AMPS) at <https://amps.dla.mil/oim> to receive a login for RTDWeb. The AMPS website gives program participating law enforcement agencies access to RTDWeb through the Enterprise External Business Portal. (The AMPS website also allows users to reset their RTD passwords when they become locked out.) Once registered with AMPS, the user's information will sync with RTDWeb to enable the registration process with RTDWeb. The user must then log into RTDWeb and request their role within RTDWeb.

For step-by-step instructions to create an AMPS Account, request the RTD role, or to unlock a RTD Account, refer to LESO's Training Guides, which are available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Training.aspx>.

Once the user has registered for AMPS and requested their role for RTDWeb, the Missouri LESO Program staff will be notified and will review the registration for approval.

If the user's request for access to RTDWeb is approved by Missouri LESO Program staff, the request for access will automatically forward to LESO for final approval. If the request is approved by LESO, the user will not receive any notification of the approval. Approval will be known by logging into RTDWeb and seeing the "Law Enforcement Support Office" option listed under the RTD Home menu. When the request for user access has been approved, the user may screen for property through RTDWeb.

If the user's request for access to RTDWeb is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

Authorized property screeners in RTDWeb are those persons that will have approval to access, request, and acquire excess property through the LESO Program on behalf of the law enforcement agency and have been identified as a property screener on the current, signed "LESO Program Application". Property screeners must be full-time or part-time, compensated<sup>i</sup> individuals employed by the law enforcement agency. Each law enforcement agency must have a minimum of two (2) screeners, if the law enforcement agency has at least 2 officers, and the Property Accountability Officer (main point of contact) must be a full-time, compensated<sup>i</sup> sworn officer of the law enforcement agency.

For step-by-step instructions to search for property within RTDWeb, refer to LESO's Training Guides, which are available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Training.aspx>.

When searching for and requesting property within RTDWeb, law enforcement agencies should be mindful of the following criteria:

- Cycle: as law enforcement agency customers, LESO participants are only allowed to requisition property in one of the following screening cycles: DOD, EXP DOD, FEPP (foreign exchange so be prepared for potentially hefty shipping costs), and RTD2. Requests of property in any other screening cycle must be denied by the Missouri LESO Program staff or LESO.
- Days Left: requests for property are subject to review and approval from both Missouri LESO Program staff and LESO. This can generally take 1-3 business days so there must be sufficient time remaining in the screening cycle for the requisition to successfully move through the process. If the requisition enters a prohibited screening cycle, the requisition will be cancelled.
- Location: property is made available from a variety of military sites around the United States and the world. Law enforcement agencies should be mindful of the location as they will be responsible for travel and/or shipping associated with obtaining any awarded property. For a map of the DLA Disposition Services sites, visit <http://www.dla.mil/DispositionServices/Contact/FindLocation.aspx>.
- Condition: each property item is categorized by a condition code ranging from A to H; “A” is a serviceable and issuable item without concern, “B” is a serviceable and issuable item but may have minor flaws, ... “F” is unserviceable but repairable, “G” is unserviceable and incomplete, and “H” is unserviceable and condemned. Contact to the holding Disposition Services (DS) site about a specific property item can further explain the reason for the condition code (and provide photos, where photos are not available within RTDWeb).
- DTID: requests for Optics/Night Vision that have a DTID starting with “2YT” are items previously requisitioned by law enforcement customers and returned, often because they are unserviceable. Following coordination with the LESO Advisory Council, LESO has indicated it will not approve requests for Optics/Night Vision with a DTID starting with “2YT”. Therefore, law enforcement agencies should refrain from requisitioning such items.

Requests submitted by law enforcement agencies via RTDWeb are subject to approval by Missouri LESO Program staff and LESO to ensure appropriate justification is submitted for the requested property, the requested quantity is justified and in line with the current property allocations outlined in the State Plan of Operation (SPO), and the property will be used only for law enforcement purposes within Missouri.

*NOTE: The LESO Program is intended to provide property to law enforcement agencies for law enforcement activities. Therefore, the justifications provided within RTDWeb for requested property should clearly state how the law enforcement agency will utilize the property to further their mission. If property is being acquired for purposes of providing protection, security, or transportation of the public or jailees, the requesting law enforcement agency should be sure to clearly state such but make sure to also identify that the property will be used by law enforcement officers to provide such protection, security, or transportation so that the justification does not appear to read as*

*if it will be used by the public or jailees. Starting 9/6/2016, the justifications provided within RTDWeb are made public by LESO following previous scrutiny of the LESO Program; therefore, the Missouri LESO Program staff and LESO must ensure the justifications do not read as a violation of the program purpose. Also, property should never be acquired by law enforcement agencies for non-law enforcement activities or be acquired for other non-law enforcement departments.*

If a request for property is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff or LESO.

If a request for property is approved, the DS site should send a “Letter of Authorization (LOA) to Remove Property” (C-5 Form) to the law enforcement agency indicating approval to release the property from the DS site. In addition, within RTDWeb, there is a requisition status column. This column automatically updates as the item goes through the “awarding” process; the status column will say “item being processed for release and shipment” once approved. (If the law enforcement agency does not receive the written notification or the status column has not updated in 72 hours, the law enforcement agency should contact the DS site directly. Contact information for the DS sites can be found online at <http://www.dla.mil/DispositionServices/Contact/FindLocation.aspx>.)

*NOTE: Do not click the “Get Updated Status” button within RTDWeb during the first 48 hours. Pressing that button throws the request into a “holding pattern” and delays the Material Release Order for an extended period of time. The RTDWeb system automatically provides the most recent status without having to press this button.*

Law enforcement agencies must remove, either by scheduling delivery or traveling for physical pickup, the approved property from the DS site within fourteen (14) days of approval. This period can be extended if the law enforcement agency is unable to coordinate removal within the 14 day period and receives such approval from the DS site in advance of the 14 day period end date. (All costs associated with delivery or pickup will be the sole responsibility of the receiving law enforcement agency.)

Prior to the date of removal of the property from the DS site, the “Letter of Authorization (LOA) to Remove Property” (C-5 Form) must be completed with the requested information, signed by an authorized screener from the law enforcement agency, and submitted via email or fax to the DS site. On the date of removal of the property from the DS site, if traveling for physical pickup, the law enforcement agency should take a copy of the completed LOA because the DS site will require proof of authorization to release the property to the designated screener.

*NOTE: The Missouri LESO Program staff encourages all law enforcement agencies to contact the DS site prior to travel for pickup to ensure they have been approved for the quantity they will be receiving and to verify any logistics for pickup.*

Law enforcement agencies approved to receive a DEMIL A (non-EO Controlled) vehicle, trailer, etc. will want to collect the Standard Form SF-97 titled “Certificate to Obtain Title to a Vehicle” from the DS site at the time of pickup. This is encouraged so that when the DEMIL A property item archives from the FEPMIS property book after one (1) year, the title to the property will be available to the law enforcement agency. If this document is not obtained at the time of pickup, requests for titles to vehicles, trailers, etc. obtained from the LESO Program must be communicated to the DLA DS site from which the property was obtained. However, the law enforcement agency must understand that record retention periods of DLA DS sites may hinder the availability of such document if too much time has lapsed; thus, the law enforcement agency should receive such paperwork at the time of acquisition. For a map of DLA DS sites and respective contact information, visit

<http://www.dla.mil/DispositionServices/Contact/FindLocation.aspx>.

Law enforcement agencies approved to receive an EO-controlled DEMIL A or DEMIL Coded B, C, D, E, F, G, and Q vehicle may need to complete a DLA Form 1928 titled “Certificate to Register a Tactical Vehicle”, which is available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Forms.aspx>, following receipt of such vehicle. This form is commonly needed by law enforcement agencies 1) trying to insure the vehicle and the insurance company is requesting proof of registration (lawful possession) by the law enforcement agency and/or 2) trying to request license plates for the vehicle to operate on the roadways. The completed DLA Form 1928 should be forwarded to the Missouri LESO Program staff who will forward to LESO. Completion of a Form 1928 will not relinquish title from DLA to the law enforcement agency but rather may assist with insurance or licensing matters.

## **XVI. DISTRIBUTION OF PROPERTY**

Property shall not be obtained for the purpose of sale, lease, loan, personal use, rent, exchange, barter, to secure a loan, or to otherwise supplement normal law enforcement budgets. All requests for property shall be based on bona fide law enforcement requirements. Under no circumstances shall property be sold or otherwise transferred to non-U.S. persons or exports. Property shall not be loaned to agencies not authorized to participate in the LESO Program.

NOTE: Law enforcement agencies should understand that LESO conditionally transfers all excess DOD property enrolled in the LESO Program. The LESO reserves the right to recall controlled and non-controlled property issued through the LESO Program at any time. The law enforcement agency will be responsible for returning recalled property to the appropriate Disposition Services (DS) site within the stated time period and/or cooperating with Missouri LESO Program staff to facilitate such turn-in within the stated time period.

Property with Demilitarization (DEMIL) Codes of “B”, “C”, “D”, “E”, “F”, “G”, and “Q” is known as “controlled” property. The title and ownership of such controlled property will remain with LESO in perpetuity and will not be relinquished to the law enforcement agency.

Property with DEMIL Codes of “A” is known as “non-controlled” property. The title of such property passes to the law enforcement agency one year from the initial transfer to the law enforcement agency’s FEPMIS property book, but prior to this date, the law enforcement agency remains responsible for the accountability and physical control of the item(s) while the item(s) remains on the FEPMIS property book.

*NOTE: “Controlled” and “non-controlled” property refers to the DEMIL Code of the item and the length of time in which the title remains vested with LESO whereas “EO Controlled” property refers to Executive Order 13688 on Federal Support for Local Law Enforcement Equipment Acquisition in which certain items are restricted or controlled for acquisition from a Federal agency. Title will not be relinquished to any property with a DEMIL Code of “A” that is EO Controlled property.*

## **XVII. USE OF PROPERTY**

Property made available from the LESO program is for the use of authorized program participants only. Property may not be obtained for any individual, organization, or agency that has not been approved as a participant in the LESO Program. All requests for property must be based on bona fide law enforcement requirements. Property shall not be obtained by any authorized participant for the purpose of sale, lease, loan, personal use, exchange, barter, transfer, or to secure a loan. In addition, all acquired property shall be deployed for law enforcement use only.

## **XVIII. FEDERAL EXCESS PROPERTY MANAGEMENT INFORMATION SYSTEM (FEPMIS)**

The Law Enforcement Support Office (LESO) has adopted the Federal Excess Property Management Information System (FEPMIS) as the automated property management system that will be used to provide accountability and management for property requisitioned through the Department of Defense (DoD) Defense Logistics Agency (DLA) Disposition Services LESO Program. FEPMIS is a module of the National Fire and Aviation Management Web (FAMWEB) Applications.

Law enforcement agencies registered in FEPMIS are given full online access to all LESO property allocated to their department and subsequently on their property book. FEPMIS provides registered users the ability to receipt property obtained through RTDWeb, annually certify possession of LESO property, initiate a transfer request to move property to another in-state participating agency, and to initiate a turn-in request once controlled property has neared the end of its useful life or is no longer needed.

*NOTE: It is a requirement of the LESO Program that at least one (1) person per law enforcement agency maintain access to FEPMIS. This includes maintaining registration to FEPMIS and ensuring the registered account remains “active”. An account will become “inactive” when the account password expires. For this reason, registered FEPMIS users should heed the password reminder emails sent from*

*FEPMIS and update passwords as required. If an account becomes “inactive”, the registered user must contact the FAMWEB/FEPMIS Help Desk to reset the password.*

A copy of LESO’s FEPMIS User Guides is available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Training.aspx>.

## **XIX. RECEIPTING OF PROPERTY**

LESO property received through RTDWeb will automatically be entered into the Federal Excess Property Management Information System (FEPMIS) and be available to the law enforcement agency to receipt into their LESO property book within a couple of days of acquiring the property.

*NOTE: The term “receipting” is commonly used when referring to the need to add property to the law enforcement agency’s property book. This is true of property obtained directly from RTDWeb but also of property obtained from another law enforcement agency. However, this section of the manual is discussing the process of receipting for property from RTDWeb only. Receipting for property obtained from another law enforcement agency is discussed in the following section.*

Once the property is received [or shipped from the Disposition Services (DS) site if shipping is the desired choice for acquisition], the law enforcement agency has thirty (30) days to receipt the property in the Federal Excess Property Management Information System (FEPMIS) through the “Receipts” module of FEPMIS. If the law enforcement agency does not receipt the property within FEPMIS within thirty (30) days of acquisition, the law enforcement agency will be unable to obtain additional property from the LESO Program until such action is resolved. If the law enforcement agency does not receipt the property within FEPMIS within sixty (60) days of acquisition, the law enforcement agency will be suspended from the LESO Program for a minimum of sixty (60) days. The law enforcement agency will be unable to obtain additional property from the LESO Program until the suspension is lifted. If the law enforcement agency does not receipt the property within FEPMIS within ninety (90) days of acquisition, the law enforcement agency will be terminated from the LESO Program. Upon notice of termination, the law enforcement agency will have a period of no more than thirty (30) days to return all property on record with LESO. The law enforcement agency will be responsible for returning property to the appropriate Disposition Services (DS) site within the stated time period and/or cooperating with Missouri LESO Program staff to facilitate the transfer of property to another LESO authorized participating agency.

During the receipt process, please note that additional information will be required of the law enforcement agency for items such as, but not limited to, aircraft, HMWWVs, UAHs, MRAPs, small arms (weapons), and optics (e.g. night vision, sight reflex, fiberscopes, telescopes, etc.) Such additional information may include, but not be limited to, the entry of the item’s serial number and/or the upload of photos of the item. Where necessary, the Missouri LESO Program staff may request additional information be provided to better identify the property after it is receipted.

For step-by-step instructions to receipt for property, refer to LESO's FEPMIS User Guides, which are available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Training.aspx>.

## **XX. DISPOSAL OF CONTROLLED PROPERTY**

Property with Demilitarization (DEMIL) Codes of "B", "C", "D", "E", "F", "G", and "Q" is known as "controlled" property. The title and ownership of such controlled property will remain with LESO in perpetuity and will not be relinquished to the law enforcement agency.

The law enforcement agency may not dispose of DEMIL "B", "C", "D", "E", "F", "G", or "Q" property locally. The title of such property permanently remains with LESO. Once the law enforcement agency no longer has use for the property, the item must either be transferred to another law enforcement agency within Missouri authorized to participate in the LESO Program, be transferred to another law enforcement agency outside Missouri authorized to participate in the LESO Program, or be returned to DLA Disposition Services (DS) for disposal.

Transfers of LESO property (controlled and non-controlled) between in-state law enforcement agencies can be initiated by the law enforcement agency or Missouri LESO Program staff through the Federal Excess Property Management Information System (FEPMIS). However, transfers of LESO property (controlled and non-controlled) to or from an out-of-state law enforcement agency may only be initiated by LESO through FEPMIS.

*NOTE: Transfer of LESO property requires specific paperwork and approval to be in place first. For example, the transfer of a HMMWV would require the gaining law enforcement agency to have a current, executed "LESO Program Application" and an approved "LESO Controlled Vehicle Application" on file. Transfers should not be initiated and cannot be completed until all applicable paperwork is final. For this reason, it is often easier for the Missouri LESO Program staff to initiate the transfer of LESO property (controlled and non-controlled) between in-state law enforcement agencies.*

Transfers of LESO property (controlled and non-controlled) between in-state law enforcement agencies is handled through the "Modify" module of FEPMIS. If the transfer request is initiated by the law enforcement agency, the Missouri LESO Program staff must review the modification request before it is sent to LESO for final approval. (If the Missouri LESO Program staff initiates the transfer for the law enforcement agency, the modification request is automatically submitted to LESO for final approval.) If LESO approves the transfer, a Form 1348-1 is created by LESO and forwarded to the Missouri LESO Program staff, who then coordinates with the losing agency and the gaining agency. Property cannot be physically moved until the Form 1348-1 is received and such approval is granted. Once the property is transferred, the gaining agency must sign the Form 1348-1. A copy of the signed Form 1348-1 should be retained by the losing agency, and a copy should be forwarded to the Missouri LESO Program staff, who must then forward to LESO. Then, the gaining agency will be required to accept the transferred



property into their law enforcement agency's property book through the "Modify" module of FEPMIS. The gaining law enforcement agency has thirty (30) days to accept the transferred property in FEPMIS. If the law enforcement agency does not accept the transferred property within FEPMIS within thirty (30) days of the approved transfer, the transfer will be flagged as an overdue transfer accept and the Missouri LESO Program staff will contact the gaining law enforcement agency to get such resolved.

Turn-ins of LESO property (controlled and non-controlled) to DLA Disposition Services (DS) can be initiated through the "Change of Status" module of FEPMIS. The Change of Status record will require identifying the desired turn-in location within the "Explanation/Disposal Instructions" field of the Change of Status screen so that it can be printed on the Form 1348-1. Subsequently, the law enforcement agency must make this determination prior to creating the turn-in request. This may require contacting the desired DS site to ensure they will accept the turn-in property. For a map of DLA DS sites and respective contact information, visit <http://www.dla.mil/DispositionServices/Contact/FindLocation.aspx>.

Once the turn-in request is submitted via FEPMIS, LESO will email a Form 1348-1 to the Missouri LESO Program staff and the Missouri LESO Program staff will then forward the Form 1348-1 to the law enforcement agency. Once the Form 1348-1 is created by LESO, the law enforcement agency has thirty (30) days to return the property to the identified DS site. During the turn-in process, the law enforcement agency must obtain the DS site's signature on the Form 1348-1 to prove the turn-in was completed. A copy of the signed Form 1348-1 must be forwarded to the Missouri LESO Program staff and the Missouri LESO Program staff will then forward the signed Form 1348-1 to LESO, if applicable, to remove the property from the law enforcement agency's property book.

If a turn-in or transfer request is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

For step-by-step instructions to transfer property, receipt for property, or to turn-in property, refer to LESO's FEPMIS User Guides, which are available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Training.aspx>.

## **XXI. DISPOSAL OF NON-CONTROLLED PROPERTY**

Property with DEMIL Codes of A is known as "non-controlled" property. The title of such property passes to the law enforcement agency one year from the initial transfer to the law enforcement agency's FEPMIS property book, but prior to this date, the law enforcement agency remains responsible for the accountability and physical control of the item(s) while the item(s) remains on the FEPMIS property book.

*NOTE: "Controlled" and "non-controlled" property refers to the DEMIL Code of the item and the length of time in which the title remains vested with LESO whereas "EO Controlled" property refers to Executive Order 13688 on Federal Support for Local*

*Law Enforcement Equipment Acquisition in which certain items are restricted or controlled for acquisition from a Federal agency. Title will not be relinquished to any property with a DEMIL Code of "A" that is EO Controlled property.*

The law enforcement agency may dispose or sell non-EO Controlled DEMIL A items but only after the property has been archived from the FEPMIS property book. Disposition should occur in accordance with applicable State or local laws governing public property. Sales or gifting of non-EO Controlled DEMIL A property in a manner inconsistent with State or local law may constitute grounds to deny future participation in the LESO Program.

*NOTE: Upon disposition (e.g. transfer, trade, sale, trash, etc) of non-EO Controlled DEMIL A property, the law enforcement agency should record the disposition date, disposition method, and if applicable, the sale price associated with the sale of property within its LESO Program records. Furthermore, in the event disposition occurs as a transfer to another agency, the law enforcement agency is encouraged to obtain signatures of the involved parties to record such transfer. Maintaining records on both the acquisition and the disposition of property is vital for auditing, accountability, and internal controls.*

## **XXII. ANNUAL INVENTORY CERTIFICATION**

The term "annual inventory certification" refers to the process by which law enforcement agencies and the State of Missouri execute an annual physical inventory of all property which is conditionally transferred to them via the LESO Program and then confirm/attest to their custody, control, and responsibility for the item(s). The annual inventory certification process is completed via the "LESO Inventory" module of FEPMIS.

Annual inventory certification begins on October 1 (or shortly thereafter if October 1 falls on a weekend or holiday) of each year and ends January 31 of each year; however, effective 2016, the Missouri LESO Program staff requires Missouri law enforcement agencies to complete their certification process no later than November 30 each year. This then allows the Missouri LESO Program staff to review the certifications and to certify the state's overall property book by January 31 of each year. Failure of the Missouri LESO Program staff to complete this process by January 31 of each year would result in the State of Missouri being suspended from the LESO Program (and possibly even terminated from the LESO Program), which would not be favorable for Missouri or its law enforcement agencies.

*NOTE: LESO disallows requests for property, as well as requests for turn-in or transfer of property shortly before the annual inventory certification process begins on October 1 (generally beginning in mid-August) and for the duration of the annual inventory certification period. This is purposeful to ensure property is not incoming or outgoing to the law enforcement agency's property book during the annual inventory certification process. The LESO property book becomes a static copy from which annual inventory certification is performed. Once the law enforcement agency completes its annual inventory certification requirement, requests submitted via RTDWeb for additional*

*property for the law enforcement agency may resume until the next annual inventory certification period. Transfers of property between law enforcement agencies can resume once both involved agencies have completed its annual inventory certification requirements.*

In order for law enforcement agencies to complete their annual inventory certification, all received property must be receipted and at least one (1) individual from the law enforcement agency must have an active FEPMIS account.

*NOTE: It is a requirement of the LESO Program that at least one (1) person per law enforcement agency maintain access to FEPMIS. This includes maintaining registration to FEPMIS and ensuring the registered account remains “active”. An account will become “inactive” when the account password expires. For this reason, registered FEPMIS users should heed the password reminder emails sent from FEPMIS and update passwords as required. If an account becomes “inactive”, the registered user must contact the FAMWEB/FEPMIS Help Desk to reset the password.*

Law enforcement agencies that fail to complete their annual inventory certification by November 30 will be suspended from the LESO Program for a minimum of sixty (60) days or until the issue is resolved, whichever lasts longer.

Law enforcement agencies that fail to complete their annual inventory certification by December 31 will be terminated from the LESO Program. Upon notice of termination, the law enforcement agency will have a period of no more than thirty (30) days to return all property on record with LESO. The law enforcement agency will be responsible for returning property to the appropriate Disposition Services (DS) site within the stated time period and/or cooperating with Missouri LESO Program staff to facilitate the transfer of property to another LESO authorized participating agency.

For step-by-step instructions regarding the annual inventory certification process, refer to LESO’s FEPMIS User Guides, which are available online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Training.aspx>.

### **XXIII. CANNIBALIZATION**

The term “cannibalization” refers to the act of removing parts or equipment from one item in order to use them for another (e.g. to cannibalize old aircraft for replacement parts).

Requests for property solely for the purpose of cannibalization, and cannibalization of property currently on the law enforcement agency’s property book, must be submitted in writing, on department letterhead, with the signature/endorsement of the LEA Chief Executive Official (e.g. Chief, Sheriff, Director, Colonel, Marshal) to the Missouri LESO Program staff for approval. If allowable and appropriate, the Missouri LESO Program staff will then forward the request to LESO for approval. Requests for cannibalization will be considered on a case-by-case basis. If LESO approves the request, LESO will forward such approval to the Missouri LESO Program

staff and the Missouri LESO Program staff will then forward to the requesting law enforcement agency. The notification from LESO regarding cannibalization approval will identify the deadline by which the cannibalization must occur and the deadline by which the cannibalized property must then be returned to the appropriate DLA Disposition Services (DS) site.

If a cannibalization request is not approved by Missouri LESO Program staff (or LESO), the law enforcement agency will be notified in writing, with the reasoning, by Missouri LESO Program staff.

Law enforcement agencies found to have cannibalized LESO property without approval from the Missouri LESO Program staff and LESO will be suspended from the LESO Program for a minimum of sixty (60) days or until the issue is resolved, whichever lasts longer.

*NOTE: Weapons are specifically prohibited from being cannibalized.*

#### **XXIV. REPORTING REQUIREMENTS FOR LOST, MISSING, STOLEN, OR DESTROYED PROPERTY**

In the event LESO property on a law enforcement agency's FEPMIS property book is determined to be lost, missing, stolen, or destroyed, it must be reported to the Missouri LESO Program staff, who must then report it to LESO within the same time constraints outlined below.

Controlled property (DEMIL Codes of "B", "C", "D", "E", "F", "G", and "Q" and DEMIL Code "A" that is EO Controlled) must be reported in writing to the Missouri LESO Program staff within twenty-four (24) hours of determining property is lost, missing, stolen, or destroyed. Within 72 hours of determining property is lost, missing, stolen, or destroyed, the law enforcement agency must forward to the Missouri LESO Program staff the following attachments, as applicable:

- 1) A letter or memo outlining the following:
  - a. the property item(s),
  - b. the events leading up to the determination that the property item(s) is lost, missing, stolen, or destroyed,
  - c. any efforts to locate property that has been classified as lost, missing, or stolen, and
  - d. the corrective action that will be instituted to prevent other LESO property from becoming lost, missing, stolen, or destroyed in the future.
- 2) Copy of the law enforcement report detailing the lost, missing, stolen, or destroyed property and the investigation that ensued following such determination
- 3) Copy of entry to the FBI's National Crime Information Center (NCIC), where applicable

Upon receipt of the above mentioned items, the Missouri LESO Program staff will initiate a "Financial Liability Investigation of Property Loss" form (FLIPL) (commonly referred to as "DD Form 200") and forward such form to the law enforcement agency for completion and signature of the LEA Chief Executive Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). Once

completed, the form must be returned to the Missouri LESO Program staff. The Missouri LESO Program staff will complete its applicable section of the form and forward to LESO.

*NOTE: A Form DD200 is not used for weapons, however. Weapons have a specific turn-in process so a lost, missing, stolen, or destroyed weapon is reported to LESO and LESO takes the necessary action to remove the item from the LESO property book. If any portion of a weapon can be returned to LESO (e.g. remains from a burnt weapon), a "Change of Status" should be submitted via FEPMIS to request such turn-in.*

Non-controlled property (DEMIL Code "A", not including DEMIL Code "A" that is EO Controlled) must be reported to the Missouri LESO Program staff within seven (7) days of determining such property is lost, missing, stolen, or destroyed. Such notification should be submitted in writing by the law enforcement agency and should include the following attachments, as applicable:

- 1) A letter or memo outlining the following:
  - a. the property item(s),
  - b. the events leading up to the determination that the property item(s) is lost, missing, stolen, or destroyed,
  - c. any efforts to locate property that has been classified as lost, missing, or stolen, and
  - d. the corrective action that will be instituted to prevent other LESO property from becoming lost, missing, stolen, or destroyed in the future.
- 2) Copy of the law enforcement report detailing the lost, missing, stolen, or destroyed property and the investigation that ensued following such determination
- 3) Copy of entry to the FBI's National Crime Information Center (NCIC), where applicable

Upon receipt of the above mentioned items, the Missouri LESO Program staff will initiate a "Financial Liability Investigation of Property Loss" form (FLIPL) (commonly referred to as "DD Form 200") and forward such form to the law enforcement agency for completion and signature of the LEA Chief Executive Official (e.g. Chief, Sheriff, Director, Colonel, Marshal). Once completed, the form must be returned to the Missouri LESO Program staff. The Missouri LESO Program staff will complete its applicable section of the form and forward to LESO.

All reports of lost, missing, stolen, or destroyed LESO property are reviewed by LESO and the DLA Office of the Inspector General (OIG), and law enforcement agencies that report property as lost, missing, stolen, or destroyed will be suspended from the LESO Program for a minimum of sixty (60) days or until LESO and/or the OIG's review is complete, whichever lasts longer. The law enforcement agency will be unable to obtain additional property from the LESO Program until the suspension is lifted, and the law enforcement agency will be required to cooperate with the Missouri LESO Program staff, LESO, DLA OIG, and any other investigating body, as applicable, until the review is resolved.

## **XXV. SUSPENSION FROM PROGRAM**

Law enforcement agencies participating in the LESO Program will be suspended for a minimum of sixty (60) days in all situations relating to the suspected or actual abuse of LESO Program property or requirements and/or repeated failure to meet the terms and conditions of the program guidelines. In some events, suspension may lead to termination. Upon notice of termination, the law enforcement agency will have a period of no more than thirty (30) days to return all property on record with LESO. The law enforcement agency will be responsible for returning property to the appropriate Disposition Services (DS) site within the stated time period and/or cooperating with Missouri LESO Program staff to facilitate the transfer of property to another LESO authorized participating agency.

*NOTE: Suspensions (and terminations) from the LESO Program will be extended to the DPS Donation Program as well for the same period of time.*

In cases where the suspension was issued by LESO, the Missouri LESO Program staff will request, on behalf of the law enforcement agency, reinstatement of the law enforcement agency when the required period of suspension has lapsed and/or all necessary action has been resolved. LESO has final discretion on reinstatement requests, however. LESO will issue a letter to the law enforcement agency when the suspension is lifted and participation to the LESO Program has been reinstated.

In cases where the suspension was issued by the Missouri LESO Program staff, the Missouri LESO Program staff will issue a letter to the law enforcement agency (and forward a copy to LESO) when the suspension is lifted and participation to the LESO Program has been reinstated.

*NOTE: Law enforcement agencies serving a suspension period will not be allowed to requisition or receive additional LESO Program property during such suspension. In addition, any transfer of property pending at the time of suspension may be cancelled by the Missouri LESO Program staff or LESO.*

## **XXVI. PHYSICAL CONTROL OF PROPERTY**

Law enforcement agencies remain responsible for the accountability and physical control of LESO property while the item(s) remains on the FEPMIS property book. Law enforcement agencies will be required to certify such physical control during the annual inventory certification process beginning October 1 of each year, but law enforcement agencies are encouraged to conduct physical inventory checks on a more frequent basis.

If LESO property is issued directly to an officer and the law enforcement agency is not maintaining physical control of that item on a daily basis, the law enforcement agency should implement a custody card system. LESO's example of a custody card can be found online at <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/Forms.aspx>. Law enforcement agencies are allowed to create their own custody card or property tracking list so long as all the required elements outlined in LESO's example are collected.

*NOTE: During a LESO Program Compliance Review (PCR) or a Missouri LESO Program staff Agency Compliance Review (ACR), law enforcement agencies may not simply produce custody cards in place of the physical inspection of LESO property, unless there are extenuating circumstances. Such extenuating circumstances should be discussed prior to the PCR or ACR visit date, however.*

## **XXVII. STORAGE/MAINTENANCE OF PROPERTY**

A control system shall be in effect to ensure adequate safeguards to prevent loss, theft, or damage to the property. Aircraft and armored vehicles should be parked in a properly lit, monitored, and/or secured facility or lot. Small arms (weapons), EO Controlled Property (i.e. riot helmets, riot batons, and riot shields), optics (e.g. night vision, sight reflex, etc), and other property on the law enforcement agency's FEPMIS property book should have two levels of security (e.g. a locked door could be one level and a locked safe, drawer, room, container/box, or rack could be the second level).

*NOTE: Small arms (weapons), EO Controlled Property, optics, and other LESO Program property issued to law enforcement officers should be secured at all times by the law enforcement officer. Law enforcement officers should never store LESO Program property in their vehicle while the officer is off-duty. LESO Program property should ideally be removed from the vehicle at the end of each shift and returned to the designated, secured location of the law enforcement agency, or at a minimum, be removed from the vehicle at the end of each shift and taken into the officer's residence for secure storage. In addition, extended storage of LESO Program property within a vehicle or an officer's residence is highly discouraged due to the potential for damage or theft. During periods of extended leave of absences (e.g. vacation, military, workers comp, administrative leave, maternity/paternity, FMLA, etc.), LESO Program property assigned to a law enforcement officer should be returned to the designated, secured location of the law enforcement agency and be re-issued the LESO Program property upon return to duty. This turn-in/re-issue process ensures complete accountability to prevent theft, loss, or damage to the LESO Program property and provides immediate access to the LESO Program property in the event of inspection by the OIG, LESO, or Missouri LESO Program staff.*

In addition, adequate maintenance procedures shall be established to keep the property in good condition.

In the event LESO property is found to be lost, missing, stolen, or destroyed, the law enforcement agency must adhere to the "Reporting Requirements for Lost, Missing, Stolen, and Destroyed Property" section of this manual.

## **XXVIII. AGENCY COMPLIANCE REVIEWS (ACRs)**

LESO shall conduct a Program Compliance Review (PCR) for the State of Missouri every two (2) years. Currently, the Missouri Department of Public Safety's PCRs are scheduled on the odd year (e.g. 2009, 2011, 2013, 2015, 2017, 2019, 2021, 2023, 2025, etc.)

The Missouri LESO Program staff is required to conduct similar PCRs of at least 5% of its participating law enforcement agencies (with property) annually within the federal fiscal year of October 1 and September 30. The Missouri LESO Program staff has coined their monitoring process as Agency Compliance Reviews (ACRs).

ACRs are designed to provide assistance to the law enforcement agency both from a technical and programmatic standpoint, as well as, to provide the Missouri LESO Program staff with the necessary information to ensure the law enforcement agency is complying with the LESO Program guidelines.

The Missouri LESO Program staff will contact the law enforcement agency selected for an ACR via phone and/or email to ensure they are aware of the ACR schedule and prepared for review. Through such process, the law enforcement agency will be provided a copy of the ACR report that will be completed during the review prior to the actual visit.

The information and records that will be required and reviewed by the Missouri LESO Program staff at the time the ACR visit is conducted include, but is not limited to, the following:

1. Eligibility of the law enforcement agency to participate in the LESO Program.
2. Understanding and compliance of program guidelines.
3. A review of the current, signed LESO Program Application.
4. A review of program files to include, but not limited to, a DD Form 1348-1A for each item currently on inventory, small arms (weapons) documentation, transfer documents, turn-in documents, inventory adjustment documents, exception to policy letters (if any), approved cannibalization requests (if any), and other pertinent documentation as required.
5. Where applicable, a review of the Standard Operating Procedure (SOP) or departmental policy regarding the use of aircraft and training records for the operator(s) of such aircraft, and those that authorize the use of such aircraft.
6. Where applicable, a review of the Standard Operating Procedure (SOP) or departmental policy regarding the use of armored vehicles and training records for the operator(s) of such armored vehicle, and those that authorize the use of such armored vehicle.
7. Where applicable, a review of the Standard Operating Procedure (SOP) or departmental policy regarding the use of EO Controlled Property (e.g. breaching apparatus, riot batons, riot helmets, and riot shields) and training records for the operator(s) of such EO Controlled Property, and those that authorize the use of such EO Controlled Property.
8. Where applicable, a review of the Standard Operating Procedure (SOP) or departmental policy regarding the use of small arms (weapons) and training records for the operator(s) of such weapons, and those that authorize the use of such small arms (weapons).
9. A review of the storage and inventory system utilized for LESO Program property.



10. A physical inventory of LESO Program property and/or review of the custody cards for LESO Program property.

*NOTE: Similar to LESO, the Missouri LESO Program staff discourages law enforcement agencies from relying on custody cards during the physical inventory of LESO Program property portion of the ACR. Only in the most extenuating circumstances should custody cards be presented in place of the physical item. Law enforcement agencies should discuss with the Missouri LESO Program staff prior to the ACR visit in the event all LESO Program property is unable to be present at a given time during the ACR visit.*

If corrective action is determined to be necessary as a result of the ACR visit, the Missouri LESO Program staff will communicate such to the point(s) of contact from the ACR visit. The law enforcement agency will have thirty (30) days from the date the ACR report is sent from the Missouri LESO Program staff to complete the necessary corrective action. Law enforcement agencies that fail to complete the necessary corrective action within thirty (30) days will be suspended from the LESO Program for a minimum of sixty (60) days. Law enforcement agencies that fail to complete the necessary corrective action within the sixty (60) day suspension period will be terminated from the LESO Program. Upon notice of termination, the law enforcement agency will have a period of no more than thirty (30) days to return all property on record with LESO. The law enforcement agency will be responsible for returning property to the appropriate Disposition Services (DS) site within the stated time period and/or cooperating with Missouri LESO Program staff to facilitate the transfer of property to another LESO authorized participating agency.

In the event LESO property is discovered to be lost, missing, stolen, or destroyed during the ACR (or LESO's PCR) visit, the law enforcement agency will be required to submit the necessary documents as outlined in the "Reporting Requirements for Lost, Missing, Stolen, and Destroyed Property" section of this manual. Furthermore, the law enforcement agency will be suspended from the LESO Program for a minimum of sixty (60) days or until LESO and/or the OIG's review is complete, whichever lasts longer. The law enforcement agency will be unable to obtain additional property from the LESO Program until the suspension is lifted.

Once all necessary corrective action is completed, if such was necessary, the Missouri LESO Program staff will forward a copy of the completed ACR report to the Chief Law Enforcement Official and the ACR point(s) of contact upon completion of the writing of the report.

## **XXIX. RECORDS MANAGEMENT**

Records of the LESO Program, including application files and property records shall be retained pursuant to the Missouri Secretary of State, *Agency Records Disposition Schedule*, which can be found at <http://www.sos.mo.gov/records/recmgmt/retention/agency>. From this webpage, expand the selection for the Department of Public Safety and then also expand the selection for the Office of the Director and select the hyperlink for Criminal Justice/Law Enforcement.

*NOTE: The “Agency Records Disposition Schedule” posted online reflects the current, approved disposition schedule for public records. In the event there are updates, such will be reflective in the posted document. Therefore, law enforcement agencies are encouraged to re-check the posted “Agency Records Disposition Schedule” prior to disposition of any records to ensure the retention period has not been extended.*

If the law enforcement agency’s local record retention policy is longer than that stated herein, the law enforcement agency must adhere to its local policy.

Law enforcement agencies are obligated to protect the records adequately against fire or other damages. Records may be stored away from the principal office; however, a list of the documents must be available if needed. Records may be retained in an electronic format.

The Department of Defense (DoD), Office of Inspector General (OIG), the Missouri Department of Public Safety (DPS), the Office of Missouri State Auditor, or any of their authorized representatives must have access to any documents, papers, or other records of the law enforcement agency which are pertinent to the participation in the LESO Program, in order to make audits, examinations, excerpts, and transcripts. The right to access is not limited to the required retention period; it will last as long as the records are retained.

### **XXX. PROGRAM TRAINING**

The Missouri LESO Program staff will host trainings starting in 2017 or 2018. As details regarding these trainings are finalized and dates/locations are determined, information will be shared via email with the law enforcement agencies participating in the LESO Program and will be posted on the DPS – DOD webpage at <http://dps.mo.gov/dir/programs/cjle/dod.php>.

When the training schedule is finalized, all law enforcement agencies approved to participate in the LESO Program will be highly encouraged to attend one of the training sessions. For subsequent years, only newly enrolled law enforcement agencies will be encouraged to attend, but any law enforcement agency participating in the LESO Program can opt to re-attend as a refresher or for reasons such as, but not limited to, new personnel or new points of contact overseeing the LESO activities.

The purpose of the training is to provide an overview of the LESO Program to include, but not limited to, purpose, authority, eligibility, change in enrollment status, change in contact information, screening of property, distribution of property, receipting of property, transfer of property, turn-in/disposal of property, use of the FEPMIS system, annual inventory certification requirements, agency compliance reviews, reporting requirements for lost/missing/stolen/destroyed property, cannibalization, storage/maintenance, and record retention.

Due to the content of the training, personnel attending such training should ideally be limited to those that are designated as points of contact or property screeners for the LESO Program, as well as authorizing officials of either the law enforcement agency and/or the unit of government.

Each participating law enforcement agency should send at least one (1) individual to the training to satisfy attendance.

### **XXXI. INDEMNIFICATION CLAUSE**

The LEA is required to maintain adequate insurance to cover damages or injuries to persons or property relating to the use of property issued under the LESO program. Self-insurance by the LEA is considered acceptable. The U.S. Government and the State of Missouri, Department of Public Safety, Office of the Director assume no liability for damages or injuries to any person(s) or property arising from the use of property issued under the LESO program. It is recognized that State and local law generally limit or preclude State Coordinators / LEAs from agreeing to open-ended indemnity provisions. However, to the extent permitted by State and local laws, the LEA shall indemnify and hold the U.S. Government and the State of Missouri, Department of Public Safety, Office of the Director harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of, or damage to property and injuries, illness or disabilities to, or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the LEA, its agents, servants, employees, or any person subject to its control while the property is in the possession of, used by, or subject to the control of the LEA, its agents, servants, or employees after the property has been removed from U.S. Government control.

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<sup>i</sup> DLA does not define "compensated", but the Missouri Department of Public Safety has defined "compensated" as being paid an hourly or annual salary, at a rate no less than the current hourly minimum wage. This definition applies anywhere the word "compensated" is used in this manual.

<sup>ii</sup> *Community Policing* is the concept that trust and mutual respect between police and the communities they serve are critical to public safety. Community policing fosters relationships between law enforcement and the local community which promotes public confidence in law enforcement agencies and, in turn, enhances the law enforcement agency's ability to investigate crimes and keep the peace.

<sup>iii</sup> *Constitutional Policing* protocols emphasize that all police work should be carried out in a manner consistent with the requirements of the U.S. Constitution and federal law. Policies must include protocols on First Amendment, Fourth Amendment, and Fourteenth Amendment principles in law enforcement activity, as well as compliance with Federal and State civil rights laws. [This includes, among others, Title VI of the Civil Rights Act, the Omnibus Crime Control and Safe Streets Act, Deprivation of Rights Under Color of Law (18 U.S.C. § 242), Conspiracy Against Rights (18 U.S.C. § 241), 42 U.S.C. 1983, and 42 U.S.C. 14141.]

<sup>iv</sup> *Community Input and Impact* protocols must identify mechanisms that law enforcement agencies will use to engage the communities they serve to inform them and seek their input about the law enforcement agency's actions, role in, and relationships with the community. Law enforcement exists to protect and serve the community, so it is axiomatic that the community should be aware of and have a say in how they are policed. Law enforcement agencies should make particular efforts to seek the input of communities where controlled equipment is likely to be used so as to mitigate the effect that such use may have on public confidence in the police. This could be achieved through the law enforcement agency's regular interactions with the public through community forums, town halls, or meetings with the Chief or community outreach divisions.

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- <sup>v</sup>*Appropriate Use of Controlled Equipment.* The protocols must define appropriate use of controlled equipment. Law enforcement agencies should examine scenarios in which controlled equipment will likely be deployed, the decision-making processes that will determine whether controlled equipment is used, and the potential that both use and misuse of controlled equipment could create fear and distrust in the community. Protocols should consider whether measures can be taken to mitigate that effect (e.g., keep armored vehicles at a staging area until needed) and any alternatives to the use of such equipment and tactics to minimize negative effects on the community, while preserving officer safety.
- <sup>vi</sup>*Supervision of Use.* The protocols must specify appropriate supervision of personnel operating or utilizing controlled equipment. Supervision must be tailored to the type of equipment being used and the nature of the engagement or operation during which the equipment will be used. Policies must describe when a supervisor of appropriate authority is required to be present and actively overseeing the equipment's use in the field.
- <sup>vii</sup>*Effectiveness Evaluation.* The protocols must articulate that the law enforcement agency will regularly monitor and evaluate the effectiveness and value of controlled equipment to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds. Law enforcement agencies should routinely review after-action reports and analyze any data on, for example, how often controlled equipment is used or whether controlled equipment is used more frequently in certain law enforcement operations or in particular locations or neighborhoods.
- <sup>viii</sup>*Auditing and Accountability.* There must be strong auditing and accountability provisions in the protocols which state that law enforcement personnel will agree to and comply with and be held accountable if they do not adhere to agency, State, local, Tribal, and Federal policies associated with the use of controlled equipment.
- <sup>ix</sup>*Transparency and Notice.* The protocols must articulate that law enforcement agencies will engage the community regarding acquisitions of controlled equipment, policies governing its use, and review of Significant Incidents (described in Recommendation 2.3), with the understanding that there are reasonable limitations on disclosures of certain information and law enforcement sensitive operations and procedures.
- <sup>x</sup> The requirements in Recommendation 2.2 are designed to complement existing law enforcement training that accomplishes similar purposes. For example, law enforcement agencies that currently have robust policies on community policing, civil rights and civil liberties, and community input and impact, and train personnel on those policies, may already be able to meet the General Policing Standards training requirements if the training is provided annually. Typically, these subjects are part of training for new recruits at police academies and during annual in-services on agency-wide policies and procedures, updates to the law and legal standards, and emerging issues and techniques.
- <sup>xi</sup> See 18 U.S.C. § 1365(h)(3): "[T]he term 'serious bodily injury' means bodily injury which involves (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of bodily member, organ, or mental faculty."