



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

SUBJECT: State of Delaware LESO Program Compliance Review Report/Checklist

This Correspondence is in reference to the Law Enforcement Support Office (LESO) Program Compliance Review (PCR), conducted from 8/21/17 to 8/25/17. The results are as follows:

I. LESO will Verify:

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| *1. Is the State Coordinator (SC) appointed, in writing, by the current Governor of the State and on-file with the Law Enforcement Support Office (LESO)? | PASS |
| 1a. Appointment letter effective date: | 2/20/17 |
| *2. Has the current Governor appointed SC signed the current Defense Logistics Agency (DLA) Memorandum of Agreement (MOA)? | PASS |
| 2a. MOA date: | 6/28/16 |
| 3. If applicable, are State Points of Contact (SPOCs) appointed, in writing, by the current Governor appointed SC and on-file with the LESO? | YES |
| 4. If applicable, are State Points of Contact (SPOCs) authorized, in writing, signature authority by the current Governor appointed SC? | YES |

Comments: 2. *The SC, Mr. Abel J. Schall Jr., signed on 6/28/16 and the DLA Disposition Services J4 Director signed on 7/5/16.*
 3. *Mr. Lester Hobbs was appointed as the SPOC on 2/20/17.*
 4. *Mr. Lester Hobbs has signature authority.*

II. Website Knowledge:

- | | |
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| 1. Are appointed personnel performing the duties with the State LESO Program proficient and knowledgeable when utilizing the following DLA websites: | |
| 1a. LESO Website: | YES |
| http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement.aspx | |
| 1b. FEPMIS Website: https://fam.nwcg.gov/fam-web/ | YES |
| 1c. FEPMIS IBM COGNOS Reports Portal: | YES |
| https://fam.nwcg.gov/crn/cgi-bin/cognos.cgi | |
| 1d. AMPS Website: https://amps.dla.mil | YES |
| 1e. RTD Website: https://business.dla.mil/landing/index.jsp | YES |
| 1f. DLA Disposition Services Website: | YES |
| http://www.dla.mil/DispositionServices.aspx | |

Comments: *The SPOC is very proficient and knowledgeable with all of the above websites. The SPOC logs in daily to check RTD Website requests or whenever agencies call him and notify him that they have submitted a request.*

III. Eligibility Requirements:

1. Are Applications for Participation submitted by Government agencies whose primary function is the enforcement of applicable Federal, State, local laws, and whose compensated officers have powers of arrest and apprehension signed by the Chief Law Enforcement Official (CLEO), then approved by the SC's Office? YES

1a. What steps does the SC's Office take to ensure the application is for a bona-fide Law Enforcement Agency (LEA)?

The SPOC uses a Delaware Police Chiefs website (<http://depolicechiefsCouncil.org/membership.html>) to check the validity of new LEAs requesting to be in the LESO Program. The SPOC will also contact the DE State Police if further information is required for validation on an LEA. The SPOC is aware of the requirement that each LEA needs to ensure that their Originating Agency Identifier (ORI) Number is listed on all new applications in the future.

2. Does the SC's Office provide training to LEAs who participate in the LESO Program? YES

Comments: *2. Whenever an LEA wants training or has new users, the SPOC will either provide training over the phone or will bring the LEA POCs to his office to train in person and will also provide the link to the LESO Website so that the new users can review the guides and instructions.*

IV. Records Management:

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

1a. SPO effective date: 6/28/16

*2. Does the SC's Office maintain a current copy of the SPO, signed by the current LEA CLEO, for each LEA, in any or all of the following formats: hard copy in each LEA File, in an electronic LEA file or the Federal Excess Property Management Information System (FEPMIS)? PASS

3. Does each LEA maintain a current copy of the SPO, signed by the current SC and their current CLEO in any or all of the following formats: hard copy, electronic copy or the FEPMIS? YES

*4. Are Transfers of controlled property approved by the DLA LESO prior to physical movement to the receiving LEA? PASS

5. Does the SC's Office and/or the LEA retain a copy of all FAA Certificate of Aircraft Registration for all flyable Aircraft? NO

6. If applicable, does the SC's Office have, on-file, a copy of any approved Exception to Policy memorandums? NO

Comments: *1. The LESO approved Delaware's SPO on 6/28/16.
5. There are no LESO Aircraft in Delaware.
6. There are no Exception to Policy letters approved by LESO for LEAs in Delaware.*

V. Property and Inventory Control:

1. Is LESO Program controlled property properly stored in a controlled storage area with limited access? YES

2. Have all reports of lost, stolen, damaged LESO Program property been reported to the appropriate SC's Office and forwarded to the LESO? *NO*
3. Does the SC's Office review all requisitions in the Reutilization, Transfer and Donation (RTD) Web portal on a daily basis? *YES*
4. What steps does the SC's Office take in determining recommendation for approval of an LEA RTD requisition?

The SPOC checks justification to make sure it is for law enforcement uses. SPOC also checks the Demilitarization (DEMIL) Code and verifies with the agency that they actually do want DEMIL required items. LESO PCR Team instructed the SPOC how to access the Property Allocation Report in FEPMIS, which will now be used to determine approval/denial for future requisitions.

5. Has the SC's Office completed the annual inventory and reconciliation requirement? *YES*
6. Does each participating LEA maintain, at a minimum, one user in the Federal Excess Property Management Information System (FEPMIS)? *YES*

Not all users remain active throughout the year because they do not actively request property; however, inactive users will re-activate when it comes time to complete their Annual Inventory requirement.

- *7. Are photographs and serial numbers for Aircraft, Tactical Vehicles and other controlled property as required uploaded to the appropriate record in FEPMIS to include Front or Side and Data Plates? *PASS*

- *8. Are photographs of serial numbers uploaded to the appropriate record in FEPMIS for all Small Arms, suppressors and any other property as identified by the DLA LESO? *PASS*

Comments: 2. *The New Castle County PD reported two (2) missing Reflex Sights the day before their scheduled review. Financial Liability Investigation for Property Loss form has been submitted and processed after PCR was completed.*

7/8. The State of Delaware has (6) items missing Serial Numbers, but they were determined to be Serial Number required after being assigned to their FEPMIS Property Book. There are (2) action items for DE State Police and (4) action items for Dewey Beach PD that will have their Serial Numbers corrected.

VI. Executive Order (EO) 13688 Compliance:

1. The following agencies reviewed by the DLA LESO during the course of the PCR have one or more of the following Executive Order 13688 (EO) Controlled Equipment; Manned Aircraft (Fixed Wing), Manned Aircraft (Rotary Wing), Armored Vehicle (Wheeled), Tactical Vehicle (Wheeled), Command and Control Vehicle, Breaching Apparatus, Riot Baton, Riot Helmet or Riot Shield:

Dewey Beach Police Department

2. Does each LEA with EO Controlled equipment have evidence of civilian governing body's review and approval or concurrence of the LEAs acquisition of the requested EO Controlled equipment? *YES*

The LESO PCR Team physically reviewed documentation stating that the Town Manager, Mark Appelbaum, approved the acquisition of the HMMWV.

3. LEAs that acquire controlled equipment through Federal programs must ensure that its personnel are appropriately trained and that training meets the following requirements:

3a. Required Annual Training on Protocols. On an annual basis, all LEA personnel who may use or authorize use of controlled equipment must be trained on the LEA's General Policing Standards and Specific Controlled Equipment Standards. YES

3b. Required Operational and Technical Training. LEA personnel who use controlled equipment must be properly trained on, and have achieved technical proficiency in, the operation or utilization of the controlled equipment at issue. YES

3c. Scenario-Based Training. To the extent possible, LEA trainings related to controlled equipment should include scenario-based training that combines constitutional and community policing principles with equipment-specific training. LEA personnel authorizing or directing the use of controlled equipment should have enhance scenario-based training to examine, deliberate, and review the circumstance in which controlled equipment should or should not be used. YES

3d. Record-Keeping Requirement. LEAs must retain comprehensive training records; either in the personnel files of the officer who was trained or by the LEA's training division or equivalent entity, for a period of at least three (3) years, and must provide a copy of these records, upon request, to the Federal agency that supplied the equipment/funds. YES

The LESO PCR Team physically reviewed the LEAs training plan. The LESO PCR Team instructed the LEA to provide specific examples of what types of scenarios would cause them to deploy their vehicle. The LEA is aware of the record-keeping requirement to retain comprehensive training records for at least 3 years, this requirement is listed in their training plan.

4. Do LEAs maintain reports when involved in a Significant Incident which resulted in the use of controlled equipment? N/A

The report/s must contain:

(a) Identification of the 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

(d) results of controlled equipment use (e.g., arrests, use-of-force, victim extraction, injuries)

NOTE: A Significant Incident is defined by:

(a). A violent encounter among civilians or between civilians and the police

(b) Use-of-force that causes death or serious bodily injury

(c) A demonstration or other public exercise of First Amendment rights

(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

The LEA has not used their EO Vehicle for any Significant Incidents.

5. Does the LEA retain all “Significant Incident” reports for a period of at least three (3) years? N/A

EO Vehicle has not been used in a Significant Incident, but if it is, the LEA will retain copies for at least three (3) years.

6. Upon request, did the LEA provide a copy of their “Significant Incident” reports to the DLA LESO? N/A

EO Vehicle has not been used in a Significant Incident, but if it is, the LEA will provide copies of the report to LESO.

7. Are reports for Significant Incidents made available to the community in accordance with applicable policies and protocols including consideration regarding the disclosure of sensitive information? N/A

EO Vehicle has not been used in a Significant Incident, but if it is, the LEA would make the report available to the community, upon request.

8. Did the LESO PCR Team validate all required documentation for EO Controlled Equipment (civilian governing body approval, training plans and significant incident reports)? YES

The LESO PCR Team validated all required EO Documentation and instructed the LEA to add a more robust and specific “Scenario-Based Training” section in their Training Plan. Currently, the Training Plan lacks an in-depth explanation of the scenarios that would require the deployment of the vehicle.

VII. Compliance and Utilization Reviews:

*1. Does the SC’s Office ensure an internal PCR is performed for at least 5% of LEAs that have assigned property from the LESO Program on an annual basis? PASS

2. LEAs reviewed during the State Level LESO Compliance Review:

1. *Frederica Police Department*
2. *Bridgeville Police Department*

3. Was documentation provided to the LESO PCR Team for each LEA that received a State level Program Compliance Review? YES

4. Does the SC’s Office provide documentation to the DLA LESO in cases of non-compliant LEAs? YES

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

The SPOC puts LEAs on internal State Suspension by not approving any new RTD requests (DE State Police since May 2017). SPOC has had no need to Terminate agencies yet, just Suspensions.

Comments: *To conduct an Internal PCR, the SPOC prints FEPMIS inventories and physically verifies items with LEA POC. SPOC goes through the LESO PCR Checklist (modified for his own use) and asks the LEA POC the LESO PCR questions.*

4. SPOC notifies LESO of internal State Suspensions.

VIII. Non-Utilized LESO Program Property:

1. What steps does the SC's Office take to ensure LEAs do not requisition unnecessary or excessive amounts of property?

The SPOC checks justification is for law enforcement purposes and describes an actual need for item. Property Allocation Report will be used in the future to better determine allocation limits and previously awarded property.

2. What steps does the SC's Office take to ensure LESO Program Controlled or DEMIL property is not sold?

The SPOC relies on Annual Inventory to ensure that Controlled property is still in possession of the LEA. SPOC stated that the LEA validates that they still have the property and signs the SPO, while understanding the rules of the Program.

3. Has there been an incident, since the last conducted PCR, where an LEA has sold controlled or DEMIL property received under the LESO Program or received LESO Program property for the sole purpose of selling it? YES

3a. If yes, provide detail and supporting documentation of the outcome (who, what, when, where, how much).

3. DE State Police traded forty-one (41) Reflex Sights to the manufacturer without State approval. LEA POC claims they misunderstood/misread the SPO.

Comments: *The SPOC informed the LESO PCR Team that the forty-one (41) Reflex Sights have already been adjusted off of the LEAs inventory. The SPOC informed the LESO PCR Team that the DE State Police has been internally suspended within the State and are still suspended today.*

IX. Conclusion:

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

X. Areas of Concern and/or Recommendation:

The LESO PCR Team discussed the requirement with both the SPOC and all LEAs throughout the PCR regarding the use of Equipment Custody Receipts for small arms; the LESO PCR Team pointed out where this is a requirement within the MOA and the SPO. The Frankford Police Department currently has no Chief. LESO's concern is that the Frankford Police Department has a Utility Truck and some ballistic spectacles from the LESO Program; these items will all need to be turned-in or transferred to another LEA so that they can be properly accounted for.

XI. Areas of Praise:

It was very apparent to the LESO PCR Team that the SPOC and all of the LEAs were well prepared for the visits. All of the POCs were very knowledgeable and enthusiastic about participating within the LESO Program.

XII. LEAs visited during the DLA LESO PCR:

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| 1. Bethany Beach Police Department | 17. Georgetown Police Department |
| 2. Bridgeville Police Department | 18. Harrington Police Department |
| 3. Cheswold Police Department | 19. Laurel Police Department |
| 4. Clayton Police Department | 20. Lewes Police Department |
| 5. Dagsboro Police Department | 21. Middletown Police Department |
| 6. DE Capitol Police Department | 22. Milford Police Department |
| 7. DE Div of Alcohol Tobacco Enf | 23. Milton Police Department |
| 8. DE DNR Parks and Recreation | 24. New Castle City Police Department |
| 9. DE Fish and Wildlife Enforcement | 25. New Castle County Police Department |
| 10. DE Natural Resources Police, ECU | 26. Newark Police Department |
| 11. DE State Police | 27. Ocean View Police Department |
| 12. Delmar Police Department | 28. Selbyville Police Department |
| 13. Dewey Beach Police Department | 29. Smyrna Police Department |
| 14. Fenwick Island Police Department | 30. South Bethany Beach Police Department |
| 15. Frankford Police Department | 31. Univ of DE Newark Police Department |
| 16. Frederica Police Department | 32. Wyoming Police Department |

XIII. PCR Inventory Results:

	LESO PROGRAM PROPERTY					
			TOTAL REVIEWED DURING PCR			
			*Items Physically Inventoried	*Items Reviewed via Approved ECR		
SMALL ARMS	260	260	260	0	260	100%
AIRCRAFT	0	0	0	0	0	N/A
TACTICAL VEHICLES	23	23	23	0	23	100%
DEMIL PROPERTY	5,921	1,448	1,429	17	1,446	99.86%
TOTALS	6,204	1,731	1,712	17	1,729	99.88%
**OVERALL STATE INVENTORY ACCURACY RATE (%):					99.88%	

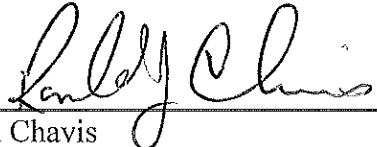
* The DLA LESO PCR Team is required to physically inventory or obtain a copy of an acceptable custody card for 100% of the LESO Program Small Arms, Aircraft, Tactical Vehicles and DEMIL property as listed in the record of property, for each LEA that has been selected for review during the PCR. The LEA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

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

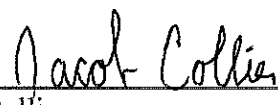
$\frac{A + B + C + D}{(X + Y)}$	= Overall State Inventory Accuracy Rate (%)
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XIV. Summary:

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

X 

Ron Chavis

X 

Jacob Collier