

SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING

Civic Center, 89 Pine Drive, Surfside Beach, SC 29575

www.surfsidebeach.org - ? (843) 913-6111 ? (843) 238-5432

TOWN COUNCIL MEETING AGENDA

Wednesday, June 29, 2022, ? 6:30 PM.

Please join the meeting from your computer, tablet, or smartphone.

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1. Agenda

Documents:

[12-14-2021-AGENDA.PDF](#)

2. Meeting Materials

[TUESDAY - DECEMBER 14, 2021 - SPEAKER NOTES \(PPT\)](#)

Documents:

[11-23-2021-MINUTES.PDF](#)

[RETAIL-RECRUITMENT-TRAINING-PROGRAM.PDF](#)

[SBPD-SEP-OCT-NOV-2021.PDF](#)

[SSB--1033-PROGRAM-DEC-2021.PDF](#)

This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (E).

The public is invited to attend all meetings and events.



**SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING Civic Center, 115 US Highway
17 North, Surfside Beach, SC 29575 www.surfsidebeach.org - ☎ (843) 913-6111
📠 (843) 238-5432**

**TOWN COUNCIL MEETING AGENDA
Tuesday, December 14, 2021, • 6:30 PM.**

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<https://global.gotomeeting.com/join/789618437>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

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Access Code: 789-618-437

1. CALL TO ORDER – Mayor Hellyer

2. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Invocation: Tom Cox, Surfside Christian Church

B. Pledge of Allegiance: Mayor Hellyer

3. MOTIONS RELATING TO AGENDA

4. MINUTES APPROVAL [November 23,2021 Regular meeting](#)

5. PUBLIC COMMENTS – Agenda Items Only (5 minutes per speaker)

6. COMMUNICATIONS

A. [Public Works Monthly Report](#) – John Adair

B. [Police Department Monthly Report](#) - Chief Hofmann

7. DISCUSSION (motions pertaining to discussion items permitted)

A. Harbor Lights – William Shanahan

8. BUSINESS

A. [Department of Defense Surplus Property Program](#) -Chief Hofmann

B. [Fire Department Positions](#) – Chief Clemons

C. [KSBB Food Drive](#) – Tabitha Mull

D. [Resolution 21-143- MASC Recruitment Training Program](#) – William Shanahan

9. PUBLIC COMMENTS – Town Services or Business Conducted (5 minutes per speaker)

10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS

11. EXECUTIVE SESSION Motion to adjourn Regular Meeting and enter Executive Session pursuant to the Freedom of information Act §30-4-70(a)(2), To receive legal advice related to a threatened claim against the town, municipal court, and administration. Discussion of negotiations incident to proposed contractual arrangements.

12. Motions resulting from Executive Session. The council may take action on matters related to Executive Session.

13. ADJOURNMENT

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TOWN COUNCIL MEETING AGENDA Tuesday, November 23, 2021; • 6:30 pm.

- 1. CALL TO ORDER** – Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Councilmembers Drake, Holder, Kreklau, Kinken, Stamey and Mayor Pro Temore Keating were in attendance. Others present were Town Administrator Shanahan, Town Attorney Crosby and Town Clerk Sheri Medina.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE**
 - A. Invocation:** Oakey Landers of Pine Drive Baptist Church gave the invocation.
 - B. Pledge of Allegiance:** Mayor Hellyer led the Pledge of Allegiance.
- 3. MOTIONS RELATING TO AGENDA**

Councilmember Stamey made a motion to remove item 8 (a) from the agenda. Councilmember Kinken second. Councilmembers Stamey, Holder, and Kinken voted in favor. Councilmember Keating, Kreklau, Drake and Mayor Hellyer voted against. **Motion Failed.**
- 4. MINUTES APPROVAL**

Councilmember Keating made a motion to approve the minutes for October 26, 2021, Regular Meeting, November 9, 2021, Regular meeting, and November 15, 2021, Special meeting. Councilmember Drake second. All voted in favor. **Motion Carried.**
- 5. PUBLIC COMMENTS – Agenda Items Only (5 minutes per speaker)**
 - A. Ann Westcott**, 413 Cedar Drive: spoke in opposition to the rehiring of Ms. Morris, stated it would not be good for employee morale.
 - B. Shawn Fallon**, 411 Cedar Drive: I ask questions and do not receive answers. The person you are considering to hire is not qualified, and you have other candidates that are. I am very dissatisfied with this Council.
 - C. David Pellegrino**, 2nd Ave North: there were many reasons over the last few months as to why we could not get our inspections done. When I was on Council, we decided to have the director carry the CBO license so that we would have a backup.
 - D. Gail King**, 810N Hollywood Drive: the person on the agenda is the worst decision you could make. You have an applicant that has all the qualifications and has never been fired.
 - E. Judy Henion**, 611 11th Ave North: the person in question has never been fired. There are a lot of rumors floating around. Do your homework. This person has integrity, and this individual is very qualified. Many things need to be done that haven't been done since her removal. Some may have an issue with her because she has told them no; I want someone with integrity.
 - F. Larry McKeen**, 6th Ave South: the job description stated that the person needs a CBO. I suggest you repost the position and see who applies. You can still hire the same person, but it will be fair.
 - G. Al Kelly**, North Dogwood, I have never had a problem with the person in question. Maybe some had someone else in mind. Contractors will not come here to work.
 - H. Lynn Livesay**, 520 10th Ave South: Regarding the tree ordinance. This has been tweaked. We have a mitigation fund. There will be fines if you cut down trees. These funds should be for repairs and the planting of new trees. I would not think you would hire someone that is not qualified. Two years is a long time to take the test. I think there should be a probationary period.
 - I. Carrie Johnson**, Harbor lights Drive: I worked under this person. She is ethical and knows the Ordinances of this town. I would ask how many codes have not been followed since she has been gone. She always treated everyone the same, and we need her back.
 - J. Terri Lauer**, 124 Harbor Lights Drive: I am on a committee, and I follow all the Ordinances. I was trained by the person in question, and she always explained everything thoroughly. She was not fired, and she was let go by the previous administration.
 - K. Al Lauer**, 124 Harbor Lights Drive: I have worked with this person; she guided us through the process. I can't say enough about her, and she is not a bad person.

L. Alex Samsel, 514 7th Ave South: Over the last 12 months, I have been privy to 2 people who had qualifications that did not follow our Ordinances, so I would rather have someone who follows them.

M. Fred Nash, 4th Ave South: I have never had a problem with anyone in this town. I love this city, and you are picking on a lady who tries to do her job. I love this town and don't want to see it destroyed.

6. COMMUNICATIONS

A. PROCLAMATION 21-136, Arbor Day, December 7, 2021. Read by Mayor Hellyer.

B. FINANCE MONTHLY REPORT – Director King gave the finance report.

7. DISCUSSION (motions pertaining to discussion items permitted)

A. PIER UPDATE (BUSINESSES) - Councilmember Kinken stated most of you have seen what's going on, and you don't understand how some of it works. I found out that our buildings going on there are being built elsewhere then assembled on the pier. That's going to cut down a lot of time. They're estimating now that they will start pouring the deck the first week in December. It will have to sit there for at least two weeks to let it cure. The first two test pilings have been installed. By the end of October, we have spent a third of the money. They still say August will be the completion date.

Mr. Shanahan gave a PowerPoint presentation of the progress.

B. FORMATION OF A PARKING COMMITTEE, GOLF CART PARKING – Councilmember Kinken stated I felt like this was something we needed to work on when I was running. We need to have a Parking Committee, and this is one of our most significant issues. Frankly, I would like to see us charge golf carts. We have many people who come from the campground and across the highway, and they should have to purchase a sticker. We need people, the community, to step forward and develop some reasonable solutions for our parking.

Councilmember Drake stated, on the parking, I agree with him 100%. We need to move forward on that, and golf cart rentals the same way. You go down to the beach accesses, and you'll notice that the golf carts in there are not stickered. But I look forward to working on it.

Councilmember Kreklau stated we should bring back a parking committee to look at all aspects of parking. Parking will never get easier in town, and that needs to be looked at from different perspectives. And, the way to do that is to have a committee to have people come in with different ideas.

Councilmember Keating stated several months ago we convened an ad hoc parking committee for an issue occurring on Surfside Drive. At that time, we discussed and agreed to bring back the parking committee to address all of our parking concerns, including the golf carts and some of the complaints of adjacent property owners of the parking at the beach access. We were sidetracked with other more important issues after the issue occurring on Surfside Drive was addressed. We never embraced creating the parking Committee. By that, I mean, no one stepped up to volunteer as the council liaison, to work on the charter, on the mission statement, or to establish goals and objectives, roles, responsibilities, accountabilities, et cetera. We need to determine whatever that committee was going to be. I think with the new Council on board, we need to figure out who's the best choice to lead that charge and develop the committee with the objectives, responsibilities, and scope of work. From there, we can then solicit applicants and appoint people to undertake those questions.

Councilmember Holder stated I agree with this; it's time now to bring the parking Committee back. The north side of town is probably the worst of any area because many from Ocean Lakes don't want to go on a beach because it is too busy, so they come over and park. So definitely, we need to bring it back.

Councilmember Stamey stated I think we need to look at it, and I don't know exactly how it needs to be formed or how to get people involved. I think it's a good idea to have a parking committee, to go over some things and look at what we can do for the town and solve some of our parking issues.

Mayor Hellyer stated we passed the entertainment district, and the businesses down there don't have to have any parking, the only parking they have is what we (the Town) provide. We have the Yaupon Parking lot and the other one on Pinewood. That's not enough when we open our pier. I'm not exactly sure what we're going to do because there's no real estate for us to get to increase our parking lots. We've got many parking issues that we need to look at and figure out what we want to do.

Mayor Hellyer made a motion to form a parking committee. Councilmember Kinken second. All voted in favor. **Motion Carried.**

8. BUSINESS

A. MOTION TO TAKE FROM THE TABLE THE FOLLOWING MAIN MOTION, MOTION TO REHIRE MS. SABRINA MORRIS AS THE BUILDING & CODES DEPARTMENT DIRECTOR IMMEDIATELY AND ALLOW 2 YEARS TO OBTAIN THE CBO LICENSE - Councilmember Drake made a motion to take the following main motion from the table: rehire Ms. Sabrina Morris as the Building & Codes Department Director immediately and allow two years to obtain the CBO license. Councilmember Keating second.

Councilmember Stamey made a motion to amend the motion to review all applications before a decision is made. Councilmember Holder second.

Councilmember Stamey stated I want to give a reason why I'm making this decision. She did not apply for this job, and she applied for a consultant job. We have applications that meet all the qualifications that have not been debated or discussed for this job. My next question to you is, this person we consider, does she have all the credentials to do this job?

Mr. Shanahan stated she doesn't have the CBO and a couple of other things.

Councilmembers Stamey, Holder and Kinken voted in favor of the amendment. Councilmembers Keating, Kreklau, Drake and Mayor Hellyer voted against. **Motion failed.**

Councilmembers Keating, Kreklau, Drake, and Mayor Hellyer Hellyer voted in favor of the original notion to rehire Sabrina Morris. Councilmembers Stamey, Holder, and Kinken voted against. **Motion Carried.**

B. MOTION TO RATIFY ORDINANCE 21-0933, CHAPTER 17, ARTICLE VII – LANDSCAPING AND TREE PROTECTION OF THE CODE OF ORDINANCES OF THE TOWN OF SURFSIDE BEACH, PASSED BY ORDINANCE BY THE TOWN COUNCIL, OCTOBER 26,2021 - Councilmember Keating made a motion to ratify Ordinance 21-0933 as necessary since the original modification portion of the code was not presented appropriately with an enabling ordinance when originally passed. Councilmember Holder second.

Mayor Hellyer stated we finalized this tree ordinance, but this was only temporary because we are going to redo the tree ordinance, and we are going to address it. But we did this tree ordinance to try to stop the tree cutting in the interim while we're doing that.

All voted in favor. **Motion carried.**

9. PUBLIC COMMENTS – Town Services or Business Conducted (5 minutes per speaker)

A. Ron Ott, 7th Ave North: There are houses in many zones that have been held to the height restrictions, and there are certain houses that exceed the height restriction that a former employee approved. He also spoke about the population of geese.

B. Lynn Livesay, 10th Ave South: to clarify the process, I was disappointed. Even if a person is not qualified, two years is too long to possess the proper qualifications. The process that happened here tonight was not good.

C. Judy Henion, 611 11th Ave: I want to applaud those who voted to bring back this person. We have an honest Town Administrator, and we will now have an honest Planning Director. So, let's move ahead.

D. Tom Dodge, 8th Ave: I think with the decision to bring back this person. She did a good job, and that was the best person we have had in the 30 Years I have lived here. We need to do something about the geese.

E. Shawn Fallon, 411 Cedar Drive: I am amazed that we had an applicant with the qualifications. That applicant should sue this town for not being considered.

F. Terri Lauer, Harbor Lights Drive: thank you for making the right decision. A lot has been overlooked. Now with the new hire, I know Ordinances will be followed, and it is your job to follow these Ordinances.

G. Carrie Johnson, Harbor Lights Drive: I also want to thank those who voted for this person. As far as the geese, there are things you can do. A company in Myrtle Beach can treat all the lakes and install something that would deter the geese.

H. Gary White, 315 B Lakeside Drive: I feel we continue to ignore the geese. Public Works should have to clean the streets. The person you are hiring has always been nice, and she is outstanding.

10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS

A. Councilmember Stamey stated I'm glad all of you came out tonight. The voting did not go the way I wanted, but we followed the process. I like some of the comments. Some I could do without. I would like to wish all of you a Happy Thanksgiving, and God bless Surfside.

B. Councilmember Holder stated I'd like to thank everybody for coming out and those who are online. I'd like to wish everybody a happy Thanksgiving. It is going to be colder tonight. I'm not used to the cold weather. That's a big change. Have a good night.

C. Councilmember Keating stated I'd like to thank everybody for coming out and the residents who took time to come up and voice their opinions and their perspective on matters, whether we agree or disagree. It's always beneficial to hear the other side of the story. There's no 100% truth coming from anyone, frankly. Unfortunately, some are a little more biased and less truthful about things than the reality of the situation may have been. But I think it's now time that we put the unfortunate incident that happened two years ago, that had an employee removed, and we now start stepping forward. We've always said we wanted to improve our ordinances, make sure they're fair, and are reasonable to everybody, that includes all of our zoning and building codes. A lot of it is part of state law, but it's time that we refocus our energy. We need to get back on top of our CRS program before FEMA does to us what they did to the small town in Florida, that is remove us from participation in the National Flood Insurance Program. It's a serious threat at this point because we are not in compliance with our CRS program this past year. Hopefully, they will be kind to us. Give us a pass due to COVID and some other things that maybe we haven't been as diligent about the program as we should have been. We can all hope for the best. Since the Surfside Public Information Program in our CRS Program, created by the person in question, has been recognized by FEMA as a standard by which all others are judged. I think we have the right person to come in and get us back on track on that program and revise it with the new changes upcoming from FEMA in the program in general. Clearly, I think it's good move, I voted for it, and I think it's the right direction. We now have a person knowledgeable of our ordinances and where the trouble points are. She's been part of the town for many years, and she knows what is causing the most pain to our businesses and our residents. We can focus on correcting some of those paths. Other than that, I want to wish everybody a very happy Thanksgiving. Our December festivities are coming up; Our tree lighting is Saturday, December 4, the Christmas parade, the movie in the park on Dec 11th, breakfast with Santa and the golf cart parade on the 18th. So, make sure you're out and about, and seeing your neighbors, and celebrating the holiday season with us. Thank you, have a good night.

D. Councilmember Kreklau stated I'd like to thank everyone for coming out and voicing their opinion. I want people to keep sending me e-mails. I got a lot this last week, but that helps me decide what in the town's best interest. Have a good night.

E. Councilmember Kinken stated I thank everybody for coming. First, I want to address the lady that mentioned the massive trees. How come we had so much clear-cutting. At the second reading in 2017, the Council decided they would take out the 60 inches. That's why you have had so much clear-cutting in this town last three years. There is a reason. It's not that somebody ignored the ordinance. They changed the ordinance, so it was useless. I thought we were blindsided last week, and I found out this Monday that eight people applied for the director's position, two of them are qualified, three or more are more qualified, and three had the same qualification. I don't have anything against Sabrina because I know she knows what she does in her area. And I thought we were presented that they wanted her as a contract employee and helped with CRS. What happened tonight, my opinion, this borders on favoritism or nepotism or both. I thank everybody for coming out, watching, and listening. I wish everybody a happy Thanksgiving. We'll see you in two weeks.

F. Councilmember Drake stated I want to thank everybody for tuning in and coming out here tonight. Just remember, Thursday is a good day, with a good meal, thank the Lord for your family, your friends, and we live in a beautiful town, and don't forget that.

G. Mayor Hellyer stated I don't know if everybody has ridden around and taken a look at what's going on in the town right now. If you go by Memorial Park or Passive Park right now, in the middle of the night, it is lit up like daytime. That's where our Christmas tree is going to be this year. On December 4, I wish everybody would come out, see Santa Claus. I've also seen the town, Dogwood Lake at the very end of it and the gazebo, that's all decorated. Martin Field is decorated, and the Floral Park is decorated. There are decorations all over the town that we didn't have before. I think that John Adair and the Public Works have done a great job doing that. We all will enjoy the fruits of their labor. Remember Thursday is Thanksgiving, and Thursday morning, I believe, is a Turkey Trot. So, walk out your

front door if you're not going to get in it. At least to cheer the people on that are run by your house. I hope you have a good evening, and a good holiday. You all have a good evening.

11. **EXECUTIVE SESSION** – Councilmember Keating made a motion to adjourn Regular Meeting at 8:11 pm and enter Executive Session pursuant to the Freedom of information Act §30-4-70(a)(1) and (2), Discussion of appointments to Surfside Beach Committees, and to receive legal advice regarding claims (2019-CP-261732) (S.C.2018-02255). Councilmember Drake second. All voted in favor. **Motion Carried.**

Councilmember Keating made a motion at 8:53 pm to reenter the Regular Session. Councilmember Holder second. All voted in favor. **Motion Carried.**

12. **Motions resulting from Executive Session. The Council may take action on matters related to Executive Session.**

Councilmember Stamey made a motion to re-appoint Shane O. Stewart to the Construction Board of Appeals. Councilmember Holder second. All voted in favor. **Motion Carried.**

13. **ADJOURNMENT** - Councilmember Keating made a motion to Adjourn at 8:57 pm. Councilmember Drake second. All voted in favor. **Motion Carried.**

Surfside Beach Town Council

Robert Hellyer, Mayor

Cindy Keating, Mayor Pro Tempore

Chris Stamey, Town Council

LaVerne Kreklau, Town Council

Michael Drake, Town Council

William Kinken, Town Council

Paul Holder, Town Council

Attest: _____
Sheri L Medina, Town Clerk

Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you, provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local media and interested parties via the Town's email subscription list. The agenda was posted on the entry door at Council Chambers.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
TOWN OF SURFSIDE BEACH)

Resolution 21-0143

RESOLUTION COMMITTING THE TOWN OF SURFSIDE BEACH TO PROVIDING A PROGRAM FEE FOR THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA RETAIL RECRUITMENT TRAINING PROGRAM IN PARTNERSHIP WITH THE RETAIL COACH IF THE TOWN OF SURFSIDE BEACH IS ACCEPTED INTO THE PROGRAM AND SUPPORTING THE CITY’S/TOWN’S APPLICATION THERETO

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF SURFSIDE BEACH, here assembled on this 14 day of December 2021, that the Town Council hereby supports the Town’s application to the Municipal Association of South Carolina Retail Recruitment Training Program in partnership with The Retail Coach and commits to provide a program fee of \$5,000 to cover the cost of the program if the Town is selected to participate.

BE IT FURTHER RESOLVED that the Council will follow its procurement policy adopted in accordance with SC Code of Laws Section 11-35-5320 when engaging with The Retail Coach as it relates to their participation in the program.

This resolution is made in regard to the submission of an application for the Municipal Association of South Carolina Retail Recruitment Training Program which must be submitted electronically on or before Wednesday, December 22, 2021.

Robert Hellyer
Mayor, Town of Surfside Beach

ATTEST:

Sheri L Medina, Clerk to Council
Town of Surfside Beach, South Carolina

Kenneth Hofmann
Chief of Police



Bob Hellyer
Mayor

SURFSIDE BEACH POLICE DEPARTMENT
811 Pine Drive
Surfside Beach, SC 29575

Monthly Activity Report
SEPTEMBER 2021
(01 SEP– 30 SEP 21)
Prepared by Kenneth Hofmann

INTRODUCTION:

September 2021 statistics show a 17.12% decrease in calls for service from September 2020 (1682:1394). Arrest and Citation data between September 2021 and September 2020 show a 13.56% decrease (236:204).

As always, these numbers will be detailed for you in the Workload / Performance section of the report.

PERSONNEL ACTIONS:

Michael Pados was hired as a non-certified Police Officer

Training and K9 Activity:

As always, officers maintained their Class 1 Law Enforcement licenses via online training provided by the SC Criminal Justice Academy, and continued to receive their mandated in- service hours through the SC Criminal Justice Academy online.

All Class I officers completed 3 hours of annual Policy In-Service

All civilian employees completed 1.25 hours of annual Policy In-Service

OFC Pados completed 3.0 hours of Policy In-Service

OFC Carl completed the Field Training Evaluation Program

OFC Ellwanger completed 1hour of Electrical Weapon (CEW) recert training.

OFC Ellwanger was released to shadow phase the Field Training Evaluation Program

PFC Pinto and K9 Sif conducted 19 hours of training, consisting of obedience, tracking and narcotics detection. K9 Sif and PFC Pinto had 6 deployments consisting of 5 positive alerts resulting in 6 arrests. The alerts consisted of seizures of methamphetamine, fentanyl, heroin, crack cocaine, controlled substance and paraphernalia.

WORKLOAD / PERFORMANCE:

As usual, we've included our Monthly Activity Report (along with the same period last year and monthly spreadsheet for comparison purposes).

In the month of September 2021, the Police Department answered 1,394 calls for service that resulted in 39 custodial arrests, 121 citations, and 44 criminal arrest warrants. (5 warrants related to drug possession/distribution). SBPD personnel transported 22 prisoners to J. Rueben Long Detention Center and 11 prisoners to the Myrtle Beach Police Department Detention Center. No prisoners were able to post a cash bond at the police department.

SBPD officers issued 87 written warnings in September in lieu of Uniform Traffic Tickets or to record vehicles stopped for non-traffic related reasons.

NOTABLE EVENTS / INFORMATION

The Police Department participated in the Celebrate Surfside Event by providing and informational booth and officers on foot patrol to interact with the community.

SURFSIDE BEACH POLICE DEPARTMENT

**Monthly Activity Report
SEPTEMBER 2021
(01 SEP- 30 SEP 21)**

ATTACHMENTS

AND

SUPPORTING MATERIALS

Kenneth Hofmann
Chief of Police



Bob Hellyer
Mayor

SURFSIDE BEACH POLICE DEPARTMENT
811 Pine Drive
Surfside Beach, SC 29575

Monthly Activity Report
OCTOBER 2021
(01 OCT– 31 OCT 21)
Prepared by Kenneth Hofmann

INTRODUCTION:

October 2021 statistics show a 9.79% decrease in calls for service from October 2020 (1400:1263). Arrest and Citation data between October 2021 and October 2020 show a 18.38% decrease (273:222).

As always, these numbers will be detailed for you in the Workload / Performance section of the report.

PERSONNEL ACTIONS:

Thomas Karlya was hired as a lateral-certified Police Officer from New York

Training and K9 Activity:

As always, officers maintained their Class 1 Law Enforcement licenses via online training provided by the SC Criminal Justice Academy, and continued to receive their mandated in- service hours through the SC Criminal Justice Academy online.

All Class I officers completed 8.0 hours of Conducted Electrical Weapon (CEW) Taser training

Communications Officer Deforest began a 4-week Association of Public-Safety Communications Officials, International - Basic Telecommunicator Online Course

CPL Pinto and K9 Sif completed annual National Certification

OFC Pados completed week 3 of SCCJA online Basic Law Enforcement training

OFC Pados completed FEMA 100-c, and 700-b training

Officers Pados and Karlya completed NCIC Inquiry training

OFC Karlya began online SCCJA Special Basic Law Enforcement training

Officer Ellwanger completed the Field Training and Evaluation Program

PFC Pinto and K9 Sif conducted 20 hours of training, consisting of obedience, tracking and narcotics detection. K9 Sif and PFC Pinto had 5 deployments consisting of 5 positive alerts resulting in 1 arrest and four citations. The alerts consisted of seizures of marijuana and paraphernalia.

WORKLOAD / PERFORMANCE:

As usual, we've included our Monthly Activity Report (along with the same period last year and monthly spreadsheet for comparison purposes).

In the month of October 2021, the Police Department answered 1,263 calls for service that resulted in 35 custodial arrests, 171 citations, and 16 criminal arrest warrants. (6 warrants related to drug possession/distribution). SBPD personnel transported 19 prisoners to J. Rueben Long Detention Center and 16 prisoners to the Myrtle Beach Police Department Detention Center. No prisoners were able to post a cash bond at the police department.

SBPD officers issued 108 written warnings in October in lieu of Uniform Traffic Tickets or to record vehicles stopped for non-traffic related reasons.

NOTABLE EVENTS / INFORMATION

The Police Department participated assisted with the town's Halloween Car Show, Champion Autism Network's Beachball Meatball Event, and the Halloween Golf Cart Parade, providing foot patrol and traffic control during the events.

SURFSIDE BEACH POLICE DEPARTMENT

**Monthly Activity Report
OCTOBER 2021
(01 OCT– 31 OCT 21)**

ATTACHMENTS

AND

SUPPORTING MATERIALS

Kenneth Hofmann
Chief of Police



Bob Hellyer
Mayor

SURFSIDE BEACH POLICE DEPARTMENT
811 Pine Drive
Surfside Beach, SC 29575

Monthly Activity Report
NOVEMBER 2021
(01 NOV– 30 NOV 21)
Prepared by Kenneth Hofmann

INTRODUCTION:

November 2021 statistics show a 16.12% increase in calls for service from November 2020 (1303:1513). Arrest and Citation data between November 2021 and November 2020 show a 24.54% increase (273:340).

As always, these numbers will be detailed for you in the Workload / Performance section of the report.

PERSONNEL ACTIONS:

Paul Regan was hired as a lateral-certified Police Officer from Washington, D.C.

Training and K9 Activity:

As always, officers maintained their Class 1 Law Enforcement licenses via online training provided by the SC Criminal Justice Academy, and continued to receive their mandated in- service hours through the SC Criminal Justice Academy online.

All Class I officers completed 3.0 hours of mandatory online SCCJA Domestic Violence 2021 update.

All Class 1 and Communications personnel completed 1-hour of Autism Awareness training.

All Class I officers completed 8.0 hours of Patrol Rifle Classroom/Practical training.

All Class 1 officers completed 8.0 hours of Firearms Qualification Training.

OFC Pados completed 4-week SCCJA online Basic Law Enforcement online training.

OFC Pados began the 8-week SCCJA Basic Law Enforcement training in Columbia.

Ofc Karlya completed online Special Basic Law Enforcement online training.

Officers Carl, Ellwanger, Karlya & Pados completed 2 hours of online Responding to Emergencies 1 & 2 training.

Officers Karlya, Pados & Regan completed 1 hour of Bloodborne Pathogens training.

PFC Pinto and K9 Sif conducted 19 hours of training, consisting of obedience, tracking and narcotics detection. K9 Sif and PFC Pinto had no deployments in November due to vehicle issues.

WORKLOAD / PERFORMANCE:

As usual, we've included our Monthly Activity Report (along with the same period last year and monthly spreadsheet for comparison purposes).

In the month of November 2021, the Police Department answered 1,513 calls for service that resulted in 46 custodial arrests, 270 citations, and 24 criminal arrest warrants. (10 warrants related to drug possession/distribution). SBPD personnel transported 15 prisoners to J. Rueben Long Detention Center and 26 prisoners to the Myrtle Beach Police Department Detention Center. No prisoners were able to post a cash bond at the police department.

SBPD officers issued 140 written warnings in November in lieu of Uniform Traffic Tickets or to record vehicles stopped for non-traffic related reasons.

NOTABLE EVENTS / INFORMATION

The Police Department assisted with traffic and crowd control, and route security for the annual Turkey Trot event.

SURFSIDE BEACH POLICE DEPARTMENT

**Monthly Activity Report
NOVEMBER 2021
(01 NOV– 30 NOV 21)**

ATTACHMENTS

AND

SUPPORTING MATERIALS

Surfside Beach Police Department
811 Pine Drive Surfside Beach , SC 29575

Surfside Beach Police Department

Agency CFS CallType By Month For 01/01/2021 - 11/30/2021

Surfside Beach Police Department													
CallType	January	February	March	April	May	June	July	August	September	October	November	December	Total
911 HANG UP	3	4	4	4	9	16	9	6	4	5	4	0	68
ABANDONED PROPERTY	1	0	1	1	5	2	2	4	0	0	3	0	19
ACCIDENT PROPERTY DAMAGE	8	7	22	8	18	32	37	24	20	18	17	0	211
ACCIDENT W/INJURIES	4	1	5	2	3	5	10	8	4	2	2	0	46
AGENCY ASSIST	12	12	7	16	19	27	13	15	19	35	20	0	195
ALARM BUSINESS	22	20	22	12	13	22	37	22	15	19	18	0	222
ALARM RESIDENCE	9	11	20	20	14	9	5	13	8	14	15	0	138
ALARM VEHICLE	0	0	0	0	1	1	3	0	1	1	1	0	8
ALCOHOL VIOLATION	1	0	2	3	14	3	8	1	2	1	0	0	35
ANIMAL CALL	16	20	18	21	22	21	24	13	15	18	28	0	216
ARMED SUBJECT	2	1	0	0	0	0	0	2	0	0	0	0	5
ARSON	0	0	0	0	0	0	0	0	0	0	1	0	1
ASSAULT GENERAL	4	3	6	10	5	8	5	6	4	5	4	0	60
B&E AUTO	1	0	5	3	3	5	4	5	13	2	1	0	42
BEACH ALCOHOL	0	0	1	8	51	36	63	52	10	0	0	0	221
BEACH ANIMAL	0	4	2	18	112	36	43	21	18	1	0	0	255
BEACH DISTURBANCE	0	0	0	0	1	2	5	2	0	0	0	0	10
BEACH HAZARD	1	0	5	22	80	59	73	75	5	0	1	0	321
BEACH PATROL	0	4	5	37	71	54	72	61	21	1	0	0	326
BEACH SMOKING	0	0	1	15	35	40	57	69	12	0	0	0	229
BEACH TENT	0	0	0	14	175	272	273	235	91	0	0	0	1060
BREACH OF TRUST	0	2	0	1	3	0	1	0	1	2	0	0	10
BURGLARY BUSINESS	1	0	2	2	0	1	0	1	0	2	1	0	10
BURGLARY RESIDENCE	3	1	4	1	3	3	3	1	3	0	4	0	26
CANINE DEMONSTRATION	0	0	0	0	0	0	1	1	1	0	0	0	3
CHILD ABUSE	0	0	1	0	0	0	0	0	0	1	0	0	2

Surfside Beach Police Department

CallType	January	February	March	April	May	June	July	August	September	October	November	December	Total
CIVIL MATTER	4	5	10	12	11	12	12	10	9	6	15	0	106
COVID CROWD	1	11	1	0	0	0	0	0	0	0	0	0	13
COVID PUBLIC CONTACT	2	3	0	0	1	0	0	0	0	1	0	0	7
CREDIT/DEBIT CARD FRAUD	3	1	1	0	1	1	2	3	1	0	0	0	13
CRIMINAL SEXUAL CONDUCT	0	0	1	1	3	2	0	3	0	0	0	0	10
DEATH INVESTIGATION	2	1	0	1	0	0	1	0	0	3	1	0	9
DECOY CAR	0	0	0	0	0	0	0	0	0	0	4	0	4
DEFRAUD INNKEEPER	0	0	1	0	0	0	0	1	1	0	0	0	3
DEFRAUD RESTAURANT	0	0	1	4	3	6	0	1	3	1	1	0	20
DISABLED VEHICLE	2	11	8	8	21	5	12	7	7	5	2	0	88
DISORDERLY CONDUCT	3	7	4	2	8	10	4	9	9	4	2	0	62
DISPATCH TRAINING	1	1	3	0	5	0	0	1	0	0	0	0	11
DISTURBANCE DOMESTIC	5	1	8	8	17	14	12	14	7	8	6	0	100
DISTURBANCE NOISE	13	8	15	22	40	23	21	27	16	5	5	0	195
DRUG OFFENSE	2	3	6	3	8	2	8	11	4	3	3	0	53
ESCORT GENERAL	1	6	3	4	3	3	10	2	3	2	1	0	38
FACILITY CHECK	248	224	248	240	248	240	248	248	240	249	240	0	2673
FIGHT	1	1	4	3	3	3	2	2	2	3	1	0	25
FIREWORKS	7	0	6	24	27	45	103	40	11	4	4	0	271
FOOT PATROL	24	23	20	12	15	8	10	15	16	23	21	0	187
FORGERY	0	0	0	1	1	0	0	0	0	0	0	0	2
FOUND PROPERTY	2	4	8	16	24	24	33	22	17	14	11	0	175
FRAUD	3	5	7	5	6	4	2	5	1	2	1	0	41
FUGITIVE	0	0	1	0	0	0	0	0	0	0	1	0	2
HARASSMENT/PHONE	7	9	5	4	3	1	3	1	2	5	4	0	44
HARASSMENT/STALKING	2	9	4	4	3	2	3	5	4	1	3	0	40
IDENTITY THEFT	0	0	0	1	0	0	0	0	1	0	1	0	3
INCORRIGIBLE JUVENILE	1	0	0	1	0	1	1	6	2	0	0	0	12
INDECENT EXPOSURE	4	1	2	0	0	2	1	0	1	1	0	0	12

Surfside Beach Police Department

CallType	January	February	March	April	May	June	July	August	September	October	November	December	Total
INFORMATION	6	9	13	10	12	11	25	13	17	18	13	0	147
INTOXICATED DRIVER	2	6	7	7	6	8	8	7	8	5	7	0	71
INTOXICATED PEDESTRIAN	4	3	7	7	15	15	9	9	9	5	8	0	91
KEEPCHECK	171	179	129	218	153	82	170	197	139	112	221	0	1771
LARCENY GENERAL	4	5	5	9	8	18	5	6	11	16	5	0	92
LARCENY VEHICLE	1	0	1	4	2	2	1	0	2	1	1	0	15
LEAVING SCENE W/PROPERTY DAMAGE	2	6	4	11	7	13	5	9	5	6	3	0	71
LITTERING	0	0	0	0	1	1	1	3	1	0	0	0	7
LOST CHILD ON BEACH	0	0	2	0	2	3	5	1	0	0	0	0	13
LOST PROPERTY	0	0	6	1	1	3	0	3	3	1	1	0	19
MAIL TAMPERING	0	0	0	2	0	1	1	1	1	0	0	0	6
MALICIOUS DAMAGE BUSINESS	0	0	0	0	0	0	0	0	0	0	2	0	2
MALICIOUS DAMAGE PROPERTY	4	1	2	1	1	1	2	3	1	1	2	0	19
MALICIOUS DAMAGE VEHICLE	0	1	0	3	4	0	2	0	0	0	1	0	11
MEDICAL EMERGENCY	0	0	2	1	1	6	13	4	6	3	1	0	37
MENTALLY ILL SUBJECT	0	0	1	2	2	1	2	3	1	1	1	0	14
MESSAGE DELIVERY	0	0	0	0	0	0	0	1	0	0	0	0	1
MISSING JUVENILE	0	0	0	0	1	0	4	0	0	0	0	0	5
MISSING PERSON	0	2	0	2	2	1	2	4	6	1	1	0	21
Not Specified	0	0	0	1	1	1	0	1	0	0	0	0	4
OPEN DOOR BUSINESS	1	2	0	0	0	0	0	1	2	2	0	0	8
OPEN DOOR RESDENCE	1	1	4	1	0	1	1	2	6	2	1	0	20
OPEN DOOR VEHICLE	8	1	3	2	1	0	2	3	6	0	4	0	30
ORDINANCE VIOLATION (SEE NOTES)	5	10	10	5	7	6	6	9	2	5	7	0	72
PANHANDLING	2	0	1	2	1	1	1	1	1	4	1	0	15
PARKING VIOLATION	35	53	53	71	122	38	118	67	47	36	48	0	688

Surfside Beach Police Department

CallType	January	February	March	April	May	June	July	August	September	October	November	December	Total
PRIVATE PROPERTY TOW	0	0	0	0	0	1	2	1	0	0	1	0	5
PROPERTY DAMAGE	0	0	3	3	6	8	6	8	4	5	4	0	47
PROPERTY FOR DESTRUCTION	1	0	0	0	0	0	0	0	0	0	0	0	1
PROSTITUTION	0	0	0	0	0	0	0	0	0	0	1	0	1
PUBLIC ASSISTANCE	3	7	4	10	30	22	33	19	17	18	12	0	175
PUBLIC CONTACT	303	220	222	240	370	233	357	319	218	232	191	0	2905
PUBLIC WORKS CALL	4	1	1	2	2	2	3	4	3	2	0	0	24
RADAR TRAILER DEPLOYMENT	0	0	0	16	32	24	28	10	1	0	0	0	111
REPOSSESSION	2	1	4	2	4	1	4	0	0	4	0	0	22
RESIDENT CHECK	14	17	19	19	15	14	15	13	16	15	14	0	171
ROADBLOCK/CHEC KPOINT	0	0	0	0	0	0	0	3	0	0	0	0	3
ROBBERY	0	0	0	0	0	0	1	0	0	0	1	0	2
RUNAWAY	0	0	0	1	1	0	1	0	0	0	0	0	3
SHOOTING	0	0	0	0	1	0	0	0	1	0	0	0	2
SHOPLIFTING	4	0	5	3	1	2	1	2	1	0	5	0	24
SHOTS FIRED	1	0	1	1	1	1	1	0	1	2	1	0	10
SOLICITATION COMMERCIAL	1	0	2	1	1	0	0	0	0	2	0	0	7
SPEED ENFORCEMENT	0	24	36	11	5	1	9	3	9	3	80	0	181
SUICIDE ATTEMPT	3	0	2	1	0	2	0	2	1	0	0	0	11
SUSP CIRCUMSTANCES	7	6	8	7	14	12	10	8	12	9	10	0	103
SUSPICIOUS PERSON	13	6	14	9	17	14	16	16	7	18	16	0	146
SUSPICIOUS VEHICLE	17	20	13	10	8	14	10	10	7	8	11	0	128
THREATS	0	0	1	2	4	3	6	4	2	3	5	0	30
TRAFFIC COMPLAINT	4	3	3	10	6	19	17	7	9	4	11	0	93
TRAFFIC CONTROL	4	5	3	3	5	1	0	0	1	1	3	0	26
TRAFFIC HAZARD	5	9	10	14	15	20	4	11	6	4	5	0	103
TRAFFIC STOP GOLF CART	3	3	8	15	70	59	142	38	18	21	6	0	383
TRAFFIC STOP VEHICLE	212	351	443	294	569	188	265	153	130	188	331	0	3124

Surfside Beach Police Department

CallType	January	February	March	April	May	June	July	August	September	October	November	December	Total
TRANSPORT INMATE	0	0	1	0	3	0	2	1	2	2	1	0	12
TRESPASSING	8	10	11	6	12	5	11	15	8	16	12	0	114
UTILITY PROBLEM	3	0	3	3	0	2	1	2	3	1	3	0	21
WARRANT SERVICE	3	0	2	0	1	2	1	1	3	0	0	0	13
WEATHER ISSUE	0	4	0	0	0	0	1	0	0	0	0	0	5
WELFARE CHECK	14	14	17	24	25	43	32	33	16	19	14	0	251
Agency Total	1301	1404	1586	1661	2676	1968	2598	2101	1394	1263	1513	0	19465

Decision Paper

December 14, 2021

Written by: Chief Kenneth Hofmann

1. **SUBJECT:** Police Department participation in the Defense Logistics Agency Surplus Property/1033 Program.
2. **PURPOSE:** To obtain Council approval for the Police Department's participation in the Defense Logistics Agency (DLA) Surplus Property/1033 program in order to obtain surplus military property to further the Town's public safety mission.
3. **FACTS:**
 - a. The U.S. Department of Defense makes surplus military property available to law enforcement agencies through the National Defense Authorization Act.
 - b. As of 2020, 8,200 federal, state and local enforcement agencies participate in the program including 8 agencies in the 15th circuit and SLED.
 - c. Participation in the program costs the town \$500.00 per year.
 - d. If approved by DLA, the approved equipment and supplies are transferred to the Police Department at no cost, but delivery costs and transportation logistics are the responsibility of the receiving agency.
 - e. The Police Department would have access to surplus vehicles, equipment and supplies to support law enforcement initiatives and to support the Town in the event of an emergency or natural disaster.
 - f. Items the Police Department may seek to acquire could include safety/rescue equipment, generators, emergency operations equipment and vehicles, high water vehicles, FLIR/Night Vision, training supplies and ammunition, and surveillance equipment for drug enforcement operations, for example.
 - g. If approved by council, additional approval must be obtained annually to continue participation allowing council to be aware of the equipment obtained each previous year.
4. **RECOMMENDATION: Approve the Police Department's participation in the Department of Defense, Defense Logistics Agency, Surplus Property program to be renewed annually.**

ATTACHMENTS:

1. Draft SBPD General Order for internal management of the 1033 program
2. Frequently Asked Questions from DOD DLA website
3. State Plan of Operations between the State of South Carolina and SBPD
4. Addendum to State Plan of Operations



**SURFSIDE BEACH
POLICE DEPARTMENT
GENERAL ORDER**
Kenneth Hofmann



General Order # XXX	Title Defense Logistics Agency Surplus Property/1033 Program	Effective Date Xxx xx, 2021
Review Schedule 3 Years	Special Instructions Distribution (For Review): All	Statutory Reference NA

I. PURPOSE

The purpose of this policy is to ensure that participation in the 1033 Program is in strict compliance with the rules and regulations set forth by the State of South Carolina's 1033 program. The program's information is outlined in the current application letter and State Plan of Operations.

II. POLICY

It is the policy of the department to follow the guidelines and procedures related to the approval, acquisition, inventory, and inspection of equipment while participating in the 1033 Program.

III. DEFINITIONS

Defense Logistics Agency Surplus Property/1033 Program (DLA/1033): Allows participating law enforcement agencies to receive select Department of Defense excess property to assist in the enforcement of laws. Equipment obtained through participation is received without charge.

IV. PROCEDURES & RESPONSIBILITIES

A. DLA/1033 Program; Oversight

1. The Police Chief will designate a member of the Command Staff to serve as the department's liaison to the State of South Carolina's Law Enforcement Support Office (LESO) coordinator.

B. DLA/1033 Program; Acquisitions

1. The Police Chief and designated liaison are the only individuals authorized to apply to receive items within the program. The liaison must receive formal authorization from the Police Chief before acquiring an item.
2. The department liaison will coordinate with the Police Chief to discuss any need or specific equipment request that the agency would like the liaison to search for through the 1033 program.
3. Prior to accepting any equipment from the Defense Logistics Agency (DLA), the department liaison will obtain approval for said equipment from the Police Chief, explaining the equipment requested as well as the agency's need and usage of the equipment.

C. DLA/1033 Program; Inventory

1. The department's liaison will inventory all equipment upon receipt from the DLA. The inventory will consist of the equipment type, acquisition date, and current location.
2. The liaison will be responsible for ensuring that awarded property properly reflects what is entered into the Federal Excess Property Management Information System (FEPMIS).
3. Information from the FEPMIS will also be managed internally in the Police Department's internal recording keeping system or similar database for review and accountability.
4. The department's LESO liaison will be responsible for disposing of unusable equipment which is no longer serviceable and not required to be demilitarized (armored vehicles, weapons, and certain tactical equipment).
5. The liaison will provide a destruction request to the Police Chief for approval.

SURFSIDE BEACH POLICE DEPARTMENT

6. At the time of disposal, the LESO liaison will ensure that each item disposed of is properly documented in the agency's inventory including the date, location, and responsible individual for disposal or destruction. If required, notification of disposal shall be made to the State of South Carolina's LESO coordinator to have the item removed from the department's inventory.

D. DLA/1033 Program; Authorization

1. The department liaison will maintain an updated list of authorized screeners. The list will be kept on file with the State of South Carolina's LESO coordinator. The screeners are authorized by the department to view property at area Defense Reutilization Marketing Office (DRMO) facilities.
2. Only two screeners are allowed per visit to DRMO facilities. Approved screeners will assist the department's LESO liaison in conducting an annual inventory of all property that meets the requirements set forth by the State Plan of Operations.

E. DLA/1033 Program; Inspection

1. The LESO liaison will conduct and document an annual inventory of all equipment, weapons, and vehicles (excluding expendable items) acquired through participation in the program.
2. Any missing, returned, destroyed, sold, loaned, or disposed of equipment, weapons, or vehicles shall be documented during this inventory.
3. The inventory must be completed between July 1st and July 15th of each year and submitted, in writing, to the Police Chief for review on or before July 15th.

BY ORDER OF:



**Kenneth Hofmann,
Chief of Police**

Frequently Asked Questions: Department of Defense Surplus LESO/1033 Program

Where did the LESO/1033 Program come from and what is DLA's role?

- The Defense Logistics Agency Disposition Mission

DLA has the Department of Defense mission of disposing of obsolete/unneeded excess property turned in by U.S. military units around the world. The type of property turned in ranges from military-specific equipment and vehicles to generic office furniture, computers, medical items and shop equipment. DLA Disposition Services, one of DLA's major subordinate commands, disposes of this property in a variety of ways, including reutilization/transfer to other military components or federal agencies, donating through programs like computers for schools, destruction for scrap metal and resale to the general public.

- Excess property for Law Enforcement use

In the National Defense Authorization Act for fiscal years 1990 and 1991, Congress authorized the transfer of excess DoD property to federal, state and local law enforcement agencies. Congress later passed the NDAA for fiscal year 1997, which allows law enforcement agencies to acquire property for bona fide law enforcement purposes – particularly those associated with counter-drug and counter-terrorism activities. The program has been named in the press and elsewhere as the “1033 Program,” which refers to the numbered section of the 1997 NDAA that granted permanent authority to the Secretary of Defense to transfer defense material to federal, state and local law enforcement agencies.

The Law Enforcement Support Office, located at DLA Disposition Services Headquarters in Battle Creek, Michigan, is responsible for the management of the LESO/1033 Program and continues to make improvements for efficiency, cost effectiveness, transparency and inventory control.

How many Law Enforcement Agencies are currently participating in the program?

As of June 2020, there are around 8,200 federal, state and local law enforcement agencies from 49 states and four U.S. territories participating in the program. A law enforcement agency is defined as a government agency whose primary function is the enforcement of applicable federal, state and local laws and whose compensated law enforcement officers have the powers of arrest and apprehension.

How does a state participate in the program?

- Governor-appointed State Coordinators

For a state to participate, the governor must appoint in writing a state coordinator, who is responsible for ensuring proper oversight of participating law enforcement agencies from that state. Each state must also sign a Memorandum of Agreement with DLA's LESO. The MOA outlines the responsibilities, rules and regulations that must be followed for continued participation in the program. A subsequent agreement called the State Plan of Operation must be signed between the state coordinator and any law enforcement agency that receives approval to participate in the program. The SPO mirrors the requirements found in the DLA MOA with the state. The SPO can also be a method for the state to place additional requirements on the state-level program. To find a listing of the state coordinators please visit: <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/SCLocatorMap.aspx>

How does a local police department or Sheriff's department participate in the program?

- Law Enforcement Agency participation:

The Governor-appointed state coordinators approve and certify law enforcement agencies in their state and work with agencies regarding program participation, to include the State Plan of Operation mentioned above.

Once in the program, a law enforcement agency is able to review online the available excess DoD inventory that is suitable for law enforcement and make requests for property through the state coordinator. Law enforcement agencies do not pay for the property but must pay for shipping the items as well as potential storage costs. All excess DoD property is shipped "as is," and the law enforcement agency is responsible for all costs associated with acquisition, maintenance and costs to return the property when it is no longer needed.

Who decides what equipment a Law Enforcement Agency can have?

- Approval process for property requests: Participating law enforcement agencies submit electronic requests to the state coordinator that thoroughly justifies the request for the available property. Requests that are approved by the state coordinator are routed to the LESO for further review. Every request for property must have a justification outlining how the property will be used; additionally, requests must be for bona fide law enforcement purposes. LESO relies on the state coordinator's judgement in determining the rationale for a law enforcement agency's request for property through the program, based on the size, mission and scope of the requesting law enforcement agency, and local considerations. The LESO staff in turn reviews the type of excess property being

requested, quantities available, and justification before items are released from the excess property inventory.

Per the Memorandum of Agreement, state coordinators are responsible for maintaining property accountability records, investigating any alleged misuse of property and reporting MOA violations to DLA.

- Denials of property requests: In addition to a state coordinator or LESO denying a request based on insufficient justification, law enforcement agencies may be restricted from obtaining property if they are in a punitive status (i.e. restricted or suspended), or have limitations imposed on them by the Department of Justice, LESO or the state coordinator. Limitations may be due to a law enforcement agency already at their allocation limit for property, overdue actions related to accountability or other violations of the Memorandum of Agreement.

What is the difference between “controlled” and “non-controlled” property?

- Controlled property: Consists of military items that are provided via a conditional transfer or “loan” basis where title remains with DoD/DLA. This includes items such as small arms/personal weapons, demilitarized vehicles and aircraft and night vision equipment. This property always remains in the LESO property book because it still belongs to and is accountable to DoD. When a law enforcement agency no longer wants the controlled property, it must be returned to DLA’s LESO for proper disposition.

Non-controlled property (also called General Property): Consists of common items DLA would sell to the general public, such as office equipment, first aid kits/supplies, hand tools, sleeping bags, computers and digital cameras. After one year, general property becomes the property of the law enforcement agency. It is no longer subject to the annual inventory requirements and is removed from the LESO database. This general property should be maintained and ultimately disposed of in accordance with provisions in state/territory and local laws that govern public property.

The vast majority of property issued to law enforcement agencies each year is non-controlled. In 2019 for example, 92 percent of property issued was non-controlled. Normally, small arms weapons make up about 5 percent and less than 1 percent of property issued is tactical vehicles.

What controls or oversight does the program have in place?

Program Compliance: As outlined in the Memorandum of Agreement with state coordinators, DLA uses three primary ways to maintain and ensure compliance with all program requirements and property accountability:

- *Annual Inventory:* The MOA requires each state/territory to complete a 100% certified annual inventory each fiscal year.
- *Program Compliance Reviews (PCRs):* DLA's LESO conducts a biennial federal-level compliance review on participating states where LESO personnel physically visits the states and inventories property of selected law enforcement agencies.
- *State Coordinator Reviews:* On an annual basis, the state must conduct state-level compliance reviews of at least 5% of law enforcement agencies that have property obtained via the program.

Suspensions due to non-compliance: If a state coordinator or law enforcement agency fails to comply with any terms of the MOA, federal statute, regulation or SPO, the state and/or law enforcement agency may be placed on restricted or suspended status or may be terminated from the program.

- *Restricted:* a specified period of time in which a state/territory or law enforcement agency is restricted from receiving an item or commodity due to isolated issues with the identified commodity. Restricted status may also include restricting an agency from all controlled property. Restricted status is commonly used for agencies that have active consent decrees from the Department of Justice.
- *Suspension:* a specified period of time in which an entire state or law enforcement agency is prohibited from requesting or receiving additional property through the program.
- *Termination:* the removal of a state or law enforcement agency from participating in the program. The state coordinator and/or identified law enforcement agencies will transfer or turn-in all controlled property previously received through the program at the expense of the state and/or the law enforcement agency.

Local governing body oversight: As part of the application process, law enforcement agencies must receive approval from their relevant local governing body to request and obtain controlled property, which is required by 10 U.S. Code 2576a. Per the statute, law enforcement agencies must certify:

- They have obtained the authorization of the relevant local governing authority (city council, mayor, etc.).
- They have adopted publicly available protocols for the appropriate use of controlled property, the supervision of such use, and the evaluation of the effectiveness of such use, including auditing and accountability policies.

Controlled-equipment training: In 2015, Congress amended 10 USC 2576a to make it clear that each individual agency acquiring controlled equipment is responsible for training its personnel in the proper use, maintenance and repair. The law requires each law enforcement agency to certify on an annual basis that it provides annual training to relevant personnel on the maintenance, sustainment and appropriate use of controlled property.

Department of Justice coordination: DLA's LESO coordinates with the Department of Justice to identify law enforcement agencies that are under DoJ investigation or under a consent decree.

LESO uses DoJ data to validate authenticity and eligibility of law enforcement agencies and notifies DoJ on applications for enrollment in the program, on law enforcement agency suspensions/terminations, and on allocations of weapons, tactical vehicles and aircraft.

Transparency through public data base: DLA's LESO maintains a public website page that links to a spreadsheet with the status of property issued to law enforcement agencies, listed by state. The spreadsheet serves as a quarterly snapshot of all LESO/1033 Program equipment currently under the control of a law enforcement agency.

What excess military items are not available through the LESO/1033 Program?

DLA has determined that 133 federal stock classes of supply are prohibited for transfer to law enforcement agencies because of their tactical military characteristics.

Prohibited equipment includes: any aircraft, vessels or vehicles that inherently contain weaponry, (e.g. tanks, Bradley fighting vehicles, armed drones); crew served/large caliber (.50 cal or greater) weapons and ammunition; military uniforms; body armor; Kevlar helmets; and explosives or pyrotechnics of any kind. Also, aircraft and vehicles available in the program are "demilitarized," meaning that any specific military technology (e.g. communication equipment) are removed prior to transfer to law enforcement agencies.

In the media, I see military uniforms and equipment being used by civilian police forces. Is it safe to assume that equipment is coming from the LESO/1033 Program?

The LESO/1033 Program is just one way for law enforcement agencies to obtain military sourced equipment. The LESO/1033 Program handles excess military property for use by law enforcement agencies, but prohibits transfer of military uniforms, body armor, Kevlar helmets and the other items discussed above.

In addition to the LESO/1033 Program, law enforcement agencies can obtain military-style equipment from multiple federal government programs that provide support through grants or property transfers. These include the U.S. Department of Homeland Security Homeland Security Grant Program, the U.S. Department of Justice's Justice Assistant Grant Program, the DOJ Equitable Sharing Program, the U.S. Department of the Treasury Forfeiture Fund's Equitable Sharing Program and the General Services Administration Federal Surplus Personal Property Donation Program. Also, many police departments procure military-style equipment from the commercial market using their own internal funds.

The press has reported that President Obama restricted the LESO/1033 Program and President Trump rescinded those restrictions. Is that true?

- President Obama's Executive Order 13688

On January 16, 2015, President Obama issued Executive Order 13688, "Federal Support for Local Law Enforcement Equipment Acquisition" and established the Law Enforcement Equipment Working Group. The executive order applied to all federal government programs providing property to law enforcement, including the Departments of Homeland Security, Justice, Treasury and the General Services Administration, which provide support to law enforcement agencies through grants and property transfers. The working group provided recommendations to the president in the areas of prohibited and controlled equipment lists; policies, training and protocols for controlled equipment; acquisition process for controlled equipment; transfer, sale, return and disposal of controlled equipment and oversight, compliance and implementation.

The working group's recommendations were accepted by the president and became effective on Oct. 1, 2015. The prohibited equipment list went into effect as soon as the president received the recommendations.

Equipment on the prohibited list included tracked armored vehicles; weaponized aircraft, vessels and vehicles; .50-caliber firearms and ammunition; bayonets; camouflage uniforms and grenade launchers.

Of these prohibited items, LESO had only transferred three item types to authorized law enforcement agencies: tracked armored vehicles, M-79 Vietnam era single-shot grenade launchers and bayonets. LESO recalled these items and all were returned by April 1, 2016.

The numbers of prohibited items returned to LESO included:

- Tracked Armored Vehicles: 126
- Grenade Launchers: 138
- Bayonets: 1,623

View more information pertaining to the Executive Order recall on the [Public Information page](#).

President Trump's Revocation of Executive Order 1368

On August 28, 2017, the White House issued a "Presidential Executive Order on Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources." It revoked Executive Order 13688 and directed all executive departments and agencies "to cease implementing those recommendations and, if necessary, to take prompt action to rescind any rules, regulations, guidelines, or policies implementing them."

With the revocation of Executive Order 13688, excess tracked armored vehicles and bayonets are no longer prohibited for transfer from LESO/1033 program to law enforcement agencies. For clarity, bayonets are utility knives which law enforcement officers keep in their vehicles for use during emergency situations, such as cutting away a seatbelt to free a trapped passenger. LESO stopped transferring grenade launchers to law enforcement agencies in 1999 and does not plan to resume transfer as they were identified as prohibited equipment by DoD in 1999.

Several of the Executive Order requirements were codified in the Fiscal Year 2016 National Defense Authorization Act, including local civilian governing approval for controlled items and certification of protocols on appropriate use, training, maintenance, sustainment, and audit/accountability. These measures remain in place for the LESO/1033 Program.

I've read that over \$7 Billion in property has been transferred to law enforcement agencies. Is that true?

That figure can be misleading. The cost associated with the LESO/1033 Program property is based on original acquisition value, i.e. what the procuring agency, normally a branch of the military, paid for the item at the time it was procured. Many of the items available in the excess property inventory were procured decades ago, so the current value, with depreciation, would be difficult (and not cost-effective) to determine. The original acquisition value is the only cost component available in current data systems. Using the initial acquisition value, the total amount transferred since the program's inception in 1990 is \$7.4 billion.

I've read that an investigation uncovered the ability of a fake law enforcement agency to acquire weapons through the program. Is that true?

In 2017, Government Accountability Office investigators posed as a federal agency seeking to acquire property through the program. The ensuing report focused on the administration of the LESO/1033 Program for *federal law enforcement agencies*, which make up about 2 percent of the total law enforcement agency enrollment. While there had been significant controls and oversight in place for the state and local law enforcement agency participants, the GAO team revealed a risk with the federal application process. DLA's LESO moved aggressively to address the shortfalls:

- DLA suspended all federal law enforcement agencies from the program.
- Required the federal agency at the headquarters level sign a Memorandum of Understanding with LESO.
- DLA's LESO sent a representative to the headquarters of participating federal agencies to present the MOU and coordinate directly with agency representatives.
- Required federal agencies to appoint a "Federal Coordinator" to provide management and oversight of their participation in the program.

- Every law enforcement agency is now vetted through the National Crime Information Center database, ensuring the Originating Agency Identifier number is associated to the agency requesting enrollment into the program. An ORI number is distributed via the FBI Criminal Justice Information Services.

As stated in the response to the GAO report, DLA had already implemented recommendations listed in the report, and has adjusted policy, adding training and internal controls to ensure the federal program vulnerabilities were eliminated

Members of Congress periodically introduce/pass legislation affecting the LESO/1033 Program. What is DLA's response to this?

In 1997, Congress authorized DoD to make excess military equipment available to law enforcement as a way to maximize tax dollars and give law enforcement agencies additional support in counter-drug and counter-terrorism operations. DLA is responsible for the management of the LESO/1033 Program and continues to make improvements for efficiency, cost effectiveness, transparency and inventory control.

As lawmakers pursue policy goals regarding the disposition of excess military equipment through the legislative process, DLA will abide by all statutory and regulatory rules that are put in place.

Source: U. S. Department of Defense, Defense Logistics Agency website at:

<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>

State Plan of Operation (SPO) between:
The State of South Carolina and the
(State/United States Territory)
Surfside Beach Police Department

Law Enforcement Agency (LEA)

1) PURPOSE This State Plan of Operation (SPO) is entered into between the State/United States (U.S.) Territory and Law Enforcement Agency (as identified above), to set forth the terms and conditions which will be binding on the parties with respect to Department of Defense (DoD) excess personal property conditionally transferred pursuant to 10 USC § 2576a, in order to promote the efficient, expeditious transfer of property and to ensure accountability of the same.

2) AUTHORITY The Secretary of Defense (SECDEF) is authorized by 10 USC § 2576a to transfer to Federal and State Law Enforcement Agencies (LEAs), personal property that is excess to the needs of the DoD, including small arms and ammunition, that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with preferences for counter-drug/counter-terrorism, disaster-related emergency preparedness or border security activities, under such terms prescribed by the Secretary. The SECDEF has delegated program management authority to the DLA. The DLA Disp Svcs LESO administers the program in accordance with (IAW) 10 USC § 2576a, 10 USC § 280, DoDM 4160.21 and DLAI 4140.11. The 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 law enforcement officers have powers of arrest and apprehension.

3) GENERAL TERMS AND CONDITIONS "DoD excess personal property" also known as "items", "equipment", "program property", or "property". "DLA Disposition Services Law Enforcement Support Office" also known as "1033 Program", "LESO Program", "the program", or "LESO". "State or U.S. Territory" also known as "the State", "State Coordinator (SC)", "State Point of Contact (SPOC)", or "SC/SPOC". "Law Enforcement Activities" also known as "agencies in law enforcement activities", "Law Enforcement Agency (LEA)", "program participant", or "State/LEA".

a) Property made available under this agreement is not for personal use and is for the use of authorized program participants only. All requests for property shall be based on bona fide law enforcement requirements. Authorized participants who receive property from the program will not loan, donate, or otherwise provide property to other groups or entities (i.e., public works, county garage, schools, etc.) that are not otherwise authorized to participate in the program. Property will not be obtained by program participants for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan. To receive such property, on an annual basis the LEA shall certify that they have:

- i) Obtained authorization of the relevant local governing body authority (i.e., city council, mayor, etc.).
- ii) Adopted publicly available protocols for the appropriate use of controlled property, the supervision, and the evaluation of the effectiveness of such use, including auditing and accountability policies.
- iii) Annual training in place and provides it to relevant personnel on the maintenance, sustainment, and appropriate use of controlled property, including respect for the rights of citizens under the Constitution of the U.S. and de-escalation of force.

b) All costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to property are the sole responsibility of the State/LEA. The State/LEA shall also be responsible to reimburse the U.S. Government (USG) for costs incurred in retrieving and/or repossessing property impermissibly transferred by the State/LEA to unauthorized participants.

- c) The State/LEA will maintain and enforce regulations designed to impose adequate security and accountability measures for controlled property to mitigate the risk of loss or theft of property. Program participants shall implement controls to ensure property made available under this agreement is used for official law enforcement use only. The State/LEA shall take appropriate administrative and/or disciplinary action against individuals that violate provisions of the Memorandum of Agreement (MOA) between the Federal Government and the State/U.S. Territory and/or this SPO, including unauthorized use of property.
- d) All property transferred to the State/LEA via the program is on an as-is, where-is basis.
- e) LESO reserves the right to recall property issued to a State/LEA at any time.
- f) General use of definitions/terms:
- i) Demilitarization (DEMIL code)-a code assigned to DoD property that indicates the degree of required physical destruction, identifies items requiring specialized capabilities or procedures, and identifies items which do not require DEMIL but may require Trade Security Controls (TSC). Program participants are not authorized to conduct physical demilitarization of property.
 - ii) "Controlled property"-items with a DEMIL code of B, C, D, E, F, G, and Q (with an Integrity Code of "3". Title and ownership of controlled property remains with the DoD in perpetuity and will not be relinquished to the State/LEA. When a State/LEA no longer has a legitimate law enforcement use for controlled property, they shall notify the LESO and the property will be transferred to another program participating State/LEA (via standard transfer process) or returned to DLA Disp Svcs for disposition.
 - iii) "Non-controlled" property"-items with a DEMIL code of A or Q (with an Integrity Code of "6"). These items are conditionally transferred to the State/LEA and will remain on State/LEA accountable inventory for one year from the ship date. However, after one year from the ship date, DLA will relinquish ownership and title for the property to the State/LEA without issuance of further documentation. During this one year period, the State/LEA remains responsible for the accountability and physical control of the property and the LESO retains the right to recall the property. Participants should return any property in this one year period that becomes excess to their needs or they otherwise determine is not serviceable.
 - (1) The LEA receives title and ownership of DEMIL "A" and "Q6" property as governmental entities. Title and ownership of this property does not pass from DoD to any private individual or State/LEA official in their private capacity. Such property shall be maintained and ultimately disposed of IAW provisions in State and local laws that govern public property.
 - (2) Sales/gifting of DEMIL "A" and "Q6" property after one year from the ship date inconsistent with State/local law may constitute grounds to deny future participation in the program.
 - (3) After one year from ship date, DEMIL "A" and "Q6" property may be transferred, cannibalized for usable parts, sold, donated, or scrapped.
 - (4) Once the property is no longer on the LEA accountable inventory, the property is no longer subject to the annual physical inventory requirements and will not be inventoried during a LESO Program Compliance Review (PCR).
- g) All physical transfers of property require LESO approval. Program participants will not physically transfer property until the LESO approval process is complete. Program participants may request their SC/SPOC approval to temporarily conditionally loan property to another program participant (if mission requires). If the SC/SPOC approves the temporary conditional loan, it shall be done using an acceptable Equipment Custody Receipt (ECR). At the end of the temporary conditional loan, the item (s) shall be returned to the original LEA for accountability. All requests for conditional loans will be based on bona fide law enforcement requirements.

h) The program may authorize digital signatures on required program documentation.

i) The State/LEA is not required to maintain insurance on controlled property, aircraft or other property with special handling requirements that remain titled to DoD. However, the State/LEA will be advised that if they elect to carry insurance and the insured property is on the program inventory at the time of loss or damage, the recipient will submit a check made payable to DLA for insurance proceeds received in excess of their actual costs of acquiring and rehabilitating the property prior to its loss, damage, or destruction.

4) STATE PLAN OF OPERATION The State shall:

a) Assist in training LEAs with enrollment, property requests, transfers, turn-ins, and disposal procedures.

b) Adhere to the requirements outlined in the MOA between the Federal Government and the State/U.S. Territory and ensure MOA amendments or modifications are incorporated into this SPO and program participants are notified and acknowledge responsibility to comply with changes.

c) Submit a SPO to LESO that shall address procedures for determining LEA eligibility, allocation, equitable distribution of property, accountability, inventory, training, and education, State-level internal PCRs, export control requirements, procedures for turn-in, transfer, and disposal and other responsibilities concerning property.

d) Enter into written agreement with each LEA, via the LESO-approved SPO, to ensure program participants acknowledge the terms, conditions, and limitations applicable to property. This SPO must be signed by the current Chief Law Enforcement Official (CLEO) (or designee) and the current SC/SPOC.

e) Provide program participants the following information:

i) The LESO Program State POCs:

State Coordinator (SC): Thomas W. Hornsby, III

State Point of Contact (SPOC): Joe K. Corley

State Point of Contact (SPOC): None

State Point of Contact (SPOC): None

ii) SC/SPOC Facility Information:

Physical Mailing Address: 1441 Boston Ave, West Columbia, SC 29170_

Email: Thomas.Hornsby@admin.sc.gov or [Joe. Corley@admin.sc.gov](mailto:Joe.Corley@admin.sc.gov)

Phone Number: 803-896-6880 or 803-896-7628

Website: https://admin.sc.gov/surplus/1033_Program

Hours of Operation: Monday – Friday 8:00am to 4:30pm, excluding State Holidays

iii) Funding to administer the LESO Program at the State-level is provided via:

LEA program participation fee _____

5) PROPERTY ACCOUNTING SYSTEM The State will maintain access to Federal Excess Property Management Information System (FPMIS) (or current property accounting system), to ensure LEAs maintain property books, to include, but not limited to, transfers, turn-ins, and disposal requests from an LEA or to generate these requests at the State-level and forward all approvals to the LESO for action. The State will:

a) Conduct quarterly reconciliations of State property records.

b) Ensure at least one person per LEA maintains access to the property accounting system. Users may be “active” or “inactive” in the system, so long as they are registered. Ensure registered users are employees of the State/LEA.

c) Ensure LEAs receive and account for property in the property accounting system within 30 days.

6) LESO WEBSITE The State shall access the LESO website for timely and accurate guidance, information, and links concerning the program and ensure that all relevant information is passed to the program participants.

7) ANNUAL TRAINING 10 USC § 280 provides that the SECDEF, in cooperation with the U.S. Attorney General, shall conduct an annual briefing of law enforcement personnel of each State (including law enforcement personnel of the political subdivisions of each State). Individuals who wish to attend are responsible for funding their own travel expenses. The briefing will include information on training, technical support, equipment, and facilities that are available to civilian law enforcement personnel from the DoD. The state shall provide program participants training material as discussed during the annual LESO training which includes information on property management best practices to include (but not limited to) searching for property, accounting for property on inventory, transfer and turn-in of property when it is no longer needed or serviceable.

8) ENROLLMENT The LESO shall establish and implement program eligibility criteria IAW 10 USC § 2576a, DLA Instructions and Manuals and this SPO and retains final approval/disapproval authority for application packages forwarded by the State. Non-governmental law enforcement entities such as private railroad police, private security, private academies, correctional departments, prisons, or security police at private schools/colleges are not eligible to participate. Fire departments (by definition) are not eligible to participate and should be referred to the DLA Fire Fighter program administered by USDA. Law enforcement agencies requesting program participation shall have at least one full-time law enforcement officer. Program property may only be issued to full-time/part-time law enforcement officers. Non-compensated reserve officers are not authorized to receive property. State law enforcement training facilities/ academies may be authorized to participate in the program given their primary function is the training of bona fide State/local law enforcement officers. Law enforcement training facilities/academies will be reviewed on a case-by-case basis. The State shall:

a) Validate the authenticity of state/LEAs that are applying for program participation. Only submit to the LESO those application packages that the SC/SPOC recommends/certifies are government agencies whose primary function is the enforcement of applicable federal, State, and local laws and whose compensated officers have the powers of arrest and apprehension. If the State forwards an unauthorized participant application package, this may result in a formal suspension of the State.

b) Have sole discretion to disapprove state/LEA application packages in their State. The SC/SPOC should provide notification to the LESO when application packages are disapproved at the State-level.

c) Ensure that screeners listed in the application package are employees of the LEA. A screener may only screen property for two LEAs. Contractors may not conduct screening on behalf of a LEA.

d) Make recommendation on what constitutes a “full-time” or “part-time” law enforcement officer.

e) Ensure LEAs update their account information annually, or as needed. This may require the LEA to submit an updated application package. An updated application package shall be submitted for (but is not limited to) the following: a change in CLEO, the addition or removal of a screener, a change in the LEA physical address or contact information, etc.

f) Provide the LEA a comprehensive program overview once approved by the LESO for enrollment. The overview will be done within 90-days of a LEA being approved to participate.

9) PROPERTY ALLOCATION

a) The LESO shall:

i) Upon receipt of a SC/SPOC validated request for property through the RTD website, will review and give preference to requisitions indicating that the requested property will be used in the counter-drug, counter-terrorism, disaster-related emergency preparedness, or border security activities of the requesting LEA. Program participants that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference.

ii) Require additional justification for small arms, aircraft, ammunition, and vehicles and to the greatest extent possible, ensure fair and equitable distribution of property based on current LEA inventory and justification for property.

iii) Reserve the right to determine and/or adjust allocation limits, to include the type, quantity and location of property allocated to the State/LEA. Generally, no more than one item (per part-time/full-time officer) will be allocated. Quantity exceptions may be granted by the LESO on a case-by-case basis based on the justification provided by the LEA. Currently, the following allocation limits apply:

(1) Robots: one (of each type) for every ten officers (full-time/part-time).

(2) High Mobility Multipurpose Wheeled Vehicle (HMMWV)/Up-Armored HMMWV (UAH): one vehicle for every three officers (full-time/part-time).

(3) Mine Resistant Ambush Protected (MRAP) / Armored Vehicles: two vehicles per LEA.

(4) Small arms: one (of each type) per officer (full-time/part-time).

(a) LESO may authorize over allocations of small arms in preparation for inevitable scenarios, i.e. training, equipment downtime (damage, routine maintenance, inspections) or other law enforcement needs. The chart below is the standard for small arms acceptable over-allocations:

Small Arms Acceptable Over-Allocations	
# of Officers	# by type
1-10	2 or less
11-25	3 or less
26-100	5 or less
101-299	8 or less
300 or more	10 or less

(b) In instances where small arm allocation amounts exceed the “acceptable over-allocation” levels, the LESO will coordinate with States to verify accuracy of the officer count. If small arm allocation is still beyond acceptable levels, LESO may authorize one of the following:

1) an exception to policy, 2) a transfer, or 3) a turn-in.

b) The State shall:

i) Assist the LEA in the use of electronic screening of property via the RTD website and shall access the RTD website a minimum of once daily (Monday-Friday) to review and process LEA requests for property. Property justifications shall be validated to ensure they meet the intent of 10 USC § 2576a as suitable for use by agencies in law enforcement activities. Prior to approving a request or transfer, review the LEAs property allocation report to prevent over allocation.

ii) Upon receipt of a valid LEA request for property, provide a recommendation to the LESO on the preference to be given to those requisitions for property that will be used in counter-drug, counter-terrorism, disaster-related emergency preparedness or border security activities of the recipient agency. Requests for vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference. The State shall consider the fair and equitable distribution of property based on current LEA inventory and LEA justifications for property. The State shall ensure the type and quantity of property being requested by LEAs is reasonable and justifiable given the number of officers (full-time/part-time) and prior requisitions for similar items they have received (both controlled and non-controlled property). Generally, no more than one of any item per officer (full-time/part-time) will be allocated.

10) PROPERTY MANAGEMENT Certain controlled equipment shall have a documented chain of custody (i.e. an acceptable ECR), including a signature of the recipient. Controlled property requiring an ECR: small arms (including parts and accessories), aircraft, vehicles, optics, and robots. It is encouraged to utilize ECRs for all controlled property. LEAs may request cannibalization on aircraft or vehicles. Cannibalization requests shall be submitted to the State for review. Cannibalization must be approved by the LESO prior to any cannibalization actions. The cannibalized end item shall be returned to DLA Disp Svcs within the timeframes determined by the LESO.

a) Aircraft-Aircraft will not be obtained by LEAs for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan and shall be reported to the LESO at the end of their useful life. All aircraft are considered controlled property, regardless of DEMIL code. Aircraft that are no longer needed or serviceable shall be reported to the General Services Administration (GSA) for final disposition by the LESO Program Aircraft Specialist.

b) Vehicles-Program participants that request vehicles used for disaster-related emergency preparedness, such as high-water rescue vehicles, should receive the highest preference. Vehicles will not be obtained by LEAs for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan and vehicles that are considered controlled property will be returned to DLA Disp Svcs at the end of their useful life. DLA Disp Svcs Field Activity/Site will identify qualifying DEMIL A or Q6 vehicles and may issue (upon LEA request) a Standard Form (SF) SF-97 to the LEA upon physical transfer of the vehicle. The LEA may modify the vehicle during the one year conditional transfer period.

c) Ammunition-LESO will support the U.S. Army (USA), in allocating ammunition to program participants. Ammunition obtained via the program will be for training use only. At the time of request, the LEA will certify in writing that the ammunition will be used for training use/purposes only. The USA will issue approved transfers directly to the State/LEA. The State/LEA is responsible for funding all packing, crating, handling, and shipping costs for ammunition. The LEA will make reimbursements directly to the USA. Ammunition will not be obtained by LEAs for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan. Ammunition obtained via the program shall not be sold. Ammunition will be treated as a consumable item and not tracked in any DLA inventory system or inspected during PCR's. LESO shall track and maintain necessary records of ammunition that has been transferred to LEAs and will post all requests, approvals, and denials on the LESO public website.

d) Small arms:

i) Small arms will not be obtained by LEAs for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan and shall be returned to DLA Disp Svcs at the end of their useful life. Cannibalization of small arms is not authorized.

ii) Temporary modifications to small arms are authorized; permanent modifications to small arms are not authorized (i.e. drilling holes in the lower receiver of a small arm). In cases of temporary modifications, all parts are to be retained and accounted for in a secured location under the original serial number for the small arm until final disposition is determined. If the modified small arm is transferred to another LEA, all parts will accompany the small arm to the receiving LEA.

iii) Small arms will be issued utilizing an acceptable ECR which obtains certain information about the property being issued to include (but is not limited to) the signature of the law enforcement officer who is accepting responsibility for the small arm(s), the serial number of the small arm, the date in which the law enforcement officer took possession of the small arm, etc.

iv) Small arms that are not carried on an officer's person or in the officer's immediate physical vicinity will be secured using "two levels of physical security". Two levels of physical security meaning two distinct lockable barriers, each specifically designed to render a small arm inaccessible and unusable to unauthorized persons. Lockable barriers meeting this description may be either manual or electronic.

v) Program participants no longer requiring program small arm(s) shall request authorization to transfer the small arm to another participating LEA or request authorization to turn-in/return the small arm. Transfers and turn-in requests shall receive final approval from the LESO; small arms will not physically move until the LESO provides official notification that the approval process is complete. When turning-in small arms to Anniston Army Depot, the LEA shall follow LESO turn-in guidance.

vi) Local destruction (DEMIL) of small arms is not authorized.

vii) Lost, Stolen or Destroyed (LSD) small arms:

(1) Program participants with multiple instances of LSD small arms in a five-year window will be assessed by DLA Disp Svcs to determine if a systemic problem exists IAW DLAI 4140.11.

(2) DLA OIG investigations may be initiated if small arms are improperly disposed of or become LSD while in program inventory. The State/LEA may be required to reimburse DLA the fair market value of the small arms when negligence, willful misconduct, or a violation of the MOA between the Federal Government and the State/U.S. Territory and/or this SPO is confirmed at the conclusion of the Financial Liability Investigation of Property Loss (FLIPL).

(a) Reimbursement will be within 60-days of the completion of the FLIPL.

(b) Title will never transfer to the recipient regardless of the status of the small arm.

(c) Payments due to DLA Disp Svcs, based upon the findings of the FLIPL, may be paid by one of three methods: 1) credit card via pay.gov, 2) cashier/ business check, or 3) wire transfer.

(3) In instances of LSD small arm recovery, DoD retains title in perpetuity and the small arm shall be immediately relinquished/surrendered back to the program.

CLEO Initials:



11) PROGRAM COMPLIANCE REVIEWS (PCR)

a) The LESO shall:

- i) Conduct PCRs to ensure that the SC/SPOC, and all LEAs within a State are compliant with the terms and conditions of the program as required by 10 USC § 2576a, the MOA between the Federal Government and the State/U.S. Territory and/or this SPO and any DLA Instructions and manuals regarding the program. PCRs are conducted to ensure property accountability, program compliance, and program eligibility.
- ii) Conduct PCRs for participating States every 2 years, providing training to the State/LEA as needed.
- iii) Reserve the right to conduct no notice PCRs, or require an annual review, or similar inspection, on a more frequent basis for any State/LEA.
- iv) Intend to physically inventory 100% of property selected for review at each LEA during a PCR. The use of ECRs in lieu of physical inspection is discouraged during PCRs. Extensive use of the ECR (without prior coordination with LESO) may result in a non-compliance finding during the PCR.
- v) Intend to review as much property as possible during a PCR.
 - (1) The goal is to review 20% of a State's overall small arms inventory.
 - (2) The goal for inventory selections (at LEAs selected for review) is 15% of an LEAs general property to include non-controlled property (DEMIL code A and Q6).
- vi) Select LEAs not visited during the last three regularly scheduled PCR cycles (as applicable).
- vii) Recommend corrective actions (which may include suspending a State/LEA from program participation) for findings of non-compliance identified during a PCR.
 - (1) The LESO shall issue corrective actions (with suspense dates) to the State, which will identify what is needed to rectify the identified deficiencies within the State/LEA.
 - (2) If the State/LEA fails to correct identified deficiencies within the LESO suspense dates, the LESO may move to restrict, suspend, or terminate the State/LEA from program participation.
 - (3) States found non-compliant for a PCR will be suspended for a minimum of 60-days and will not be reinstated until the State successfully passes a LESO-conducted PCR.
- viii) Ensure the State/LEA understand that property shall be transferred to a participating agency with SC/SPOC and LESO approval or returned to DLA Disp Svcs when no longer needed or serviceable.

b) The State shall:

- i) Assist the LESO as required, prior to, during and upon completion of the PCR.
- ii) Assist in the coordination of the PCR daily schedule of events and forward the schedule to LEAs that have been selected for review.
- iii) Contact LEAs that have been selected for the PCR via phone, email or in person to ensure they are aware of the schedule and are prepared for the PCR.

iv) Receive inventory selections from the LESO and forward them to the selected LEAs. The State shall ensure the LEA physically gathers the selected property in a central location (to the greatest extent possible) which will allow the LESO to physically inventory the property efficiently during the PCR.

v) Coordinate the use of any ECR with the LESO prior to the PCR.

vi) Ensure LEAs understand property shall be transferred to a participating agency with SC and LESO approval or returned to DLA Disp Svcs when deemed no longer needed or serviceable.

vii) Conduct State-level (internal) PCRs of participating LEAs to ensure property accountability, program compliance and program eligibility utilizing a PCR checklist provided by the LESO, or equivalent (for uniformity purposes).

(1) Ensure a State-level (internal) PCR of at least 8% of LEAs with program inventory is completed annually (3% of which will be focused on program participants with no controlled property). Results of the State-level (internal) PCR will be kept on-file with the State. Documentation shall be provided to the LESO for each LEA that received a State-level PCR.

(2) The State-level (internal) PCR will include, at minimum:

(a) A review of the dually-signed SPO, ensuring it is uploaded to the property accounting system.

(b) A review of the LEA application package to confirm authenticity and eligibility of the LEA.

(c) An inventory of property selected for review at each LEA.

(d) A review of each selected LEA files for any of the following which may include turn-in/transfer DD Form 1348-1A, ECR, small arm documentation, FLIPL documents, exception to policy letters, approved cannibalization requests, or other pertinent documentation as required.

(3) Request that the LESO restrict, suspend or terminate an LEA based on findings during State-level internal PCR or due to non-compliance with terms of the MOA between the Federal Government and the State/U.S. Territory and/or this SPO, DLA Instruction/Manual or any statute or regulation regarding the program.

(4) Notify the LESO and initiate an investigation into any questionable activity or action involving property issued to a LEA that comes to the attention of the State and is otherwise within the authority of the Governor/State to investigate. Upon conclusion of any such investigation, take appropriate action and/or make appropriate recommendations on restriction, suspension, or termination of the State/LEA to the LESO. The SC may suspend or terminate a State/LEA participation in the program at any time for non-compliance.

12) ANNUAL PHYSICAL INVENTORY Each State/LEA is required to conduct an annual physical inventory of all property on the active property book and provide certification in the property accounting system. DEMIL "A" and "Q6" property records will not be closed during the annual physical inventory period. In the State of South Carolina, the annual physical inventory and certification in the property accounting system process starts on July 1st and must be completed by 15th. The State shall:

a) Provide training to LEAs to properly conduct the annual physical inventory and complete the certification of property in the property accounting system.

b) Ensure an approved and current SPO is uploaded in the property accounting system for each LEA.

- c) Validate the annual physical inventory certifications submitted by LEAs.
- d) Adhere to annual physical inventory certification requirements as identified by the LESO. Physical inventories and certification statements will be maintained on file IAW the DLA records schedule.
- e) Annually certify property is utilized and is within allocation limits IAW the MOA between the Federal Government and the State/U.S. Territory and this SPO .
- f) Recommend suspension of program participants who fail to complete or submit the certified annual physical inventory.

13) REPORTING LOST, STOLEN, OR DESTROYED (LSD) PROPERTY Any property identified as LSD on a LEA current inventory, shall be reported to the State/LESO. A FLIPL (aka the DD Form 200) shall be submitted to the State/LESO for LSD property. Program participants agree to cooperate with investigations into LSD property by any federal, state, or local investigative body and, when requested, assist with recovery of LSD property.

- a) LSD controlled property shall be reported to the State/LESO within 24-hours. Program participants may be required to provide their SC/SPOC additional documentation which may include (but is not limited to):
 - 1) Comprehensive police report, 2) NCIC report/entry, and 3) Contact information for the Civilian Governing Body (CGB) over the LEA involved, to include: Title, Name, Email, and mailing address.

- b) LSD property with a DEMIL code of "A" and "Q6" shall be reported to the State/LESO within 7-days.

14) RESTRICTION, SUSPENSION OR TERMINATION Program participants are required to abide by the terms and conditions of the MOA between the Federal Government and the State/U.S. Territory and this SPO in order to maintain active program participation status. If a State/LEA fails to comply with any term or condition of the MOA, SPO, DLA Instruction or Manual, federal statute or regulation, the State/LEA may be suspended, terminated, or placed on restricted status. Restriction, suspension, or termination notifications will be in writing and will identify remedial measures required for reinstatement (if applicable). *Suspension*-A specified period in which an entire State/LEA is prohibited from requesting or receiving additional property through the program. Additional requirements may be implemented, to include the State/LEA requirement to return specifically identified controlled property. Suspensions will be for a minimum of 60-days. *Termination*-The removal of a State/LEA from program participation. The terminated State/LEA shall transfer or turn-in all controlled property previously received through the program at the expense of the State/LEA involved. *Restricted Status*-A specified period in which a State/LEA is restricted from receiving an item or commodity due to isolated issues with the identified item or commodity. Restricted status may also include restricting a State/LEA from all controlled property.

- a) State termination-The SC/SPOC will coordinate with LESO to identify a realistic timeframe to complete the transfer or turn-in of all property. The LESO retains final authority to determine timeframe requirements.
- b) LEA termination-The SC/SPOC will coordinate with LESO to identify a realistic timeframe to complete the transfer or turn-in of all property. The LESO retains final authority to determine timeframe requirements.
- c) In the event of a termination, the State/LEA will make every attempt to transfer the property of the terminated State/LEA to an authorized State/LEA, as applicable, prior to requesting a turn-in of the property to DLA Disp Svcs. In cases that require a repossession or turn-in of property, the State/LEA will bear all expenses related to the repossession, turn-in or transfer of property to DLA Disp Svcs.

d) The State shall:

- i) Suspend LEAs for a minimum of 60-days in all situations relating to the suspected or actual abuse of

property or requirements and/or repeated non-compliance related to the terms and conditions of this SPO. Suspension may lead to termination. The State shall also issue corrective action guidance to the LEA with suspense dates to rectify issues and/or discrepancies that caused the restriction, suspension, or termination. The State shall require the LEA to submit results on completed police investigations and/or reports on LSD property to include the LEA CAP. The LESO retains final discretion on reinstatement requests. Reinstatement to full participation from a restriction, suspension or termination is not automatic.

ii) Initiate corrective action to rectify suspensions or terminations of the LEA for non-compliance to the terms and conditions of the program. The State shall also make contact (until resolved) with suspended LEAs to ensure corrective actions are rectified within required timeframes provided by the LESO.

iii) Require the LEA to complete and submit results on completed police investigations or reports regarding LSD property. The State will submit all documentation to LESO upon receipt.

iv) Provide documentation to LESO when actionable items are rectified for the State/LEA.

v) Request that the LESO suspend or terminate an LEA based upon their findings during State-level internal PCR or due to non-compliance with any term of this SPO, DLA Instruction/Manual or any statute or regulation regarding the program.

vi) Notify the LESO and initiate an investigation into any questionable activity or action involving property issued to an LEA that comes to the attention of the State and is otherwise within the authority of the Governor/State to investigate. Upon conclusion of any such investigation, take appropriate action and/or make appropriate recommendations on restriction, suspension, or termination of the LEA to the LESO. The SC may revoke or terminate concurrence for LEA participation in the program at any time.

vii) Provide written request to the LESO for reinstatement of an LEA for full participation status at the conclusion of a restriction or suspension period. Written verification shall be provided that the SC/SPOC has validated the LEA CAP.

15) RECORDS MANAGEMENT The LESO, SC/SPOC, and LEAs participating in the program will maintain program records IAW the DLA records schedule. Records for property acquired through the program have retention controls based on the DEMIL code. Property records will be filed, retained, and destroyed IAW DLA records schedule. Records may include, but are not limited to: DD Form 1348-1A for transfers, turn-ins, requisitions, Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Forms 5 and 10.

16) TRADE SECURITY CONTROL (TSC) and COMPLIANCE WITH EXPORT CONTROL REGULATIONS Items transferred to program participants, including DEMIL A and Q (with an Integrity Code of 6) property, may be subject to export control restrictions. Program participants shall comply with U.S. export control laws and regulations if they contemplate further transfers of any property. Once title transfers, LEAs should consult with the Department of State (DoS) and Department of Commerce (DoC) export control regulators about the type of export controls that may apply to items, regardless of DEMIL code. Program participants may request a formal Commodity Classification from the DoC, Bureau of Industry and Security (BIS), or submit a general correspondence request to the DoS, Directorate of Defense Trade Controls. Information on managing exports of CCL items can be found at the U.S. DoC Bureau of Industry and Security website. Program participants shall notify all subsequent purchasers or transferees, in writing, of their responsibility to comply with U.S. export control laws and regulations.

17) NOTICES Any notices, communications, or correspondence related to this SPO shall be provided by email, the U.S. Postal Service (USPS), express service, or facsimile to the appropriate DLA office. The LESO may (from time to time) make unilateral modifications or amendments to the provisions of the MOA between the Federal Government and the State/U.S. Territory and/or this SPO. Notice of these changes will be provided to the State in writing. Unless the State takes immediate action to terminate the MOA between the Federal Government and the State/U.S. Territory and/or this SPO, such modifications or amendments will become binding. In such cases,

reasonable opportunity will (insofar as practicable) be afforded the State/LEA to conform to changes affecting their operations.

18) ANTI-DISCRIMINATION By signing or accepting property, the State/LEA pledges agreement to comply with provisions of the national policies prohibiting discrimination: 1) On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) as implemented by DoD regulations 32 CR Part 195, 2) On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90 and 3) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 USC 794), as implemented by Department of Justice (DoJ) regulations in 28 CFR Part 41 and DoD regulations at 32 CFR Part 56. These elements are the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DoD.

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

20) TERMINATION This SPO may be terminated by either party, provided the other party receives a thirty (30) day notice (in writing) or as otherwise stipulated by Public Law. The undersigned SC hereby agrees to comply with all provisions set forth herein and acknowledges that any violation of the terms and conditions of this SPO may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

21) AGREEMENT OF PARTIES The parties below agree to enter this agreement as of the last date below:

Governor-appointed SC/SPOC, State of: South Carolina

Full Name (Print): Thomas W. Hornsby, III or Joe K. Corley_

Signature (Sign): _____ Date (MM/DD/YYYY): _____

Chief Law Enforcement Official (CLEO) (or designee): _____

Title (Print): Chief of Police

Full Name (Print): Kenneth Hofmann

Signature (Sign):  _____ Date (MM/DD/YYYY): 11/24/2021

ADDENDUM TO
STATE PLAN OF OPERATIONS
BETWEEN THE STATE OF
South Carolina
AND THE
(LEA Name) Surfside Beach Police Department

This Addendum is attached to and forms part of the agreement set forth in the State Plan of Operations (hereinafter “SPO”) dated _____ between the State of South Carolina and (LEA name) Surfside Beach Police Department by adding the following language to the existing sections referenced in the SPO:

3. General Terms and Conditions

The Governor of the State of South Carolina has designated Thomas Hornsby of the Division of General Services of the South Carolina Department of Administration as the Governor’s appointed 1033 State Coordinator for the 1033 Program to implement the 1033 Program statewide as well as to conduct management and oversight of the 1033 Program. Funding/Budgeting to administer the 1033 Program is provided by the Department of Administration, Division of General Services, Surplus Property Office.

B. All expenses related to the repossession and/or turn-in of LESO Program property to the nearest DLA Disposition Services site are the sole responsibility of LEA.

E. Any item recalled from LEA by LESO is to be surrendered at the expense of LEA and in the manner described by LESO at that time

F. All equipment listed in Article 3, Section f, of the SPO, listed as Executive Order Controlled items or regulated under 10 U.S. Code § 2576a , must be requested by LEA using a tactical equipment request form (or other form as required by LESO). This form will be provided to LEA by the 1033 State Coordinator’s office. The form must be completed with all required information outlined in Section E of the SPO and then submitted to the 1033 State Coordinator’s office for approval. Following approval by the 1033 State Coordinator’s office, the request will be submitted by the 1033 State Coordinator’s office to the LESO office of the DLA for final approval or denial of any EO controlled equipment.

Absolutely no controlled property may be sold, traded, exchanged, lent, bartered, or given away to any entity, agency, or individual within the United States without the express written approval

of the 1033 State Coordinator's office *and* LESO. There is no circumstance in which controlled property may be sold, traded, exchanged, lent, bartered, or given away to any entity, agency, or individual outside the United States. Non-Controlled DEMIL A and Q6 items may be disposed of in accordance with LEA policies and procedures but only after the item has concluded its requisite time on LEA's 1033 inventory and LEA has requested written permission from the 1033 Coordinator's office to dispose of such item(s). *See Article 3, Section F* of the SPO

Non-Controlled DEMIL A items (i.e., those items not identified in Article III, Section F of the SPO) ownership will be transferred from the DLA to LEA 12 months following the date the item leaves DLA's possession via a transfer. This transfer of ownership only applies to non-controlled property. Once ownership has been transferred, DLA may not sell, trade, exchange, loan, barter or give away such property for eighteen months without prior written notice to the 1033 State Coordinator's Office. The 1033 State Coordinator's office may audit such property during this eighteen month period. No item received from the DLA by LEA that has a DEMIL Code of B through Q3 will ever be owned by LEA. Even in cases of DEMIL A property, the DLA reserves the right, until title of ownership relinquishment, to change any DEMIL codes.

No controlled or non-controlled DEMIL A and Q6 property (those items defined in Paragraph III, Section F of the SPO) can or will be transferred to any other LEA without the written approval of 1033 State Coordinator's office and LESO.

8. Enrollment

In the event that LEA is denied application to, suspended from, or terminated from the 1033 Program, LEA may appeal such denial, suspension or termination as set forth below:

1. LEA may submit a written request of reconsideration to the 1033 State Coordinator's office within 30 days of date of such denial, suspension, or termination.
 - A. The written request must be on LEA letterhead and signed by the CLEO.
 - B. The written request must clearly describe LEA's position as to why the denial, suspension, or termination should be overturned.
2. Following receipt of an appeal, the 1033 State Coordinator will schedule a meeting with the 1033 Committee. The 1033 Committee will include:
 - A. The 1033 State Point of Contact;
 - B. A member of the SC State Law Enforcement Division, appointed by the 1033 State Coordinator; and
 - C. An LEA, active in the 1033 Program and appointed by the 1033 State Coordinator, provided that the LEA is not the LEA appealing a decision.

3. The appellant LEA may be present at the meeting of the 1033 Committee.
4. Within five days of the meeting of the 1033 Committee, the 1033 Committee will recommend the 1033 State Coordinator affirm or reverse the original decision. No reversal of the original decision is final without LESO's approval.

In addition to complying with all the requirements contained in the SPO, to maintain enrollment in the 1033 Program and retention of 1033 Program property the LEA must:

1. Maintain at least one active account in FAMWEB/FEPMIS (or other LESO tracking system); and
2. Adhere to the guidelines of the dues/property allocation paragraph listed below.

Failure to maintain an active FEPMIS user will result in suspension from the 1033 Program and forfeiture of all allocated 1033 Program property. When the 1033 State Coordinator has determined that an LEA is absent from FEPMIS:

1. Listed POCs on the application will be notified by the 1033 State Coordinator's office that LEA has no active FEPMIS user ("FEPMIS Notice") and will be directed to facilitate maintenance of an active FEPMIS account.
2. If, within 30 days from the date of the FEPMIS Notice, LEA has not established an active FEPMIS account; LEA will be suspended from the 1033 Program and will not be authorized to request any additional items through the 1033 Program. The CLEO will be notified of such suspension in writing.
3. If, within 60 days from the date of the FEPMIS Notice, the LEA has not established an active FEPMIS account, the 1033 State Coordinator's office will notify the CLEO, in writing, of the lack of an active FEPMIS account and the State Coordinator's office will initiate turn-in/transfer of the 1033 Program property in LEA's possession.
4. If the 1033 State Coordinator's office is required to initiate the turn-in/forfeiture process, any costs incurred by the 1033 State Coordinator's office to complete the transfer or turn-in will be paid by LEA.

E. LEA shall pay annual dues to participate in the 1033 Program as set forth below.

Failure to maintain dues, and failure to communicate with the 1033 State Coordinator's office with regard to the cause of such failure, will result in termination from the 1033 Program. All forfeiture costs incurred by the 1033 State Coordinator's office to terminate LEA will be billed to LEA.

F. When LEA is no longer active in the 1033 Program, regardless of whether LEA terminated membership or was suspended or terminated from the 1033 Program, if the value of LEA's 1033 property allocation exceeds \$100,000 at the time of termination or annually thereafter, LEA shall

continue to pay yearly 1033 Program dues at the rates as set forth in this Addendum until such time as LEA has less than \$100,000 of allocated 1033 Property.

CLEO Initial: _____

KW

9. Property Allocation

The South Carolina State Coordinators Office reserves the right to decline or adjust and or all allocation limits below the guidelines set forth in Article 9, Section A of the SPO.

Mine Resistant Ambush Protected Vehicles are issued on a case by case basis with the State Coordinator reserving the final decision on approving/denying applications. Submission of a MRAP packet does not guarantee a LEA a MRAP.

All 1033 equipment allocation limits not defined in this section are based on allocation of one item for one full time, compensated officer for the time frame that an item is on LEA's property books. In some cases allocation may be based on as needed allocation. In all cases, LESO reserves the right to amend any allocation request.

LEA must provide written justification as required by LESO for all property requested for requisition. Such justification must be unique to the item in question.

All justifications for property are made public by LESO on the LESO website and LEAs should acknowledge accordingly

10. Property Management

Cannibalization of 1033 equipment to repair other 1033 equipment is permitted subject to the restrictions as set forth herein. Requests to cannibalize any such equipment must be submitted in writing to the 1033 State Coordinator's office. The cannibalization letter must include the following:

1. Request to cannibalize must be on LEA letterhead.
2. Request to cannibalize must be signed by the CLEO, tactical vehicle lead, or aircraft lead, depending upon the proposed type of cannibalization.
3. If donor property is in the possession of LEA, the serial number of the donor property, the 1033 property the LEA desires to cannibalize.
4. The serial number of the recipient equipment (equipment upon which cannibalized parts will be installed).
5. Statement of intended purpose of cannibalization, i.e. to replace bad transmission or swap broken rotor blade.

Before commencement of any cannibalization, LEA must have received written approval from the 1033 State Coordinator's office and LESO.

After cannibalization is complete, LEA must turn-in the cannibalized chassis and any replaced parts within the below timeframe:

1. For a wheeled vehicle: six months from the date of cannibalization;
2. For an aircraft: eighteen months from the date of cannibalization; or
3. For any other equipment other than a wheeled vehicle or aircraft: six months from the date of cannibalization.

Under no circumstance may LEA sell, trade, exchange, loan, barter, or give away cannibalized chassis or replaced parts.

All weapons, vehicles, and small arms transfers will be initiated in FEPMIS by the 1033 State Coordinator's office.

A. All aircraft are deemed to be controlled property and may not be sold, traded, exchanged, lent, bartered or given away to any entity, agency, or individual. To the extent LEA has obtained any aircraft through any federal program preceding the 1033 Program or under rules or procedures preceding this SPO or Addendum thereto, LEA hereby agrees that all such prior rules or programs are null and void as relates to whether the aircraft is deemed controlled property, and the 1033 Program rules shall hereby govern the disposal of all aircraft acquired from the Federal Government.

B. LEA is responsible for providing and maintaining a secure place of storage for all property obtained through the 1033 Program. This is to include all general property, vehicles, and weapons.

1. All tactical vehicles are to be stored in a secure location, under a canopy or cover.
2. All armored vehicles, including but not limited to MRAPs (Mine Resistant Ambush Protected) and Armored HMMVWs, are to be housed in a secured location out of visual sight, under cover and out of the elements.
3. If any tactical vehicles have the capability to have their entry doors padlocked, those doors are to be padlocked at all times while the vehicle is in storage.
4. MRAPs are, at LEAs expense, to have the ignition switch/system converted to keyed system or another type of ignition interlock system that removes the military issued quick start toggle switch within 30 days of receipt.

CLEO Initial: _____

KH

C. Article 10, Section C of the SPO is hereby amended. Ammunition will only be issued to the SC Criminal Justice Academy and no other Law Enforcement Agency within the 1033 Program. Ammunition can only be acquired and used for the sole purpose of training. To certify this requirement, ammunition will only be issued to the State of South Carolina's LEA training and credentialing agency.

D. The following small arms security section is hereby enacted, and will be in enforce from the signature of this document:

1. All departments must affirm that there will be two levels of personnel security utilized to protect each 1033 weapon: the officer and their sidearm.
2. No 1033 weapons can be left in a vehicle overnight, while the officer is off shift, and/or if the vehicle is down for maintenance. The weapons must be in a secure location inside either the officer's residence or the department building.
3. All 1033 weapons are the be anchored to the vehicle to include, but not limited to, anchoring of the lower receiver or within a locked gun vault.
4. All weapons, if issued to an officer, must have a signed issue document with the receiving officer's signature. All issue documents must be updated a minimum of once per quarter.
5. No 1033 Program weapons can be requested for or issued to non-law enforcement personnel.

CLEO Initials: _____



The undersigned agree to the above terms and understand that failure to adhere to the above weapon security guidelines will result in a revocation of all 1033 Program weapons, 1033 program suspension and/or termination from the 1033 Program

11. Program Compliance Reviews

B. The 1033 State Coordinator's office is responsible for conducting a random audit of the 1033 Program property and records of 8% of LEAs participating in the 1033 Program. The 1033 State Coordinator's office reserves the right to make announced or unannounced audits. LEAs shall cooperate with such audits. The 1033 State Coordinator's office will make every effort so that any such inspection does not jeopardize active law enforcement responsibilities or obstruct life safety.

If LEA is found to be in noncompliance of the SPO or this Addendum thereto, the 1033 State Coordinator's office will advise LEA of action required for correction and compliance. The 1033

A. LEA must report to the 1033 State Coordinator's office if any 1033 Property assigned to LEA is found to be missing, stolen, or destroyed, regardless of DEMIL category. Such report must be in writing and made within 24 hours of initial realization of incident.

Additionally, if any 1033 firearm assigned to LEA is found missing, stolen, or destroyed, the report to the 1033 State Coordinator's office must be accompanied by a police investigative report and the information relating to the missing, stolen or destroyed weapon must be uploaded into the NCIC Database by the LEA within 24 hours of initial realization of incident. LEA must also notify the BATFE, and SC State Law Enforcement Division within 24 hours of initial realization of incident.

Any missing or stolen weapon will result in a minimum of a six month suspension from the 1033 Program.

In all cases, regardless of the circumstance or the investigation of the LEA by any South Carolina agency or authority, LEA acknowledges that DLA and LESO may have the case reviewed by the appropriate Federal investigating agency that the DLA deems appropriate.

Prior to reinstatement in the 1033 Program, a satisfactory line item by line item inventory must be performed by the 1033 State Coordinator's office and any corrective action items resolved to the 1033 State Coordinator's satisfaction. New policies and procedures with backup of implementation must be included in a request to be reinstated. No reinstatement in the 1033 Program is effective without LESO's approval.

14. RESTRICTION, SUSPENSION OR TERMINATION

The loss or theft of any LESO weapons pursuant to LEA negligence or individual personnel failing to adhere to proper weapon storage and security guidelines will result in the following penalties:

1st Offense will result in a minimum of six months suspension from the 1033 program or possible termination at the State Coordinator's discretion.

2nd Offense, within 36 months of the first offense, will result in LEA termination from the 1033 Program, a surrendering of all 1033 Program property, at the LEA's expense, and a 24-month period, from termination, must elapse before the LEA can reapply for program participation.

The 1033 State Coordinator's office is required to abide by the terms of the MOA entered into between the DLA and the State of South Carolina on [date]. LEA agrees to abide by the terms of the SPO and this Addendum. Any failure to comply with the terms of the SPO and/or this Addendum will result in LEA's suspension and/or terminated from the 1033 Program.

If LEA is suspended or terminated from the 1033 Program LEA may seek to appeal such suspension or termination as set forth in this Addendum under Article 8.

If the 1033 State Coordinator determines that LES has misused 1033 Program property or has engaged in questionable activity with respect to LEA's control of 1033 Program property, the 1033 State Coordinator may seek an investigation of LEA by the SC Law Enforcement Division.

17. NOTICES

LESO may amend the SPO at any time. Any LESO changes to the SPO will be forwarded to LEA in writing from the 1033 State Coordinator's office. Regardless of the time frame of communication of such amendments, the LEA is bound to any language changes initiated by LESO upon receipt of such amendment.

18. ANTI-DISCRIMINATION

LEA agrees to adhere to all Federal and State laws regarding Anti-Discrimination and prohibitions of discrimination of individuals.

CLEO Initial:  _____

19. INDEMNIFICATION CLAUSE

LEA shall procure and maintain adequate insurance with insurance authorized to do business in the State of South Carolina covering all acquired 1033 Program property until either ownership of such property is transferred from the DLA to LEA; or ii. the turn-in forfeiture process has concluded.

LEA agrees to the terms of the indemnification clause outlined in Section 19 of the SPO.

CLEO Initial:  _____

To the extent there is any conflict between this Addendum and the SPO, this Addendum shall control.

IN WITNESS THEREOF, the parties hereto have executed this Addendum to the SPO as of the last date written below.

KENNETH HOFMANN

Type/Print Chief Law Enforcement Official Name

[Handwritten Signature]
Chief Law Enforcement Official Signature

11/24/2021
Date (MM/DD/YYYY)

1033 State Coordinator Name or State Point of Contact

Thomas W. Hornsby III, CPM or Joe K. Corley

1033 State Coordinator Signature

Date (MM/DD/YYYY)