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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

STATE OF OREGON

vs.

SAMUEL TROY LANDIS

Defendant.

Case No. 6:23-cr-00330-MC

**EXHIBIT 2 IN SUPPORT OF REPLY
[FILED UNDER SEAL]**

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6124 OFFICIAL GOVERNMENT VEHICLES

See also the Administrative Manual, [Subchapter 032](#). An official government vehicle (OGV) is any vehicle acquired by DEA through lease, purchase, forfeiture, or interagency transfer. Vehicles leased for periods of 60 days or more shall be assigned DEA identification numbers and handled in full accord with the provisions of this subchapter. (See [Exhibit 1](#) for nomenclature.)

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6124.1 VEHICLE PROCUREMENT 

6124.11 Domestic Procurement

- A. Each year, Congress authorizes and appropriates funds for DEA to purchase a specific number of OGVs. DEA, along with all other Government agencies, places its annual order with the General Service Administration (GSA) in the 2nd quarter of the fiscal year, and vehicles are delivered in the 3rd quarter.
- B. DEA Headquarters, Property Management Unit (SAFP) considers the following factors in selecting new DEA vehicles:
- Trade publications and independent reviews
 - Historical performance date
 - Anecdotal reports from field users
 - Field tests of new makes/models
 - Cost
- In preparation for the annual OGV purchase, SAFP will compile detailed listings of available makes/models based on the above, and transmit this to the field divisions. All domestic field offices, including E1 Paso Intelligence Center (EPIC), Quantico, Newington and the Air Operations Center, as well as all foreign offices will be included in the definition of field divisions. Each field division will select preferences from this listing with regard to appropriate mix, options and colors. "Write ins" of any special vehicle requirements not on the list may be completed (e.g., off road vehicles).
- C. In allocation of OGVs to the field divisions, SAFP will consider the number of vehicles assigned to a division that have reached replacement criteria, the number of vehicles in service versus authorized ceiling and the projected staffing modifications for the current fiscal year.
- D. GSA is granted exclusive authority to acquire passenger vehicles for non-Department of Defense agencies. See 41-CFR, Section 101-26.501-1. However, agencies, when it is determined that a passenger car or truck of the type and size routinely acquired by GSA will not meet the agencies needs, can provide GSA with a written justification detailing its special needs and request a waiver from the mandatory acquisition policies set forth in the Code of Federal Regulations. If GSA agrees with the agency, GSA, may, in its discretion, grant the agency the authority to acquire the vehicle or vehicles described. See 41CFR, Section 101-26.501-1(b).
- E. In certain limited instances, i.e., investigations involving undercover operations of suspected money laundering violations targeting car dealerships, field management may elect to expend appropriated funds, to purchase a vehicle to obtain evidence of the underlying violations. In these instances the vehicle is not subject to forfeiture pursuant to 21USC 881 or 853. If GSA procedures are not followed in the acquisition of the vehicle or if a waiver from GSA is not obtained before the vehicle is obtained, then the vehicle cannot be placed into the DEA fleet. Further, difficulties may also arise when DEA attempts to dispose of the vehicle pursuant to Federal Property Management Regulations.
- F. Prior to the expenditure of funds as stated in E above, the SAC/CA will request a waiver to ratify the vehicle purchase in advance. This request will be via memorandum and will be forwarded to the Chief of Operations (OC) for approval prior to submission to the Office of Chief Counsel (CC). Once CC concurs, the request will be forwarded to SC/SAFP, who will then request a waiver from GSA. **Internally, DEA has no independent authority to initiate procurement of a vehicle, absent prior approval from GSA.** Upon concurrence, SAFP will grant approval via return correspondence. The request from the SAC/CA will include the following language:
1. That DEA is conducting an undercover operation of suspected criminal activity, including money laundering violations.
 2. That in order to develop evidence of these potential violations, it will be necessary for DEA to expend appropriated funds to purchase a vehicle
 3. That routine GSA procurement methods would impede or compromise the ongoing criminal investigation and would disrupt or prohibit the discovery of potential evidence concerning the criminal activity.
 4. A general description of the car to be acquired and the manner in which it is to be procured.
 5. A statement that, when the criminal case is closed, the vehicle is of a type and nature that DEA can place the vehicle into official use without modification or only minor modification.
 6. A statement that, when the criminal case is closed, DEA will provide relevant requested information to GSA so that they may complete their files.
 7. Any intended purchase of a high value vehicle (in excess of \$30,000), will require OC/SAC/CA approval.

NOTE: Any intended vehicle purchase in the manner described in D through F above may meet the requirements of a Sensitive Undercover Operation under 6602 (11), (14) or (15). A separate request will have to be made to the Sensitive Activities Review Unit (OEU). The deposit of appropriated funds to purchase the vehicle would require a specific exemption from the Attorney General. See Sensitive Undercover Operations 6602. **A specific Attorney General exemption may also be needed if DEA was furnishing a difficult to obtain service.** See Sensitive Undercover Operations 6602.

6124.12 Domestic Delivery Process 

- A. Upon completion of the purchasing process with GSA, SAFP will notify each field division of the following:
- Quantities/makes/models/allocated to the division
 - Accessories/options for each vehicle
 - Area dealerships that will receive the OGVs
 - Estimated delivery dates
- B. Upon receipt of this information, each field division will contact these dealerships to make delivery arrangements.
- C. Each field division will assign a knowledgeable DEA employee to coordinate acceptance/delivery of the OGVs from the dealerships. All OGVs should be inspected to insure proper make/model/options/accessories and any obvious mechanical/structural defects on the OGVs prior to signing delivery documents.
- D. Should any deficiencies be discovered, the OGV will not be accepted and delivery documents will not be signed until all discrepancies are reconciled through the dealerships. Significant problems will be coordinated with SAFP.
- E. Upon satisfactory completion of the inspection process, the field division will contact SAFP and provide:
- VIN
 - Make/model/year
 - Color
 - Odometer reading
- F. SAFP will assign an OGV identification number. At this point the field division may place the OGV in service. SAFP will follow-up this telephonic contact with the issuance of a DEA-87, Vehicle Assignment Record, which will be filed in the OGV file. (FFS: 1120-02)

6124.13 Seized/Forfeited Vehicles 

(See memorandum dated July 25, 1997, subject Raising the Threshold Criterion for Special Purpose Vehicles, by James S. Milford, Acting Deputy Administrator.) (See DEA Agents Manual 6654 for policy/procedures relating to the forfeiture process).

- A. It is absolutely forbidden to use any seized vehicle, its equipment and/or accessories prior to notification by Headquarters that forfeiture proceedings have been completed and the assignment of a DEA vehicle identification number.
- B. Upon Forfeiture, the Asset Forfeiture Section, (CCF) will refer the vehicle file to SAFP for disposition. SAFP will determine whether to place the vehicle into official service based on the following criteria:
1. Less than 2 years of age. SAFP may waive this criterion if the vehicle has some unique mission related value to DEA, or some special situation exists that would override normal cost/benefit. The vehicle must be able to be placed in service for a minimum 2 year period.
 2. Any outstanding lien is less than 1/3 of fair market value at the time of seizure (the payoff of liens greater than this amount require the Department of Justice approval, which SAFP may pursue in a particular situation based on funds available and cost/benefit determination).

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3. Good mechanical condition, with estimated life use span of at least 2 years.
4. A make/model that is of general or specific value to DEA. Exotic makes (Excalibur, Rolls Royce, Aston Martin, Ferrari, Delorean, etc.) will not be placed into service. For safety reasons, convertibles will not be placed into service, unless retrofitted with a roll bar.
5. No unresolved petitions or sharing requests.
6. Forfeited vehicles will only be placed into service for direct, mission related benefit to DEA. Vehicles will not be placed into service for the convenience of an employee, or for the purpose of transfer, barter, or sale to obtain some other item of value to DEA.

6124.14 Placement into Official Use

(See [memorandum](#) dated July 25, 1997, subject Raising the Threshold Criterion for Special Purpose Vehicles, by James S. Milford, Acting Deputy Administrator.)

- A. SAFF will determine suitability for official use of any seized vehicles, and to which agency component the OGV will be assigned based on need. Generally, the field division which developed the probable cause for seizure and forfeiture action will be given first priority. SAFF will review that division's vehicle ceiling versus the number of vehicles currently in the primary fleet, or if a special purpose vehicle, the number of similar vehicles currently in that divisional fleet. If there is no demonstrable need for that vehicle, and none of the vehicles on hand meet the criteria for excessing, the OGV will be assigned to another agency component. This may also occur based on a priority need of a field division for that particular OGV.

NOTE: Forfeiture is the primary source of vehicles for the laboratories, and the various Headquarters Offices. This allows SAFF to devote appropriated funds to purchase new OGVs for the field divisions

- B. The receiving agency component will have 10 working days to accept an OGV approved by SAFF for in service use. The extent of the repairs required to bring the OGV into safe operating condition should be part of this decision. If acceptance is contingent on the approval of excessing another OGV, then this OGV identity and information should be included in the field division response to SAFF.
- C. In the case of a speciality use vehicle, the agency component response should include the intended use.
- D. Upon receiving a positive response, SAFF will assign a DEA identification number to the forfeited OGV and issue a DEA-87 to the receiving agency component. This DEA-87 will be filed in the OGV file.
1. If determined unsuitable for use, SAFF will notify the field division to coordinate disposition with the US Marshal's Office.

6124.15 Forfeited Vehicles/Retrofit Repairs

- A. Retrofit repairs are payable from a central account managed by SAFF. Funding for this account is derived from the Department of Justice when funding is available. Agency components must draw from this account in lieu of their operating funds to pay expenses necessary to bring a forfeited vehicle up to minimal operating condition (i.e., repairs that directly affect the drivability, safety, or utility of the vehicle). When funding is not available, agency components must use their operating funds to pay for the aforementioned repairs. In either case the total allowable repairs may not exceed the cost criteria set forth in [6124.62](#).
- B. The receiving agency component should use the 10 day period as per [6124.16\(B\)](#) to conduct a thorough evaluation of the vehicle and derive an initial estimate of necessary repairs. This estimate should be included as part of the agency component's response to SAFF as to official use.
- C. Within 10 days after placement into official use, the agency component should submit a written request to SAFF setting forth an itemized list of services/parts and costs. A separate submission is required for each vehicle for which retrofit funds are being requested; and each request must be identified by the OGV number, make, model and year of the vehicle. **Repairs in excess of \$2500 must be accompanied by three estimates.**
- D. Repairs payable from retrofit funds include:
- Mechanicals (brakes, tires, tune-ups, batteries, etc.)
 - Body work (to the extent necessary for safety/security, rather than just appearance)
 - Security/alarm systems
 - Emergency lights/sirens
 - Surveillance equipment (submit separate request to STT)
- E. Repairs beyond the foregoing, or cumulatively beyond the cost limitations set forth in [6124.62](#), will not be approved for retrofit funding. The agency component, at its option, may use operating funds for excess.
- F. SAFF will issue a fund citation for the approved amount. The agency component should submit copies of supporting documents to SAFF within 30 days. If repairs are spread over several intervals and/or vendors, it should indicate "INTERIM PAYMENT" or "FINAL PAYMENT" on the documents submitted. Delinquent submissions of supporting documents will result in subsequent requests being held in abeyance.

6124.16 Transfers From Other Government Agencies

- A. Occasionally, a field division is presented with an opportunity to obtain a vehicle through transfer from another agency. Such transfers are subject to approval from SAFF. In making this determination, SAFF will consider the following:
1. Make/model: must be of a type that conforms to fleet standards.
 2. Condition: must be in generally good mechanical condition, and less than 2 years of age.
 3. Justifiable need: placement into service would not result in the field being over primary ceiling, or having an excess of similar purpose type vehicles. This criterion may be waived if the field office identifies another vehicle for excess, or if the vehicle is to be assigned to another office.
- B. If the transferring agency is at the federal level, the following shall apply:
1. The receiving field division should obtain from the transferring agency an SF-122, Transfer Order Excess Personal Property (signed by an official with authority to execute this document); copies of appropriate documents establishing that the agency is the rightful owner of the vehicle; and a letter from an official of the agency setting forth their intent to transfer the vehicle, the basis for the transfer (i.e., why?), and any conditions of transfer.
- NOTE:** Any such transfers of property to DEA must not be based upon or in any way related to DEA endorsing, having previously endorsed, or potentially endorsing an asset sharing request from the transferring agency.
2. The receiving field division should transmit these documents to SAFF via cover memorandum setting forth the circumstances of the transfer, details of any adjustments to the divisional fleet necessitated by the transfer, and all items of information about the vehicle that SAFF will need to prepare the DEA-87, Vehicle Assignment Record.
 3. Upon receipt, SAFF will decide on approval, execute the SF-122, assign a DEA vehicle identification number, and issue the DEA-87.
 4. If the transferring agency is at the state or local level, the foregoing procedures shall apply, with the additional, requirement that the agency complete an SF-97, Certificate of Release of Motor Vehicle. (FFS: 1120-02)

6124.17 Foreign Purchasing Process

- A. The procurement of OGVs for foreign offices is based upon reasons of security and serviceability. Since brand prevalence varies widely amongst host countries, the makes and models obtained must be prevalent in the automotive market in the host country. Domestic U.S. brands of manufacture may be sufficient in some host countries. To comply with the provisions of the Federal Acquisition Regulations, relative prevalence of brands in each country must be determined through an objective market survey.
- B. At the beginning of each Fiscal Year, SAFF will determine the quantitative vehicle requirements for all foreign offices. This will be completed by analysis of available data on current vehicle conditions, input from other Headquarters elements on staffing modifications and telephone surveys of field office management.
- C. Simultaneously, SAFF will make tentative brand selections as broad as potentially possible, for each office based on commercial market surveys of host countries, and input from telephone field office surveys.
- D. A formal request to each Country Office by SAFF for quantities and brand selection will be made for procurement. To object, the Country Office will have to produce tangible justification that would outweigh the findings of the commercially produced market survey. The Country Office will identify specific models/options/accessories within these brands to meet its needs.
- E. Upon receipt of the information/reconciliation of the responses from D above, SAFF will either:

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1. Procure brands of domestic US manufacture through GSA and arrange shipment to the host country. This will be coordinated with the Country Attache.
2. Forward a procurement request to the Country Office for brands of foreign manufacture. This request should be presented to the Embassy General Service Officer (GSO) for initiation of procurement. A fund citation will be included with the procurement request, upon determination of price.

F. Upon delivery of the OGV to the Embassy, the Country Attache should notify SAFF via teletype of the following:

VIN
 Make/model/year/type/accessories
 Delivery Condition (i.e., damage, missing equipment, etc.)
 Cost (US dollars)
 Odometer reading
 Number of doors/Cylinders
 SAFF fund citation

- G. Upon receipt of this teletype, SAFF will assign an OGV number and issue a DEA-87. This form, plus copies of all delivery documents will be filed in the OGV file.
- H. In concert with Embassy officials, the Country Attache should determine the need for and level of armoring of assigned OGVs. This matter must be coordinated with the Office of Security Programs (SP) and the Office of International Operations (OF).
- I. Armoring will be accomplished at the time an OGV is placed in service. This can be accomplished in country or in the CONUS. Each instance will be reviewed by SAFF and SP to determine capabilities, costs and vendors.
- J. Armoring adds significantly to the weight of a vehicle, which may adversely affect handling and performance. Therefore, the need for armoring will be a factor considered in the selection of new/replaced vehicles. Makes/models which cannot support this weight through a sufficiently heavy drive train and suspension options will not be considered.

6124.2 ASSIGNMENT

6124.21 General Definitions

- A. OGV's will be assigned to field offices in accordance with [0320.1](#) of the Administrative Manual. With the exception of designated pool vehicles, field offices will assign OGV's to individual employees. Such assignments will be in the interest of DEA and are not an employee prerogative. DEA SACs, Country Attaches (CAs), Laboratory Directors (LDs) and senior Headquarters Office Heads (HOH) are responsible for the operation and control of all official government vehicles assigned to their activities and for ensuring compliance with all policies and procedures of the DEA fleet management program affecting such vehicle assignments. (See [DEA cable 24774](#) dated November 17, 1994, signed by Administrator Constantine.)
- B. The operation and maintenance of official government vehicles are the responsibility of the SAC, Country Attache, Laboratory Director, or senior Headquarters Office Head, or their designees, for those offices having assigned vehicles. Managers may authorize use of vehicles when Special Agents, Diversion Investigators and other DEA employees require motor transportation in the conduct of official business. Agents, Diversion Investigators and other DEA employees who use vehicles for official use will be held strictly responsible for the operation, maintenance and intermittent storage of the vehicles, as outlined in this section.
- C. An OGV may only be assigned to or operated by any employee who possesses a valid operator's license issued by the state or country in which the employee is permanently stationed and/or has his principal place of residence. It is the responsibility of the employee to obtain and maintain a valid state or country operator's permit.
- D. Upon placement into service, the Property Management Unit (SAFF) will classify every DEA vehicle as follows:
1. Special Purpose
 - a. Those vehicles which are not of general utility (e.g., surveillance vans, taxi cabs, tractor/trailers etc.); or those which are valued at \$30,000 or more at the time they are placed into domestic service (e.g., certain luxury-type cars whose only purpose is for undercover use).
 - b. Special purpose vehicles will not be assigned to individual employees, nor will they be used for purposes other than that for which they were placed into service.
 - c. Special care must be taken with regard to those vehicles whose purpose is to facilitate undercover work or covert surveillance. These should be kept in a DEA garage or other secure location and removed only for their intended purpose or for maintenance/servicing purposes.
 - d. A log book will be kept for these vehicles each time the vehicle is used. The log book will have the following headings:
 - Date
 - Employee utilizing vehicle
 - Synopsis of activity
 - Case number
 - Locale of use
 - Beginning mileage
 - Ending mileage
 - e. The log book should not be kept in the vehicle but in a central, secure location.
 2. Nonstandard
 - a. Those vehicles which when new were valued at \$30,000 or more, but due to age, mileage or condition are worth less than this at the time they are placed into service.
 - b. Nonstandard vehicles should not be assigned to SACs or ASACs, used to transport outside dignitaries or visiting officials, or used in other manners that may create an erroneous appearance of agency largesse.
 3. Standard. Those vehicles purchased under GSA/State Department contract, or any seized or transferred vehicles not meeting the criteria for 1 or 2 above.

- E. In the case of certain long-term undercover operations, it may be necessary, in the SAC's judgment, to use a luxury type special vehicle in the same manner as a primary vehicle. Where such a situation arises, the SAC should submit a request for a waiver of these requirements to the Chief of Operations (OC), setting forth justification and the use period necessary. OC, upon concurrence, will authorize such use via return correspondence. A copy of OC's concurrence will be forwarded to SC/SAFF for their records.
- F. Standard and nonstandard vehicles, because of their general utility, are grouped under the heading "PRIMARY" vehicles for the purpose of establishing vehicle ceilings. Special purpose vehicles are not counted against field office ceilings. However, SAFF will monitor the number, types and utilization of special purpose vehicles in the field and make adjustments as necessary to assure appropriate utilization. Barring exceptional circumstance, all vehicles assigned to foreign offices will be considered primary vehicles.
- G. Limited production vehicles such as the Rolls Royce, Maserati, Ferrari, Clenet, Zimmer, Lamborghini, DeLorean, etc., will not be placed into official use. These and similar vehicles are excessively expensive to maintain and so distinctive it is not in DEA's best interest to place them into official use.

6124.22 Vehicle Ceilings

- A. SAFF will apportion DEA primary vehicles among the domestic and foreign field offices, based on written request by the SAC/CA as to the number of vehicles required, as set forth in [6124.31](#).
- B. Ceilings will be based upon each office's official table of organization, including Deputized Task Force Officers in formally funded task forces, and will be reconciled on an annual basis via Annual OGV Report.
- C. Where a field office's primary fleet exceeds its established ceiling, justification must be provided to SAFF via the return copy of the Annual OGV Report. Where the excess cannot be justified, SAFF will contact field management as to appropriate corrective measures (i.e., excessing or transfer elsewhere in the agency).
- D. Special purpose vehicles are not counted against field division office ceilings. However, SAFF will monitor the number, types and utilization of these vehicles by the field offices, and make appropriate adjustments for maximum utilization.

6124.23 Vehicle Identification

- A. Upon placement into official use (or, in the case of a leased vehicle, where the lease is to extend beyond 60 days), SAFF will assign a specific seven character identification number to each vehicle. Once assigned, this number will be recorded on all documents related to the use of this vehicle (i.e., maintenance records, repair bills, gasoline receipts, etc.).
- B. All DEA vehicles will be registered and inspected in full accordance with the laws of the state or country in which they are assigned. The Administrative Officer has responsibility to complete these initial requirements. The first line supervisor has oversight responsibility to ensure the continued completion of these requirements.

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- C. Liaison should be established with appropriate state or country authorities such that DEA vehicles can be registered in a manner not subject to compromise in security (i.e., the fact that they are DEA vehicles in not discloseable to routine inquiry). This may take the form of a confidential state registration file, or the use of fictitious names.
- D. If multiple license plates are issued for a DEA vehicle, then the field office file for that vehicle will contain a complete and current listing of these license plates. Once issued to a DEA vehicle, license plates will not be used on another vehicle without appropriate documentation on file.
- E. DEA vehicles will not bear any markings identifying them as such. A DEA Official Business placard may be used for parking in those situations where such use would not compromise security. DEA Official Business placards may only be used for vehicles used in the performance of official duties.

6124.24 Vehicle Files

- A. Every office to which an OGV is assigned will maintain a file for that OGV. If an OGV is transferred to another office, the file will be transferred with the vehicle. Files for OGVs assigned to sub-offices will be maintained by that office.
- B. OGV files will be maintained for non-DEA vehicles assigned to task forces and where a Task Force Agreement specifies that DEA will assume costs of fuel/maintenance/repair.
- C. Vehicle files will contain all correspondence relating to acquisition, maintenance, repair and ultimate disposition. This includes:

DEA-87, Motor Vehicle Assignment Record. (FFS: 1120-02)

All documents relating to registration/licensing (FFS: 1120-03) DEA-349's, Monthly Motor Vehicle Report (FFS: 1120-04) DEA-349a, Motor Vehicle Repair Requests (FFS: 1120-04) DEA-349b's, Use certification, all copies (FFS: 1120-02)

Copies of accident reports/investigations and related documents.

6124.3 USE

- A. "OGVs will be used for official purposes with the only exceptions detailed below in paragraph B. The term official purposes will be interpreted strictly. Use of an OGV for transportation of employees between their domiciles and place of employment can only be justified when affirmatively authorized by statute, as in Title 31 USC 1344."
- B. "**It is in the interest of DEA to permit incidental personal use of an OGV which is secondary to the primary official use of the OGV. Accordingly, an employee who is using an OGV for an official purpose, including home-to-work transportation when authorized, is permitted to interrupt that official use to make stops for personal needs (such as picking up dry cleaning, hospital visitation, or stopping by a convenience store, bank, school or exercise facility), so long as the stop is reasonable in distance and time and does not negatively impact the mission of the agency. Similarly, an employee on a meal break may use an assigned OGV to travel to an eating establishment in the vicinity of the duty station or assignment.

The following activity is not authorized under this policy:

1. Operating an OGV in violation of the agency's policies regarding consumption of alcohol while driving official vehicles.
2. Operating an OGV when not performing official duties (such as weekends, holidays, or while on Leave).
3. Transporting unauthorized persons (including, but not limited to family members).**

6124.31 Criteria for Use

- A. The overall criteria for use of OGVs by DEA personnel is Public Law 99-550. This has been codified into Title 31USC 1344 and its implementing regulations, 41CFR 101-6. These set forth the requirements governing the home to work use of any official vehicles by government employees. In essence, these state that any such use is prohibited unless it conforms to one of the four specified exemptions. Additionally, these criteria provide that only the head of a federal agency (that is, the Attorney General) may decide whether a given situation meets the standards for one of the exemptions.
- B. For DEA, there exist four exemptions. These include, the Administrator, field work, criminal law enforcement and clear and present danger. The requirements for each of these exemptions is set forth as follows:
 1. Pursuant to 31USC 1344(a)(2)(B), the DEA Administrator is granted the emergency use of an OGV for reasons of personal safety and security.
 2. Under the provisions of 31USC 1344(a)(2)(A), Field Work is defined as those employees whose assignments and duties are such that a need periodically exists to report directly to various locations other than their fixed normal place of work, both within and without their normal commuting area or to remain at various locations after the close of normal business hours: in both instances the juxtaposition of their residence, normal place of work and that the work site being such as to make it advantageous to the government to authorize the home to work use of an OGV. The field work exemption specifically excludes the use of home to work transportation when the employee's work day begins at his or her official government duty station, or when the employees normally commutes to a fixed location, however far from his or her official duty station. For Headquarters motor pool. See 0325 of the Administrative Manual. Vehicles from the Headquarters motor pool may be assigned to specific elements (i.e. OC, DO, OF) with keys available to both motor pool and the element. The element chief will ensure that a DEA-349 is prepared each month and submitted by the fifth for review and approval of the Chief of the motor pool or the Office of Operations Management (OM). (See Exhibit 2). The motor pool chief will ensure that regular maintenance is routinely performed on all Headquarters OGVs per DEA policy.
 - a. All Headquarters assigned SES, GS/GM-1811, 1810, 132 and 1320 employees, including those at satellite locations such as EPIC, the Air Operations Center, Quantico and Newington, as well as all field assigned GM/GS-1810, 132, 1320 and 1802 are included under the provisions of the field work exemption, unless the criteria for criminal law enforcement described below can be met. See 6124.31B3.
 - b. OGVs assigned under this exemption should be on an individual case by case circumstance. Certification by the first line supervisor should be via DEA-349c and will not normally exceed fifteen days. Specialty purpose vehicles will be in this category. (See Exhibit 3 for DEA-349c.)
 3. Title 31USC, Section 1344(A)2(B) provides that an agency, under appropriate circumstances and after obtaining and providing appropriate approvals, may authorize the home to work utilization of an OGV to promote the safe and efficient performance of criminal law enforcement duties. This provision, in conjunction with 41CFR, Section 101-6.4, requires that the employee be continually available for communications and frequently involves the spontaneous recall to duty at locations other than the normal place of work, or where spontaneous need arises for him to remain on duty after normal business hours at locations other than the normal place of work and that their duties would be rendered inefficient or unsafe without home to work transportation and that the activities performed by them would be adversely affected by lack of home to work transportation. No DEA employee may utilize an OGV for home to work transportation unless he or she is certified.
 - a. All field assigned SES, GS/GM-1811 and deputized task force officers are included under these criminal law enforcement provisions. All GS/GM-1811 assigned to field division specialty positions, including Public Information Officer (PIO), OCDETF Coordinator, Primary Firearms Officers, Divisional Training Coordinators (DTC) and Demand Reduction Coordinators (DRC), are also included under the provisions in the criminal law enforcement exemption.
 - b. These specialty positions should be held to the same criteria as for those employees under the criminal law enforcement exemption. For those Special Agents/Task Force Officers occupying specialty positions that cannot meet this criminal law enforcement criteria, these specific specialty position assignments should be on a collateral basis to assigned law enforcement duties. In those instances where the criminal law enforcement standard cannot be met, these employees should fall under the Field Work exemption stated above. See 6124.31B2.
 - c. Critical to the interpretation of the definition of criminal law enforcement is that the employee shows a pattern of activity meeting the criteria. This pattern should be independently certified and justified. This certification will be conducted by the first line supervisor on a quarterly basis, via the DEA-349b. (See Exhibit 4). This certification must be based on a review of the employees' DEA-352 (Biweekly Activity Report). (FFS: 520-13). (See Exhibit 5). Certification will also occur when there is a change in home address, assigned duties or whenever an OGV is first assigned or reassigned to an agent.
 - d. Certification of Special Agents/Task Force Officers who are assigned OGVs under the criminal law enforcement criteria will also occur on an annual basis by the SAC/CA. This may be accomplished by issuing a single comprehensive memorandum rather than through individual DEA Form 349b. The memorandum must list the name of each employee to be certified, the office or group to which assigned and the OGV number. The memorandum must contain the following certification:

I have reviewed the duties and activities of the following personnel from the perspective of their involvement in criminal investigations. I have determined that their duties require them to be continually available for recall to duty, that their duties would be rendered ineffective or unsafe without home-to-work transportation, or that the activities performed by these personnel would be adversely affected by lack of home-to-work transportation, (list names, office/groups and OGV numbers).

I therefore certify that home-to-work transportation is necessary for the above named employees for the safe and effective performance of criminal law enforcement duties.

The memorandum must be signed by the SAC/CA, and filed with the forms DEA-349b in a master file at the issuing office.

- e. Factors which demonstrate a pattern of activity include but are not limited to the following:
 - 1) Ongoing case load
 - 2) Liaison
 - 3) Lack of alternative transportation
 - 4) SES (GM-1811) Official based on field management of operations, media relations and coordination of high level liaison functions.

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4. Under the provisions of 31USC 1344(b)8, the clear and present danger exemption exists in documented threat situations. Approvals under this provision require the approval of the Attorney General, pursuant to Title 31USC 1344(d)3. This approval is subject to congressional notification under the provisions of Title 31USC 1344(d)4. There does not exist routine authorization under this provision. Emergency situations may develop at DEA, or involving DEA personnel, which would not permit DEA to meet the approval requirements in a timely manner. DEA does not have any OGVs assigned under this provision.

6124.32 Unauthorized Use

(See [memorandum](#) from Deputy Administrator Michele Leonhart, dated July 3, 2006, subject Use of Official Government Vehicles.)

(See [Appendix A](#), including Standard Schedule of Disciplinary Offenses and Penalties. Also see Personnel Manual, Chapter 2735, Standards of Conduct. Also see [Chapter 2735.16F](#), paragraphs 4-7, under the use of government property of the DEA Personnel Manual.)

- A. Using an OGV is strictly prohibited under the following circumstances: After the consumption of any amount of alcohol or drugs; solely for the purpose of travel to and from residences; for attending personal business; or for the transportation of any person not engaged in the conduct of official business or not otherwise being transported in the interest of the government.

6124.33 Commuting Distances Between Domicile and Work

- A. In assessing the request for certification for home-to-work utilization of an OGV, the SAC/CA will determine if the employee's residence is located within the maximum allowable distance established for the particular office to which the employee is assigned. (See [paragraph 1](#) below.)

1. Federal regulations (41CFR 101-6.402) state that, "Each Federal Agency shall consider the location of the employee's residence prior to authorizing home-to-work transportation. Such transportation shall be authorized only within the usual commuting area for the locals of the employee's place of employment." Accordingly, SACs and Country Attaches will publish division orders or office directives establishing maximum home-to-work distance policy for each office under their supervision. (Copies must be sent to OM and SARR). He/she will ensure that all employees newly assigned to the division or office are informed of the policy prior to relocation.
2. Any requests for exceptions to the maximum distance policy should be rare and must be fully supported and justified to be considered. Such requests should be forwarded through the chain of command to the SAC or Country Attache. If the SAC or Country Attache concurs, the request will be forwarded to the Chief of Domestic Operations (DO) or the Chief of International Operations (OF), as appropriate, for approval or disapproval.
3. SACs and Country Attaches will review and update their maximum home-to-work distance policies, and submit these annually to Headquarters, Property Management Unit (SAFP).

6124.34 Use of an OGV While in a TDY Status

When an employee is in a temporary duty status (TDY), use of an OGV or a rental vehicle rented for official purposes is authorized to include transportation between places where the employee's presence is required incident to official business. In this instance, the use of an OGV is limited to the nearest available place in the local area to obtain services of suitable eating places, drug stores, barber shops, places of worship, cleaning establishments and similar places necessary for the sustenance, comfort or health of the employee to foster continued efficient performance of government business.

6124.35 Rentals

- A. The need to periodically rent vehicles may arise. Every effort should be made to minimize this practice, and use DEA vehicles instead. However, where the rental is deemed unavoidable, the following procedures shall apply:

1. Rentals may be authorized by the SAC/CA/Laboratory Director or Headquarters Office Head. Each rental will be justified in writing, attached to or included in the travel order or their authorizing document. If required for other than travel, the written justification will be via memorandum to the authorizing official.
2. All vehicle rentals are chargeable to the operating fund appropriate to the activity (i.e., OCDEF, Task Force, Divisional, etc.).
3. Rentals in excess of 60 days are subject to SAFP approval. This approval will be via teletype and will contain the same information as [paragraph 1](#) above. SAFP will survey availability of OGVs as an alternative to long term rentals. If no alternative is feasible, SAFP will approve the rental via return teletype. If the same vehicle is to be rented for a period of in excess of 60 days (i.e., it will not be periodically switched for another vehicle to avoid disclosure of a surveillance operation), then the requesting office will include a full description of the vehicle, including VIN. In this case, SAFP will assign an OGV number to the vehicle, via DEA 87, and the requesting office will create an OGV file as per [6124.24](#).
4. Vehicle rental companies commonly offer a "collision damage waiver" as an extra cost item. This fee is non reimbursable to the employee. If the employee is involved in an accident in a rental vehicle while in the performance of official duties, the matter will be treated in the same manner as if this was a DEA OGV accident. See [6124.8](#). Questions on the foregoing should be directed to the Office of Chief Counsel (CC). See [6124.83](#)

- B. DEA employees should always ensure, if an operation or enforcement matter will not be compromised, that vehicles are rented pursuant to the Terms of the US Car Rental Agreement (as contained in the GSA Federal Travel Directory). The US Car Rental Agreement limits both the employee's and the government's liability arising from any incident involving a rented vehicle. Vehicles rented under a standard consumer contract may be subject to both the renter and the United States to additional liabilities if an accident occurs.

- C. When a government employee procures, obtains, operates or maintains a rental vehicle rented or leased in the name of the United States, the Department of Justice (DOJ), DEA, or any other Federal, State agency, he or she is provided benefits, rates and coverages not normally afforded the common consumer. Accordingly, DEA employees shall not utilize a rental vehicle obtained under these circumstances for any other purpose or venture which is not within the purpose of their official travel, official duties, or within the scope of their Federal employment, and an employee shall not utilize a vehicle rented under the above purposes during his or her off duty hours.

- D. An employee who continues to retain a government vehicle when his or her official duties are completed potentially exposes the Federal Government to substantial liability for injuries or damages they may cause through use of their vehicle. For example, an employee cannot, after completion or during a break of his or her official trip, then retain a vehicle rented under the above circumstances and use that vehicle for non official purposes, even if:

1. The employee pays all costs associated with the continued retention of the vehicle, and
2. The government was not charged or assessed for the additional miles or use of the vehicle.

6124.36 Use of an OGV to Attend Social Functions as Liaisons

- A. The DEA Standards of Conduct currently forbid DEA employees to use OGVs to travel to such events, such as retirement parties, "except when officially representing DEA." Violation of this prohibition is subject to mandatory minimum thirty-day suspension. If attendance at quasi-official functions of another law enforcement agency would promote DEA and contribute to DEA's continued effectiveness in the law enforcement community, then, as detailed below, specific DEA personnel may be authorized to attend such functions. Managerial employees should not be discouraged from authorizing employees to use OGVs to attend these functions as described.

- B. Special Agents in Charge (or, as appropriate, Country Attaches, Laboratory Chiefs, and Office Heads) can give *advance written authorization* to SACs, CAs, ASACs, RACs, OCDEF, Coordinators, PIOs, and other employees whose PRIMARY assigned duties involve liaison with *other agencies* to use OGVs to attend retirement parties and other quasi-official functions in their official capacities. This authority is, however, limited to attendance at functions of *other agencies* as an official representative of DEA, and does not include attendance at internal DEA social functions.

6124.37 Use by Non-DEA Personnel

- A. Confidential Source. Barring a justifiable emergency, confidential sources may operate an OGV only as part of a specific enforcement-related event (e.g., an undercover buy), and only where a DEA Agent is present in the vehicle or where the vehicle is under continuous DEA surveillance.

- B. Any such use of an OGV by a confidential source requires the approval of the SAC. Except in exigent circumstances, the approval shall be in advance.

- C. Other Enforcement Officers. Aside from those vehicles assigned to officers of another agency as part of a long-term contractual arrangement (e.g., a DEA Task Force cooperative agreement), OGVs may only be operated by a non-DEA officer as part of a specific enforcement-related event.

- D. Barring some justifiable circumstance, such use must be continuously monitored either by a DEA agent being present in the vehicle or through surveillance at least participated in by DEA. Any use of an OGV by a non-DEA officer requires the approval of the SAC. Except in exigent circumstances, this approval shall be in advance.

6124.38 Use in a Foreign Country

- A. *All provisions of this Section ([6124](#)) and of [Appendix A](#) apply equally to domestic and foreign use.

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- B. While in a foreign country and in an official capacity, DEA personnel are under the full authority of the U.S. Ambassador. This shall include any instructions provided by the Ambassador governing the use of DEA vehicles, but only to the point that they do not conflict with DEA policies. The Comptroller General has ruled that the Ambassador, absent a bonafide emergency situation, may not direct or manage the utilization of vehicles not owned by the Department of State.
- C. DEA policy regarding the transportation of dependents in an Official Government Vehicle (OGV) will apply to use in a foreign country, except as modified below:
1. If the employee is assigned to a Post of Duty (POD) that has no suitable public transportation, no provisions for vehicle rental, and a personally-owned vehicle is justifiably unavailable for use, then the transportation of dependents via an OGV for the fulfillment of basic needs (e.g., shopping for food, transport to a school) may be deemed in the best interest of the Government and therefore allowable.
 2. If the employee is assigned to a POD that is experiencing a high degree of civil unrest or terrorism to the point that the transport of dependents via an OGV is deemed safer than any alternative means, then this will be deemed in the best interest of the Government, and therefore allowable. (See [Appendix A, 2735.15\(l\)\(5\)](#)).
- In either of the foregoing situations, written approval from the Country Attaché will be required. Except in exigent circumstances, approval will be in advance. If approval is given, it will be only for a specific period of time and circumstance deemed necessary.
3. Country Attachés may self-authorize the use of their own assigned OGVs to transport dependents provided that:
 - a. Such authorization is in writing;
 - b. The authorization is executed in advance of the need; and
 - c. Copy of the authorizing document is promptly forwarded to the Office of Global Enforcement (OE).
 4. Written confirmation of approval to use an assigned OGV to transport dependents and the circumstances requiring that approval will be retained in the motor vehicle management files of each foreign office.*
 5. **If the employee is assigned to a POD with armored OGVs, transportation of dependents and personal use of the armored OGV will be allowed for the duration of the employee's tour. This specific authorization relating to the transportation of dependents and personal use of armored OGVs does not require written approval and applies only to the country in which the OGV is registered. Transportation of dependents and personal use of the armored OGV outside of the country in which the OGV is registered requires prior written approval by the Regional Director. This authorization does not exclude the use of personally owned vehicles, nor does it mandate the use of the armored OGV for the transportation of dependents.**
 6. *All employees should be aware that even if permission is granted to use an OGV to transport dependents in a particular overseas duty location, all other provisions of the Standards of Conduct remain in effect. If there is any possibility that the OGV will be needed for enforcement work, permission to transport dependents should not be sought and will not be granted. Neither the Country Attaché nor any other official can authorize dependents to operate an OGV. DEA personnel assigned to foreign areas who operate OGVs, remain subject to all statutes, regulations, rules and policies governing the operation of OGVs.
 7. Where a foreign office uses contract employees as Investigative Aides, and the nature of their duties requires the use of an OGV, there are certain considerations that will be taken into account:
 - a. Such employees are not protected from liability by either diplomatic immunity or DEA's authority to pay tort claims. Therefore, host country insurance coverage must be obtained for any actions by these employees that may give rise to claims for personal injury/property damage. Such coverage should be in amounts reflective of prevailing awards in the host country.
 - b. There is no provision under 31 U.S.C. 1344 or DEA's Home-to-Work Transportation Plan for the use of OGVs by these employees. Any OGV assigned to these employees must meet the criteria for the Field Work exemption. See Agents Manual Subsection [6124.31](#).
 - c. There may be additional embassy or host country restrictions connected with this issue. It is incumbent upon the Country Office to fully explore such matters prior to submitting a request under this paragraph.
 - d. Requests for OGV ceiling increases under this paragraph shall be in writing to OE who will coordinate the request with Administrative Operations Section (SAO). Upon concurrence, OE will coordinate with SAO, who will authorize such assignment via return correspondence. OE must address the following:
 - (1) The identity and full description of these employees and their duties.
 - (2) A description of the insurance coverage necessary and available in the host country, including cost.
 - (3) A description of the embassy or host country restriction which may govern.
 - (4) A description of the circumstances of use of the OGV by these employees.*

6124.39 Suspension of OGV Use for Alcohol Related Incidents

- A. SACs and CAs will suspend the certification for the privilege of home-to-work utilization of an OGV for any employee involved in an alcohol-related incident while operating an OGV or POV. The suspension will remain in effect from the date of the incident for a period of not less than 60 days or until such time that the SAC or CA feels confident that the offense was atypical of the employee's normal conduct and recidivism is unlikely. Commencing from the date of the incident and continuing through any latter decisions to deny certification use of the OGV, the SAC/CA in reaching a decision in this regard, may consult with the Manager, Employee Assistance Program (EAP), or the EAP Area Clinician, when appropriate.
- B. Likewise, the SAC or CA will determine that reinstatement of the certification is justified. The reasons supporting the decision shall be articulated via memorandum. A copy will be forwarded to the Board of Professional Conduct (HB). SACs and CAs are accountable for carefully exercising good judgment in making these determinations.

6124.40 *Use of OGV to Attend Physical Fitness Facilities(See [6124.3](#), Use)***6124.5 OPERATING SAFETY**

- A. Use of personal owned vehicles (POV's) in any aspect of an enforcement operation is prohibited. With the written permission of the SAC/CA, POV's may be utilized to attend social functions as liaisons and conferences, or travel from a residence to the DEA office, when an OGV is otherwise not available, if permission is obtained from the SAC/CA, pursuant to [6124.36B](#). In these instances, the owner/operator may request reimbursement for mileage pursuant to government travel regulations.
- B. Field office management will arrange for appropriate training programs in defensive driving. All employees are expected to drive in a defensive manner and obey all traffic laws.
- C. Except in certain exigent, emergency enforcement situations or law enforcement duties, Federal regulations, Department of Justice policy and DEA policy in accordance with [Executive Order \(EO\) 13043](#), require all DOJ employees occupying any seating position in a motor vehicle on official business, whose seat is equipped with a seat belt, must have the seat belt properly fastened at all times when the vehicle is in motion. Disciplinary action may be taken for violation.*
- D. In certain enforcement situations agents may have to violate traffic or parking laws. However, safety of the public and the agent have higher priority than any enforcement activity. Traffic and parking laws will not be violated to the detriment of public and personal safety.
- E. Traffic and parking citations will be reported to the employee's supervisor within 48 hours. Field office management will establish liaison with appropriate area officials to handle citations arising out of official activities. In each instance, the circumstances causing the citation will be reviewed. Any indication that an employee is abusing his authority will be cause for him to assume personal responsibility for the citation. DEA is prohibited from paying fines for traffic violations.
- F. "Emergency driving" is generally described as the need for agents to drive from one place to another in an expeditious manner to respond to what they reasonably believe to be an emergency. "Pursuit driving" generally refers to the following of a suspect vehicle for the purpose of making an apprehension. High-speed pursuit or emergency driving, in general, occurs when posted speed limits are exceeded and/or other traffic laws are justifiably violated. Except in extraordinary circumstances (i.e., the life of an agent or another person is at stake), high-speed pursuits of fleeing suspects or high-speed emergency responses are expressly prohibited. In the event that an extraordinary circumstance necessitates a high-speed pursuit or emergency response, variables including, but not limited to items 1 through 8 listed below, the following must be considered prior to and throughout the pursuit or response:
 1. The actual severity of the offense committed or emergency situation.
 2. The probability of locating/apprehending the violator(s) at a later time if the pursuit is discontinued.
 3. Weather and road conditions.
 4. The volume of vehicular and pedestrian traffic.
 5. The time of day (daylight or darkness).
 6. The OGV's capabilities versus that of the violator's.
 7. The availability and/or accessibility of emergency lights and sirens for OGV's.

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8. The availability of uniformed police officers in marked patrol cars to conduct or assist in the pursuit.
- G. If, in the judgment of the driver(s) of the OGV(s) involved, the potential risks outweigh the benefits to be derived from continuing a pursuit or emergency response, such pursuit or response should be terminated. Agents who operate an OGV in a high-speed pursuit or emergency response will drive with due regard for the safety of all persons. Agents must be familiar with and adhere to the applicable state or country statutes governing the operation of emergency vehicles (i.e., the provisions authorizing operators of emergency vehicles to exceed posted speed limits, proceed past stop signals, disregard regulations governing the direction of movement or turning in specific directions, park in restricted zones, etc.).
- H. Intentional collisions, ramming or forcing a moving suspect vehicle from a roadway should be considered a potential use of deadly force and, therefore, should only be attempted when deadly force would be justified (i.e., to protect the life of an agent or another person). Critical variables including agent safety, the speeds at which the OGV and suspect vehicles are moving, the size and weight of the OGV versus that of the suspect vehicle, and the immediate surroundings (i.e., pedestrian and vehicular traffic) must be taken into consideration before attempting any such maneuver.
- I. The "blocking," "cutting off," or "boxing in" of a stationary or slow moving vehicle (i.e., in a parking lot) to prevent suspects from fleeing is permissible so long as lives are not recklessly endangered and OGVs and other property are not unjustifiably damaged.
- J. Temporary road blocks should be constructed in a manner which will minimize the risk to the safety of the general public and will not be placed on curves, hills, or other areas in which visibility is obstructed or obscured. Law enforcement officers must provide sufficient braking distance for the suspect vehicle to come to a complete stop.
- K. The use of a short-term road block may be authorized by a DEA supervisor or his designee as a last resort in critical situations to effect the apprehension of a violator. (A short term road block is generally defined as a roadway obstruction created by OGVs or other barriers that is established for a limited period of time to apprehend a specific violator on a roadway upon which the violator is known or strongly suspected to be traveling.) The road block must be clearly visible and provide adequate warning (i.e., OGVs with emergency lights activated; agents wearing operational jackets and caps) to allow oncoming vehicles to come to a complete stop. Whenever possible, the assistance of uniformed police officers in marked patrol car will be sought. Any long-term road block (one in which all vehicles on a particular roadway are being screened over an extended period of time) will be established and performed by, or in conjunction with, appropriate state or local authorities.
- L. Field office management will decide which OGVs shall be equipped with emergency lights and/or sirens, based upon operational requirements. Field office management will purchase and install this equipment according to state and/or local ordinances. (The use of personally owned emergency equipment is prohibited.) It is the responsibility of each DEA employee operating an OGV to ensure the presence of these items and to replace those items missing or in need of service. This equipment may only be used in the following situations:
1. To stop a vehicle for the purpose of making an arrest or executing a search warrant.
 2. During a high-speed pursuit or emergency response.
 3. As a warning device at a road block or when the OGV is disabled along the roadside (lights only).
 4. In other enforcement situations in which the use of emergency equipment is justified.
- M. When utilizing emergency lights and sirens during a high-speed pursuit or emergency response, the equipment should be activated continuously throughout the pursuit or emergency response, and the driver of an OGV utilizing such equipment must never assume or expect that vehicular or pedestrian traffic will always yield the right of way to the OGV. Agents will utilize emergency lights and sirens in accordance with applicable state and or local statutes.
- N. Field office management will ensure that the following equipment is purchased, maintained in operating order, and placed in each OGV:
1. Good spare tire.
 2. Jack and lug wrench in good working condition.
 3. Dry-type fire extinguisher.
 4. Flares.
 5. First aid kit.
 6. Flashlight.
 7. OGV accident package. See 6124.81(B) thru (D).

6124.6 MAINTENANCE AND REPAIRS**6124.61 General Policies**

- A. It is the responsibility of the employee to whom an OGV is assigned to ensure that all required maintenance service is performed at the appropriate intervals. Failure to do so could result in disciplinary action or personal liability for damages attributable to neglect. (See 0322 and 0317 of the Administrative Manual). Instructions concerning the maintenance and repairs of OGV's are set forth in this section. All Special Agents are to be familiar with these instructions.
- B. Management will select vendors for maintenance services subject to mandatory GS contracts, and subject to the following factors:
- Quality of work
 - Convenience/Timeliness
 - Security/Trustworthiness of facilities and personnel
- C. Malfunctions to OGVs under warranty should be promptly serviced by an authorized warranty facility. Failure to do so may void the warranty, and result in the unnecessary expenditure of official funds. Warranty repairs should not be reported under Item 8 of the DEA-349, but under the "Remarks Section" (Item 8H).
- D. Repairs under \$50. May be paid by credit card or cash. Payment for repairs by credit card will be separated from fuel invoices. The paid invoice will be attached to the credit invoice, or marked paid cash, and filed in the OGV file.
- E. Imprest funds may be used for reimbursement of cash payments and cleared via DEA-1164. No approval or DEA-349a completion is required for these repairs.
- F. Repairs under \$500. May be paid for by cash, credit card or purchase order. Advance approval of the Administrative Officer or other procurement contracting official is required. This will be completed via DEA-349a, Motor Vehicle Repair Request. The DEA 349a will be filed in the OGV file along with the appropriate invoices.
- G. Repair over \$500. Must be paid via purchase order, unless a bonafide emergency exists. This emergency will be documented in memorandum, filed to the OGV file.
- H. Repairs over \$2500 shall be handled as in 6124.61 paragraphs E and F above, with the additional requirement of obtaining verbal and/or written estimates from three vendors. Verbal estimates require documentation via DEA 261, Informal Telephone Quotation. All estimates will be filed in the OGV file.

6124.62 Repair Criteria

The following limits shall be applied to single instance repair within a 12 month period. Repair estimates beyond these limits may only be authorized by the SAC/CA/Laboratory Director/Office Head. If not authorized, excess procedures should be initiated.

Age	Percent Current Value
1	37
2	26
3	18
4	10
5	8
6	5

6124.63 FBI Maintenance/Repair

- A. In those locales where it is mutually determined by the FBI and DEA SACs that DEA's use of FBI repair/maintenance facilities would be desirable, such arrangements can be implemented via an interagency agreement.
- B. See Administrative Manual, Chapter 02, Exhibit 6.

6124.64 Credit Card Acquisition

- A. Management should survey the various fuel suppliers in the area of operations to determine the most prevalent brands.

Credit cards should be solicited from the fewest number of suppliers that will assure efficient availability of fuel for official activities. The choice of suppliers should be limited to those

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that do not charge an additional fee for purchases via credit cards versus cash. An exception to this may be made where such a limitation would significantly impair operational capabilities.

- B. Credit cards should be obtained in the name(s) of fictitious individuals or companies.
- C. Credit cards may be issued to all principal OGV operators, and the fewest number of other employees necessary to the office functioning. Cards will be issued via DEA-16, recording individual card numbers. Outstanding DEA-16's should be filed in a central, secure place.
- D. Credit cards are expressly not for the purchase of any items (such as food, toiletries, or beverages) not directly related to the OGV.
- E. Upon transfer or termination of employment, employees must return these cards to the issuing office.

6124.65 Credit Card Use

- A. Credit cards will be issued for the purchase of fuel, supplementary additions of oil, and washing/waxing. As the use of credit cards to purchase fuel and oil enables the Government to claim reimbursement for state and local taxes, credit cards will be used for all but emergency circumstances, or when operational circumstances require the use of cash. When cash is used, the SF-1164 will contain a narrative justification. A copy of the SF-1164 will be attached to the DEA-349, and processed in the same manner as a credit card invoice. (See [Exhibit 4.](#))
- B. Credit cards may also be used to purchase repairs and maintenance, within the parameters of [6124.61D](#) through F.
- C. Credit card invoices will bear the DEA or other agency vehicle identification number, and a legible signature of the operator. Receipt copies will be submitted with the DEA-349 on a monthly basis.
- D. The immediate supervisor of the OGV operator will review all receipt copies affixed to the DEA-349 to assure that:
 - The copies bear legible signatures, the DEA or other agency vehicle identification number, the vendor, date, and clearly reflect the goods/services purchased.
 - The amount of fuel purchased is commensurate with the reported mileage for the period.
 - The location of purchases coincide with the operator's official duties at the time.
 - The goods/services purchased were permissible within the limits of A. And B. Above.
 - The receipts are accurately summarized on the DEA-349.
 - Supplemental memoranda, credit card invoices, etc., are attached to the DEA-349.
- E. The supervisor's signature on the DEA-349 is his certification that he has reviewed the form and attachments for the above factors, and that to the best of his knowledge and belief these expenditures were necessary for the conduct of official business.
- F. Management officials will establish procedures that receipt copies are compared to monthly billings to assure charges are correct. This will be completed by the fleet manager. See [6124.65D](#).

6124.66 Motor Vehicle Program Reports

- A. The DEA-349 will be completed by the principal operator of the OGV within 5 working days after the end of the month. Management will assign employees to complete the DEA-349 for unassigned OGVs. Instructions for completing the DEA-349 are on the reverse of the form. Information reported on this form is entered into M204 Motor Vehicle Program, and serve the basis for agency cost and energy consumption data concerning the motor vehicle fleet management.

NOTE: In the case of a non-DEA assigned vehicle to a DEA Task Force, and for which, under the Task Force agreement, DEA is obligated to pay the costs of fuel maintenance/repair, field management may require the preparation of the DEA-349 as an aid to track expenditures and mileage. The information from these DEA Form 349's will not be entered into M204.
- B. The Annual OGV report will be issued in April of each year by SAFF to all agency components with assigned OGVs. This report will list each offices' most current OGV ceiling, current OGV inventory, and OGVs in a disposition pending status. Office management will review this report for accuracy, and respond via memorandum to SAFF within 45 days of receipt. Any disagreements regarding OGV ceilings must be fully justified.

6124.67 Maintenance Responsibilities

- A. It is the responsibility of the assigned OGV operator to conduct routine maintenance and required repairs as follows:
 1. Routine oil change and lube, every 3 months or 3,000 miles, whichever occurs first. OGV operators are required to change or replenish fluids or maintain a vehicle in the manner proscribed by the manufacturer is so recommended. Such maintenance will be noted in the remarks section of the DEA-349.
 2. For vehicles under manufacturer's warranty, maintenance will be completed by the OGV operator, according to the established vehicle schedules in the owner's manual. Failure to adhere to these conditions could void the warranty.
 3. A full tune up will be completed according to the vehicle factory warranty. Thereafter, this service will be completed every 20,000 miles or 12 months, whichever occurs first.
 4. Other vehicle repairs will be performed, as required. These repairs will be approved, in advance, via completion of the DEA-349a by the operator and approval by the first line supervisor. These repairs will also be documented in the DEA-349.
 5. Failure of the OGV operator to comply with these requirements may result in disciplinary action and/or a financial liability assessment against him. (See [0317](#) of the Administrative Manual.)
- B. The first line supervisor will be responsible to ensure that the routine maintenance of all vehicles is completed according to the above schedule. First line supervisors will be responsible for conducting a physical inspection of all vehicles on at least a quarterly basis. First line supervisors will document certification of required routine maintenance and vehicle inspection in the "Remarks" section of the DEA-349.
- C. The assigned Divisional Fleet Manager will review on a quarterly basis the compliance with required routine maintenance by divisional operators, through review of the DEA-349. In instances where required maintenance has not been completed, the Fleet Manager will forward a written reminder to the operator, and a copy to the first line supervisor. Subsequent reminders will be forwarded to the operator, the first line supervisor and the appropriate ASAC for corrective action.

6124.7 THEFT AND VANDALISM

- A. Employees will assure that unattended OGV's are properly secured and locked. Equipment left in the OGV will be limited to basic tools and equipment of a nonsensitive nature, and these will be locked in the trunk. Portable radios, camera, technical equipment, and similar sensitive and costly equipment will not be left in an unattended OGV.
- B. Official funds will not be stored in an unattended vehicle.
- C. Sensitive documents and notes will not be stored in an unattended vehicle.
- D. Firearms will not be stored in an unattended vehicle except in those instances where the SAC/Country Attache has authorized the storage of a shotgun in a locked rack in a locked trunk, or a short-term emergency situation (see [6122](#)).
- E. Neither seized property nor drug evidence will be stored unattended in an OGV.
- F. Where short term storage of these items is unavoidable, these items will be stored in a locked trunk. Should it become necessary to park the OGV in a parking garage with either the doors unlocked or the leaving the OGV key with an attendant, such equipment may only be stored in the locked trunk if it can be locked with a separate key, inaccessible to the attendants.
- G. Vandalism to or a theft of the OGV or any equipment in the vehicle will be reported to field office management immediately, and management will ensure that appropriate local authorities and, if applicable, the FBI are promptly notified. Theft or vandalism to an OGV will be reported in the same manner as an accident (see [6124.81](#) below) except that forms SF-91, SF-91a, SF-94 and OF-26 do not apply. Thefts or damage to property valued in excess of \$100 will be reported and processed in accordance with the Personal Property Negligence/Liability Assessment process as set forth in [Section 0317](#) of the DEA Administrative Manual. A finding of negligence on the part of the employee may result in disciplinary action and/or personal liability. Efforts taken to apprehend the perpetrator(s) and/or recover the property should be included in the DEA-29 and accompanying memoranda. If a stolen vehicle is subsequently recovered, this fact should be reported via teletype to Headquarters (SAFF and HB).

6124.8 ACCIDENTS

(See also Administrative Manual [0326](#) and Personnel Manual [Section 2735](#).)

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The following procedures apply to all DEA-controlled conveyances whether owned, leased, rented, or borrowed for official use by DEA, a DEA employee, or assigned/contract employee, including: land vehicles (car, truck, bus, motorcycle, etc.); aircraft (fixed wing, helicopter, glider, etc.); or marine vessels (boat, barge, etc.).

6124.81 Accident Reporting

** (See [DEA Teletype 20974](#) dated 11/19/03, subject: Changes to the Notification Procedures for the DEA Headquarters Command Center)**

** (See [DEA Teletype 20193](#) dated 11/07/03, subject: HQ Command Center Notification of a Critical Incident, Shooting, Threat/Assault, or Significant Enforcement Activity)**

- A. Should an accident involving a DEA-controlled conveyance occur, regardless of the amount of damage, the employee-operator will take the following steps. If the employee-operator, due to injury, cannot perform these tasks, then the senior employee at the scene will do them. (See also [6124.82](#) for Vehicle Incidents).
1. Take appropriate measures to see that injured persons are tended to, and that the scene does not create a hazard to passing traffic.
 2. Notify local authorities (and if applicable NTSB, FSC, or the US Coast Guard); if not notified, explain in SF-91 or in DEA-6.
 3. Avoid making statements to any witnesses or other parties to the accident as to cause or fault.
 4. Obtain the identities of participants and witnesses for preparation of the SF-94.
 5. Notify immediate supervisor as soon as possible (i.e., as soon as the circumstances of the accident will permit the employee to do so).
 6. Cooperate with local authorities investigating the accident.
- B. All accidents involving a DEA-controlled conveyance will be reported by the supervisor to the SAC/CA/Office Head in whose territory the accident occurred, within 24 hours. While a preliminary field investigation must be conducted of all instances of damage to an OGV, not all OGV-related incidents warrant the time and effort involved in a full investigation and Headquarters review. SACs have been authorized to close investigations of property damage to OGVs, not involving a non-DEA party, which were either trivial in amount (i.e., snapped antenna) or in which responsibility cannot be attributed to the DEA employee to whom the OGV had been assigned (i.e., OGV damaged while parked). This authority *cannot* be further delegated.
- SACs must, however, continue to conduct a full investigation and refer to Headquarters for further action all other accidents and incidents, including all investigations of property damage to OGVs in which alcohol consumption, transportation of non-employees, or other unauthorized use may have occurred.
- C. This delegated authority carries with it a requirement of accountability. The Office of Inspections (IN) therefore reviews all closed OGV incident files as part of the inspection of each Field Division. Primary responsibility for investigation of all reports of personal injury or property damage involving OGVs is reserved to Agents at the GS-14 level or above. This does not prohibit investigative contributions by non-supervisory personnel, who will be at the personal direction of a GS-14 Agent, who will assume responsibility for its direction. Each ASAC and SAC will personally review and approve all investigations, whether of OGV related incidents or alleged employee misconduct, before submitting them to Headquarters.
- D. Within 1 working day the SAC/CA/Office Head will in turn notify by teletype the following:
1. Office of Professional Responsibility (OPR)
 2. Board of Professional Conduct (HB)
 3. DEA Safety Manager (HPMH)
 4. Office of International Programs (OF)/Office of Domestic Operations (DO)/Office of Diversion Control (OD), as appropriate.
- E. Immediate notification of the SAC/CA/Office Head, and OF/DO/OD, as appropriate, is required if any of the following conditions exist:
1. An arrest or lawful detention of the DEA operator.
 2. Any indication or allegation that the employee was operating the conveyance after consumption of an intoxicant of alcohol or drugs, leaving the scene of the accident, or operating outside the scope of employment.
 3. Where there is a recognized potential for adverse publicity.
- F. If any of the circumstances listed in [6124.81E](#) above exist, the SAC/CA will immediately verbally notify the Chief Inspector (IG) and the Office of Professional Responsibility (OPR). The SAC/CA will follow-up with this notification to IG and OPR, via cable, within 24 hours.
- G. The employee/operator (or the supervisor) will submit an accident package to the SAC/CA/Office Head within 10 working days for investigation. All prepared reports should be completed according to Agents Manual, [6211.1](#). The accident package will include:
1. Completed SF-91, Operator's Report of Motor Vehicle Accident. Insurance and policy numbers for nongovernmental controlled conveyances involved will be reported in Item VI on the SF-91 after estimated amount of damage; use for aircraft and vessel accidents also.
 2. One (1) estimate, if damages are under \$1,000, and three (3) estimates if damages are over \$1,000.
 3. If applicable, a copy of the CA-1, Federal Employees Notice of Traumatic Injury and Claim for Compensation. (See memorandum dated August 4, 1997, by Retha M. Fulmore, Deputy Assistant Administrator for Personnel, Subject: Use of Continuation of Pay.)
 4. If necessary, a DEA-6 setting forth any extenuating circumstances (e.g., statement by other driver, witness statement, etc.).
 5. Copy of the most recent DEA-349b.
- H. Deliberate acts of misconduct which reflect adversely on an employees's character, integrity, or honesty will be dealt with severely. In appropriate cases, employees may be demoted to a non-supervisory grade or removed. Employees should not, however, fear that an honest mistake in operating an OGV will be treated as a disciplinary matter.
- I. The SAC/CA/Office Head will initiate an investigation of all accidents involving all DEA-controlled conveyances by assigning an investigator promptly after receiving the package, taking into consideration that all aircraft-related accidents must be investigated by a DEA-certified Special Agent Pilot, vessel-related accidents must be investigated by DEA-certified Special Agent Boat Handlers, and the investigator must be of equal or higher rank than the operator. Laboratory Directors should refer the matter of an OGV accident by a laboratory employee to the SAC of the appropriate and corresponding Field Division for investigation. This would be the field division where the employee is geographically assigned. Headquarters Office Heads lacking appropriate investigative personnel should contact OPR for further instructions. The investigator will conduct interviews, complete, obtain, and submit:
1. SF-91, Investigation Report of a Motor Vehicle Accident. Use for aircraft and vessel accidents also.
 2. SF-94, Statement of Witness, from each witness and participant including drivers/passengers of all involved vehicles.
 3. Photographs of the accident scene and damage to the Government-controlled conveyance and any other damaged property.
 4. Obtain a copy of the reports prepared by local authorities, including a code sheet identifying entries on reports, if applicable, NTSB and FSC (aircraft accidents) and the US Coast Guard (vessel accidents), and citations issued, if any.
 5. If personal injuries were involved, interview the attending physicians; where possible, obtain written statements or copies of treatment records.
 6. Determine the cost of repairs of damages sustained by non-Federal vehicle(s) or property. Obtain a copy of estimates, if possible, or a paid receipt for the repaired damages.
 7. DEA-6: If injuries/death are involved; local authorities were not notified; property other than Government-controlled was damaged; witness refuses to give a written statement but makes oral statement as to cause or liability; or extenuating circumstances exist which cannot be fully covered in the SF-91. DEA-6 must also include:
 - a. Identifying contributing factors identified in official reports;
 - b. Statement of the causes of the accident identified in official reports;
 - c. Attempts to resolve conflicting statements/facts; and
 - d. Explanation of failure to provide any of the data required and/or failure to meet established deadlines, if appropriate.
 8. Copies of any SF-95's, Claim for Damage, Injury, or Death, that have been filed.
 9. A DEA-29, Part II.
- J. The accident investigation will be completed within 10 working days of assignment. The accident package, containing all available original documents and required copies listed above, will be forwarded by the SAC/CA/Office Head by cover memorandum entitled "Accident, (Date), (DEA Conveyance Identification Number or rental license tag number)" to the *Board of Professional Conduct (HB)*, with a copy of the entire package to the Chief Counsel (CC). Send a copy to the Operations Division, Investigative Support Section (OS), if the accident involved an aircraft or vessel. All reports must be legible, translated if appropriate, and submitted to Headquarters within thirty (30) days of the accident.
- K. In the case of an OGV having been stolen or totaled in an accident, the SAC/CA/LD/HOH will notify SAFF in writing so the OGV may be deleted from that office's inventory. If the accident will otherwise be reported as per [6124.81](#), this may be accomplished by including SAFF on the HQS distribution.
- L. Subsequent material concerning the accident received or generated will be distributed in the same manner.
- NOTE:** Completed files on accidents will be maintained by HB, CC, and the SAC/CA/Office Head. Sufficient copies of each document will be made to supply these files. These files will be disposed of according to [Administrative Manual 0750.23](#).
- M. The Board of Professional Conduct will review all accidents, determine culpability, issue a clearance/caution letter, and propose disciplinary or adverse action as appropriate. In the case of a non-DEA employee, HB will review the accident, and send appropriate notification of its findings to the SAC/CA/Office Head. Upon completing its review, HB will return its copy of the package to the SAC/CA/Office Head.
- The SAC/CA/Office Head will transmit a copy of the accident package to the appropriate senior-level official of the officer's parent agency, recommending review and action according to that agency's policies.
- N. That SAC/CA/Office Head shall also review each accident from a safety and preventative standpoint, and institute remedial measures where appropriate. The DEA Safety Manager (HPMH) will exercise a parallel responsibility from a DEA-wide standpoint.

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- O. The SAC/CA/LD/HOH will prepare a DEA-29a, containing all pertinent facts developed to date. This log sheet should be filed, along with other log sheets, in a central location and updated as appropriate. By October 15 of each year, the SAC/CA/LD/HOH will submit a full set of copies of all DEA-29a's prepared over the past fiscal year to SAFF. SAFF will compile these submissions and forward them to DOJ.

6124.82 Vehicle Incident Reports

- A. The SAC/CA/Laboratory Director/Headquarters Office Head may direct that an OGV operator prepare a memorandum of an OGV incident. In turn, the SAC/CA/LD/HOH will prepare a memorandum closing a matter and referring the matter to HB if all of the following factors are present:
1. No personal injuries exist.
 2. No property damage in excess of \$500.00 or, if in excess of \$500, no potential negligence or misconduct on the part of the DEA operator occurred.
 3. No potential third party claim against the government exist.
 4. No potential claim by the government against a third party exists.
 5. No indication of alcohol consumption by the operator, transportation of unauthorized persons, or any other unauthorized use exists.
- B. The SAC/CA/LD/HOH will maintain copies of these memorandum in a central location, as well as copy within the OGV file, readily available for inspection. The authority to make a determination that a matter be handled as an OGV incident can not be delegated below SAC/CA/LD/HOH and must be made with certainty. Otherwise the matter will be handled as an OGV accident.

6124.83 Claims for Damages Against DEA

(See Administrative Manual, [0326.3](#))

- A. Claims against DEA for damages as a result of an OGV accident shall be handled as torts. The third party should submit its claim, fully supported by documentation, to the SAC/CA/LD/HOH on an SF-95, Claim for Damages, Injury or Death.
- B. SACs (and the Bangkok CA) have been delegated the authority to decide and settle claims for \$500. Or less. All other claims must be forwarded to the Office of Chief Counsel for decision and settlement.
- C. Claims for damages to or caused by a rental vehicle may be handled in one of two ways. If a vehicle is damaged and/or causes damage or harm and if the vehicle is rented in the name of the United States, DOJ, or DEA under the Standard Government Rental Agreement, then the claim should be referred back to the rental or lease agency from which the vehicle was procured. If a vehicle is damaged and/or causes damages or harm and if the vehicle is rented in a name other than the United States, DOJ or DEA and is not under the Standard Government Rental Agreement, then the claim for damages should be directed to the Office of Acquisition Management (FA). FA will treat the claim as a contract matter. In both instances, CC should receive an informational copy of the claim. In all cases, whether the rental vehicle was being utilized in an unauthorized manner will be determined.
- D. If the SAC decides in favor of the claimant, the claim should be settled by cash payment from impress funds, receipted by an SF-1145, Voucher for Payment Under the Federal Tort Claims Act. Copies of all documents connected with this claim should be forwarded to HB and CC, and incorporated into the field division OGV accident file.
- E. If the SAC denies the claim, the claimant should be so informed by letter and advised that recourse may be sought by filing it in Federal District Court within six months of the date of denial. Copies of all documents connected with this claim should be forwarded to HB and CC, and incorporated into the field OGV accident file. If requested, the Civil Litigation Section of the Office of Chief Counsel will assist in the resolution of any claim under \$500.

6124.84 Debts owed to DEA for Damages

- A. Where it is determined that DEA is due payment for damages:
1. Instruct the debtor to make payment directly to the repair facility rather than DEA. If payment is made to the repair facility *after* DEA has already made payment for the repairs, instruct the repair facility to turn over payment to DEA. Forward the payment to Headquarters (FRAT) with a copy of the DEA-29a.
 2. If payment directly to DEA is unavoidable, forward it to FRAT with a copy of the DEA-29a. The cost of the repairs in this instance must be borne by the submitting office.
 3. If the damages to the OGV are so extensive that it is beyond repair, arrangements should be sought such that settlement consists of a replacement vehicle, rather than a cash payment. This matter will be coordinated with SAFF.
 4. If it appears there will be any difficulty collecting debt, send the debtor a letter demanding payment. Follow this letter with two additional letters at 30 day intervals. If after 90 days the matter is still unresolved, it should be referred to FRAT for further action. Transmit to FRAT copies of all correspondence to date, the police report, and a copy of the DEA-29a.

6124.9 DISPOSITION

(See [0325](#) of the Administrative Manual.)

DEA has no independent authority to dispose of vehicles by sale, transfer, or donation. All disposals must be made through the authority of other Government agencies (i.e. GSA or the State Department). Internally, agency components have no independent authority to initiate disposal actions absent prior approval from SAFF.

6124.91 Disposition Criteria

- A. A DEA vehicle is eligible for evaluation by SAFF for disposal when any of the following criteria exist:
- It has reached 75,000 miles
 - It requires repairs to make it safe and operable which the onetime repair limits set forth in [0325](#)
 - In foreign posts of duty, where conditions arise in which disposal is deemed cost effective or otherwise in the best interest of DEA.
- B. Disposal actions are not to be considered automatic upon reaching any disposal criteria. It may be necessary to delay disposal disposition, particularly at foreign posts of duty, pending receipt of a suitable replacement. See DEA Administrative Manual [0325](#).

6124.92 Disposal Criteria/Domestic

- A. Agency components should submit a memorandum or teletype to SAFF requesting initiation of excess procedures, to contain:

DEA identification number
Make/model/year/mileage
Description of needed repairs and costs
Justification for disposal
Recommended Recipient

Upon sending this request to SAFF, the OGV will be taken out of service, and not driven for any reason other than necessary for excessing. This will preserve mileage and vehicle condition as reported for excess.

- B. Upon approval, SAFF will prepare a SF-126, Report of Excess property, and transmit this to the regional GSA office. The submitting agency component will be the point of contact with GSA and will receive a copy of the SF-126. SAFF will place the OGV in a pending status in M204 vehicle inventory and the OGV will no longer be counted in that "office's" ceiling.
- C. The submitting agency component will be responsible for coordinating the OGV disposal with GSA, to include obtaining copies of final sales/transfer documents. These documents should be forwarded to SAFF. Upon receipt of these documents, SAFF will delete the OGV from the vehicle inventory.

6124.93 Disposal Procedures/Foreign

- A. Vehicles that will reach the excess criteria will be identified at the start of the fiscal year. These vehicles will continue to be utilized in service pending substantive notification of a replacement OGV purchase/shipping date being determined.
- B. The Country Attache will submit a teletype to SAFF identifying those OGVs ready for excess or those OGVs that can no longer be utilized (i.e., accidents). This teletype will contain the information in 6124.92; and also a description of the arrangements made with the Embassy General Service Officer (GSO) for disposal. Once the teletype is sent, the OGV shall be taken out of service, and not used unless to complete the excess process.

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C. The means of disposal of excess will vary with host country law and circumstance. The preferred disposal means is sale or trade in within the host country.

Alternatively, OGVs may be transferred to the Department of State who in turn may donate the OGV to the host country if such action would further DEA's interest in some other manner. If this option is followed, the CA will submit justification to OF stating how DEA's interest will be further served. OF, upon concurrence will forward the request to SC/SAFP for concurrence and their appropriate action. The least desirable method is to return the OGV to CONUS. Due to the lack of pollution and safety equipment, this option is not cost effective because the vehicle could not be re-sold in the US.

D. If the OGV to be excessed is armored, the armoring must be removed prior to trade in, sale or donation. Exceptions to this will only be under extraordinary circumstances, with the approval of SP.

E. SAFP will notify the Country Office of Headquarters approval/qualifications, via return teletype.

F. The Country Office is responsible for obtaining legible copies of all pertinent disposal documents from the GSO and transmitting them to SAFP. Upon receipt of these documents, SAFP will delete the OGV from the M204 inventory.

* Revision

** Addition

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