

RESOLUTION NO. 2091

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND TO ALLOW MAJOR DAVID MEIENSCHIN AND CORPORAL RICHARD ENGLE TO SIGN A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF) FOR THE USE OF A LEASED VEHICLE TO BE PROVIDED FOR COVERT OPERATIONS INVOLVING FIREARMS.

WHEREAS, the Department of Justice ATF has unmarked leased vehicles available to be used for covert operations associated with criminal activity involving firearms; and

WHEREAS, the Department of Justice ATF will provide, at no cost to the City of Salisbury, one vehicle for covert operations and from time to time the type of vehicle will be rotated to maintain covert capacity; and

WHEREAS, these vehicles will be assigned to Corporal Richard Engle who has been assigned to the ATF task force and will be working jointly on investigations; and

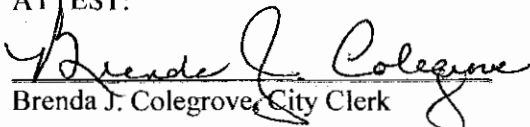
WHEREAS, Major David Meienschein and Corporal Richard Engle will sign a Memorandum of Agreement to use the vehicles only on official ATF business and for the duration of Corporal. Engle's full-time assignment to the ATF task force; and


WHEREAS, this cooperative effort between the Salisbury Police Department and the Department of Justice ATF will enhance the investigations and aid in the successful prosecution of criminal cases involving firearms.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Major David Meienschein and Corporal Richard Engle be allowed to sign a Memorandum of Agreement for the use of a covert vehicle, provided by the AFT, which will be used strictly for investigations involving criminal firearms activity.

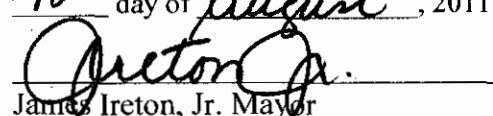
THIS RESOLUTION was duly passed at a meeting of the Council of the City of Salisbury, Maryland held on August 22, 2011, and is to become effective immediately upon adoption.

ATTEST:


Brenda J. Colegrove, City Clerk


Terry E. Cohen, President
Salisbury City Council

APPROVED BY ME THIS:

23rd day of August, 2011

James Ireton, Jr. Mayor

USE OF ATF LEASED VEHICLE AGREEMENT

This agreement, made and entered on the 12th day of *August*, 2011, between *Corporal Richard L. Engle*, the *Salisbury Police Department*, and the Bureau of Alcohol, Tobacco, Firearms & Explosives, United States Department of Justice, *Baltimore Field Division*, hereafter referred to as "Bureau."

WITNESSETH

WHEREAS, the Bureau leases a(n) *Enterprise Sedan 761030 09TFO-001* which will be assigned to *Corporal Richard L. Engle*, of the *Salisbury Police Department*.

WHEREAS, *Corporal Richard L. Engle* of the *Salisbury Police Department* is working jointly on an ATF task force and has been assigned on a full-time basis to perform investigative duties related to the task force.

WHEREAS, this leased vehicle will be assigned to *Corporal Richard L. Engle* for use only on official ATF business and for the duration of his/her full-time assignment to ATF.

Corporal Richard L. Engle of the *Salisbury Police Department* agrees as follows:

1. The leased vehicle shall only be used for official ATF business. Reasonable care shall be used with the vehicle.
2. In accordance with the Attorney General's home to work authorization granted in 2006, work-to-home/home-to-work transportation and storage of the leased vehicle at your residence is permitted. All personnel assigned a motor vehicle must follow the requirements of ATF Order 1870.I - Motor Vehicle Management, and should be familiar with Paragraph 66 of that order in particular.
3. No sensitive equipment or material (i.e. firearms, radios, laptops, operational plans, etc.) shall be stored in the leased vehicles.
4. No unauthorized passengers shall be transported in vehicle.
5. Installation of any equipment (i.e. radios and emergency lights) that may damage or destroy the leased vehicle is strictly prohibited. Hardwired equipment shall not be installed in the vehicle even if damage does not occur.
6. Use after normal working hours will require prior approval of the task force group supervisor/RAC or assigned alternate.
7. The task force group supervisor/RAC or assigned alternate shall be immediately notified, within 2 hours or less, of any accident involving the vehicle.
8. No alcohol shall be consumed within 6 hours of when the TFO may reasonably expect to operate the vehicle.
9. The leased vehicle shall have regular maintenance completed every 5,000 miles. The

leased vehicle shall be exchanged or the vehicle shall be taken to an approved maintenance facility.

10. The TFO shall be responsible for any traffic violations or citations that may be issued while this vehicle is in their possession.
11. The TFO is responsible for ensuring that vehicle use and maintenance is performed in accordance with the recommended guidelines detailed in the Joint Law Enforcement Operations (JLEO) Program policy memo, Use of ATF Leased Vehicle Agreement and the Enterprise Leased Vehicle Instructions.
12. Non-compliance with any part of this agreement or ATF policy will result in termination of vehicle privileges and can result in removal from the task force.

Corporal Richard L. Engle has discussed, reviewed and is familiar with the following documents:

- ATF O 1870.1- Chapter B, Motor Vehicle Management
- ATF O 1610.3 - Reporting and Investigating Accidents/ Damage Involving Motor Vehicles and Other Modes of Transportation
- ATF O 2130.1- Conduct and Accountability, Sections 7 and 8
- ATF O 3000.1E- Chapter C, Criminal Enforcement General Information
- Joint Law Enforcement Operations (JLEO) policy memo
- Use of ATF Leased Vehicle Agreement
- Enterprise Leased Vehicle Instructions.

Signature: _____

Name of Assigned Person: *Richard L. Engle*

Title: *Corporal*

IN WITNESS THEREOF, we the undersigned have signed this agreement as authorized representatives of the respective parties.

Signature: _____

Name of Department Representative: *David Meienschein*

Title: *Major, Salisbury Police Department*

Signature: _____

Name: *Theresa R. Stoop*

Bureau of Alcohol, Tobacco, Firearms & Explosives,

Special Agent in Charge, *Baltimore* Field Division

City of Salisbury



JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ CHAMBERS
ASSISTANT CITY ADMINISTRATOR

MARYLAND

August 12, 2011

699 W. SALISBURY PARKWAY
SALISBURY, MARYLAND 21801
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BARBARA DUNCAN
CHIEF OF POLICE
SALISBURY POLICE DEPARTMENT

TO: John R. Pick
City Administrator

FROM: Chief Barbara Duncan

SUBJECT: Resolution – ATF Memorandum of Agreement

Attached, please find a Resolution to allow Major David Meienschein and Corporal Richard Engle to sign a Memorandum of Agreement with the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives for the use of a leased vehicle to be utilized by Corporal Engle for covert investigations into criminal activity involving firearms.

This vehicle is provided without any cost to the City and the agreement outlines all regulations and restrictions. Periodically, the type of vehicle would change to maintain a covert function.

Unless you, or the Mayor, have further questions, please forward this resolution to the City Council.

Barbara Duncan
Chief of Police

Salisbury



2010