

	WISCONSIN EMERGENCY MANAGEMENT	
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Approved By:	Brian M. Satula, Administrator	

POLICY: WI 1033 Program – Purpose and Design

I. PURPOSE

The U.S. Department of Defense 1033 Program permits the Secretary of Defense to transfer excess Department of Defense supplies and equipment to state and local law enforcement agencies for use in their law enforcement duties. This property is procured at no cost to the agency with the exception of any shipping or transportation costs. The type of property available includes but is not limited to tactical and riot gear, vehicles, watercraft, weapons, and night vision. All equipment must be strictly accounted for. When no longer needed agencies must request permission for turn in, transfer, or disposal.

Agencies must request participation in the program through the Governor appointed State Coordinator. The Coordinator will facilitate the application process with the Federal Law Enforcement Support Office.

II. REPORTING REQUIREMENTS

The chain of reporting follows the Secretary of Defense, the Department of Defense (DoD), the Defense Logistics Agency (DLA), the Law Enforcement Support Office (LESO), Wisconsin Emergency Management (WEM) - the State Coordinator for Wisconsin, and the local Law Enforcement Agency (LEA).

III. PROCEDURES GUIDANCE

The 1033 Program permits the Secretary of Defense to transfer, without charge, excess U. S. DoD personal property (supplies and equipment) to State and local LEAs. This Program has allowed law enforcement agencies to acquire vehicles, weapons, computer equipment, body armor, fingerprint equipment, night vision equipment, radios and televisions, tents and sleeping bags, photographic equipment, various clothing items, and more.

A. Key Concepts of the Program

1. The requesting agency must be a government agency whose primary function is the enforcement of laws and whose officers are compensated and have powers of arrest and apprehension.
2. Equipment transferred must have a direct application to the law enforcement agency's arrest and apprehension mission.
3. The property must be drawn from surplus property of the Department of Defense.
4. The receiving agency is responsible for all costs associated with the property after it is transferred, as well as for all shipping or federal repossession costs.
5. The recipient must accept the property on an as-is, where-is basis.
6. All property is transferred on a first-come, first-serve basis.
7. Property may not be sold, leased, rented, exchanged, bartered, used to secure a loan, used to supplement the agency's budget, or stockpiled for possible future use.

B. Program Background

Section 1033 of the National Defense Authorization Act of 1997 permits the Department of Defense to transfer excess military property to state and local law enforcement agencies for use in counter-drug, counter-terrorism and other law enforcement activities. Excess military property available under the program includes aircraft, tactical and utility vehicles, firearms and a wide variety of equipment, supplies and tools. There is no charge for the equipment although the receiving law enforcement agency is required to pay for any costs related to the transportation, repair and disposal of property and must maintain adequate insurance coverage on the property. Lower-cost items that do not require demilitarization become the property of the law enforcement agency after one year. All other items, including aircraft and firearms, are conditionally transferred and must be returned if no longer needed.

The program's inventory list includes all conditionally transferred items still in use and the other, non-controlled items that have been issued within the last 12 months. The current inventory list indicates that Wisconsin's law enforcement agencies have received a significant number of high-cost vehicles, firearms and specialized military gear from the program, as well as an array of miscellaneous supplies like gloves, coats, tools and protective eyewear.

IV. CONCLUSION

The Department of Military Affairs and the Division of Emergency Management administer the general program operations to support planning, management, and compliance activities under the state's 1033 federal military excess property program. The Division utilizes the program to fulfill its mission of support to local governments by building capability and capacity of law enforcement to respond when called on.