

	<b>WISCONSIN EMERGENCY MANAGEMENT</b>	
	<b>Directive Number:</b>	3003.3
	<b>Reference Section:</b>	Operations
	<b>Subject/Description:</b>	1033 Program Controlled Equipment
	<b>Effective Date:</b>	2014-05-01
	<b>Revision Date:</b>	2015-12-09
	<b>Approved By:</b>	Brian M. Satula, Administrator

**GUIDELINE:** 1033 Program Controlled Equipment

**I. PURPOSE**

The purpose of this policy is to set forth the process and responsibilities for a Law Enforcement Agency (LEA) to procure controlled equipment through the 1033 Program.

**II. PROGRAM ADMINISTRATION**

The 1033 Program is administered by the Department of Military Affairs, Division of Emergency Management. The Homeland Security Grants and Programs is overseeing and responding to the administrative correspondence and requests for equipment through the Defense Logistics Agency.

**III. CONTROLLED EQUIPMENT**

Property available under this agreement is for the current use of authorized program participants; it will not be requested nor issued for speculative use/possible future use. Property will not be obtained for the purpose of sale, lease, loan, personal use, rent, exchange, barter, to secure a loan, or to otherwise supplement normal LEA or the budget of the state/local governmental entity. All requests for property will be based on bona fide law enforcement requirements. Under no circumstances will property be sold or otherwise transferred to non-U.S. persons or exported. Loaning to non-participants of the DLA LESO Program is not authorized.

The DLA Disposition Services LESO conditionally transfers excess DOD property to States/LEAs enrolled in the LESO Program. DLA Disposition Services LESO retains permanent title to property with Demilitarization (DEMIL) Codes of B, C, D, E, F, G and Q (with an Integrity Code of 3), property with these DEMIL codes is also known as controlled property.

**A. Aircraft**

Aircraft (fixed wing and rotary wing), may be transferred to the LEA for its use in law enforcement activities. The State Plan of Operation must ensure that all LEAs and all subsequent users are aware of and agree to provide all required controls and documentation in accordance with applicable laws and regulations for these items.

Additionally, the following conditions apply:

Aircraft acquired *prior to* September 30, 1996, under the 1208 Program were considered “1208 Aircraft”. Public Law 104-201, Section 1033 (b) (1) repealed all Section 1208. Therefore, all aircraft and/or aircraft parts are considered LESO Program aircraft and/or aircraft parts as of September 30, 1996. [As repealed by Pub. L. 104-201 Sec. 1033 (b) (1)]. Sale, trade or transfer of aircraft and/or aircraft parts (acquired prior to September 30, 1996) may be authorized by the DLA Disposition Services LESO, on a case by case basis. The DLA Disposition Services LESO reserves the right to approve or deny requests for sale, trade or transfer of all LESO Program aircraft and/or aircraft parts, regardless of when the aircraft was originally acquired.

LEAs wishing to procure aircraft for their agency through the 1033 Program must fill out and return to the State Coordinator and LESO the following:

1. Controlled Equipment Justification Letter (Attachment A), submitted on agency letterhead.
2. Civilian Governing Body Approval (Attachment B)
3. Aircraft Request Form (Attachment C)

## **B. Vehicles**

For the purposes of this program controlled vehicles include:

1. **Armored Vehicles, Wheeled:** Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine-Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier. These vehicles are sometimes used by law enforcement personnel involved in dangerous operating conditions, including active shooter or similar high-threat situations.
2. **Tactical Vehicles, Wheeled:** A vehicle purpose-built to operate on-and off-road in support of military operations, such as a HMMWV (“Humvee”, 2.5 ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached. These vehicles are sometimes used by law enforcement in rough terrain or inclement weather for search and rescue operations, as well as other law enforcement functions.

LEAs wishing to procure vehicles for their agency through the 1033 Program must fill out and return to the State Coordinator and LESO the following:

1. Controlled Equipment Justification Letter (Attachment A), submitted on agency letterhead.
2. Civilian Governing Body Approval (Attachment B)
3. Controlled Vehicle Request Form (Attachment D)

## **C. Executive Order (EO) Controlled Equipment**

For the purposes of this program EO Controlled equipment includes:

1. **Breaching Apparatus:** Tools designed to provide law enforcement rapid entry into a building or through a secured doorway. These tools may be mechanical in nature (a battering ram), ballistic (slugs), or explosive.
2. **Riot Batons:** Non-expandable baton of greater length (generally in excess of 24 inches) than service-issued types and are intended to protect its wielder during melees by providing

distance from assailants.

3. **Riot Helmets:** Helmets designed to protect the wearer's face and head from injury during melees from projectiles including rocks, bricks, liquids, etc. Riot helmets include a visor which protects the face.
4. **Riot Shields:** Shields intended to protect wielders from their head to their knees in melees. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistic protection as well. Riot shields may also be used as an offensive weapon to push opponents.

LEAs wishing to procure EO controlled equipment for their agency through the 1033 Program must fill out and return to the State Coordinator and LESO the following:

1. Controlled Equipment Justification Letter (Attachment A), submitted on agency letterhead.
2. Civilian Governing Body Approval (Attachment B)
3. EO Controlled Equipment Request Form (Attachment E)

#### **D. Weapons**

For the purposes of this program weapons available for transfer include:

1. M16 Rifles
2. M14 Rifles
3. 1911 .45 Caliber Pistols

Law Enforcement Agencies no longer requiring LESO Program weapons must request authorization to transfer or return weapons. Transfers and turn-ins of weapons must be approved by the State Coordinator and the DLA Disposition Services LESO. Weapons will not physically move until the approval process is complete. Weapons that are issued must have a documented chain of custody, with the chain of custody including a signature of the receiving officer indicating that he/she has received the appropriate weapon(s) with the correct, specific serial number(s).

#### **IV. CANNIBALIZATION OF EQUIPMENT**

Requests for property solely for the purpose of cannibalization, and cannibalization of DOD property currently on an LEA inventory, must be submitted in writing thru the State Coordinators office to DLA Disposition Services LESO for approval. The DLA Disposition Services LESO will consider cannibalization requests on a case-by-case basis. Any transportation, repair, maintenance, insurance, disposal or other expenses associated with these assets is the sole responsibility of the LEA.

#### **V. RECALL OF EQUIPMENT**

The DLA Disposition Services LESO reserves the right to recall any and all property issued through the LESO Program.

#### **VI. TRANSFER OF EQUIPMENT**

The DLA Disposition Services LESO conditionally transfers excess DOD property to States/LEAs enrolled in the LESO Program. DLA Disposition Services LESO retains permanent title to property with

Demilitarization (DEMIL) Codes of B, C, D, E, F, G and Q (with an Integrity Code of 3), property with these DEMIL codes is also known as controlled property. Once the State/LEA no longer has use for property in these DEMIL codes the property must either be transferred to another LEA with State approval first or returned to DLA Disposition Services for disposal. All costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to property obtained through the LESO Program, is the sole responsibility of the LEA.

State and LEAs are not authorized to transfer or turn-in property issued under the LESO Program without State and DLA Disposition Services LESO approval. Property will not physically move until the approval process is complete.

## **VII. EQUIPMENT SERVICE**

Property obtained under this SPO must be placed into use within one (1) year of receipt, unless the condition of the property renders it unusable, in which case the property can be returned to the nearest DLA Disposition Services Site. If property is not put into use by the LEA within one (1) year, the State/LEA must coordinate a transfer of property to another LEA or request a turn-in to return the property to the nearest DLA Disposition Services Site. All costs associated with the transportation, turn-in, or other expenses related to property obtained through the LESO Program, is the sole responsibility of the LEA.

## **VIII. ADDITIONAL STATE REQUIREMENTS**

If there are more requests for controlled equipment than there is equipment available for procurement, the State may require additional information from the LEA to determine the final allocation placement for the controlled equipment.

## ATTACHMENT A: Form 3003.3.1: Controlled Equipment Allocation Justification Letter

**Note:** The LEA will fill out the justification letter on Agency letterhead and return to the State Coordinator and LESO in support of their request for controlled equipment. The State may require additional information.

**To: Program Manager, 1033 Program  
Law Enforcement Support Office (LESO)  
DLA Disposition Services  
74 Washington Avenue North  
Battle Creek, MI 49037**

**Subject:** Controlled property, Tactical Vehicle/Aircraft Justification (**Please address all 15 justification points in sequential order**)

1. Number of full/part time compensated sworn officers in the agency making the request.
2. Intended use of the resource and the impact of the resource upon your jurisdiction (SWAT, active shooter, barricaded suspect, emergency response, first responder, critical incident, hostage rescue, natural disaster rescue, border patrol, homeland security, counterdrug, counterterrorism, etc. all that apply and any additional).
3. Positive impact of this resource on any other region or jurisdiction beyond the requesting agency that may also be impacted. Indicate whether the requested controlled equipment is being acquired to provide a regional or multijurisdictional capability. The requesting LEA must certify that all LEA's in the regional sharing arrangement have adopted requisite protocols to include general policing standards, specific controlled equipment standards, and record keeping requirements or will adopt those protocols before their personal use of controlled equipment.
4. Is the requesting agency located within an office of national drug control policy designated High Intensity Drug Trafficking Area (HIDTA)?
5. Is the requesting agency involved by mutual agreement with multi-agency associations/task forces of a counterdrug/counterterrorism nature?
6. State the population within the requesting agencies jurisdiction.
7. Describe the type of facility that will be used to store and/or secure the resource.
8. LEA's must certify that they have a Training Plan/Safety Standards which covers the use of the requested equipment including required annual training on protocols, operational and technical training, scenario-based training, and record-keeping requirements.
9. Do you currently have any controlled equipment? **Yes** or **No**? (If yes, please list all tactical vehicles, civilian or military aircraft, and the corresponding quantities).
10. Type of controlled equipment requested: (quantity, size, and capability)
11. Has a grant or request for any controlled equipment been approved by the Department of Justice, Department of Homeland Security, or any other Federal Agency? Has any prior application for controlled equipment been denied by a Federal Agency during the past three years, and, if so, provide the reason for denial? Under what program and what agency was the grant request for controlled property denied?
12. Does the agency have the fiscal wherewithal to support the operation of the resource being requested? Describe the amount of funding and how it is provided. (Parts, tools, diagnostic equipment, etc.).
13. Certify agency has received their civilian governing body's review and approval or concurrence of the LEA's acquisition of the requested controlled equipment.
14. Has the LEA been found to be in violation of a Federal civil rights statute or a programmatic term during the past three years, and, if so, whether any disposition was reached or corrective actions were taken?
15. Is the requested resource an aircraft? If the answer is yes, provide the number of Certified Pilots and type of certification (for what type of aircraft) they hold. (Provide copy of all pilots' licenses). If the agency has other

aircraft, provide an estimated number of hours per year? Number of missions per year? (If agency currently does not have any aircraft, give an estimated number of hours/missions).

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Signed by LEA Chief Law Enforcement Official  
Certifying all the above is accurate  
Typed name  
Title  
Law Enforcement Agency

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Signed by LEA Tactical Vehicle/Aircraft POC (if applicable)  
Typed name  
Title  
Law Enforcement Agency

# ATTACHMENT B: Form 3003.3.2: Governing Body Approval Form

LAW ENFORCEMENT AGENCY EXECUTIVE ORDER 13688  
CONTROLLED PROPERTY REQUEST AUTHORIZATION  
FEDERAL FISCAL YEAR 2016

In compliance with mandates and recommendations generated by Presidential Executive Order (EO) 13688, certain controlled property acquired through the 1033 Program requires prior authorization from the appropriate Civilian Governing Body (CGB) of the Law Enforcement Agency (LEA). As defined by the EO, a CGB has direct budgetary oversight or control over the LEAs budget appropriation.

As the authorized representative of the \_\_\_\_\_, I certify that  
Name of CGB

\_\_\_\_\_ is authorized to acquire the below initialed controlled property items.  
Name of LEA

\_\_\_\_\_  
CGB initial Breaching Apparatus

\_\_\_\_\_  
CGB initial Riot Batons

\_\_\_\_\_  
CGB initial Riot Helmets

\_\_\_\_\_  
CGB initial Riot Shields

\_\_\_\_\_  
CGB initial Rotary Wing Aircraft

\_\_\_\_\_  
CGB initial Fixed Wing Aircraft

\_\_\_\_\_  
CGB initial MRAP or Armored Personnel Carrier

\_\_\_\_\_  
CGB initial HMMWV (Humvee)

\_\_\_\_\_  
CGB initial Other Controlled Vehicle

Authorized Representative of  
Civilian Governing Body

\_\_\_\_\_  
Printed Name Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Chief Law Enforcement Official:

\_\_\_\_\_  
Printed Name Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

# ATTACHMENT C: Form 3003.3.3: Aircraft Request Form

## LAW ENFORCEMENT AGENCY (LEA) EXECUTIVE ORDER (EO)

### CONTROLLED AIRCRAFT REQUEST

DODAAC: \_\_\_\_\_ AGENCY NAME: \_\_\_\_\_

ATV POC: \_\_\_\_\_

ADDRESS (No P.O. Box): \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

TYPE OF AIRCRAFT AND QUANTITY OF EACH TYPE					
ROTARY	OH-58	OH-6	UH1H	UH1L	UH1N
Flyable Qty					
Non-Flyable Qty					
FIXED	C12	C172	C182		
Flyable Qty					
Non-Flyable Qty					
OTHER (State type)					
Quantity					
If something other than marked/stated above comes available, would you like to be offered it?				Yes	No

\*\*\*\*NOTE: The Aircraft justification letter and copies of pilot's license must accompany this aircraft request

The Chief Law Enforcement Official/Head of Federal Agency (Local Field Office), by signing, certifies that the requesting agency listed above has the appropriate funds; training requirements and equipment to operate and maintain the requested EO controlled vehicles. It is also understood that this agency will not sell, trade, or cannibalize for parts, tactical vehicles acquired through the 1033 Program. They certify that all information contained above is accurate and the request for controlled vehicle/s is warranted and has been approved

CHIEF LAW ENFORCEMENT OFFICIAL/: \_\_\_\_\_ DATE: \_\_\_\_\_  
 HEAD OF FEDERAL AGENCY PRINTED NAME

\_\_\_\_\_  
 SIGNATURE

The State Coordinator or designee, by signing, certifies that the agency has provided documentation indicating approval from the appropriate Civilian Governing Body. They also certify that all information contained above is accurate and the request for controlled vehicles is warranted and has been approved.

STATE COORDINATOR/DESIGNEE \_\_\_\_\_ DATE: \_\_\_\_\_  
 (NOT REQUIRED FOR FEDERAL) PRINTED NAME

\_\_\_\_\_  
 SIGNATURE

\*\*\*\*\* LESO USE ONLY \*\*\*\*\*

LESO OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PRINTED NAME (Aircraft Lead) PROGRAM MANAGER (SIGNATURE)

\_\_\_\_\_  
 SIGNATURE CUSTOMER MANAGEMENT DIV. CHIEF (SIGNATURE) DATE: \_\_\_\_\_

DATE LEA ADDED TO THE NATIONAL PRIORITY LISTING: \_\_\_\_\_ LESO NOTES (# OF OFFICERS, # OF AIRCRAFT): \_\_\_\_\_

ALL Y/N - REQUIRED DOCUMENTS RECEIVED: REQUEST FORM \_\_\_\_\_ JUSTIFICATION LETTER \_\_\_\_\_ PILOTS LICENSE \_\_\_\_\_

AIRCRAFT ALLOCATION (SERIAL #): \_\_\_\_\_

DISAPPROVED BY LESO (REASON FOR DISAPPROVAL): \_\_\_\_\_

**ATTACHMENT D: Form 3003.3.4: Vehicle Request Form**

**LAW ENFORCEMENT AGENCY (LEA) EXECUTIVE ORDER (EO)**

**CONTROLLED VEHICLE REQUEST**

DODAAC: \_\_\_\_\_ AGENCY NAME: \_\_\_\_\_

ATV POC: \_\_\_\_\_

ADDRESS (No P.O. Box): \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

TYPE OF ATV	MRAP 4 WHEELED VEHICLE	MRAP 6 WHEELED VEHICLE	HMMWV	OTHER (State type)
Quantity				
Quantity				
Quantity				
If something other than marked/stated above comes available, would you like to be offered it?		Yes	No	

The Chief Law Enforcement Official/Head of Federal Agency (Local Field Office), by signing, certifies that the requesting agency listed above has the appropriate funds; training requirements and equipment to operate and maintain the requested EO controlled vehicles. It is also understood that this agency will not sell, trade, or cannibalize for parts, tactical vehicles acquired through the 1033 Program. They certify that all information contained above is accurate and the request for controlled vehicle/s is warranted and has been approved

**CHIEF LAW ENFORCEMENT OFFICIAL/:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**HEAD OF FEDERAL AGENCY** **PRINTED NAME**

\_\_\_\_\_  
**SIGNATURE**

The State Coordinator or designee, by signing, certifies that the agency has provided documentation indicating approval from the appropriate Civilian Governing Body. They also certify that all information contained above is accurate and the request for controlled vehicles is warranted and has been approved.

**STATE COORDINATOR/DESIGNEE** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**(NOT REQUIRED FOR FEDERAL)** **PRINTED NAME**

\_\_\_\_\_  
**SIGNATURE**

\*\*\*\*\* **LESO USE ONLY** \*\*\*\*\*

**LESO OFFICIAL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**PRINTED NAME (Vehicle Lead)** **PROGRAM MANAGER (SIGNATURE)**

\_\_\_\_\_  
**SIGNATURE** **CUSTOMER MANAGEMENT DIV. CHIEF (SIGNATURE)** **DATE:** \_\_\_\_\_

**DATE LEA WAS ADDED TO THE NATIONAL PRIORITY LISTING:** \_\_\_\_\_

**LESO NOTES (# OF OFFICERS, # OF EO VEHICLES):** \_\_\_\_\_

**ALL Y/N - REQUIRED DOCUMENTS RECEIVED: REQUEST FORM** \_\_\_\_\_ **JUSTIFICATION LETTER** \_\_\_\_\_

**DEMIL PREP** \_\_\_\_\_ **SERIAL #:** \_\_\_\_\_ **DISAPPROVED BY LESO (REASON):** \_\_\_\_\_

**ATTACHMENT E: Form 3003.3.5: EO Controlled (Riot Gear) Form**

**LAW ENFORCEMENT AGENCY (LEA) EXECUTIVE ORDER (EO) CONTROLLED  
PROPERTY REQUEST**

DODAAC: \_\_\_\_\_ AGENCY NAME: \_\_\_\_\_  
 ATV POC: \_\_\_\_\_  
 ADDRESS (No P.O. Box): \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_  
 ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
 PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

TYPE OF CONTROLLED PROPERTY REQUESTED AND QUANTITY OF EACH TYPE	
ITEM NAME	QTY
Breaching Apparatus	
Riot Batons	
Riot Helmets	
Riot Shields	

\*\*\*\*NOTE: The Controlled Property justification letter must accompany this request

The Chief Law Enforcement Official/Head of Federal Agency (Local Field Office), by signing, certifies that the requesting agency listed above has the appropriate funds; training requirements and equipment to operate and maintain the requested EO controlled vehicles. It is also understood that this agency will not sell, trade, or cannibalize for parts, tactical vehicles acquired through the 1033 Program. They certify that all information contained above is accurate and the request for controlled vehicle/s is warranted and has been approved

CHIEF LAW ENFORCEMENT OFFICIAL/: \_\_\_\_\_ DATE: \_\_\_\_\_  
 HEAD OF FEDERAL AGENCY PRINTED NAME  
 \_\_\_\_\_  
 SIGNATURE

The State Coordinator or designee, by signing, certifies that the agency has provided documentation indicating approval from the appropriate Civilian Governing Body. They also certify that all information contained above is accurate and the request for controlled vehicles is warranted and has been approved.

STATE COORDINATOR/DESIGNEE \_\_\_\_\_ DATE: \_\_\_\_\_  
 (NOT REQUIRED FOR FEDERAL) PRINTED NAME  
 \_\_\_\_\_  
 SIGNATURE

\*\*\*\*\* LESO USE ONLY \*\*\*\*\*

LESO \_\_\_\_\_ DATE: \_\_\_\_\_  
 OFFICIAL: PRINTED NAME PROGRAM MANAGER (SIGNATURE)  
 \_\_\_\_\_ DATE: \_\_\_\_\_  
 SIGNATURE CUSTOMER MANAGEMENT DIV.  
 CHIEF (SIGNATURE)

LESO NOTES (# OF OFFICERS, # OF EO

VEHICLES): \_\_\_\_\_

ALL Y/N - REQUIRED DOCUMENTS RECEIVED: REQUEST FORM \_\_\_\_\_ JUSTIFICATION LETTER \_\_\_\_\_

SERIAL #: \_\_\_\_\_ DISAPPROVED BY LESO (REASON): \_\_\_\_\_