

	<b>WISCONSIN EMERGENCY MANAGEMENT</b>	
	<b>Directive Number:</b>	3003.3
	<b>Reference Section:</b>	Operations
	<b>Subject/Description:</b>	LESO 1033 Program Controlled Equipment
	<b>Effective Date:</b>	2014-05-01
	<b>Revision Date:</b>	2016-09-27
<b>Approved By:</b>	Brian M. Satula, Administrator	

**GUIDELINE:** LESO 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 LESO 1033 Program.

**II. PROGRAM ADMINISTRATION**

The LESO 1033 Program is administered by the Department of Military Affairs, Division of Emergency Management.

**III. CONTROLLED EQUIPMENT**

- A. 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 LESO 1033 Program is not authorized.
- B. Controlled property (equipment) includes any property that has a demilitarization (DEMIL) Code of B, C, D, F, G, and Q; and property, regardless of demilitarization code, that was specifically identified in the Law Enforcement Equipment Working Group Report from May 2015, created pursuant to Executive Order 13688 (EO). The Working Group Report mandates that the following items be treated as controlled property:
  - 1. Manned Aircraft, fixed or rotary wing
  - 2. Unmanned Aerial Vehicles
  - 3. Wheeled Armored Vehicles
  - 4. Wheeled Tactical Vehicles

5. Command and Control Vehicles
  6. Specialized Firearms and Ammunition Under .50 Cal (excluded firearms and ammunition for service-issued weapons)
  7. Explosives and Pyrotechnics
  8. Breaching Apparatus
  9. Riot Batons
  10. Riot Helmets
  11. Riot Shields
- C. For more information on Executive Order 13688 and the Working Group Report that outlines the rationale behind the recommendations and restrictions, the full documents can be read at: <https://www.gpo.gov/fdsys/pkg/FR-2015-01-22/pdf/2015-01255.pdf> and [https://www.whitehouse.gov/sites/default/files/docs/le\\_equipment\\_wg\\_final\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf).
- D. LEAs that request items in Paragraph B above must provide all required information outlined in the Law Enforcement Equipment Working Group Report and all information on the LESO 1033 Program request form. Among other specific requirements identified in these documents, LEAs will be required to certify and submit:
1. A detailed written justification with a clear and persuasive explanation of the need for the property and the law enforcement purposes it will serve;
  2. Evidence of approval or concurrence by the LEA's civilian governing body (city council, mayor, etc.);
  3. The LEA's policies and protocols on deployment of this type of property;
  4. Certifications on required training for use of this type of property; and
  5. Information on whether the LEA has applied, or has pending an application, for this type of property from another Federal agency.
- E. LEAs must maintain and enforce regulations designed to impose adequate security measures for controlled property to mitigate the risk of loss or theft.
- F. Under no circumstances will controlled property be sold or otherwise transferred to non-U.S. persons, or exported. All transfers must be approved by the State and Defense Logistics Agency (DLA) Disposition Services Law Enforcement Support Office (LESO).

#### **IV. Aircraft**

- A. Aircraft (fixed wing and rotary wing), may be transferred to the LEA for its use in law enforcement activities. All aircraft are considered controlled property, regardless of DEMIL Code. The State Plan of Operations (SPO) 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.
- B. LEAs wishing to procure aircraft for their agency through the LESO 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. Aircraft Request Form (Attachment C)

## V. VEHICLES

- A. 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 (APC). 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.
- B. LEAs wishing to procure vehicles for their agency through the LESO 1033 Program must fill out and return to the State Coordinator and LESO the following:
- C. Controlled Equipment Justification Letter (Attachment A), submitted on agency letterhead
- D. Controlled Vehicle Request Form (Attachment D)
- E. DEMIL Prep Memo, if the request is for a MRAP, submitted on agency letterhead (Attachment F)

## VI. EXECUTIVE ORDER (EO) CONTROLLED EQUIPMENT

- A. 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.
- B. LEAs wishing to procure EO controlled equipment for their agency through the LESO 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. EO Controlled Equipment Request Form (Attachment E)

## **VII. SMALL ARMS**

- A. For the purposes of this program Small Arms available for transfer include:
1. M16 Rifles
  2. M14 Rifles
  3. 1911 .45 Caliber Pistols
  4. 12 Gauge Shotguns
- B. LEAs no longer requiring LESO 1033 Program Small Arms must request authorization to transfer or return Small Arms. Transfers and turn-ins of Small Arms must be approved by the State Coordinator and the DLA Disposition Services LESO. Small Arms will not physically move until the approval process is complete. Small Arms 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).
- C. LEAs wishing to LEAs wishing to procure small arms for their agency through the LESO 1033 Program must fill out and return to the State Coordinator and LESO the following:
1. Small Arms Justification Letter (Attachment B), submitted on agency letterhead.

## **VIII. CANNIBALIZATION OF EQUIPMENT**

Requests for property solely for the purpose of cannibalization, and cannibalization of Department of Defense (DoD) property currently on an LEA's inventory, must be submitted in

writing thru the State Coordinators office to the LESO for approval. The 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.

## **IX. RECALL OF EQUIPMENT**

The DLA Disposition Services LESO reserves the right to recall any and all property issued through the LESO Program. In the event of a recall, the LEA may be responsible for costs of property turn-in.

## **X. TRANSFER OF EQUIPMENT**

- A. The DLA Disposition Services LESO conditionally transfers excess DoD property to States/LEAs enrolled in the LESO 1033 Program. DLA Disposition Services LESO retains permanent title to property with demilitarization (DEMIL) Code of B, C, D, F, G, and Q; and property, regardless of demilitarization code, that was specifically identified in the Law Enforcement Equipment Working Group Report from May 2015, created pursuant to Executive Order 13688 (EO). 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 1033 Program, is the sole responsibility of the LEA.
- B. State and LEAs are not authorized to transfer or turn-in property issued under the LESO 1033 Program without State and DLA Disposition Services LESO approval. Property will not physically move until the approval process is complete.

## **XI. EQUIPMENT SERVICE**

Property obtained under the 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 1033 Program, is the sole responsibility of the LEA.

## **XII. ADDITIONAL 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: Small Arms Justification Form**

Law Enforcement Agency (LEA)  
**LESO Program Small Arms Justification**

(The four justification points must be addressed in sequential order and on agency letterhead)

Agency Name: \_\_\_\_\_

1. What is the intended purpose/use of the requested small arm(s)?

\_\_\_\_\_

2. Does the LEA certify having a Training Plan/Safety Standards that covers the use of the requested small arms?

**Circle One:** Y / N

3. Does the agency have adequate security measures and a policy in place that reduces the potential for loss/theft?

**Circle One:** Y / N

4. Does the agency have a policy in place for issuance to maintain a chain of custody, with signature for proper accountability?

**Circle One:** Y / N

\_\_\_\_\_  
Signed by LEA Chief Law Enforcement Official

Typed name

Title

Law Enforcement Agency

\_\_\_\_\_  
Signed by LEA Weapons POC  
(if applicable)

Typed name

Title

Law Enforcement Agency

\_\_\_\_\_  
Signed by  
State Coordinator/Designee with signature authority

Typed name

Title



# 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/  
 HEAD OF FEDERAL AGENCY \_\_\_\_\_ DATE: \_\_\_\_\_  
 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)

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

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/  
HEAD OF FEDERAL AGENCY \_\_\_\_\_ DATE: \_\_\_\_\_  
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/  
 HEAD OF FEDERAL AGENCY \_\_\_\_\_ DATE: \_\_\_\_\_  
 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: PRINTED NAME \_\_\_\_\_ DATE: \_\_\_\_\_  
 \_\_\_\_\_ 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): \_\_\_\_\_

# ATTACHMENT F: Form 3003.3.6: DEMIL Prep Memo

**LAW ENFORCEMENT AGENCY LETTER HEAD**

TO: DLA Law Enforcement Support Office  
74 N. Washington Ave  
Battle Creek, MI 49037

SUBJECT: DEMILITARIZATION PREPARATION RESPONSIBILITIES

Chief Law Enforcement Executive Officials receiving Mine Resistant Ambush Protected (MRAP) vehicles are responsible for all **costs** associated with the demilitarization preparation prior to turn-in of the vehicle.

Prior to returning the MRAP back to DLA, instructions will be provided by DLA LESO specifying the demilitarization preparation requirements for each MRAP variant.

I, \_\_\_\_\_, Chief Law Enforcement Official for  
print name

\_\_\_\_\_, have been informed that there will  
print law enforcement agency name

be demilitarization preparation requirements and accept responsibility for all **costs** and demilitarization preparation at the end of life-cycle cost associated with the turn-in of our agency's MRAP. This may include, but is not limited to, the removal of the Spall Liner, Fire Suppression System, and Armored Panels.

\_\_\_\_\_ Date: \_\_\_\_\_  
Chief Law Enforcement Official  
(Sign, date and return to the DLA LESO office)