



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING INSTRUCTION

1033 LAW ENFORCEMENT SUPPORT OFFICE (LESO) PROGRAM

ISSUED: October 11, 2023

EFFECTIVE: October 11, 2023

REVIEWED/APPROVED BY:
Assistant Chief Steven Johnson
DATE: August 20, 2023

ACTION: Amends SOI (April 22, 2022)

WILEAG STANDARD(S): NONE

I. PURPOSE

The purpose of this standard operating instruction is to establish guidelines for the acquisition, inventory, dissemination, use, maintenance and disposal of all federally-acquired equipment obtained through the 1033 Law Enforcement Support Office (LESO) Program.

II. POLICY

The Milwaukee Police Department, along with the Tactical Enforcement Unit (TEU), uses federally-acquired equipment to conduct a variety of law enforcement operations including, but not limited to, hostage rescue, special operations, response to threats of terrorism, fugitive apprehension, search and rescue, and response to natural disasters. Upon the acquisition of federally-acquired controlled equipment, the TEU and other entities within the Milwaukee Police Department shall use such equipment in a way that keeps its communities and personnel safe while also protecting the rights of community members.

III. PROGRAM BACKGROUND

The National Defense Authorization Act of 1997 permits the Department of Defense (DOD) 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, and the 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 Milwaukee Police Department after one year. All other items, including certain vehicles and firearms, are conditionally transferred and must be returned if no longer needed.

IV. DEFINITIONS

A. DEMILITARIZATION (DEMIL)

Demilitarization codes are used to indicate the degree of required physical destruction, identifies items requiring specialized capabilities or procedures, and identifies items which do not require DEMIL but may require Trade Security Controls. It is used throughout the life-cycle of the property to identify control requirements required before release from DOD control.

B. FEDERALLY-ACQUIRED EQUIPMENT

Any equipment or items obtained by the Milwaukee Police Department through the 1033 program.

C. STATE PLAN OF OPERATION (SPO)

Agreement entered into annually between the State of Wisconsin and the Milwaukee Police Department. This agreement sets forth terms and conditions with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC.2576a in order to promote the efficient and expeditious transfer of property and to ensure accountability of the same.

D. TACTICAL ENFORCEMENT UNIT (TEU) COORDINATOR

The TEU supervisor designated by the commander of the Specialized Patrol Division to administer the 1033 program. The commander of the Specialized Patrol Division shall also designate up to four (4) designees to assist the TEU coordinator.

V. PROGRAM COMPLIANCE

- A. As a participant in the 1033 program, the department may be subject to selection in LESO compliance reviews. In addition to this requirement, LESO requires that the State of Wisconsin conduct an annual 5% program compliance review to ensure accountability, program compliance and validate annual inventory submissions are accurate.
- B. The TEU coordinator is responsible for ensuring the required annual certification of inventory, as identified in the Federal Excess Property Management Information System (FEPMIS) inventory, is completed. LESO requires the use of the FEPMIS tool to manage inventories.

VI. 1033 PROGRAM ENROLLMENT

- A. The TEU coordinator shall submit the application for participation on an annual basis. The enrollment year is defined as January 1st to December 31st.
- B. The TEU coordinator shall submit the application and enrollment fee to the State of Wisconsin coordinator to ensure the department can procure equipment during the enrollment year.
- C. The TEU coordinator / Specialized Patrol Division commander shall submit an updated application for participation within 30 days of any changes related to the TEU coordinator or designees.

VII. PROCUREMENT

- A. The TEU coordinator, and the designees selected by the commander of the Specialized Patrol Division, will be the only personnel authorized to receive federally-acquired equipment through this program. An annual Wisconsin State Plan of Operation (SPO)

agreement is required to be approved and signed by the Chief of Police for the department to remain active in the 1033 program.

B. The department shall obtain approval by resolution from the City of Milwaukee Common Council prior to attempting to procure the following weapons or equipment through the 1033 program:

1. Armored personnel carriers
2. Grenade launchers
3. Rubber or plastic bullets
4. Heavy body armor
5. Batons
6. Submachine guns
7. Heavy entry tools
8. Flashbang grenades
9. Arms to fire rubber or plastic bullets
10. Tear gas
11. Ballistic / riot shields or helmets
12. Assault or sniper rifles
13. Long range acoustic devices
14. Advanced night vision optics
15. Any other weapon or equipment typically employed by military entities in the course of armed conflict or for protection during armed threat.

Note: The items listed in this section shall not be acquired with the intention to be used for crowd management purposes or be used for crowd management purposes after the equipment is acquired. This section does not apply to equipment procured for daily and routine use by a police officer in the course of executing the officer's normally assigned duties.

C. The TEU coordinator shall follow state and federal guide lines when acquiring federal equipment through the 1033 program.

VIII. 1033 PROGRAM PROPERTY CODES

- A. DEMIL A and DEMIL Q6 property is considered "general property." Ownership or title to general property will pass from the federal government to the Milwaukee Police Department one year from the ship date. This includes items such as office supplies, medical supplies, tourniquets, boats, ATVs, gym equipment, pickup trucks, and computers (e.g., any items that could be commercially procured by a civilian).
- B. DEMIL B, C, D, F and Q property is "controlled property".
1. The following items shall be treated as controlled property regardless of demilitarization code:
 - a. Manned Aircraft, fixed or rotary wing
 - b. Unmanned Aerial Vehicles
 - c. Wheeled Armored Vehicles
 - d. Wheeled Tactical Vehicles
 - e. Command and Control Vehicles
 - f. Specialized Firearms and Ammunition Under .50 Cal (excluding firearms and ammunition for service-issued weapons)
 - g. Explosives and Pyrotechnics
 - h. Breaching Apparatus
 - i. Riot Batons
 - j. Riot Helmets
 - k. Riot Shields
 2. Title/ownership of controlled property never passes from the federal government to the Milwaukee Police Department. This property is always tracked and subject to compliance, audit, recall, etc. by the State of Wisconsin or federal office for as long as it is in possession of the Milwaukee Police Department. This property must be returned to the military when no longer needed by the department. These items include weapons, armored vehicles, night vision, rifle parts, etc.
- C. PROPERTY STATUS
1. "Assigned property" is any property that is included in the department's active property book. This includes all controlled property in the department's possession, as well as any DEMIL A or Q6 property received within the past year.

2. "Closed property" that is DEMIL A/Q6 means that this property has passed the one year mark from ship date and title/ownership of this type of property has fully passed from the federal government to the Milwaukee Police Department.

D. For further guidance regarding the 1033 program, see [Wisconsin Emergency Management Directive Number 3003.3](#) (1033 Program Controlled Equipment).

IX. ANNUAL INVENTORY CERTIFICATION

A. The TEU coordinator is required to conduct an annual inventory certification of controlled property, which includes DEMIL "A" for one (1) year from ship date. Annual inventories shall be completed by January 31 for the prior fiscal year. The fiscal year is defined as October 1 through September 30. The TEU coordinator must submit certified inventories by the date established by the State of Wisconsin coordinator in order to meet the January 31 deadline.

B. The TEU Coordinator shall:

1. Complete the annual physical inventory as required.
2. Provide serial numbers and photographs identified in the annual inventory process for inclusion in the 1033 program property accounting system for all controlled property. Controlled property (equipment) includes any property that has a Demilitarization (DEMIL) Code of B, C, D, E, F, G, and Q3. A photograph will suffice for equipment that does not contain a serial number, such as riot control or breaching equipment.
3. Certify the accountability of all controlled property received through the 1033 program annually by conducting and certifying the physical inventory.
4. Submit annual certified inventories by January 31 to the State of Wisconsin coordinator.
 - a. A front or side and date plate photograph is required of all aircraft and tactical vehicles that are serial number controlled or received through the 1033 program.
 - b. Photographs of serial numbers for each small arm received through the 1033 program.
 - c. Photographs of other general property may be required as needed.
5. Failure to submit the annual inventory by the deadline may result in the department being suspended from operations with the 1033 program. Additional failure to submit the certified annual inventory may result in the department's termination from the 1033 program.
6. High profile commodities (aircraft, tactical vehicles and small arms) and high awareness (controlled) property are subject to additional controls.
7. The TEU coordinator shall keep a record of all requests and searches conducted for

equipment for the 1033 program.

8. The TEU coordinator shall issue all consumable items to the individual member and track the issued items electronically in the N: drive.

C. PROGRAM EXPENSES

The department will bear all expenses related to the repossession, transfer, or turn-in of 1033 program controlled property to a different law enforcement agency or the nearest Defense Logistics Agency (DLA) disposition service site.

X. CARE OF FEDERALLY-ACQUIRED EQUIPMENT

- A. It will be the responsibility of the Milwaukee Police Department and its members to maintain their equipment in the best condition possible. In addition to the State of Wisconsin requirements, MPD shall maintain a database with photographs of 1033 program equipment in the N: drive.
- B. Any property missing, lost, stolen, damaged, or destroyed must be reported to the State of Wisconsin coordinator and DLA Disposition Services LESO.
 1. Controlled property must be reported to the State of Wisconsin and the LESO within twenty-four (24) hours of being reported missing, lost, or stolen including DEMIL "A" items that are considered controlled items in Paragraph III (E) of the State Plan of Operations (SPO).
 2. In the case of lost, missing, or stolen property the TEU coordinator shall:
 - a. Report lost, missing, or stolen property to the State of Wisconsin within twenty-four (24) hours.
 - b. Enter any missing weapon information (including serial number) in the National Crime Information Center (NCIC).
 - c. Complete the required report(s) in the Records Management System (RMS).
 - d. Conduct an internal investigation to determine cause. If the TEU coordinator determines there was a possible violation of department policy or the Code of Conduct, he/shall conduct an investigation pursuant to SOP 450 – Personnel Investigations.
 - e. Submit all requested documentation to the State of Wisconsin's Coordinators Office.



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