

Law Enforcement Use of Military Equipment from the Federal 1033 Program

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Issue

Provide (1) an overview of the federal program which allows law enforcement agencies to receive certain military equipment and (2) a summary of Connecticut's new law limiting the use of this equipment.

Summary

[The National Defense Authorization Act of 1997](#), § 1033, allows the Department of Defense (DoD) to transfer certain military property to federal, state, and local law enforcement agencies. The Defense Logistics Agency (DLA) administers the program, commonly referred to as the "1033 Program," and there is a specific requisition process a law enforcement agency must follow to be approved to receive the property, including stating why the request is justified. A broad range of equipment is available through the program, such as office equipment, weapons, and vehicles, but DoD prohibits certain items from transfer due to their tactical military characteristics.

A new Connecticut law prohibits state and municipal law enforcement agencies from acquiring certain military equipment. It also (1) allows the governor's office and the Department of Emergency Services Public Protection (DESPP) commissioner to require law enforcement agencies to sell, transfer, or dispose of the equipment and (2) prohibits agencies that can keep the equipment from using it for crowd management or intimidation tactics ([PA 20-1](#), July Special Session (JSS)).

Federal 1033 Program

Under federal law, through “the 1033 Program,” the DoD secretary may transfer to law enforcement agencies certain excess military property he determines is suitable for use in law enforcement activities ([10 U.S.C. § 2576a](#)).

General categories of equipment offered for transfer include, among other things, office furniture and equipment, kitchen and exercise equipment, portable electric generators, general law enforcement supplies (e.g., handcuffs, riot shields, holsters, binoculars, and digital cameras), heavy equipment (e.g., cranes), various vehicles (e.g., watercraft and aircraft), and weapons.

For a state and its local law enforcement agencies to participate in the program, the state’s governor must execute a Memorandum of Agreement (MOA) and appoint a state 1033 Program coordinator. The state coordinator is responsible for approving law enforcement agencies to participate in the program and ensuring proper oversight. [Connecticut’s current coordinator](#) is Major General Evon, the Adjutant General of the Connecticut National Guard.

For more information about the program, including a link to the respective public information page which has the most recent list of property held by participating agencies, see DLA’s [FAQ website](#).

Requisition Process

Once in the program, law enforcement agencies can review excess DoD inventory and make requests for property through a specific requisition process.

A law enforcement agency must first submit its requests to the state coordinator and justify the request. If the coordinator approves the request, he or she submits it to DLA’s Law Enforcement Support Office (LESO) for additional review. While LESO reviews the type requested property, quantity available, and justification before releasing items from the property inventory, it relies on the state coordinator’s judgment for the rationale of a law enforcement agency’s request.

A request may be denied if the (1) state coordinator or LESO determines there is insufficient justification; (2) coordinator, LESO, or the Department of Justice have placed limitations on the requesting agency for reasons such as being at their property allocation limit or having overdue actions related to accountability or other violations of the MOA; or (3) requesting law enforcement agency is on punitive status (i.e., restricted or suspended).

The receiving law enforcement agency must cover the property transfer’s transportation costs.

Prohibited Items

The federal government prohibits the transfer of 133 federal stock classes of supply to law enforcement agencies due to their tactical military characteristics. The prohibited equipment includes aircraft, vessels, or vehicles that inherently contain weaponry (e.g., tanks, Bradley fighting vehicles, armed drones); crew served/large caliber (at least .50 caliber) weapons and ammunition; military uniforms; body armor; Kevlar helmets; and explosives or pyrotechnics. Additionally, program aircraft and vehicles must be “demilitarized,” meaning that specific military technology is removed before being transferred to law enforcement agencies.

Connecticut Law

A law passed in 2020 prohibits the State Police and municipal police departments (i.e., “law enforcement agencies”) from acquiring certain military equipment after July 31, 2020 ([PA 20-1](#) JSS, § 40).

The prohibited equipment, referred to as “controlled equipment,” is military designed equipment classified by DoD as part of the 1033 Program that is:

1. a controlled firearm, ammunition, bayonet, grenade launcher, grenade, including stun and flash-bang, or an explosive;
2. a controlled vehicle, highly mobile multi-wheeled vehicle, mine-resistant ambush-protected vehicle, truck, truck dump, truck utility, or truck carryall;
3. an armored or weaponized drone;
4. a controlled aircraft that is combat configured or combat coded or has no established commercial flight application;
5. a silencer;
6. a long-range acoustic device; or
7. an item in the federal supply class of banned items.

Under the new law, by December 31, 2020, each law enforcement agency must report to the Judiciary and Public Safety and Security committees on its inventory of controlled equipment as of July 31, 2020. The agency must also report (1) the equipment’s use or proposed use and (2) whether it is necessary for (A) the agency’s operation or safety or (B) natural disaster relief or rescue efforts or other public safety purposes.

The law allows the governor's office and the DESPP commissioner to order a law enforcement agency to lawfully sell, transfer, or otherwise dispose of controlled equipment if they jointly find it is unnecessary for public protection. A municipal police department may request that the governor's office and commissioner reconsider the order. They may amend or rescind the order if the police department (1) had a public hearing in the municipality it serves on the reconsideration request and (2) shows that the equipment is necessary for the purposes stated above.

The governor's office and DESPP commissioner must also notify the Judiciary and Public Safety and Security committees of controlled equipment that is ordered sold, transferred, or otherwise disposed of.

Lastly, the new law prohibits law enforcement agencies that can keep controlled equipment from using it for crowd management or intimidation tactics.

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