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Joint Committee on Finance

Paper #447

Military Property Program (Military Affairs)

[LFB 2017-19 Budget Summary: Page 302, #7]

CURRENT LAW

Section 1033 of the National Defense Authorization Act of 1997 permits the federal Department of Defense (DOD) to transfer excess military property to eligible state and local law enforcement agencies (LEAs) for use in counter-drug, counter-terrorism, and other law enforcement activities. Law enforcement agencies are eligible to participate in the program if the agency's primary function is the enforcement of applicable federal, state, and local laws, and its compensated full-time law enforcement officers have arrest and apprehension powers. The federal government does not charge receiving law enforcement agencies for the equipment itself, but the receiving agencies are responsible for costs associated with the transportation, upkeep, and disposal of equipment, as well as insurance. In addition, in Wisconsin, the Department of Military Affairs' Division of Emergency Management (commonly referred to as Wisconsin Emergency Management -- WEM) requires agencies to pay an annual enrollment fee to participate in the program, totaling between \$150 and \$1,000, depending on the size of the agency.

Excess military property available under the military property program (also known as the 1033 program) includes tactical and utility vehicles, firearms, as well as a variety of equipment, supplies, and tools. Certain items that have more strictly civilian applications typically become the property of receiving agencies after one year and there are no further tracking or reporting responsibilities associated with the equipment. All other equipment under the program, such as firearms and armored vehicles, are conditionally transferred, and the receiving agencies and the state have an ongoing responsibility to track and report this equipment to the federal government. All conditionally transferred equipment may be recalled by the federal government, and must be returned to the federal government or disposed of in compliance with federal regulations if no longer needed.

Effective November 14, 2013, the Governor designated WEM as the agency responsible for oversight of the state's participation in the program. In overseeing the program WEM ensures that participating law enforcement agencies are complying with federal regulations under the program and facilitates law enforcement agencies' acquisition of excess military property.

The Department utilizes a combination of GPR and program revenue to support the administration of the program. Program revenue funding is derived from annual enrollment fees charged participating law enforcement agencies. Program revenue is received in DMA's emergency management program services continuing PR appropriation. In addition to supporting the military property program, this appropriation is utilized to support the Regional Emergency All Climate Training (REACT) Center, conferences, training, and other services provided by WEM, as well as WEM's radiological emergency preparedness program.

GOVERNOR

Provide \$80,200 PR and 1.0 PR position annually to convert 1.0 existing program and policy analyst project position to a permanent position. The position currently manages the military property program, and has position authority through June 30, 2017. [Since the project position has position authority through June 30, 2017, the position was removed from DMA's base budget in preparation for the deliberation of the 2017-19 biennial budget.] Funding and position authority would be provided to DMA's program services continuing PR appropriation.

DISCUSSION POINTS

Background

1. In order to participate in the 1033 program, a state must sign a Memorandum of Agreement with DOD's Defense Logistics Agency. Under the agreement, failure to meet requirements related to compliance, inventory, reporting, and recordkeeping will result in the suspension or termination of the state's participation.

2. Prior to 2013 Act 20, the 1033 program was administered by the Department of Administration's (DOA) Office of Justice Assistance (OJA). Under Act 20, OJA was dissolved and administration of the 1033 program was transferred from OJA to DMA. In addition, effective November 14, 2013, the Governor designated WEM as the overseeing agency for the state's participation in the 1033 program.

3. In overseeing the 1033 program, WEM is responsible for ensuring that the state and participating law enforcement agencies comply with federal law governing the state's participation in the program. As part of this responsibility, WEM staff completes an onsite review of each law enforcement agency that possesses conditionally transferred property under the program (property that may be recalled by the federal government). The Department also maintains an up-to-date list of property which: (a) will be unconditionally transferred to the receiving law enforcement agency after one year; and (b) is conditionally transferred, and must be tracked on an ongoing basis until

recalled by or returned to the federal government, or disposed of in accordance with federal regulations.

4. In addition, WEM staff: (a) communicate with and register participating law enforcement agencies; (b) identify, acquire, distribute, and dispose of military property; (c) review 1033 property requests submitted by law enforcement agencies; (d) maintain a website identifying information about the program; and (e) maintain inventory and other records.

5. Under the 1033 program, excess military property is available from the federal Department of Defense on a "where is, as is" basis. The program provides a wide variety of excess equipment to law enforcement agencies, including: (a) clothes; (b) boots; (c) blankets; (d) first aid supplies; (e) body armor and other protective equipment; (f) tools; (g) office supplies (including storage cabinets, chairs, copiers, printers, fax machines, lamps, and telephones); (h) cameras; (i) video cameras; (j) computers; (k) televisions; (l) boats; (m) vehicles; (n) all-terrain vehicles; (o) mine resistant ambush protection vehicles (MRAPs); and (r) weapons.

6. Generally, law enforcement agencies seeking to acquire excess military property may submit a request through a website managed by DOD. If a law enforcement agency is seeking to procure small arms from the program, the request must be made directly through WEM, as opposed to through the DOD's website. In addition, program equipment that has been received by a law enforcement agency may be transferred to another law enforcement agency. Whether a law enforcement agency is requesting property through DOD's website, directly through WEM, or through a transfer from another law enforcement agency, WEM staff review each request for equipment to ensure the following: (a) the requesting agency is a law enforcement agency; (b) the agency has or will pay the enrollment fee as well as any necessary transportation costs; (c) the agency is compliant with program requirements; (d) the agency has provided justification for receiving the property; and (e) the agency is not requesting more equipment than its number of officers warrant.

7. Certain items that have more strictly civilian applications become the property of receiving agencies after one year and there are no further tracking or reporting responsibilities associated with the equipment. All other equipment under the program, such as firearms or MRAPs, is conditionally transferred, and the receiving agencies and the state have an ongoing responsibility to track and report this equipment to the federal government. All conditionally transferred equipment may be recalled by the federal government, and must be returned to the federal government or disposed of in compliance with federal regulations if no longer needed.

8. In partial response to growing concerns over certain federal programs that provide excess military equipment to law enforcement agencies (including the 1033 program), the President of the United States issued Executive Order (EO) 13688 on January 16, 2015. The EO established an interagency Law Enforcement Equipment Working Group (Working Group) to, "...provide specific recommendations to the President regarding actions that can be taken to improve the provision of Federal support for the acquisition of controlled equipment by LEAs..."

9. In May, 2015, the Working Group issued its recommendations, which generally became effective in October, 2015. The Working Group's recommendations included, but were not

limited to, the following: (a) prohibiting the transfer of certain equipment to LEAs, including tracked armored vehicles, weaponized aircraft or vehicles, firearms and ammunition of 0.50 caliber or higher, grenade launchers, bayonets, and camouflaged uniforms (note that this recommendation took effect in May, 2015); (b) providing that in requesting certain equipment of a lethal nature or that may have a potential negative effect on the community (such as weapons, armored and tactical vehicles, and riot gear), the requesting agency must submit a detailed justification outlining their need for procuring the equipment and certifying that agency controls are in place to prevent the misuse of equipment; (c) requiring LEAs that acquire controlled equipment to adopt robust and specific written policies and protocols governing general policing standards and specific controlled equipment standards, (d) requiring LEAs that acquire controlled equipment to ensure that its personnel are appropriately trained to utilize the equipment; and (e) requiring LEAs to collect and retain certain information related to the use of controlled equipment when the use of such equipment results in a "significant incident." Appendix I provides a more complete list of the recommendations of the Working Group.

10. As of January, 2017, there were 566 LEAs in Wisconsin with certified law enforcement officers. In calendar year 2016, 48 Wisconsin LEAs were enrolled in the 1033 program, and in calendar year 2017 (through March, 2017), 37 LEAs were enrolled in the 1033 program. Note that an agency is "enrolled" in the program during a calendar year if it pays an enrollment fee to procure new equipment for the program during that calendar year. In total, WEM staff indicates that there are 187 active LEAs currently participating in the 1033 program. For the purposes of the 1033 program, an LEA is "participating" in the program if the LEA has an active DOD Activity Address Code to identify the agency as having active authority to requisition property and the LEA has a current State Plan of Operations contract on file with WEM. Notably, LEAs "participating" in the program include those agencies that may not have procured new equipment under the program in a given year, but have conditionally transferred property from previous years that must be continually tracked and reported.

11. Appendix II provides the following information regarding the property acquired under the 1033 program by Wisconsin LEAs on a conditional or unconditional basis during fiscal year 2015-16: (a) a description and quantity of the property acquired; (b) the law enforcement agency that acquired the property; and (c) whether the property was transferred on a conditional or unconditional basis. Appendix III provides a list of all high-priority conditional equipment, including firearms and vehicles, in the possession of Wisconsin law enforcement agencies, as of March 13, 2017.

12. The original acquisition value of the property received under the 1033 program by Wisconsin LEAs in 2015-16 totaled \$2,909,700. The original acquisition value of all conditionally property currently in the possession of Wisconsin LEAs, as well as unconditionally transferred property received since February 6, 2016, totals \$34,733,900.

13. At the May 6, 2014, s. 13.10 meeting, the Finance Committee transferred \$92,500 GPR annually from DOA to DMA in order for DMA to administer the 1033 program. The funding was intended to make annual payments to the Wisconsin Technical College System Foundation, Inc. (WTCSF), who assisted in the administration of the 1033 program at that time. On May 19,

2014, WTCSF sent a letter to the Secretary of DOA as well as the Director of WEM indicating that the Foundation would no longer continue to contract to operate the 1033 program after June 30, 2016. Accordingly, under 2015 Act 55, DMA was provided \$97,300 GPR in 2015-16 and \$85,200 GPR in 2016-17 in order to take over all responsibilities of administering the 1033 program.

14. In total, DMA's GPR funding for the 1033 program in 2016-17 is \$177,700 GPR (\$92,500 GPR from the May, 2014, s. 13.10 hearing and \$85,200 GPR from 2015 Act 55). This funding is utilized to support personnel, program compliance, database management, inventory control, and help desk functions associated with WEM's administration of the 1033 program.

15. The Department also receives program revenue from annual enrollment fees charged by WEM to law enforcement agencies for participation in the 1033 program. These fees are identified in Table 1. In fiscal year 2015-16, WEM generated \$13,100 PR in enrollment fees under the program, while in fiscal year 2016-17 (through March, 2017) WEM has generated \$13,100 PR in enrollment fees. In addition to enrollment fees, WEM received \$113,100 PR from the WTCSF in 2015-16 when full administration of the program was transferred to WEM. The funding transferred from the Foundation to WEM related to the 1033 program budget that the Foundation accrued over several fiscal years. In total, at the end of 2015-16, the 1033 program had accrued a program revenue balance of \$126,100.

TABLE 1

1033 Program Enrollment Fees for Wisconsin Law Enforcement Agencies

<u>Number of Sworn Officers</u>	<u>Enrollment Fee</u>
0 thru 49	\$150
50 thru 99	300
Over 99	600
State agencies	1,000

16. On February 25, 2016, DOA, on behalf of DMA, requested the creation of 1.0 permanent program and policy analyst PR position in WEM's program services appropriation in order to support DMA's administration of the 1033 program, under s. 16.505 of the statutes. As requested by DMA, the position was to be supported by the one-time transfer of revenue totaling \$113,100 PR from the WTCSF to DMA in 2015-16. Due to the one-time nature of the funding source for the position, the Committee approved DMA's request (on March 16, 2017) to create 1.0 program and policy analyst PR positions, subject to the condition that the position was created as a project position through June 30, 2017.

17. The Department has utilized its GPR funding for the 1033 program, as opposed to program revenue, to support the PR project position authorized by the Finance Committee. The Department indicates that it utilized GPR funding to support the PR project position because it did not want to deplete the one-time balance of PR funds that it received from the WTCSF. In addition, the Department does not currently utilize ongoing program revenue received from 1033 program enrollment fees to support the 1033 program. Instead, the Department indicates that it accruing this

funding in case additional costs arise related to the 1033 program or the REACT Center.

Provisions Under the Bill

18. As initially requested by DMA in its agency budget request, the Governor's recommends providing DMA with \$80,200 PR and 1.0 PR position annually to convert 1.0 program and policy analyst project position that is set to expire on June 30, 2017, to a permanent PR position. Program revenue for the position would be supported by enrollment fees paid by law enforcement agencies, as well as the program revenue balance accrued by DMA related to the 1033 program.

19. The program and policy analyst position that is at issue is responsible for administering the state's participation of the 1033 program. The position's duties include, but are not limited to: (a) providing support, training, and technical assistance to LEAs that participate in the program; (b) collaborating with the DOD and LEAs to procure, track, and keep inventory of property; (c) review requests for property from LEAs; (d) ensuring that the state is in compliance with federal program regulations; (e) maintaining state program records for each LEA that is involved in the program; and (f) managing limited-term employees that perform compliance visits. In addition to the program and policy analyst position, WEM utilizes four limited-term employees to visit LEAs that participate in the program to ensure program compliance.

20. The 1033 program provides equipment to state and local law enforcement agencies at a minimal cost. In many cases, this equipment is beyond the fiscal means of the agency receiving the equipment. To this point, with regards to several federal programs that provide equipment to law enforcement agencies, the Law Enforcement Equipment Working Group established by presidential EO 13688 indicates the following in its May, 2015, report:

"The purpose of providing this equipment to LEAs via Federal programs is to enhance and improve the LEAs' mission to protect and serve their communities. Equipment provided through Federal sources has become a critical component of LEAs' inventory, especially as fiscal challenges have mounted and other sources of equipment and funding have diminished. LEAs rely on Federally-acquired equipment to conduct a variety of law enforcement operations including hostage rescue, special operations, response to threats of terrorism, and fugitive apprehension. Use of Federally-acquired equipment also enhances the safety of officers who are often called upon to respond to dangerous or violent situations; being improperly equipped in such operations can have life-threatening consequences, both for the law enforcement personnel and the public they are charged with protecting."

21. In recognition of assistance the 1033 program provides to law enforcement agencies, as well as the Department's need for a position to administer the program, the Committee could approve the Governor's recommendation and provide DMA with \$80,200 PR and 1.0 permanent PR position [Alternative 1].

22. While the bill provides DMA with a permanent PR position for the 1033 program, an ongoing program revenue source that is sufficient to support the position after the 2017-19 biennium does not exist. As discussed above, the Department received \$13,100 PR in enrollment fees from LEAs in 2015-16. In addition, DMA received a one-time transfer of \$113,100 PR from

the WTCSF when WEM assumed full administrative-responsibilities of the program. At the end of the 2015-16, the 1033 program concluded with a program revenue balance of \$126,100 (the Department spent \$100 from the program revenue balance in 2015-16). Given the program's current fee structure, this balance, along with future enrollment fees, could only support the position through the 2017-19 biennium.

23. Further, in 2015-16, DMA did not utilize its program revenue balance to support the PR project position that was authorized by the Finance Committee under s. 16.505 of the statutes on March 16, 2017. Instead, DMA utilized existing GPR resources to support the position so that it would not deplete the program revenue balance for the 1033 program.

24. Given the lack of an ongoing program revenue funding source for the recommended PR position, if the Committee decided to provide DMA with 1.0 PR position to administer the 1033 program, the Committee could authorize the position as a project position, as opposed to a permanent position, with position authority through June 30, 2019. In addition, the Committee could reduce DMA's base budget by \$80,200 GPR annually during the 2017-19 biennium in recognition of the fact that DMA would no longer utilize GPR to support the position [Alternative 2]. This alternative would decrease GPR funding under the bill by \$80,200 GPR annually.

25. On the other hand, if the Committee approves a project position with position authority through June 30, 2019, the Department will likely need to request additional resources to administer the 1033 program in the 2019-21 biennial budget. The Department currently utilizes GPR resources to support the costs of the PR position. Therefore, in order to provide ongoing position authority to DMA to administer the 1033 program, the Committee could provide DMA with 1.0 GPR position to support the 1033 program, and no additional funding. In addition, given that DMA does not currently utilize its program revenue balance associated with the 1033 program, the Committee could require that DMA lapse \$126,100 PR from its program services PR appropriation to the general fund in 2017-18 [Alternative 3]. Under this alternative, DMA would continue to utilize its existing GPR resources to support the program and policy analyst position. Further, DMA could continue to collect enrollment fees from LEAs participating in the 1033 program, and utilize that fee revenue to support any unknown increases in costs for ensuring 1033 program compliance. This alternative would modify the bill by -\$80,200 PR and -1.0 PR position annually and 1.0 GPR position. In addition, this alternative would increase general fund revenue by \$126,100.

26. Alternatively, the Committee could decide to maintain current law and not provide DMA additional resources to administer the 1033 program [Alternative 4]. In recent years, concerns have been expressed about the increasing use of military equipment in local policing. It has been argued that the use of this equipment may create a strain on the relationship between police forces and the public. Therefore, the Committee could decide that it does not wish to provide DMA funding and position authority to administer the program.

27. If the Committee decides to not provide DMA any resources to administer the program, and, as a result, the state's involvement in the 1033 program is discontinued, there would be costs to the state and local governments since all federal property conditionally provided under the 1033 program would have to be either returned to the federal government or disposed. Further, DMA would incur costs associated with overseeing the logistics of eliminating the program. In

order to mitigate these costs, DMA could utilize its base GPR budget of \$177,700 GPR, as well as the program revenue funds it has accumulated from enrollment fees and the one-time transfer from WTCSF. However, it should be noted that a clear estimate of the costs associated with eliminating the program does not exist.

ALTERNATIVES

1. Include the Governor's recommendation and provide the Department of Military Affairs \$80,200 PR and 1.0 permanent PR position annually to DMA's emergency management services program services PR appropriation to support one program and policy analyst position who would administer of the 1033 program.

ALT 1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
PR	\$160,400	1.00	\$0	0.00

2. Provide DMA with \$80,200 PR and 1.0 project PR position annually with position authority through June 30, 2019, to DMA's program services appropriation to support one program and policy analyst position who would administer the 1033 program. In addition, reduce funding to DMA's emergency management services general program operations appropriation by \$80,200 GPR annually.

ALT 2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	- \$160,400	0.00	- \$160,400	0.00
PR	<u>160,400</u>	<u>1.00</u>	<u>0</u>	<u>0.00</u>
Total	\$0	1.00	- \$160,400	0.00

3. Provide DMA's emergency management services general program operations GPR appropriation 1.0 GPR position in order to support one program and policy analyst position who would administer the 1033 program. In addition, require DMA to lapse \$126,100 from its program services PR appropriation to the general fund in 2017-18.

ALT 3	Revenue	Change to Base		Change to Bill		
		Funding	Positions	Revenue	Funding	Positions
GPR	\$0	\$0	1.00	\$126,400	\$0	1.00
PR		<u>0</u>	<u>0.00</u>		<u>- 160,400</u>	<u>- 1.00</u>
Total		\$0	1.00		- \$160,400	0.00

4. Maintain current law.

ALT 4	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
PR	\$0	0.00	- \$160,400	- 1.00

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Appendices

APPENDIX I

Recommendations of the Federal Law Enforcement Equipment Working Group

On January 16, 2015, the President of the United States issued Executive Order 13688, establishing the Law Enforcement Equipment Working Group, which was charged with developing recommendations to improve the provision of federal support for the acquisition of controlled equipment by law enforcement agencies. The recommendations issued by the Working Group in May, 2015, follow. Unless otherwise noted, these recommendations took effect in October, 2015. [Note that these recommendations pertain to several federal programs that relate to the acquisition of federal property by law enforcement agencies (LEAs), and not only the 1033 program.]

- *Prohibited equipment list.* Prohibit the transfer of the following equipment or the purchase of such equipment with federally-provided funds: (a) tracked armored vehicles; (b) weaponized aircraft, vessels, and vehicles of any kind; (c) firearms and ammunition of 0.50 caliber or higher; (d) grenade launchers; (e) bayonets; and (f) camouflage uniforms. This recommendation took effect in May, 2015.

- *Controlled equipment list.* In order for LEAs to acquire certain controlled equipment, require LEAs to submit a detailed justification outlining their need for procuring the equipment and certifying that agency controls, such as training and equipment use policies and procedures, are in place to prevent the misuse of the equipment. These requirements apply to the acquisition of: (a) fixed-wing manned aircraft; (b) rotary wing manned aircraft; (c) unmanned aerial vehicles; (d) wheeled armored vehicles; (e) wheeled tactical vehicles; (f) command and control vehicles; (g) specialized firearms and ammunition under 0.50 caliber (excludes firearms and ammunition for service-issued weapons); (h) explosive and pyrotechnics; (i) breaching apparatus; (j) riot batons (excluding service-issued telescopic or fixed-length straight batons); (k) riot helmets; and (l) riot shields.

- *Policies and protocols.* Require LEAs that acquire controlled equipment through federal programs to adopt written policies and protocols governing general policing standards (including community policing, constitutional policing, and community input and impact considerations) and specific controlled equipment standards (including policies related to the appropriate use of controlled equipment, supervision of use, effectiveness evaluations, auditing and accountability, and transparency and notice considerations). In addition, upon request, LEAs are required to provide a copy of the general policing standards and specific controlled equipment standards to the federal agency that supplied the equipment or funds.

- *Training.* Require LEAs that acquire controlled equipment through federal programs to ensure that its personnel are appropriately trained and that the training meets the following requirements: (a) on an annual basis, all LEA personnel who may use or are authorized to use the controlled equipment must be trained on the LEA's general policing standards and specific controlled equipment standards; (b) LEA personnel who use controlled equipment must be

properly trained on, and have achieved technical proficiency in, the operation or utilization of the controlled equipment at issue; (c) to the extent possible, LEA trainings related to controlled equipment should include scenario-based training that combine constitutional and community policing principles with equipment-specific training; and (d) LEAs must retain comprehensive training records for a period of at least three years.

- *After-action review.* Require LEAs to collect certain information when law enforcement activity that involves a "significant incident" requires, or results in, the use of any federally-acquired controlled equipment in the LEA's inventory. A significant incident is defined as any law enforcement operation or action that involves: (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury; (c) a demonstration or other public exercise of first amendment rights; or (d) an event that draws, or could reasonably be expected to draw, a large number of attendees or participants, such as those where advanced planning is needed. If a significant incident occurs, require the LEA to retain information on the controlled equipment used in the significant incident, a description of the law enforcement operation involving the controlled equipment, identification of LEA personnel who used the equipment and, if possible, civilians involved in the incident, and the result of the controlled equipment use.

- *Application information.* In addition to application requirements mandated by individual federal acquisition programs, require LEAs to submit information in the following categories in order for an acquisition request to be approved: (a) a general description of LEA; (b) a justification for acquiring the controlled equipment; (c) the number of units of the requested controlled equipment that the LEA currently has in its inventory; (d) categories of other controlled equipment acquired through federal programs during the past three years; (e) whether the requested controlled equipment could be reasonably accessed through loans or mutual assistance or mutual aid agreements; (f) certification that the LEA has adopted required protocols and training or will adopt required protocols and training prior to the receipt of property; (g) evidence of civilian governing body's review and approval or concurrence of the LEA's acquisition of the requested property; (h) whether the requesting LEA has applied for this type of controlled equipment from another federal agency during the current fiscal year; (j) whether any prior application for controlled equipment has been denied during the past three years; and (k) whether the LEA has been found to be in violation of a federal civil rights statutes or programmatic term during the past three years.

- *Regional sharing.* Require the requesting LEA to indicate whether the requested controlled equipment is being acquired to provide a regional or multijurisdictional capability. If this is the case, the requesting agency must provide information on the regional sharing arrangement.

- *Transfer or sale of controlled equipment to other LEAs.* Authorize LEAs to transfer or sell any controlled equipment, except riot helmets and shields, to another LEA. If such a transfer is to occur, the LEA must first seek approval of the federal government.

- *Transfer or sale of controlled equipment to non-LEAs.* Provide LEAs may only transfer or sell the following types of controlled equipment to non-LEAs: (a) fixed wing aircraft; (b) rotary wing aircraft; and (c) command and control vehicles. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings, must be removed prior to transfer or sale. The LEA transferring or selling the equipment must receive approval from the relevant federal agency prior to transfer.

- *Return of controlled equipment.* Require LEAs that acquire controlled equipment through DOD's 1033 program must abide by its requirements governing the return and disposal of equipment.

- *Disposal of controlled equipment.* Require LEAs to abide by all applicable federal, state, and local laws, regulations, and programmatic terms when disposing of controlled equipment.

- *Permanent law enforcement equipment working group.* Form a permanent Federal Interagency Law Enforcement Equipment Working Group that meets regularly to support oversight and policy development functions for controlled equipment programs.

- *Sanctions for violations of controlled equipment programs.* Provide that for programmatic violations, the LEA will be suspended from acquiring additional controlled equipment through federal programs for a minimum of 60 days, and the suspension will continue until the federal agency determines that the violation has been corrected. For statutory violations, provide that the matter is referred for investigation to the federal agency's Office of Civil Rights or other appropriate compliance office, or the federal Department of Justice. If the investigation results in a finding that statutory law was violated, the LEA is to be sanctioned as prescribed by law. In addition, the LEA is suspended from acquiring additional controlled equipment through federal programs for a minimum of 60 days, and the suspension will continue until the federal agency determines that the violation has been corrected

APPENDIX II

Property Acquired Under the 1033 Program, 2015-16

<u>Law Enforcement Agency</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Conditional Property</u>
Appleton Police Dept.	Integrated, small arms illuminator	40	X
Bayfield County Sheriff's Dept.	Tent	2	
Clear Lake Police Dept.	Magazine pouch	8	
Clear Lake Police Dept.	Tactical assault panel	4	
Clear Lake Police Dept.	Magazine cartridge	17	X
Clear Lake Police Dept.	Ammunition magazine pocket	20	
Clear Lake Police Dept.	Textile bag	10	X
Clear Lake Police Dept.	Hydration carrier	10	
Clear Lake Police Dept.	First aid kit	10	
Clear Lake Police Dept.	Combat mobility kit	2	
Eau Claire County Sheriff's Dept.	Hand truck	1	
Eau Claire County Sheriff's Dept.	Folding stool	1	
Eau Claire County Sheriff's Dept.	Stake truck	1	
Eau Claire County Sheriff's Dept.	Carryall truck	2	
Eau Claire County Sheriff's Dept.	Case	5	
Eau Claire County Sheriff's Dept.	Motorcycles, motor scooters, or bicycle	1	
Eau Claire County Sheriff's Dept.	Trucks and truck tractors	1	
Eau Claire County Sheriff's Dept.	Snow blower	3	
Eau Claire County Sheriff's Dept.	Chest, top, or mobile tool cabinet	1	
Eau Claire County Sheriff's Dept.	Scaffolding ladder	2	
Eau Claire County Sheriff's Dept.	Mobile tool cabinet	1	
Eau Claire County Sheriff's Dept.	Trailer	1	
Eau Claire County Sheriff's Dept.	Loader	1	
Eau Claire County Sheriff's Dept.	All-terrain vehicle	3	
Eau Claire County Sheriff's Dept.	Motor scooter	1	
Eau Claire County Sheriff's Dept.	Cargo truck	2	
Eau Claire County Sheriff's Dept.	Earth moving and excavating equipment	1	
Eau Claire County Sheriff's Dept.	Cross trainer	2	
Eau Claire County Sheriff's Dept.	Athletic and other sporting equipment	1	
Eau Claire County Sheriff's Dept.	Cartridge container for assembly	10	
Eau Claire County Sheriff's Dept.	Ammunition chest	10	
Eau Claire County Sheriff's Dept.	Gardening implements and tools	1	
Greenfield Police Dept.	Mine resistant ambush protection vehicle	1	X
Greenfield Police Dept.	Pneumatic tire wheel	4	
Juneau County Sheriff's Dept.	Lock removal device	2	
Juneau County Sheriff's Dept.	All-terrain vehicle	1	
Juneau County Sheriff's Dept.	Tourniquet	45	
Juneau County Sheriff's Dept.	Integrated, small arms illuminator	25	X
Juneau County Sheriff's Dept.	Pneumatic tire wheel	4	
Kendall Marshals Office	Video recording and reproducing equipment	1	

<u>Law Enforcement Agency</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Conditional Property</u>
Kendall Marshals Office	Case	14	
Kendall Marshals Office	Generator	1	
La Crosse County Sheriff's Dept.	Non-ballistic protective, armor-carrying vest	9	X
Lyndon Station Police Dept.	Road clearing, cleaning, and marking equipment	1	
Lyndon Station Police Dept.	Wet weather poncho liner	20	
Lyndon Station Police Dept.	Landscape blower	2	
Lyndon Station Police Dept.	Cold weather shirt	10	
Lyndon Station Police Dept.	General mechanic's tool kit	1	
Lyndon Station Police Dept.	Mobile tool cabinet	2	
Lyndon Station Police Dept.	Miscellaneous maintenance and repair shop equipment	1	
Lyndon Station Police Dept.	Tent	1	
Lyndon Station Police Dept.	Impact, Electric wrench	1	
Madison Police Dept.	Unmanned vehicle	1	X
Madison Police Dept.	Telescope	12	X
Madison Police Dept.	Tourniquet	80	
Madison Police Dept.	Headlamp	16	
Madison Police Dept.	Pneumatic tire wheel	4	
Madison Police Dept.	Non-inverting infrared telescope	3	X
Madison Police Dept.	Thermal sight	1	X
Madison Police Dept.	Tactical robot	1	X
Marshfield Police Dept.	Light weapons kit	15	X
Marshfield Police Dept.	Weapon-mounted adapter rail	5	X
Marshfield Police Dept.	Safety goggles	20	
Marshfield Police Dept.	Sunglasses	26	
Marshfield Police Dept.	Rifle bipod	17	X
Marshfield Police Dept.	Non-inverting infrared telescope	5	X
Marshfield Police Dept.	Range finder laser	4	
Marshfield Police Dept.	Bipod adapter for assembly	2	X
Marshfield Police Dept.	Field pack	20	
Marshfield Police Dept.	Infrared receiver	4	X
Marshfield Police Dept.	Night vision sniper scope sight	1	X
Marshfield Police Dept.	Headset/microphone	5	
Marshfield Police Dept.	Mine resistant ambush protection vehicle	1	X
Marshfield Police Dept.	First aid kit	40	
Milwaukee Police Dept.	Reflex sight	83	X
Mondovi Police Dept.	Magazine cartridge	18	X
Mondovi Police Dept.	Thermal sight	1	X
Oak Creek Police Dept.	Reflex sight	29	X
Pierce County Sheriff's Dept.	Reflex sight	3	X
Pierce County Sheriff's Dept.	Night vision image intensifier	8	X
Pierce County Sheriff's Dept.	Integrated, small arms illuminator	11	X
Pierce County Sheriff's Dept.	Infrared illuminator	22	X
Pierce County Sheriff's Dept.	Night vision viewing set	5	X
Prescott Police Dept.	Small craft boat	1	
Prescott Police Dept.	Holographic sight	5	X

<u>Law Enforcement Agency</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Conditional Property</u>
Prescott Police Dept.	Receiver and transmitter for radio	1	X
Prescott Police Dept.	Radio and T.V. communication equipment	1	X
Prescott Police Dept.	All-terrain vehicle	1	
Reedsburg Police Dept.	Remote switching control	2	X
Saint Croix County Sheriff's Dept.	Safety and rescue equipment	4	
Saint Croix County Sheriff's Dept.	Wet weather poncho liner	84	
Saint Croix County Sheriff's Dept.	Trailer mounted electrical equipment	1	
Sturgeon Bay Police Dept.	Mouflage set	1	
Sturgeon Bay Police Dept.	Tool set	1	
Sturgeon Bay Police Dept.	Computer processing unit	8	
Sturgeon Bay Police Dept.	Storage rack for small arms	10	
Union Center Police Dept.	Generator set	1	
Union Center Police Dept.	Trailer mounted electrical equipment	1	
Union Center Police Dept.	All-terrain vehicle	1	
Union Center Police Dept.	Generator set	3	
Union Center Police Dept.	Power-driven hand tools	1	
Union Center Police Dept.	Washing machine	1	
Union Center Police Dept.	Side cabinet and mobile tool cabinet	2	
Union Center Police Dept.	Mobile tool cabinet	2	
Union Center Police Dept.	Creeper	1	
Union Center Police Dept.	Automotive vehicle shop equipment	1	
Union Center Police Dept.	Cabinets, lockers, bins, and shelving	1	
Union Center Police Dept.	Examining table	2	
Union Center Police Dept.	Miscellaneous maintenance and repair shop equipment	1	
Union Center Police Dept.	Trucks and truck tractors	1	
Waukesha Police Dept.	Pneumatic tire wheel	6	
Waupaca County Sheriff's Dept.	Elliptical	2	
Waupaca County Sheriff's Dept.	Treadmill	5	
Wis. Department of Natural Resources	Human remains pouch	5	
Wis. Department of Natural Resources	Mobile tool cabinet	2	
Wis. Department of Natural Resources	Reflex sight	5	X
Wis. Department of Natural Resources	Field pack	800	
Wis. Department of Natural Resources	Multi-fuel motorcycle	1	
Wis. Department of Natural Resources	Industrial Goggles	130	
Wis. Department of Natural Resources	Ammunition chest	40	
Wis. Department of Natural Resources	Electrical generators and generator sets	1	
Wis. Department of Natural Resources	Cartridge container for assembly	15	
Wis. Department of Natural Resources	Hydration system	27	
Wis. Department of Natural Resources	First aid kit	100	
Wis. Department of Natural Resources	Non-ballistic protective, armor-carrying vest	2	X

*In reviewing Appendix II, note that between May 27, 2015, and January 3, 2016, a moratorium was placed on new requests for property in order to transfer administrative responsibilities from the Wisconsin Technical College System Foundation, Inc. to WEM, as well as to implement new federal guidelines associated with the program.

APPENDIX III

Conditionally Transferred Equipment in Wisconsin Law Enforcement Possession

<u>Law Enforcement Agency</u>	<u>Items (Quantity)</u>
Adams County Sheriff's Dept.	Rifle (9)
Altoona Police Dept.	Rifle (15)
Antigo Police Dept.	Rifle (6)
Appleton Police Dept.	Mine resistant ambush protection vehicle (1)
Arcadia Police Dept.	Rifle (5); pistol (5); and sights (12)
Barron County Sheriff's Dept.	Rifle (12)
Bayfield County Sheriff's Dept.	Armored truck (1); rifle (9); and pistol (7)
Belmont Police Dept.	Rifle (1)
Beloit Police Dept.	Rifle (4)
Berlin Police Dept.	Rifle (6)
Black River Falls Police Dept.	Rifle (8) and pistol (8)
Blue Mounds Police Dept.	Rifle (2) and pistol (4)
Brown County Sheriff's Dept.	Mine resistant ambush protection vehicle (1); rifle (17); and trucks and truck tractors (1)
Buffalo County Sheriff's Dept.	Rifle (2)
Burnett County Sheriff's Dept.	Rifle (12)
Butler Police Dept.	Rifle (2) and pistol (7)
Calumet County Sheriff's Dept.	Armored truck (1) and rifle (7)
Campbell Police Dept.	Rifle (3)
Cedarburg Police Dept.	Rifle (1)
Chilton Police Dept.	Rifle (3)
Chippewa County Sheriff's Dept.	Rifle (16)
Chippewa Falls Police Dept.	Rifle (5)
Clark County Sheriff's Dept.	Mine resistant ambush protection vehicle (1); rifle (12); and pistol (10)
Clear Lake Police Dept.	Rifle (4) and pistol (4)
Colfax Police Dept.	Rifle (2)
Columbia County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (29)
Columbus Police Dept.	Rifle (2)
Crawford County Sheriff's Dept.	Rifle (8)
Cuba City Police Dept.	Rifle (2)
Dane County District Attorney's Office	Rifle (3)
Dane County Sheriff's Dept.	Tractor, full-tracked, low speed (1) and rifle (151)
Darlington Police Dept.	Rifle (2)
Deforest Police Dept.	Rifle (4)
De Pere Police Dept.	Rifle (18)
Delafield Police Dept.	Rifle (6)
Delavan Police Dept.	Rifle (7)
Dodge County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (10)
Door County Sheriff's Dept.	Mine resistant ambush protection vehicle (1)
Dunn County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (9)
Eau Claire County Sheriff's Dept.	Rifle (33), utility truck (1), and trailer van (1)

Law Enforcement AgencyItems (Quantity)

Eau Claire Police Dept.	Mine resistant ambush protection vehicle (1) and rifle (20)
Ellsworth Police Dept.	Rifle (2)
Elmwood Police Dept.	Rifle (1)
Florence County Sheriff's Dept.	Rifle (2)
Fond du Lac County Sheriff's Dept.	Rifle (11)
Fond du Lac Police Dept.	Rifle (58)
Forest County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (2)
Fox Crossing Police Dept.	Rifle (4)
Fox Point Police Dept.	Rifle (6)
Freedom Police Dept.	Rifle (1)
Grant County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (9)
Grantsburg Police Dept.	Rifle (4)
Green Bay Police Dept.	Underwater diver's scooter (4) and rifle (76)
Green County Sheriff's Dept.	Rifle (4)
Green Lake County Sheriff's Dept.	Rifle (4)
Greenfield Police Dept.	Mine resistant ambush protection vehicle (1)
Hales Corner Police Dept.	Rifle (6)
Highland Police Dept.	Rifle (1)
Hillsboro Police Dept.	Rifle (1)
Holmen Police Dept.	Rifle (2) and pistol (2)
Horicon Police Dept.	Rifle (6)
Hurley Police Dept.	Rifle (2)
Independence Police Dept.	Utility truck (2); pistol (4); rifle (5); and revolver (4)
Iowa County Sheriff's Dept.	Rifle (9) and pistol (7)
Iron County Sheriff's Dept.	Rifle (2)
Iron River Police Dept.	Rifle (3) and pistol (3)
Jackson County Sheriff's Dept.	Rifle (8)
Janesville Police Dept.	Rifle (14)
Jefferson County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (31)
Jefferson Police Dept.	Rifle (6)
Juneau County Sheriff's Dept.	Mine resistant ambush protection vehicle (1); rifle (45); pistol (10); and cargo truck (1)
Kenosha County Sheriff's Dept.	Rifle (45)
Kenosha Police Dept.	Rifle (16)
Kewaunee County Sheriff's Dept.	Rifle (24)
Kiel Police Dept.	Rifle (2)
Kronenwetter Police Dept.	Rifle (6)
La Crosse County Sheriff's Dept.	Rifle (16) and pistol (8)
La Crosse Police Dept.	Mine resistant ambush protection vehicle (1); rifle (45); and pistol (2)
Lac du Flambeau Police Dept.	Rifle (8)
Lafayette County Sheriff's Dept.	Rifle (1)
Lake Geneva Police Dept.	Rifle (1)
Lake Hallie Police Dept.	Utility truck (1)
Lake Mills Police Dept.	Rifle (2)
Langlade County Sheriff's Dept.	Armored truck (1) and rifle (10)
Lavalle Police Dept.	Rifle (1)

Law Enforcement Agency

Items (Quantity)

Linn Police Dept.	Rifle (3)
Lodi Police Dept.	Rifle (2)
Lyndon Station Police Dept.	Rifle (1) and utility truck (1)
Madison Police Dept.	Mine resistant ambush protection vehicle (1); rifle (4); and unmanned vehicle (1)
Marinette County Sheriff's Dept.	Rifle (2)
Marquette County Sheriff's Dept.	Armored truck (1); rifle (26); and pistol (10)
Marshfield Police Dept.	Mine resistant ambush protection vehicle (1)
Mauston Police Dept.	Rifle (10)
Merrillan Police Dept.	Rifle (1)
Milwaukee County Sheriff's Dept.	Rifle (10)
Milwaukee Police Dept.	Rifle (8) and pistol (4)
Mondovi Police Dept.	Rifle (6)
Monroe County Sheriff's Dept.	Rifle (5)
Montello Police Dept.	Rifle (1)
Monticello Police Dept.	Rifle (1)
Necedah Police Dept.	Trucks and truck tractors (1); rifle (4); and pistol (2)
Neenah Police Dept.	Mine resistant ambush protection vehicle (1) and rifle (8)
New Holstein Police Dept.	Rifle (3)
New Lisbon Police Dept.	Rifle (2)
North Fond du Lac Police Dept.	Rifle (4)
Oak Creek Police Dept.	Mine resistant ambush protection vehicle (1) and rifle (27)
Onalaska Police Dept.	Rifle (6)
Oneida County Sheriff's Dept.	Rifle (3)
Oregon Police Dept.	Rifle (5)
Oshkosh Police Dept.	Rifle (20)
Ozaukee County Sheriff's Dept.	Armored truck (1); mine resistant ambush protection vehicle (1); and rifle (22)
Park Falls Police Dept.	Rifle (2)
Pewaukee Village Police Dept.	Rifle (12) and pistol (10)
Pierce County Sheriff's Dept.	Mine resistant ambush protection vehicle (1); rifle (58); pistol (20); and combat/assault/tactical vehicle (1)
Platteville Police Dept.	Rifle (2)
Portage County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (28)
Portage Police Dept.	Rifle (12)
Prairie du Chen Police Dept.	Rifle (4)
Prescott Police Dept.	Rifle (15) and pistol (14)
Racine County Sheriff's Dept.	Mine resistant ambush protection vehicle (1); rifle (56); pistol (14); and combat/assault/tactical wheeled vehicle (1)
Reedsburg Police Dept.	Dump truck (1); utility truck (1); and rifle (6)
River Hills Police Dept.	Rifle (6)
Roberts Police Dept.	Rifle (4)
Rock County Sheriff's Dept.	Rifle (53)
Saint Croix County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (33)

Law Enforcement AgencyItems (Quantity)

Sauk County Sheriff's Dept.	Rifle (42)
Sawyer County Sheriff's Dept.	Mine resistant ambush protection vehicle (1)
Sheboygan Police Dept.	Rifle (4)
Shell Lake Police Dept.	Rifle (2)
South Milwaukee Police Dept.	Rifle (6)
Sparta Police Dept.	Rifle (4) and revolver (4)
Stevens Point Police Dept.	Mine resistant ambush protection vehicle (1)
Sturgeon Bay Police Dept.	Rifle (4) and pistol (4)
Sturtevant Police Dept.	Rifle (2)
Superior Police Dept.	Mine resistant ambush protection vehicle (1) and rifle (16)
Taylor County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (3)
Theresa Police Dept.	Rifle (2)
Thiensville Police Dept.	Rifle (2)
Tomah Police Dept.	Mine resistant ambush protection vehicle (1)
Town of Mukwonago Police Dept.	Rifle (13) and pistol (14)
Turtle Police Dept.	Rifle (2)
Twin Lakes Police Dept.	Rifle (10)
University of Wisconsin (UW)-La Crosse Police Dept.	Rifle (12) and pistol (2)
UW-Parkside Police Dept.	Tractor, full-tracked, low speed (1)
UW-Whitewater Police Dept.	Rifle (16)
Vilas County Sheriff's Dept.	Mine resistant ambush protection vehicle (1) and rifle (14)
Village of Mukwonago Police Dept.	Rifle (5)
Walworth County Sheriff's Dept.	Rifle (47)
Washburn County Sheriff's Dept.	Utility truck (1); rifle (17); and unmanned vehicle (1)
Washington County Sheriff's Dept.	Rifle (38)
Waukesha County Sheriff's Dept.	Rifle (23)
Waukesha Police Dept.	Mine resistant ambush protection vehicle (1) and rifle (50)
Waunakee Police Dept.	Rifle (6)
Waupaca County Sheriff's Dept.	Mine resistant ambush protection vehicle (1)
Waupun Police Dept.	Rifle (4)
West Salem Police Dept.	Rifle (1)
Wisconsin Dept. of Justice	Pistol (13) and rifle (50)
Wisconsin Dept. of Natural Resources	Rifle (7)
Wisconsin State Patrol	Rifle (491)
Wild Rose Police Dept.	Rifle (1) and pistol (2)
Wood County Sheriff's Dept.	Utility truck (1); mine resistant ambush protection vehicle (1); rifle (45); shotgun (8); and pistol (43)
Woodruff Police Dept.	Rifle (6) and pistol (2)