

**The Bill Blackwood
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The 1033 Program

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ABSTRACT

The 1033 program is a military surplus property program that has provided valuable equipment to many law enforcement agencies around the country. Although the program has been in existence since 1997, it has come under much public scrutiny in recent years. This has led to an immediate and uninformed reaction to eliminate or severely restrict the program. After carefully evaluating the program based on facts and not emotions, it is clear that equipment received from the program has saved many police and civilian lives. The equipment received from the program can also save taxpayer dollars and reduce government waste. Despite the negative attention, the benefits and facts are clear that law enforcement agencies should take advantage of the 1033 program and utilize the equipment it provides.

One of the downsides of the program is that it can lead some to feel that local law enforcement is becoming too militarized and deepens the divide between police and the communities they serve. The perception of police militarization may also have a negative effect on community policing efforts. Agencies can counter this perception in time with educating the public about the defensive nature and appropriate use of much of the equipment. Law enforcement agencies receiving 1033 equipment should be required to have internal policies in place to prevent 1033 abuse and to strive to incorporate public education about the 1033 program into their community policing efforts.

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INTRODUCTION

Since its inception in 1997, the 1033 program has provided valuable equipment to law enforcement agencies around the country. Although the 1033 program did not officially begin until 1997, it is modeled after a program that began in 1990 called the 1208 program. The project was initially administered through the National Defense Authorization Act, then becoming the 1033 program in 1997. Kelepecz (2015) stated, "Currently, over 8,000 U.S. federal and state law enforcement agencies, from all 50 states and the U.S. territories participate in the program" (p. 49).

When the 1208 program started in 1990, the exclusive purpose was to provide support to agencies for use in missions involving counter-drug activities. In 1997, when the program morphed into the 1033 program, it then allowed agencies to use the property for "bona fide law enforcement purposes that assist in their arrest and apprehension mission" (Kelepecz, 2015, p. 49). Most of the equipment involved in the program is military surplus property that will no longer be put into use but still has not reached the end of its effective life.

Thanks to recent high profile events in the media, including protests in Seattle, Ferguson, and Baltimore, the use of some equipment acquired by the 1033 program has received a negative image. This has led to a reaction by some department heads, city councils, and managers to discontinue their use of the program. This move is a knee-jerk reaction to political pressure and a mistake that will have dire consequences. While public perception is always in the forethought of police administration, the positives must constantly be weighed against the negative, with public and officer safety the primary concern. When occasions occur that high profile equipment is misused,

that behavior must be addressed promptly. As a parent, when children misbehave, the answer is not to throw away the toy, the answer is to correct the behavior of the child.

Thousands of agencies have benefited from use of this program, within their own agency, by using the donated equipment on a variety of missions that have ultimately saved many civilian and police lives. Without this equipment, it is likely that lives would have been unnecessarily lost. It is important that as the 1033 program continues to be evaluated in the future, this major point is not lost in the discussion.

In addition to saving lives, there are many everyday items that are donated to local law enforcement agencies that will likely benefit the community that the public will never see or realize. Some of the items that have been obtained might even come as a surprise to those involved in the program. In North Carolina, the program administrator obtained retired horses from the Arlington National Cemetery. The horses had been used to carry caskets at the cemetery, and the state legislature recently instructed the highway patrol to “provide a team to handle caskets during state related funerals” (Moore, 2008, p. 101). It is important that state and local municipalities do not miss out on the benefits of this equipment because of the misconceived perceptions of a few of the larger, more stigmatized items.

Although the program has come under scrutiny in recent years, it still remains a valuable tool for local law enforcement agencies. The advantages of a program such as this far outweigh any disadvantages to the program. Consequently, the disadvantages generally tend to be issues with perception and image, which can be overcome with proper use, training, and dialogue with the public. Law enforcement agencies should take advantage of the 1033 program and utilize the equipment it provides.

POSITION

The 1033 program is a valuable tool for law enforcement agencies that would otherwise not have the budget to afford the types of equipment offered in the program. The public at large should never lose sight of the fact that this equipment has saved the lives of numerous law enforcement officers and civilians from around the country. One of the most controversial pieces of equipment in the program is the MRAP (mine-resistant ambush protected vehicle). Although the MRAP has a heavily militarized and armored look, the main benefit comes from the protection it can offer occupants. The MRAP has consistently proven itself in responding to confrontations with armed suspects as well as rescuing people from rising floodwaters. There are many instances where the use of the MRAP saved numerous civilian lives during moments of terrorism or national disaster in this country.

In August 2016, the MRAP was credited with saving at least five lives in Fort Smith, Arkansas, when two officers and three civilians were pinned down by an active shooter armed with a powerful semi-automatic assault rifle (Rains, 2016). Fort Smith Police Sergeant Grubbs said “We had two citizens and three officers at the time that were pinned down” (Rains, 2016, para. 3). Sergeant Grubbs also said, “Considering the armament and the violence that had been displayed, there’s not a shadow of a doubt in my mind that vehicle saved a minimum of five people that day” (Rains, 2016, para. 3). Without the use of this highly specialized equipment officers would have been left helpless to conduct a rescue operation.

On November 27, 2015, the MRAP was used to rescue people inside the Colorado Springs Planned Parenthood building during another active shooter incident.

During the incident, two armored vehicles rescued everyone from inside a safe room in the building. “It absolutely saves lives,” Fremont County Sheriff Jim Beicker said (“Police use armored truck”, 2015, para. 3). Fortunately for the citizens of Fremont County, this equipment was an available tool to rely on.

A short time later that very same equipment was called on again to save innocent lives. Sheriff Beicker also explained another incident where the MRAP was used in a standoff with a suspect that had killed his wife and was barricaded inside of his home. The suspect then shot at the armored vehicle before being killed by police. A bullet fired by the suspect struck the driver’s side window of the vehicle where a police officer’s head was located. “It saved a deputy’s life and it saved one of my detective’s lives who were both in front of this vehicle” according to Police Chief Michael DeLaurentis (“Police use armored truck”, 2015, para. 9).

There are many more incidents around the country where the MRAP or other heavy duty 1033 donated equipment have saved lives in dealing with armed suspects. In reality, the use of heavy duty equipment has surprisingly come to use in situations where it was never expected. Localized flooding has become an issue that plagues many parts of the country from time to time. Prior to the 1033 program, many agencies had little effective equipment to potentially rescue the public from high and rising flood waters. The MRAP has filled this gap and “is capable of fording 6.5 feet of water” (Davis & Weis, 2014, p. 52). The MRAP’s heavy weight also makes it resistant of being pushed downstream by rapidly moving flood waters. Although it is not known if an MRAP has ever been through a tornado, it is speculated that due to the heavy weight

and structure of the vehicle that it is quite likely the occupants would be safe if one were encountered.

In October 2015, police in San Marcos, Texas used their MRAP to rescue hundreds of people trapped by quickly-rising flood waters. In one of the rescues, the water rose up surrounding Travis Elementary School which was full of students during the school day. Jackson (2015) stated, "During the height of the storm, the school looked like an island surrounded by flood waters" (para. 4). Thanks to the equipment donated by the 1033 program, officers were able to move in and save all the students from the flood waters. The MRAP is credited with saving over 600 people that weekend during the storm and resulting floods (Jackson, 2015).

In Florence County, South Carolina, the MRAP is being credited with saving lives in the floods of October 2015 as well. Baker (2015) stated, "There would have been literally no other way to get to these people that we are aware of, without the use of these vehicles" (para. 8). A helicopter acquired through the 1033 program was also used to provide an aerial view of the damage and assist in determining a plan for the recovery phase. The use of the helicopter helped expedite the declaration and the FEMA reimbursement for damages from the storm (Baker, 2015).

While the saving of lives is one benefit that cannot be outmatched, a secondary benefit of the 1033 program is that it saves taxpayers money by reissuing the equipment already bought with taxpayer money rather than disposing of it. This makes complete fiscal sense and is the responsible thing to do. With the federal debt topping 19 trillion dollars and increasing on a daily basis, anything that can be done to reduce

the burden on the taxpayer by using equipment that has already been purchased is the financially sound thing to do.

During testimony in the U.S. House of Representatives, retired Redlands Police Chief Jim Bueermann testified that “the 1033 program ensures that our taxpayers do not have to pay for these resources twice” (U.S. House of Representatives, 2014, p. 42). Much of the equipment acquired through 1033 would be out of reach for many small agencies with limited budgets. There are several models of MRAP vehicles and depending on the model the vehicle can range in price from \$500,000 to 1 million dollars each.

However, heavy duty equipment with a militarized appearance is not the only equipment provided by the 1033 program. Many small and medium-sized agencies operate on razor thin budgets. The 1033 program allows these agencies to acquire a multitude of equipment that can be used for everyday operations that will reduce budgetary burdens. Equipment such as telephones, copy machines, generators, portable lights, file cabinets, computers, printers, fax machines, tents, portable covers and a multitude of other office equipment is available for use. Fiscally sound and prudent agencies can take this equipment and free up funds in their annual operating budget to use on programs for the community and other equipment needed for officers. The buildup over time of money saved will provide agencies with untold possibilities. Many agencies are able to use the money saved from the program to hire new staff, retrain officers, and provide training and equipment that otherwise would not have been available (Smith, 2010).

COUNTER POSITION

Unfortunately, the 1033 program has received negative media attention over the last several years. After riots in Ferguson, Missouri and Baltimore, Maryland, many citizen activists complained that police were indistinguishable from the military. Prior to the events of Ferguson, many, including President Obama, began to question the program and the kinds of military equipment that was being released to patrol the streets all over the nation. President Obama expressed the view that “militarized gear can sometimes give people the feeling like there’s an occupying force” (Thompson, 2016, p. 12). Many argued that the police across the country were becoming too militarized. The Obama administration sought to severely limit the program and eliminate access to any of the controversial items. Despite many examples given where the equipment was used successfully in search and rescue operations, the administration already seemed to have a pre-determined outcome (Glick, 2016).

Seeing heavily armored vehicles and officers with assault rifles, helmets, and heavy ballistic vests gave the perception that a military unit had taken over their cities. Prior to the riots in Ferguson and Baltimore, agencies had not educated the general public about the equipment’s capabilities or their intended use. Much of the blame for this misconception falls on the shoulders of the police departments themselves. It is the responsibility of these departments to reach out and explain to its citizens the nature and use of this equipment before it is needed. By explaining to the community the intended use of the equipment through public outreach events, many of these miscommunications could be avoided.

The belief that an MRAP is a tank can easily be debunked once all the facts are examined. Other than the extensive armor plating, the two pieces of equipment share very little similarities. A tank operates on a track system and has a large cannon operated on a turret. "The MRAP doesn't have any weapons capabilities" said Police Chief Ruben Littlejohn of the San Diego Unified School District Police (Bowler & Mento, 2014, para. 5). An MRAP also does not operate on a track system as found on a tank. The MRAP vehicle typically has four or six run flat tires, depending on the model.

Even in the law enforcement community, individuals usually relate the 1033 program to the use of tactical vehicles and weaponry but that accounts for less than 6% of the equipment distributed through the program (Kelepecz, 2015). Many are surprised to learn that most of the items distributed in the program include office furniture and equipment, household goods, exercise equipment, tents, generators, vehicles (e.g., pickup trucks, SUV's, ambulances, fuel tankers, all - terrain vehicles), cranes, handcuffs, riot shields, binoculars, digital cameras and watercraft (Kelepecz, 2015). Kelepecz (2015) stated, "Of the materials listed above, weapons account for only 5 percent of the recycled equipment and tactical vehicles account for less than 1 percent" (p. 49).

One last problem with the program has shown to be abuse. The abuse has ranged from agencies stockpiling "toys" that they have no use for to selling the equipment at auction to augment agency budgets. Many agencies lack the resources or desire to support the upkeep on all the equipment they have already obtained. The 1033 program requires very accurate recordkeeping as to where the equipment is assigned and the function it is serving. Some agencies have been so neglectful that the

equipment is not able to be accounted for and equipment subsequently falls into the wrong hands. Due to abuse, “in just one state, the DLA has revoked the 1033 privileges of more than 30 law enforcement agencies” (Griffith, 2012, para. 8).

Most recently, here in Texas, the Marlin Police Department had their 1033 privileges revoked for a minimum of 12 months after one of their officers admitted to stealing 11 firearms. After the incident, the department failed to submit a proper corrective action plan in a timely manner. Shaw (2017) stated, “The department submitted the CAP late and, according to the letter, it was “substantially inadequate” and was not approved” (para. 6).

Although instances of theft of property are rare, most of the confusion about the program comes from agencies not fully understanding how the program works and the accountability involved with obtaining the equipment. Once the equipment is obtained, some agencies lose accountability. To prevent these problems from arising in the future, agencies should mandate proper training in the program before they are allowed to participate. Perhaps the Texas Commission on Law Enforcement could require a short, online class for any officers in an agency that will be involved in the acquisition and administration of 1033 items.

RECOMMENDATION

Law enforcement agencies should consider and utilize the 1033 program. If an agency is already participating in the program and observes some controversy nationwide, that gives them hesitation to participate further. This may provide further information and comfort to continue participation. It is quite simple: the 1033 program saves lives and will continue to save lives so long as there are active shootings and

natural disasters. Unfortunately, it is unrealistic to think that these incidents will not continue to happen. There is no greater justification for a piece of equipment or program than the saving of lives. Even if the whole program only saved one life, it would be worth it.

Always secondary to saving lives would be the financial benefit from reissuing equipment that has already been purchased by the United States taxpayer. It would be extremely wasteful not to re-use any equipment that still has a usable life and value. Many of the agencies that have obtained equipment would have used their own funds to purchase equipment had it not been acquired through 1033. This just makes fiscal sense and reduces governmental waste.

Opponents of the 1033 program argue that it creates a militarization of police forces around the country. Agencies should be cognizant of this perception and take extra care to educate the communities they serve about the life saving benefits and the savings of their hard earned tax dollars. They should continue to remind their communities that a majority of the equipment obtained does not even make it out of their offices and the equipment that does get used is all defensive in nature, designed just to protect them. With good public education, this perception can easily be debunked.

Agencies should be proactive in their steps to prevent abuse and maintain accountability. There should continue to be accountability at the federal and state level but some agencies will need to do a better job of policing themselves. Perhaps it should be mandated that prior to receiving 1033 equipment, a department should have written policies in place within their department governing the use and accountability for

the equipment they obtain. These policies should encompass and control what their own representatives acquire and the controls that are in place for requesting the equipment to begin with. Each state can mandate the individual that is representing the department with the program go through a short, on-line class before being qualified to represent that agency.

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