



Colorado 1033 and 1122 Programs



September 14, 2015

Colorado State Patrol

Volume 1, Issue 3

Special points of interest:

- Register your weapons with the ATF
- 1033 Program Inventory begins October 1, 2015.
- Changes to the 1033 Program: new prohibited and controlled items
- New acquisition process for certain controlled items

Inside this issue:

- Executive Order **2**
- Equipment Lists **2**
- Policies and Training **3**
- Acquisition Process **3**
- Transfers and Returns **3**
- Oversight and Compliance **4**

REMINDER: 1033 Program Weapons Registration

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) tracks all of the M14 and M16 weapons that are distributed through the 1033 Program. **All of these weapons that you have acquired through the 1033 Program MUST be registered with the ATF.**

Pistols and full length shot guns are not tracked by the ATF and do not require registration forms.

During program audits, 1033 Program staff members will verify that agencies have the approved registration forms from the ATF with their other 1033 Program files. ATF registration is required for 1033

Program compliance.

Either ATF 5 or ATF 10 forms are acceptable, and they must be stamped, signed, and dated by a representative from the ATF. Alternatively, a memo from the ATF listing the serial numbers of weapons that are registered to your agency may replace the ATF 5 or ATF 10 registration forms.

If your agency is missing any approved forms from the ATF, contact them to confirm the status of your weapons and get a memo acknowledging registration.

A specific point of contact has been provided by the ATF for

the 1033 Program for a limited period of time. This point of contact will expedite 1033 Program weapons registration and transfer requests, as well as provide confirmation of weapons registration.

Call our office at 303-239-5776 to learn how to reach the ATF 1033 Program point of contact.

To register M14s and M16s, complete the [ATF 10. Application for Registration of Firearms Acquired by Certain Governmental Entities](#). Contact our office for the expedited submission instructions.

1033 Program Annual Inventory Begins October 1, 2015

The annual 1033 Program Inventory is coming up soon. The inventory module in the online system will open on October 1, 2015, and must be completed by December 15, 2015.

The inventory process this year will be similar to last year. You will need to log in to the [FAMWEB FEPMIS](#) website and certify that each item of equipment is present and accounted for.

An additional step has been

added this year. Agencies must upload a signed copy of their current State Plan of Operation. The current signed plan for your agency must be uploaded in order to complete the inventory this year. Remember to send us your signed State Plan of Operation.

Passwords expire every 60 days on the FAMWEB FEPMIS website, which means that you may need to reset your pass-

word.

Call 866-224-7677, option 4 to reset your FAMWEB FEPMIS password. Make your password something that you will remember, and you will be one step ahead for inventory.

More reminders and tips for inventory will be sent as it approaches.

Read the full recommendations regarding the 1033 Program and other Federal programs [here](#).



Brand new computers and accessories are available frequently through the 1033 Program.

Set up a want list search and check the DLA website frequently to find computers for your agency.

Executive Order 13688 Changes to the 1033 Program

In January, President Obama issued Executive Order 13688 to create a working group to investigate and improve the acquisition and transfer of equipment from Federal government agencies to local law enforcement agencies. The working group looked at several programs, including the 1033 Program.

The Law Enforcement Equipment Working Group published their findings and recommendations in May. You can download the report from our website, [here](#).

Working group recommendations affect only the equipment that local law enforcement

agencies acquire with federal funding or through federal programs. **Law enforcement agencies may continue to purchase equipment with their own funds without limitation.**

Based on the working group's recommendations there will be final guidance on changes to the 1033 Program. We can expect to begin implementing the changes in October, with the start of the new Federal fiscal year.

Although the details of the recommendations are still being worked out, we do know that the broad changes will be implemented.

There are five broad categories

of changes facing the 1033 Program:

- 1) Prohibited and Controlled Equipment
- 2) Policies, Training, and Protocols for Controlled Equipment
- 3) Acquisition Process for Controlled Equipment
- 4) Transfer, Sale, Return, and Disposal of Controlled Equipment
- 5) Oversight and Compliance.

An overview of the changes that will impact the 1033 Program follows.

1) Executive Order (EO) Prohibited and Controlled Equipment

Several items on the new prohibited equipment list were already prohibited through the 1033 Program. There are only three kinds of items that used to be available through the 1033 Program that are now prohibited.

The new **prohibited items** are:

- Tracked Armored Vehicles
- Grenade Launchers
- Bayonets

Only one agency in Colorado currently has bayonets on their 1033 Program inventory list. If your agency acquired bayonets previously, they have fallen off your inventory and are not subject to these new regulations.

There are no tracked armored vehicles in Colorado, and just a few agencies have grenade launchers.

We do not yet know whether agencies will be required to return any prohibited items or if they will be grandfathered in and just prohibited from future transfer. Our office will be in contact with your agency regarding any prohibited items on your 1033 Inventory.

The 1033 Program already provides control for many kinds of equipment. While the Executive Order Recommendations acknowledge that agencies may need this kind of equipment, there are requirements for the acquisition and tracking of these items. Items on the new controlled equipment list will require additional work to acquire.

New **controlled items** are:

- Wheeled Tactical Vehicles including Humvees, 2.5 ton trucks, and 5 ton trucks

- Command and Control Vehicles
- Breaching Apparatus
- Riot Batons
- Riot Shields
- Riot Helmets

Agencies that acquire controlled equipment through the 1033 Program and other Federal support programs will comply with the new policies in the following sections.

We will refer to equipment from the controlled list as "EO Controlled" to differentiate from other 1033 controlled items, like night vision equipment. Other 1033 controlled items are not subject to the following new policies.

2) Policies, Training, and Protocols for Executive Order (EO) Controlled Equipment

Agencies that acquire items on the Executive Order (EO) controlled equipment list must adopt general policing standards and equipment standards. These standards must be in writing and available for review by 1033 Program auditors.

The U.S. Department of Justice is establishing standard definitions for the policing standards and equipment standards. They will also create model policies that agencies can use as a template when designing their policies. Our office will share the new standards and models throughout Colorado when the Department of Justice releases them.

Agencies must provide annual training on their policing standards and equipment standards to all

agency personnel who are authorized to use EO controlled equipment.

In addition, agencies must provide operational, technical, and scenario-based training to all agency personnel who are authorized to use EO controlled equipment.

Keep training records on file for at least three years to provide evidence of training to 1033

Program auditors.

If EO controlled equipment is used during a significant incident, agencies must create and retain an after-action review.

Significant incidents include instances involving a violent encounter between the public and the law enforcement agency, use of force causing death or serious injury, public demonstrations, and any even that

draws a large crowd.

The working group continues to refine the definition of “use” in the after-action review context. Our office will share more information as it becomes available.

Agencies do not need to use a dedicated form for the after-action review, but may use their operations plans, officer daily logs, or use-of-force reports. Existing reports that identify the equipment used, describe the incident, identify the agency personnel who used the equipment, and the result of the equipment use will satisfy the reporting requirement.



3) Acquisition Process for Executive Order (EO) Controlled Equipment

For the majority of 1033 Program equipment, the request and acquisition process remains the same. Authorized personnel from each agency request items on the Defense Logistics Agency (DLA) External

Business Portal website.

The acquisition process for Executive Order (EO) controlled equipment, however, will now require a justification memo and a request form.

Both the justification memo template and request form are currently being drafted to include all the required information.

After submitting the justification memo and request form,

agencies will be permitted to request EO controlled items through the DLA External Business Portal website, just like other equipment.

4) Transfer, Sale, Return, and Disposal of Executive Order (EO) Controlled Equipment

Executive Order (EO) controlled equipment will continue to be treated like other 1033 Program equipment regarding transfer, sale, return, and disposal.

The Defense Logistics Agency retains ownership of all equip-

ment other than DEMIL A items. Law enforcement agencies are prohibited from selling or disposing of any 1033 Program equipment other than DEMIL A equipment that the agency has had in their possession for over one year.

Agencies may request approval to transfer equipment to other law enforcement agencies that participate in the 1033 Program. For EO controlled equipment, the receiving agency must submit a justification memo and request form, just like if they

were requesting the item from a disposition services site.

Items that are broken, obsolete, or no longer useful must be returned to a disposition services site.

Colorado State Patrol

1033 and 1122 Programs

700 Kipling St
Ste 2000
Lakewood, CO 80215

Phone: 303-239-5776

Fax: 303-239-5775

E-mail:

cdps_1033_1122@state.co.us

Find us online at:

[www.colorado.gov/pacific/
csp/1033](http://www.colorado.gov/pacific/csp/1033)

[www.colorado.gov/pacific/
csp/1122](http://www.colorado.gov/pacific/csp/1122)

The Law Enforcement Support Office (LESO) within the Department of Defense (DoD), Defense Logistics Agency, facilitates the 1033 program. This program allows transfer of excess DoD property that might otherwise be destroyed to law enforcement agencies across the United States.

Section 1122 of the National Defense Authorization Act authorizes state and local agencies to purchase equipment and supplies in support of counter-drug, homeland security, and emergency response activities through federal sources of supply. Agencies can take advantage of the unequaled volume buying power of the Federal Government for low prices.



**COLORADO
Federal Procurement**



Saving Local Governments Money

5) Oversight and Compliance of Executive Order (EO) Controlled Equipment

The 1033 Program will continue to track all equipment distributed through the program, as well as conduct periodic audits to ensure that local law enforcement agencies comply with the program.

As before, DEMIL A equipment will be tracked for one

year, after which time the title transfers to the local law enforcement agency.

Agencies that violate the law, the terms and conditions of the Executive Order, or the 1033 Program State Plan of Operation will be suspended for a minimum of 60 days.

To be reinstated following a suspension, an agency must provide proof through a corrective action plan that the violation has been corrected.

Critically, when local law enforcement agencies violate the terms and conditions of the 1033 Program, the entire

state may be considered non-compliant.

Thus, violation of the 1033 Program terms and conditions endangers not only the local agency, but the entire state and every other participating agency as well.

In Conclusion

Overall, the Executive Order recommendations do not drastically change the 1033 Program. The 1033 Program was already operating under most of the recommendations.

The new policies and procedures are an opportunity for law enforcement agencies

and the 1033 Program as a whole to increase accountability while demonstrating the value of the program.

Not just the 1033 Program, but other Federal programs that provide support to local law enforcement agencies are subject to these changes. Other programs impacted by

the changes include: the Homeland Security Grant Program (HGSP), the Justice Assistance Grant Program (JAG), the Equitable Sharing Program (ESP), the Department of the Treasury Forfeiture Fund's Equitable Sharing Program (TFF), the General Service Administration's

(GSA) Federal Surplus Personal Property Donation Program, and the Department of the Interior's transfer program.

Our office welcomes your questions and comments. Reach out to us at cdps_1033_1122@state.co.us or 303-239-5776.