

Military Surplus: Can Law Enforcement Agencies Benefit?

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Abstract

This paper studies the current policies in place for the acquisition of military surplus property and examines whether law enforcement agencies can benefit from these acquisitions. The limited availability of replacement parts, restrictions of use, cost to acquire and disposal of items are some of the information not openly available when applying for the items. This paper explores the methods employed by law enforcement agencies in utilizing the equipment, maintenance and disposal of military surplus property. By exploring the current and previous methods used, some pitfalls and excessive costs to operate and acquire these items could be eliminated.

Introduction

As with many law enforcement agencies throughout the United States, the St. Lucie County Sheriff's Office has found a need for additional equipment that can be used to assist in both the areas of Crime Prevention and Crime Solution. The funds do not always exist to purchase these items that become useful tools in the business. The St. Lucie County Sheriff's Office constantly seeks other sources for this funding and found that excess military property can supplement some of the needs that exist within our agency. The problems encountered, by our agency, include trouble in acquisition, upkeep and disposal of the equipment. In reviewing the information for application as a new agency in the Military Surplus Property Program under United States Code (USC) Section 1033, as well as the acquisition of military property for these new agencies, I find that there is no information provided as to the costs to acquire equipment, restrictions to using the equipment, available replacement parts, and what item can be acquired. Through experience, I have found that not all military surplus equipment is in the condition as stated prior to acquisition. Is there a way to confirm condition prior to acceptance? Does this program save the law enforcement agencies any money through acquisition of military excess property? What are proper disposal methods of acquired military surplus property?

The purpose of this study is to identify problems that have occurred in law enforcement agencies in regards to the acquisition of military surplus, disposal of military surplus, and acquisition of replacement parts for military equipment. It will also discuss restrictions that have been imposed on the agency with regards to the use of the military equipment. Lastly, this paper will determine if there is an actualized cost benefit to the acquisition of military surplus.

Literature Review

Many law enforcement agencies have enrolled in programs to acquire military excess property and have received numerous items under those programs. Like these agencies, the St. Lucie County Sheriff's Office has acquired numerous items and utilized them for over a decade. Some of the items now have aged and with technology changes and equipment upgrades, the old acquisitions are outmoded and require upgrading or disposal. In addition, changes to the military acquisitions programs have occurred, altering the methods of acquisition as well as the methods of disposal, contrary to law enforcement agencies original Memorandum of Agreement (MOA).

The most recent program which provides excess military property to law enforcement agencies is known as the 1033 Program, which is derived from the National Defense Authorization Act of 1996, Section 1033. Prior to this section a program known as the 1208 was in force to provide military surplus property to organizations involved in counter drug activities. Section 1208 was changed in 1996 to Section 1033, making a specific definition to the section, "law enforcement activities" instead of the "counter drug activities". This provided more focus on organizations whose mission was to enforce the laws and arrest individuals that committed violations of those laws. With this change, a wider variety of military surplus property became available. This literally meant any property that could be used by an agency to support law enforcement activity. When the program changed from the 1208 to the 1033, the initial agreement to provide full ownership of the property to the receiving law enforcement agency after they operated it for a period of five (5) years, changed to not allowing law enforcement agencies to sell the property after the five (5) year usage period. This again changed in 2005, allowing law enforcement agencies to sell some property after the usage period, with Law Enforcement Support Office (LESO) written approval. (Law Enforcement Support Office, 2007)

The new procedures under the 1033 Program include the appointment of a State 1033 Coordinator, known as a State Point of Contact (SPOC). The SPOC assists agencies with acquisition and application into the Program. The SPOC also maintains inventory records on all property obtained by agencies. The SPOC is overseen by the LESO. The LESO is the federal contact for military surplus property and a second approving authority for acquisition. The LESO approves and coordinates the transfer of larger military surplus items, i.e. aircraft, weapons, personnel carriers. The LESO also has the final approval for the turn-in or disposal of unwanted military surplus items held by the law enforcement agencies (Grasso, 2005). The procedures that are not explained or documented are the sale of older military property, the destruction of demilitarized items, and the restrictions of use. Some of these procedures were brought up at a meeting with the Defense Logistics Agency (DLA) and were being reworked in 2005. Some agencies have sold, destroyed and varied the use of items, only to find that the DLA and the LESO disagreed with the disposal process, requiring the DLA to approve any future transfers, disposals or sale of surplus military property that was in the law enforcement agencies inventory.

The latest change in the procedures for disposal of military surplus property required the agency with the property on inventory to submit Form 1348-1 to the LESO via the SPOC for approval. This document must contain all information with national stock numbers, original acquisition numbers and reference numbers on the specific property item. Once an approval has been granted the property can be transferred and removed from the agencies inventory. (Law Enforcement Support Office, 2007)

One area that seems to be a major obstacle for the St. Lucie County Sheriff's Office was the ability to find spare parts for the equipment that we acquired from the Military Surplus Program. After numerous searches in military disposal sites, with no success, we were fortunate enough to be part of the Defense Supply Center (DSC) program called the 1122 Program. This program allows law enforcement agencies to acquire new or serviceable military surplus parts for most military surplus equipment. This program is coordinated in the state of Florida by the Florida Sheriffs Association (FSA). Requests for replacement parts are sent to the coordinator at the FSA and then submitted to the DSC for issue. Costs for the parts are listed under federal pricing and billed direct to the law enforcement agency enrolled in the 1122 Program. (Defense Supply Center 2007) (Wright, 2007)

The St. Lucie County Sheriff's Office has been fortunate enough to acquire many useful military surplus items throughout the past twelve (12) years. Some of the items were an extreme savings to the agency and others were a cost burden to operate and maintain. An area to consider when attempting acquisition of military surplus property is the condition and actual use of these items within the agency. Many military surplus items are well used prior to receipt, others are in need of refurbishment, and some due to policy restrictions cannot be used immediately. Inspection of the property prior to acceptance is critical when considering acquisition. A review of the restrictions for use and the law enforcement agencies current policies is also necessary prior to acquisition. All surplus property can be rejected and sent back or not accepted, if the condition is less than the agency desires. In addition, all property acquired can be sent back to a military surplus receiving facility if the law enforcement agency no longer desires the property. Areas to consider when acquiring military surplus equipment are identifying actual needs and inspection of the surplus property prior to taking possession. (Millard, 2007)

There are many civilian companies providing refurbishment of military surplus property. Each of the different companies can provide full updates to the property and alter it to law enforcement compatibility, thus making the property fully functioning and meeting all necessary criteria for law enforcement use. There are costs for the services, but would still allow the agency to find a cost savings over the purchase of new equipment. Some of the property that has been acquired could not be refurbished, cost effectively, without assistance from companies specializing in these areas. This service would seem to be a positive aspect to acquiring military surplus and still saving the agency quite a bit of money. (BAE Systems, 2007)

Methods

In order to study the current use of the military surplus system, I sent a survey asking for information about the military surplus usage by each recipient's agency. The survey will assist in identifying military surplus system users within this state. The survey will also determine the length of time since their last property acquisition, costs to acquire the property, and if the property was usable upon receipt or if a cost was added to refurbish the property. The survey will also recognize some of the strengths and weaknesses of the program by learning the user's reasons for acquiring military surplus as well as the reasons for not using the Military Surplus Program.

The survey was sent out to all Sheriffs' Offices in Florida, as well as all thirty-three (33) members in the FDLE SLP-12 Program, which represents twenty-eight (28) different agencies. In total the number of different agencies receiving the survey was eighty-three (83). This amount was determined by removing duplication of agencies by FDLE SLP Class 12 members that were from Sheriffs' Offices and more than one from any agency. The reason for the selection of the Sheriffs' Offices was because the current management of the Military Property Program known as the 1122 Program is being managed by the FSA. The FSA also is instrumental in enrolling agencies in the Government Bulk Fuel Program. With the FSA involvement, they have an interest in the continuation and furtherance of the Military Surplus Program.

With the results from the survey, I am able to identify the number of agencies that currently use the program and identify the reasons that agencies use the programs and what they like about the programs, as well as the reasons they do not like the programs. In addition, I am able to identify the main reason why some agencies do not use the program. This should enable the weaknesses of the program to be identified and corrected, additionally identify the positives of the program and enhance these areas to best utilize the property.

Results

The survey was completed and returned by thirty-five (35) law enforcement agencies in the state of Florida which represents a forty-two percent (42%) return rate on the surveys. There were a total of eleven (11) questions on the survey which were designed to identify both users and non-users of military surplus property. In the survey there were two questions that contained subsections, each having ten (10) potential responses in each question. One of these questions was designed to identify the most popular reasons the respondents liked using the Military Surplus Program, the other question was designed to identify the most popular reasons the respondents did not use the Military Surplus Program. The survey broke down areas in the Military Surplus Program that offer different types of surplus; these areas being the 1122 Program, the 1033 Program and the Bulk Fuel Program. This would help identify the most used military surplus items by the responding agencies. It was found in

the survey that twenty-nine (29) or 83% of the agencies participated in the 1033 Program, which is where you acquire used surplus equipment. Twenty-five (25) agencies or 71% also participated in the 1122 Program, which supplies replacement parts, clothing and smaller surplus items which are mainly new stock. There were only two (2) of the responding agencies that participated in the bulk fuel section of the military programs. In the survey it was found that seventeen (17) responding agencies or 59% of those using military surplus had acquired some type of equipment in the last year.

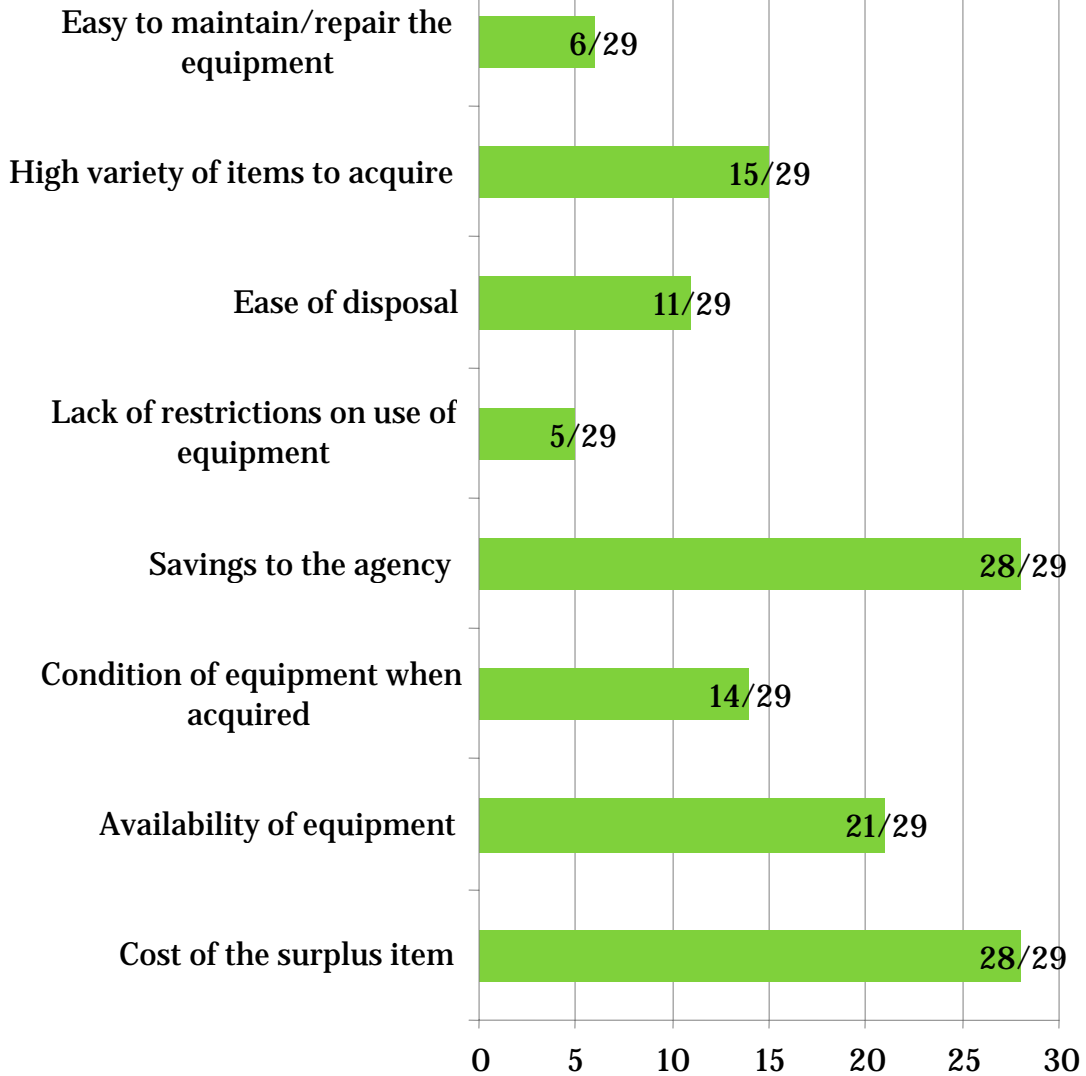
In the survey the respondents were asked if the equipment was serviceable, or properly operating when it was received, and if there was a cost to acquire the equipment. In both of these questions, twenty-seven (27) of the agencies answered yes to this. The next key question of importance was the cost to acquire plus any maintenance/repair cost being less than the cost of new commercial equipment. Twenty-nine (29) or all of the agencies using the Military Surplus Program said it was less costly to acquire military surplus even with any maintenance/repairs than acquiring commercial equipment.

The last area to breakdown was the question with the subsections, this gave the reasons the responding agencies participated in the Military Surplus Program. Two of the areas that stood out the most in the subsection were the low cost to acquire and the cost savings to the agencies. Twenty-eight (28) of the responding agencies listed these two reasons for using the Military Surplus Program. The third highest area, answered by twenty-one (21) agencies, was the availability of equipment in the Military Surplus Program. Three areas that ranked in the middle of the scale with eleven (11), fourteen (14) and fifteen (15) agencies responding were, easy to acquire, condition of equipment when received, and high variety of items to acquire. The lowest three areas under the reasons were, ease of disposal, easy to maintain and repair the surplus equipment, and lack of restrictions on the use of the equipment.

There were only six (6) responding agencies that did not utilize any Military Surplus Property Programs. The subsections for the agencies that did not use the military surplus equipment were answered by half of the agencies that did not use the program. The main two reasons they did not use the program were with the difficulty in disposing or selling of unwanted surplus property and that the agency did not know what property they can acquire. The other areas that were listed of concern by these agencies were the inability to maintain or repair the equipment, restrictions on the use of the equipment, condition of the equipment when acquired, and lack of knowledge on how to acquire the equipment.

The chart below illustrates some of the results from the survey data:

Reasons to participate in the military surplus equipment acquisition:



The chart above lists the number of responses in each category out of 29 agencies participating in the surplus programs.

Discussion

Throughout this paper it has been suggested there can be a benefit to most law enforcement agencies to utilize Military Surplus Programs to offset the loss of funding due to budget cuts. The use and availability of grants to purchase property and equipment has become scarce in the past couple of years throughout the law enforcement communities. There still exists a need for various types of support equipment, whether it is aircraft, vehicles, clothing, or weapons. All of these items can be acquired and at a significant savings to the agency should they choose to participate in one of the various Military Surplus Property Programs. In this paper, survey respondents indicated there is a variety of military surplus equipment to be acquired at a cost savings to the agency. The condition of the equipment being offered by the military to law enforcement agencies is functional when acquired and can be maintained for a substantial period of time with military spare parts.

Considering the initial acquisition costs of the surplus equipment, the low cost to retrofit the equipment for law enforcement use, and any refurbishment, the surplus equipment is a substantial cost savings over new or good used commercial equipment. By utilizing the 1122 program, the cost for replacement parts also is a considerable savings over commercially available items since the pricing is set at government rate.

The drawbacks indicated by the law enforcement agencies seem to be the restrictions on the use of the equipment, and the disposal of the old equipment. The restrictions can vary, one being the lack of an Airworthiness Certificate on a surplus military helicopter, limiting the use by the law enforcement agency to fly the aircraft under "Public Use Category", this will restrict the ability to train pilots for a license in the aircraft. This still did not seem to restrict acquisitions of large or valuable military surplus property by these agencies. The problem with the disposal of equipment is ensuring worn out or destroyed items are not just thrown out, but either returned to the military or proper recording of the destruction. Some items are classified by the military as requiring demilitarization. These items must be returned to the military even if damaged or worn out. Items not listed as requiring demilitarization may be disposed of as trash, but proper records of the disposal should be maintained. If the item is listed on the agencies inventory, a letter indicating the disposal of those items should be submitted to the SPOC. The inventory of items accepted by a law enforcement agency must be maintained and accounted for, so the sale or trading of equipment is prohibited without authorization.

The surplus equipment that any law enforcement agency has on inventory can be transferred to another participating law enforcement agency. The procedure seems simple and an approval of the transfer is submitted to the SPOC. The equipment then can be transferred and inventory records change for each agency. This assists in getting surplus equipment in the hands of agencies that can best utilize the equipment. An example of this would be the transfer of military surplus M-14 rifles from a participating agency, not currently using them, to a participating agency that needs them. A simple property transfer form is filled

out and submitted to the SPOC for approval and the property is physically transferred, then the inventory data records changed to reflect the transfer.

The law enforcement agencies not using the military surplus programs indicated that they were unfamiliar with the acquisition process, enrollment into the programs, or knowledge of what was available. This may be a failure on the local agencies part by not assigning or identifying persons to oversee the programs. It would benefit these agencies greatly to contact the SPOC, who will in turn assist them in getting enrolled in the programs and will help with training on how to identify and acquire military surplus. The agency head should identify some members of the agency to be responsible for acquisitions. These members will have agency control on what type of equipment is selected for use.

There were a few agencies that may have been part of the military surplus programs some time ago and had a bad experience. This was indicated in the survey by a couple of agencies that stated they had not participated because of the condition of items when they were acquired and difficulty in disposing of unwanted property. The condition of equipment sometimes may be difficult to assess since some of the items are very technical or mechanical. Without extensive knowledge of the item being acquired, the functional condition of the surplus item may be unknown. In many cases though the items are not mechanical, examples of those items are clothing, helmets, or portable shelters. Prior to acquisition, condition codes are listed for the property, these codes identify whether the property is new, used, or damaged. In addition, photographs of the surplus items can usually be obtained prior to acceptance. Should the equipment not be in the condition listed upon receipt, it can be returned or refused.

Overall the results indicate that there is a benefit to being part of the Military Surplus Property Programs. The agency can have a cost savings on expensive equipment, find a wide variety of items throughout the system, utilize the items for an additional cost savings over commercial equipment, and easily acquire items from the Military Surplus Programs. These items can enhance the overall efficiency of the agency and could provide a unique variety of equipment not offered in the commercial market.

Recommendations

This paper gave an overall view of the military surplus system without defining any specific items or actual dollar savings that this program makes available. Further research into this area could be accomplished and provide more comprehensive findings by analyzing the acquisition cost of a specific item along with the cost to place into use by the agency versus the cost of a commercially acquired item that was ready to use. Some equipment may even be ready to use by the agency upon acquisition. I would definitely recommend further research into the net cost of some items of military surplus prior to acquisition. This would provide law enforcement agencies a better understanding of their actual cost savings on military surplus property versus purchasing commercially available equipment.

Lieutenant Chris VanDeventer has worked for the St. Lucie County Sheriff's Office since 1984. He has worked in many areas to include Corrections, Patrol, Detective Bureau, Crime Stoppers, Crime Prevention, Aviation and Marine. Chris currently is the Commander for the Aviation and Marine Unit, oversees the Crime Prevention Unit and Crime Stoppers Program and is also the armorer and a member of the firearms training staff. Chris is a certified pilot for helicopters and fixed-wing aircraft.

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Appendix A

SURVEY

Military Surplus Acquisition Program, Can Law Enforcement Benefit

1. Does your agency currently utilize any military surplus equipment? ____ Yes ____ No (if you answer no, skip to Question 11)
2. Is your agency currently enrolled in the 1033 Program? ____ Yes ____ No
3. Is your agency currently enrolled in the 1122 Program? ____ Yes ____ No
4. Does your agency purchase bulk fuel from the Federal Government? ____ Yes ____ No
5. When did your agency last acquire military surplus property?
____ 1 to 6 months ago; ____ 7 to 12 months ago; ____ 1 to 3 years ago; ____ longer than 3 years ago; ____ never
6. Was the surplus equipment properly operating when acquired? ____ Yes ____ No
7. Was there a cost to acquire the surplus equipment? ____ Yes ____ No
8. Was the cost of the surplus equipment, plus any maintenance/repair charges, less than the cost of new commercial equipment? ____ Yes ____ No
9. Does the ability to find spare parts or repair the surplus equipment affect your decision to acquire surplus items? ____ Yes ____ No
10. Please select from the list below, by checking as many boxes as you wish, reasons you participate in the military surplus equipment acquisition:
 - ____ a. Cost of the surplus item
 - ____ b. Availability of equipment
 - ____ c. Condition of equipment when acquired
 - ____ d. Savings to the agency
 - ____ e. Ease of disposal or sale of unwanted property

- ____f. Lack of restrictions on use of equipment
- ____g. Easy to acquire items
- ____h. High variety of items to acquire
- ____i. Easy to maintain/repair the surplus equipment
- ____j. Other

11. Please select from the list below, by checking as many boxes as you wish, the reasons you do not participate in the military surplus program:

- ____a. Cost of the surplus item
- ____b. Unavailability of equipment
- ____c. Condition of equipment when acquired
- ____d. Lack of savings to the agency
- ____e. Disposal or sale of unwanted property
- ____f. Restrictions on use of equipment
- ____g. Your agency doesn't know how to acquire items
- ____h. Your agency doesn't know what you can acquire
- ____i. Inability to maintain/repair the surplus equipment
- ____j. Other

Appendix B

To All Florida Sheriffs'

I am currently participating in the Florida Department of Law Enforcement's Senior Leadership Program, Class 12. As part of this program, I am conducting a research project involving Military Surplus Acquisition Program, Can Law Enforcement Benefit? As Part of this study, I have created a survey to gather needed information to assist in determining if a Military Surplus Acquisition Program can be beneficial to law enforcement.

I am asking for your assistance in gathering this information if you could forward this survey to the appropriate person in your agency, by having them complete the short survey would be greatly appreciated. The results of this survey will be anonymous and will only be used for statistical data.

Please complete and return the survey to me. The survey will need to be completed and returned no later than October 15, 2007. If you have other information that may be valuable that was not generally addressed in this survey, please forward your comments.

The survey must be returned:

By Mail:
Lieutenant Chris Vandeventer
St. Lucie County Sheriff's Office
4700 West Midway Road
Fort Pierce, FL 34981

Faxed:
Attention: Lt. Chris Vandeventer
772-462-3362

By E-Mail:
vandeventerc@stluciesheriff.com

Thank you in advance for your assistance with this study. If you have any questions regarding this survey, you may contact me at 772-370-2707

Sincerely,

Lieutenant Chris Vandeventer
Aviation/Marine Unit Commander
St. Lucie County Sheriff's Office

**Ms. Marti Moore has been so kind to take time out of her busy day to help me get this to all the Florida Sheriffs' so please after completing the survey don't choose "REP:Y" as it will go back to Ms. Moore and I do not want to further inconvenience her.
Please REPLY to me, Lt. Chris Vandeventer@ vandeventerc@stluciesheriff.com**

Appendix C

QUESTION				YES	NO
Results from 35 surveys					
1. Does your agency currently utilize any military surplus equipment?				29	6
2. Is your agency currently enrolled in the 1033 Program				25	2
3. Is your agency currently enrolled in the 1122 Program?				17	10
4. Does your agency purchase bulk fuel from the Federal Government?				2	27
5. When did your agency last acquire military surplus property?					
1- 6 months ago	7-12 months	1-3 year	Longer than 3 years		
11	6	5	7		
6. Was the surplus equipment properly operating when acquired?				27	4
7. Was there a cost to acquire the surplus equipment?				27	2
8. Was the cost of the surplus equipment, plus any maintenance/repair charges, less than the cost of new commercial equipment?				29	0
9. Does the ability to find spare parts or repair the surplus equipment affect your decision to acquire surplus items?				25	4
10. Please select from the list below , by checking as many boxes as you wish, reasons you participate in the military surplus equipment acquisition:					
Number of Agencies answering question					
28	a. Cost of the surplus item				
21	b. Availability of equipment				
14	c. Condition of equipment when acquired				
28	d. Savings to the agency				
4	e. Ease of disposal				
5	f. Lack of restrictions on use of equipment				

11	g. Easy to acquire
15	h. High variety of items to acquire
6	i. Easy to maintain/repair the surplus equipment
0	j. Other
11. Please select from the list below, by checking as many boxes as you wish, the reasons you do not participate in the military surplus program:	
1	a. Cost of the surplus
0	b. Unavailability of equipment
2	c. Condition of equipment when acquired
0	d. Lack of savings to the agency
3	e. Disposal or sale of unwanted property
2	f. Restrictions on use of equipment
2	g. Your agency doesn't know how to acquire items
3	h. Your agency doesn't know what you can acquire
2	i. Inability to maintain/repair the surplus equipment
2	i. Other