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PROTECTING THOSE WHO PROTECT US: THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

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PROTECTING THOSE WHO PROTECT US: THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM

WEDNESDAY, FEBRUARY 15, 2012

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:02 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senators Leahy, Kohl, Whitehouse, Klobuchar, Franken, Blumenthal, and Grassley.

OPENING STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. Good morning. We have a distinguished foreign visitor in town, the Vice President of China, and I have just been advised he is going to be visiting Iowa, and so the Senator from Iowa is going to be a few minutes late. He is meeting with him, and I understand that.

I was in Burlington on Monday with Chief Schirling, and now we are together in Washington, and I have to figure out where we will meet up next week.

We are going to hear testimony about the Bulletproof Vest Partnership grant program and other key programs that provide Federal support for the men and women who serve in law enforcement. When I worked to introduce and pass the original bulletproof vest program in 1998, I joined with then-Senator Ben Nighthorse Campbell, a Republican from Colorado—I was the Democrat from Vermont. But we both had served in law enforcement, and we wanted to join together and make it a nonpartisan issue, and we passed it because we wanted to do all we could to protect the men and women in law enforcement as they are the people who protect all of us. Just as we should have the best equipped armed forces in the world and the best equipped National Guard units, I believe that our State and local law enforcement officers need the best and most modern equipment to fulfill their mission and protect us in our communities, whether they are large ones or small ones, across the country.

You know, this program originated because we knew we needed Federal assistance. This happened after a tragic time when several law enforcement officers from Vermont and New Hampshire lost their lives bringing a killing rampage by Carl Drega along the bor-

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der between New Hampshire and Vermont to an end. Ironically, when that happened, the week that happened, the then-Director of the FBI, Louis Freeh, and his family were staying with my family and me at our home in Middlesex, Vermont. We came back here, and Senator Campbell and I joined together to ensure that such basic, life-saving equipment as the bulletproof vest would be available to State and local law enforcement officers. It was after that that we found how much they cost and how few departments had them.

Now, I would like to say there is no need for this program today, but, tragically, law enforcement deaths are on the rise again. We discussed this in another context in Burlington on Monday. But last year, 177 Federal, State, and local law enforcement officers were killed in the line of duty. No one should question the sacrifices that our law enforcement officers and their families make. While dangers, injuries, and death are increasing, State and local law enforcement budgets are being cut. Nearly 12,000 police officers and sheriff's deputies were laid off last year, and the Department of Justice's Office of Community-Oriented Policing Services reports that approximately 30,000 law enforcement jobs remain unfilled. I bring this up because there is a reason to ask for important Federal assistance to State and local law enforcement. It is a key investment in public safety. I was pleased to see the President's fiscal year 2013 request for the bulletproof vest program is consistent with recent appropriations.

During National Police Week in 2008, Detective David Azur of Baltimore testified before this Committee. Detective Azur was shot at point-blank range in the middle of the chest while apprehending a criminal. Every one of us remembers when the detective held up the armor plate from the vest that stopped the bullet that would have stopped his life. I remember his father sitting behind him and the look on his face just thinking how differently that could have turned out.

Since we enacted the original Leahy-Campbell law, the vest program has contributed to the purchase of nearly 1 million ballistic vests to help protect our law enforcement officers. As I said earlier—and I saw Mr. Canterbury nod at this—I wish that this equipment was not needed at all, but we know better. I am often reminded of the importance of it when I run into police officers, whether in Vermont or around the country, and they tap their chests and point to the vest.

I have told others the story of walking down the street in Denver, Colorado. A uniformed police officer comes up to me and says, "Are you Senator Leahy?" And I said, "Yes, I am." He just tapped his chest. I heard the thump, thump of the vest, and he said, "Thank you," and just walked off. It is kind of a nice feeling.

We are going to hear from two outstanding representatives of law enforcement. Chief Michael Schirling of Burlington, Vermont, is one of the new generation of law enforcement leaders. I believe Vermonters really do look at him with pride. And Chuck Canterbury, a person who has served in law enforcement for 25 years and I have come to know him well, is the president of the National Fraternal Order of Police and a good friend. He is a strong voice for the men and women of law enforcement around the country. I see

Mr. Pasco sitting behind him, another strong voice for law enforcement.

We are also going to hear suggestions from a representative of the GAO on how the Department of Justice might further improve its distribution of funding. I might say that I do not know how Congress would operate without the professionalism of the GAO, and I thank you for being here.

Again, this has never been a partisan issue. Republicans and Democrats alike have joined in it. Longstanding Federal initiatives like the Violence Against Women Act, the Second Chance Act, the Trafficking Victims Protection Act and other important programs have traditionally enjoyed strong bipartisan support. Senators Mikulski and Shelby, as the bipartisan leaders of the key Senate Appropriations Committee Subcommittee, and Senators on both sides of the aisle supported this program.

I am holding the hearing today because the Bulletproof Vest Partnership Grant Act expires in September, and I want you to know I will introduce legislation in the coming weeks to reauthorize this program, and I am going to invite all Senators in both parties to join me in the effort. The Bulletproof Vest Partnership grant program increases officer safety and effectiveness, and it is a bipartisan tradition. I hope we can proceed to reauthorize the Bulletproof Vest Partnership grant program and other important law enforcement measures, and Congress will join together with one voice to send a strong, clear message to our Nation's law enforcement officers that we will do all we can to protect them, as they protect us.

I would say as an aside that when Senator Campbell was here, we always used to joke that in Colorado this was the Campbell-Leahy program. In Vermont, it was the Leahy-Campbell program. Either way it is a darn good program, and we encourage every Senator to support this program for the benefit of law enforcement in their State.

Now, our first witness—and, Senator Franken, thank you for being here, and Senator Kohl. Our first witness is Michael Schirling, who has been the chief of the Burlington Police Department since January of 2008. Previously, when I first knew him, he ran the Burlington Police Department's Administrative Services Bureau. He oversaw important components, including emergency management and homeland security, the Detective Services Bureau and training and recruitment. He joined the department as a uniformed officer in 1993. In 1999, Chief Schirling helped found the Vermont Internet Crimes Against Children Task Force and has continued as the coordinator of that task force ever since, something we did not have in Vermont, and, unfortunately and tragically, we found that Vermont needed it as other States did. He has been a State leader in computer forensics, co-founder of the Digital Forensic Technology Program at Champlain College in Burlington. He received his bachelor's degree in political science and his master's of education, leadership, and policy development from the University of Vermont.

Chief Schirling, good to have you here. Please go ahead, sir.

STATEMENT OF MICHAEL E. SCHIRLING, CHIEF OF POLICE, BURLINGTON POLICE DEPARTMENT, BURLINGTON, VERMONT

Chief SCHIRLING. Thank you, Mr. Chairman. Good morning. Good morning, Senators. It is a pleasure to be with you again.

As the Chairman indicated, my name is Michael Schirling. I have the privilege of serving as the chief of police for the city of Burlington, Vermont.

Burlington is a community of about 40,000, located on the eastern shores of Lake Champlain about 35 miles south of the Canadian border. It is a small city by national standards, but one that shares in all of the challenges of contemporary government and contemporary law enforcement. It is the central hub of activity, education, commerce, and services for northwestern Vermont, which encompasses a population of about 150,000 residents. We have a 147-year history of providing law enforcement services to Vermont's largest city and currently do that with a staff of about 100 police officers and 36 civilian employees.

Nationally, our 18,000 police departments and 800,000 police officers, including Burlington, confront increasingly complex challenges on our streets and in our neighborhoods. Twenty-first century law enforcement stands squarely at the crossroads of every contemporary social issue. Each day in the United States, law enforcement officers are thrust into a myriad of situations in which, despite their best efforts and skill, they lack full control of the events as they unfold and from time to time with increasing frequency are seriously injured or killed. In the roughly 1 million encounters they have each day, officers face far more complex and unpredictable scenarios than we could have imagined even 10 years ago. This results from a wide range of complicating factors including offenders released from our prisons, those with intractable substance abuse and addiction issues, and some in our communities with unmet mental health needs.

Last year was a tragic one for law enforcement in the United States. For the first time, the number of officers killed by gunfire exceeded the number killed in traffic crashes. The overall number of officers killed in the line of duty rose 37 percent in 2010 followed by a 16-percent increase in 2011. The Nation's police chiefs are vividly aware that we must continually evaluate and develop techniques that will protect our officers when confronted by those who will not hesitate to injure or even kill them. We owe this to those who put their lives on the line every day for the freedoms that we cherish in this Nation.

Among the most basic strategies is the use of bulletproof vests. My agency has mandated the wearing of vests for all uniformed personnel, and in October of 2011, the International Association of Chiefs of Police stated that they believe mandatory wear should be a standard for all law enforcement agencies. As you are aware, the Attorney General has mandated that any agency receiving vest partnership funds must have a mandatory-wear policy as well.

Vests are just one part of the equation. In 2002, the IACP Division of State Associations of Chiefs of Police created SafeShield, an initiative dedicated to protecting our Nation's law enforcement officers and reducing the number of officers killed in the line of duty with a target of zero each year. With the recent surge in violence

against police, there are two noteworthy projects underway: The first is Reducing Officer Injuries: Developing Policy Responses project, and the other is the National Center for the Prevention of Violence Against the Police. And there is a little more detail about each of those initiatives in my written testimony.

Federal, State, local, university, and tribal law enforcement are doing all we can to protect our communities from crime, disorder, and the specter of terrorism. I would be remiss if I did not take a moment to recognize the fiscal reality that faces our Nation today. We must be smart about the projects and initiatives that we choose to fund as our Nation works hard to recover from a devastating recession. The safety of our Nation's law enforcement officers is such a wise and necessary investment. I urge you to continue to fund, continue to authorize the Bulletproof Vest Partnership Act.

Thank you, Mr. Chairman and distinguished Senators, for taking testimony on this important topic and for your continued leadership and assistance on criminal justice matters and the safety of our law enforcement officers nationwide.

[The prepared statement of Chief Schirling appears as a submission for the record.]

Chairman LEAHY. Thank you very much, Chief.

David Maurer is the Director of the Government Accountability Office's Homeland Security and Justice Team. He directs the GAO's effort to examine and review Department of Homeland Security and Department of Justice management policies. He has been at the GAO since 1993. He led teams at GAO's Natural Resource and Environment Section and also its International Affairs and Trade Section. He received a master's in science and national resource strategy from the National Defense University, a master's in international public policy from the University of Michigan, and his undergraduate degree in international relations from Michigan State University.

Mr. Maurer, we are delighted to have you here. Please go ahead, sir.

STATEMENT OF DAVID C. MAURER, DIRECTOR, HOMELAND SECURITY AND JUSTICE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, DC

Mr. MAURER. Thank you. Good morning, Chairman Leahy and other members and staff. I am pleased to be here today to talk about the Department of Justice's efforts to support the use of body armor by local law enforcement officers.

Now, in a minute you are going to hear me talk about grants management and internal controls. Those things are important to someone like me who has spent his career at GAO. But it is also important to recognize that body armor saves lives. Wearing a bulletproof or a stab-resistant vest helps police officers, sheriffs, State troopers, and correctional officers make a demanding and sometimes dangerous job safer.

My statement for the record discusses the findings from our report being released today on DOJ's efforts to support body armor use and manage the grants it provides for purchasing body armor. I will now briefly highlight some of the key points from our work.

First, DOJ is doing several things to support body armor, including conducting research, developing new standards, and testing for compliance. For example, the National Institute of Justice, or NIJ, is in the process of revising standards for ballistic-resistant and stab-resistant body armor. NIJ is also working to improve the fit and comfort of body armor for the estimated 100,000 women who work as law enforcement officers.

DOJ also provides grant funding to State and local agencies through two different programs. The Bulletproof Vest Partnership, or BVP, is a very specific program that partially reimburses jurisdictions for the cost of body armor, and since 1999 this program has reimbursed grantees $247 million for the purchase of nearly 1 million vests.

The Justice Assistance Grant, or JAG program, is a broad program that provides money that can be used to buy body armor along with a wide variety of other criminal justice activities. Our work looked at the controls DOJ has in place to ensure that grant funds are being spent in compliance with program requirements. We found that DOJ has several controls in place for both programs, but needs to improve the management in some key areas, and I would like to highlight two of the areas we found where DOJ needs to improve.

First, we recommended—and DOJ agreed—that it needed to do a better job tracking and reusing funds from grants that have closed because no one has sought reimbursement. We found that the BVP program currently has $27 million in unused funds from closed grants. All of this money can be reused. Given that Congress appropriated $24 million for the BVP program for this year, the $27 million our work identified could have significant benefits. DOJ could use these funds to provide additional grants or reduce the amount it requests from Congress.

Second, we found important inconsistencies across the two DOJ grant programs that provide funding for body armor. Specifically, BVP grant recipients must have a mandatory-wear policy. If a police department wants BVP money for bulletproof vests, it needs to require officers to wear them. BVP grantees are also only allowed to purchase body armor that passes NIJ compliance testing.

However, the JAG program currently does not have these requirements. JAG grantees do not need a mandatory-wear policy and do not have to purchase NIJ-compliant body armor. This creates a potential safety issue for officers, which is why we recommended that DOJ establish consistent requirements for both programs. DOJ said it would take action to do so.

The Department's willingness to take prompt action to address our recommendations is consistent with its overall effort to support the use of body armor. The DOJ staff we met with during the course of our review were clearly committed to getting better body armor in the hands of State and local law enforcement. The results of our work can help improve their ability to achieve this important goal.

Mr. Chairman, thank you for the opportunity to testify this morning, and I look forward to your questions.

[The prepared statement of Mr. Maurer appears as a submission for the record.]

Chairman LEAHY. Thank you very much, and thank you also for mentioning what you did about both the mandatory-wear policy and also the fact that if there is extra money there, being able to reallocate it.

Chuck Canterbury is no stranger to this Committee. He is the national president of the Fraternal Order of Police. He represents the interests of over 330,000 members of law enforcement on a whole wide range of issues. He has served as president of the FOP since 2003, having been re-elected five times. Prior to becoming national president, Mr. Canterbury spent over 25 years in law enforcement. He served in the Patrol Division, Criminal Investigations Division, Training Division, and Operations Bureau of the Horry County Police Department in Conway, South Carolina. During his time in the Training Division, he certified instruction in basic law enforcement firearms, chemical weapons, and pursuit driving. He received his undergraduate degree from Coastal Carolina University.

Mr. Canterbury, delighted to have you here as always. Please go ahead, sir.

STATEMENT OF CHUCK CANTERBURY, NATIONAL PRESIDENT, GRAND LODGE, FRATERNAL ORDER OF POLICE, WASHINGTON, DC

Mr. CANTERBURY. Thank you for the opportunity to be here today. I would like to thank Senator Franken and Senator Kohl and other members who will be present I am sure shortly. I want to thank you for allowing me to be here this morning to talk about this extremely important problem in law enforcement, and that is, the purchase of the bulletproof vest program.

As you stated earlier, sir, you and then-Senator Ben Nighthorse Campbell, a former deputy sheriff, proposed a simple bill with a very simple goal: to increase the number of law enforcement officers wearing soft body armor by creating a program to provide matching Federal funds to State or local law enforcement agencies of any size seeking to purchase these vests.

The legislation was written to ensure agencies which do not provide their officers with soft body armor would be able to do so and gave priority to those agencies where crime and violence are more prevalent. Additionally, agencies with outdated or ineffective body armor were given access to the grant, enabling them to upgrade their equipment and give maximum protection to their officers.

There is no legislation, no Government program, no grant or public-private partnership that can erase the sad fact that law enforcement officers will die. They will die in the line of duty at the hands of armed and violent criminals. But this program, Mr. Chairman, saves lives.

On December 23, 1975, Seattle Patrolman Raymond T. Johnson was shot. Fortunately, he was wearing soft body armor crafted through a partnership with the Department of Defense and the Department of Justice, and he survived. Since that shooting, the IACP Dupont Survivors Club has certified 3,145 saves. That is 3,145 law enforcement officers who went home to their families and 3,145 names fewer on the Wall of Remembrance at Judiciary

Square. I do not know of any other programs that can quantify their success so starkly.

The 1970s was the deadliest decade for law enforcement officers, with more than 2,200 officers killed in the line of duty. But as soft body armor became more common, more affordable, and more comfortable, it vastly improved the safety of law enforcement officers. Since 1970, firearm deaths are down 44 percent overall, and much of that credit goes to soft body armor. This improvement is tempered by the events of last year, when 71 law enforcement officers were killed by firearms.

Overall, we lost 177 officers in the line of duty last year, the highest total since 2007. Of these slain heroes, 32 percent were not wearing their body armor when they died.

Soft body armor not only provides ballistic protection but greatly increases the safety and survivability of other injuries from car crashes, physical fights, falls, and other trauma. Over the past 10 years, law enforcement officers were assaulted nearly 60,000 times in the course of a year, resulting in the average of 16,000 injuries. In many cases, soft body armor is a factor in these officers' escaping the assault without injury or reducing the impact of that injury.

In many ways, the body armor is the single most important and effective piece of equipment a law enforcement officer can possess.

Law enforcement officers are constantly in harm's way. They work out of their police vehicle and are expected to go forward into the unknown, and most of the time unsupported when they do. What these officers do in the critical opening moments of an incident will shape the outcome of the incident. These officers live or die with what they have at that moment. If their equipment is not adequate, the outcome can be devastating. Their equipment must include soft body armor that is faithfully worn. Armor at the station or in the back of a scout car provides no protection.

Yet, sadly, every year we lose officers in the line of duty who were not wearing their armor. We cannot stress to our officers enough just how important it is to wear. As the father of a police officer, I make sure my son goes to work every day wearing his vest.

To increase the percentage of law enforcement officers that are wearing vests, the BVP program now requires officers to mandatory-wear vest policies in their Department. The FOP supports mandating that every agency have a policy about wearing soft body armor, but that policy is best set by the agency in conjunction with their collective bargaining unit and the rank-and-file officers.

For instance, it may not be necessary to have a plainclothes detective in body armor when he is expected to be at his desk. Similarly, a chief or sheriff in uniform on official business appearing at a hearing or holding a press conference may not be required. But, generally speaking, the FOP supports the increased use of body armor.

Mr. Chairman, in closing, I would like to say that the support for this program through the Federal grant program has been deteriorating in recent years. Programs like the Edward Byrne Memorial Justice Assistance Grant program and the hiring program administered by the Office of Community-Oriented Policing were once

regarded as critical in maintaining the Nation's historically low crime rates.

Members of Congress once held in high regard on law-and-order issues are now pushing deep and unsustainable cuts to these programs at a time when law enforcement agencies are facing cuts in manpower and equipment at every level. This is not fiscally responsible. It is totally irresponsible.

We urge you to fund this program and for Congress to support you on it, and we thank you for everything that you have done personally for the law enforcement community over your long career in the Senate.

Thank you.

[The prepared statement of Mr. Canterbury appears as a submission for the record.]

Chairman LEAHY. Well, thank you, Mr. Canterbury. You can tell your son I agree with you. Be sure and wear it. If I had a son in law enforcement, I would be—a son or daughter, I would be telling them to do exactly that.

Chief Schirling, when we enacted this vest program, both Ben Nighthorse Campbell and I felt strongly that it is important that every qualifying jurisdiction gets the funding provided by Congress. Then a couple years after we passed it, we expanded that to make sure that jurisdictions under 100,000 people were guaranteed the full 50-percent Federal match before funding went to larger jurisdictions. More recently, we have worked to make sure that in cases of financial hardship the Bureau of Justice Assistance could waive the grant program's matching requirement.

Now, you have to go to the city council and justify your budget every year. How would you characterize the assistance provided through the Bulletproof Vest Partnership program?

Chief SCHIRLING. I think I can answer that question very simply. It has been an essential component of ensuring that we can maintain a robust program to keep officers in current vest technology. It is not just about an initial purchase. A firearm, for example, may last a police officer an entire career, but a vest only has a shelf life of about 5 years, depending on how it is exposed to elements and cared for and things of that nature.

So it is an ongoing expense. It is one that is a challenge for smaller jurisdictions, and as other challenges continue to persist, both funding and operational challenges, the assistance in this realm has been essential.

Chairman LEAHY. I think the thing that surprised most people—I know it did me when we first got into this—was the fact that these vests do wear out. We are used to the fact that weapons can last forever, but these can wear out.

You are chief of the largest city in Vermont, but we are largely a rural State. The town I live in is about 1,600 people, and in land size it is half the size of the District of Columbia. But can you tell us how this Federal assistance works in rural areas?

Chief SCHIRLING. I can. It is similar in its impact, I believe, in smaller areas as it is in Burlington. I think even more so in terms of its impact on the smaller towns' budgets.

In terms of its operational impact, we have seen over the last decade an interesting evolution in the challenges that face small

urban and rural law enforcement as policing in our larger urban areas has become more effective, markedly so in many of our larger jurisdictions.

The issues have really become more diffuse in their geographic locations, so the issues that used to be inner-city issues in New York or Boston or some of the larger metropolitan areas in New England now make their way fully into Vermont as drug networks and other problems are spreading.

Chairman LEAHY. The interstate is a double-edged sword, isn't it?

Chief SCHIRLING. It is.

Chairman LEAHY. Mr. Canterbury talked about the mandatory-wear policy that he implemented, and you, of course, have that same policy at the Burlington Police Department. Attorney General Holder has implemented the requirement for recipients. Tell me, how do the officers feel about this? And be as candid as you wish.

Chief SCHIRLING. A 21st century law enforcement officer for the most part understands the need to protect themselves with body armor. There are issues that need to be balanced. It is not the only piece of equipment that they are carrying. Today officers carry between 16 and 20 pounds of additional gear on their hips, and we are constantly looking for ways to alleviate the strain on their lower backs and hips and the nerves that run down the side of their legs as a result of carrying that extra weight.

One of the latest innovations in vest technology in addition to the great strides that have been made in the content of the vest itself is external vest carriers. So you will see in news coverage or maybe in your home towns police officers wearing vests that are over their uniform shirts instead of under their shirts. They are still contemporary soft body armor. They are just in different carriers, and those carriers are designed to alleviate some of the weight that is being carried on the officers' lower back and around the gun belt by moving some of the gear up onto the vest itself and then it can hang on the shoulders, which are much better equipped to carry that weight than hips are.

Chairman LEAHY. And you do have some flexibility, depending upon what the situation would be. We have talked about sitting at the desk or things like that.

Chief SCHIRLING. That is exactly right. With the external vest carriers if an officer is in doing 2 or 3 hours of paperwork on an arrest that was just made, they can take that carrier off and place it on the desk next to them and relieve all of that weight and all of the heat that is associated with wearing the vest for that period of time that they are doing paperwork.

Chairman LEAHY. Well, this goes into a little bit about what Mr. Maurer talked about, the fit and the durability of ballistic vests. Obviously, certainly I have seen a lot of advances. We recognize the fact we have a lot of women as police officers. Do you have any recommendations you would like to make? You mentioned this outside wear. Do you have any other recommendations?

Chief SCHIRLING. I think continuing to explore better fit and better material and more effective vests, stab-resistant vests, vests that are thinner and lighter, and all of those things have been evolving over the last 20 years. If I were to have brought my origi-

nal vest from roughly 20 years ago, its thickness and weight and its ability to move as I moved would bear no resemblance to the vest that I was issued just 2 or 3 years ago, which is much thinner, much lighter, has a much greater range of movement, and is a lot more viable as something that is worn for a 10-hour shift; and in the case of many officers, they are not controlling what is happening at the end of the shift, so an 8- or 10- hour shift or a 12-hour shift often go longer than that. So it is a fairly long time to wear a piece of equipment, and those evolutions, both for male officers and the evolutions in design for female officers, have made things more comfortable. But I think the further we get down the road of vest innovation, the more comfortable things will become.

Chairman LEAHY. It is interesting because I remember issuing and getting search warrants for police to make a raid. I remember what they had: basically big steel plates to wear. I do not know how they even moved in them back then. That was a million years ago. You and I had the privilege of bringing the FBI Director, Bob Mueller, through the Burlington Police Department, and I recall some of the pictures—some of them I still chuckle about—showing the old equipment we had then.

I would tell my colleagues, one of the things I think Chief Schirling is smiling about, when I was State's attorney, I used to go out every year to the police outdoor pistol range and qualify with them, and they had a picture of me there. Mr. Mueller is—the chief somehow found this in the archives, and not only did I have hair, but I had long sideburns. But I also qualified each time.

I will have other questions for the other members of the panel afterward, but let me yield to Senator Kohl.

Senator KOHL. Thank you, Mr. Chairman. Thanks for holding this hearing today. We owe our law enforcement officers a very great debt of gratitude for their work—the work that they do every day keeping our communities safe and enforcing the laws.

I was a strong supporter of the Bulletproof Vest Partnership Act in 1999, and I am pleased that it continues to have an impact on the safety of our law enforcement officers. I will, of course, be supporting the reauthorization of this legislation and ensuring that we fund it at an adequate level. We need to do everything we can for the men and women who risk their lives to protect us.

There is no question that bulletproof vests save lives. For instance, last March, a 9-year veteran of the Fond du Lac, Wisconsin, Police Department was shot twice in the chest as he responded to a call. Fortunately, the officer had chosen to wear a bulletproof vest even though his department did not require it, and the vest saved his life.

I believe that no officer should be without a bulletproof vest. We need to do all we can to ensure that all jurisdictions, large and small, are able to buy them. We also need to ensure that the vests fit well and that they are comfortable enough for officers to wear them. These vests, in my opinion, are a fundamental part of keeping officers safe in the line of duty, and so the Federal Government needs to help State and local law enforcement provide this essential equipment to their officers.

I would like to ask each one of you: Do you believe that just as officers wear all the necessary equipment that you have described

today, they should also wear—in the line of duty when they are out there in the field, they also should be required to wear a bulletproof vest? Chief?

Chief SCHIRLING. Senator, thank you for the question. I think the answer is absolutely yes. Not only should they be wearing, in my opinion, soft body armor in their day-to-day operations, but anytime we go to a known threat scenario, we should do everything possible to deliver the next stage of armor, an external larger carrier that protects against an additional threat level, a more tactical vest. And I am not suggesting that relates directly to the Vest Partnership, but in some regard it does because in our case it frees up the limited resources that we do have so we can buy additional armor that they can wear when faced with a known armed assailant.

Senator KOHL. But they should be required?

Chief SCHIRLING. Absolutely.

Senator KOHL. Mr. Maurer.

Mr. MAURER. Yes, the mandatory-wear policy that the Attorney General has in place is a good measure, in our view. It helps protect lives. One of the things that we recommend in our report, obviously, is that DOJ explore expanding this requirement to the JAG program as well. We are concerned that jurisdictions may be purchasing bulletproof vests with JAG money where they do not have mandatory-wear policies and where they do not meet NIJ compliance.

Senator KOHL. Thank you.

Mr. Canterbury.

Mr. CANTERBURY. Senator, we support mandatory-wear policies as long as they take into consideration undercover operations, inside work. You know, a lot of these are governed by collective bargaining agreements. But for the police officer on the street engaged in active law enforcement and the acts of apprehension, yes, sir, we support mandatory wear.

Senator KOHL. All right. And I agree with that. But if we are going to do that, how can we not provide the equipment? In many places—what?—the officer is supposed to pay himself? Can we on the one hand say you must wear this piece of equipment and on the other hand not provide it to him or her? How does that work, sir?

Chief SCHIRLING. I should qualify my remarks that I agree with Mr. Canterbury that there are scenarios where wearing the vest, like in an undercover operation, may actually compromise the officer's safety, so I am talking about uniformed officers in the standard course of duty.

Senator KOHL. Yes.

Chief SCHIRLING. I think you are right that, without assistance, many of the 18,000 law enforcement agencies in the United States would not be able to afford to provide vests for their officers. The first bulletproof vest that I purchased in Burlington in 1989, I purchased with my own funds. We did not have the money to—we did not have the money at the time to issue pads and pens. You went to the drugstore to get your pads and pens for your uniform. A lot has changed since then, but there is still a long way to go in terms of resource availability. And with changing technology, the need,

again, to replace things, to keep them contemporary against the contemporary threats that we face is just as challenging.

Senator KOHL. Mr. Maurer, if we are not going to provide the money, how can we insist that the officer wear the equipment?

Mr. MAURER. I think you are absolutely right. If there is a requirement that the officers wear this type of equipment, it should be something that is purchased for them. They should not have to cover the costs out of their own pockets. Obviously, the policy issue is whether those funds come from Federal, State, and local, and on that, you know, GAO is going to be agnostic on that point. But we do think it is important that if it is going to be a requirement of the day-to-day responsibilities, it should be provided for the officers.

Senator KOHL. Mr. Canterbury.

Mr. CANTERBURY. With the average police department being ten men or less in the United States—and that is the non-gender-specific "men"—we would not have them. I purchased my first one in 1979. It took a considerable amount of my $7,600 a year salary to purchase a $400 vest. But my family thought it was important, and we struggled for it.

I have agencies in my county now that are currently wearing expired vests from my agency, and we see a lot of that. And during the Iraq conflict, many police agencies were sending their used, out-of-date vests to the Iraqi police academies. So, you know, some protection is better than none.

So without Federal Government assistance, this program will not continue at the State and local level, period.

Senator KOHL. So you think, one, we should have that mandatory wear, but, No. 2, in order for that to occur, the Federal Government is going to have to do a large part of the financing?

Mr. CANTERBURY. I think without the Federal Government financing the program, vest wear will go down considerably across the country. And as I said earlier, we do support a mandatory-wear policy, provided, however, you have the proper exclusions for when it is necessary or when it is not needed.

Senator KOHL. Thank you very much.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you, Senator Kohl.

Senator Blumenthal, And I should also note he is a former Attorney General of his State.

Senator BLUMENTHAL. Thank you, Mr. Chairman, and thank you all for being here today.

In particular, Chief Schirling, thank you for your service in Vermont in the beautiful city of Burlington, which I have been privileged to visit. And thank you, Mr. Canterbury, for your service in South Carolina. And I am interested in your opinion, very valuable to this Committee, on the mandatory-wear policy, but as Attorney General, we actually investigated a number of deficiencies that occurred in the production of this body armor, deficiencies relating to the expiration or reduction in its effectiveness before the date that it was supposed to do. And I wonder if you could comment, particularly Chief Schirling and Mr. Canterbury—and, Mr. Maurer, if you have any observations—on problems that have arisen and possibly the need for better testing and earlier replacement

of this body armor so we do not rely on it past the point when it has been effective. And it really has helped save lives in Connecticut and around the country, as you know better than I. So I would welcome your comments on that point.

Mr. CANTERBURY. The National Fraternal Order of Police has supported the NIJ guidelines going back before there were guidelines. Many years ago, there was a company that had manipulated their statistics, and we called for a criminal investigation of that company, as well as NIJ standards, and NIJ has produced vests that are a little bit thicker than some of the vests that were produced prior to NIJ standards, but traditional testing on those vests proved that they were not adequate. So we very much support the NIJ standards. They have used a lot of local law enforcement in their work with wearability. Obviously, if you wanted to stop a round, you could build a vest big enough to stop just about anything out there, but it would not be functional. So the NIJ standards we believe have been very helpful.

Chief SCHIRLING. Thank you for the question, Senator. We would welcome you back to Burlington anytime you want to visit.

Senator BLUMENTHAL. Thank you. I have to consult my Chairman first before I go back to Vermont.

[Laughter.]

Chief SCHIRLING. I would concur with Mr. Canterbury. We as an agency our size, which is relatively large by national standards, rely heavily on NIJ and other testing done by Federal agencies like the FBI on vests to know whether what is being advertised is accurate. Really the best we can hope for in terms of testing is after the fact. When we retire a vest, hopefully after the recommended 5-year life span, we occasionally take a vest out to the training range and will fire our duty rounds into it to test its efficiency or efficacy. And to date, I am happy to report that I do not think we have found issues with too much penetration beyond what was advertised during those random tests.

Senator BLUMENTHAL. Mr. Maurer.

Mr. MAURER. Yes, we found that there is a lot going on at NIJ and its partners across the Federal Government on these important issues. NIJ is working with the Defense Department, for example, trying to gain the benefit of their experience with body armor from a military context and applying that to the law enforcement context, and there are issues associated with wear and fit.

We also found that NIJ does these compliance tests to make sure that manufactured body armor meets the standards, and these are not rubber stamps. We found that in about half the cases the vests were failing the tests, and that was actually a good sign to us that these were stringent tests. And that is important for law enforcement to make sure that when something is NIJ compliant, they have gone through some standard and rigorous testing.

Senator BLUMENTHAL. We, by the way, settled the cases and the investigations involving these companies to the benefit of our police departments in Connecticut. But I think it highlights the need for this continued regimen of testing and vigilance to make sure that the body armor actually works, because it may actually be counterproductive to have body armor, obviously, as you know, that is relied on and then does not work.

Do you find, Mr. Canterbury, because you raised the issue of collective bargaining and so forth, increasing acceptance of body armor as necessary to wear? Or is there still some resistance to it?

Mr. CANTERBURY. Senator, I believe that without collective bargaining agreements, many of our agencies would not have vests today. It is the officers who bring those safety issues into question. When I first asked for a ballistic vest for my department, the question I got from a 30-year veteran chief was, "Are you scared to do your job?" And I said, "No. But I want to go home to my family."

So I think actually the unions have greatly increased the use of safety equipment and probably were more of a catalyst to them becoming widely accepted than anything out there.

Senator BLUMENTHAL. Well, I would agree with you on the basis of my limited experience, and thank you for that observation.

Thank you all for your great work, and thank you for your testimony.

Chairman LEAHY. I should note, Senator Blumenthal, you are welcome in Vermont anytime. I suspect if you went to the Burlington Police Department, Chief Schirling would not resist the temptation to show you those old photographs.

Senator BLUMENTHAL. That may be worth the trip.

[Laughter.]

Chairman LEAHY. Senator Franken.

Senator FRANKEN. Thank you, Mr. Chairman, for holding this hearing. I am a strong supporter of the Bulletproof Vests Partnership program whose vests save lives. I will give an example. Fairmont, Minnesota, is a relatively small town of about 10,000 people just north of the Iowa border. It is a tight-knit community.

On October 26, 2010, Fairmont police officer Chad Sanow finished dinner with his wife and kids and then left for work. Shortly thereafter, he responded to a call for a fire, a house fire. It turned out to be an ambush. A gunman was hiding among the flames. Officer Sanow was shot in the chest during the encounter.

Two amazing things happened next. First, Officer Sanow received a call from his wife, and in the midst of the chaos, he answered the phone. He later said, "I knew I should not have answered it, but I did not know how bad my injuries were, and I wanted to talk to her because what if I did not make it and I wanted to hear her voice."

The other amazing thing was Officer Sanow survived. He was wearing a bulletproof vest the Fairmont Police Department had obtained through the BVP program; otherwise, he would have died. His lieutenant later said that the bulletproof vest absolutely saved Sanow's life. Officer Sanow walked away with a deep purple bruise on his chest, and that is what this program is all about.

Last year, about 180 towns in Minnesota acquired more than 2,500 bulletproof vests through the BVP program. When I think of the BVP program, I do not think of statistics. I think about this story and I think of people like Officer Sanow.

Not long after the shooting, Officer Sanow said that he wears his bulletproof vest for his family because "every night I want to be able to tuck my kids into bed." I think you said that or something very similar, Officer Canterbury. And he said, "I want to share that meal at supper."

Officer Sanow has been keeping his community safe for more than 15 years, and we are blessed that he is still with us and serving the people of Fairmont.

Mr. Canterbury, you brought up the issue of wearability, and I think this is an interesting issue, which is that at a certain point you reach a point of diminishing returns. As you were saying, you can create something thick enough to stop anything. But it is really important that these things be comfortable enough that it does not incentivize not wearing it, right?

Mr. CANTERBURY. Yes, sir, absolutely, especially in high-humidity situations, temperatures that you have in Phoenix every day in the summer, comfort and wearability are essential. They could be dangerous at some point with those kind of high-temperature situations if you did not have the NIJ testing and other ways for officers to—in those agencies, I believe the over-the-shirt vests work very well because at least when they are in their car they can loosen them, get air under them. When you are wearing that under your shirt and over a T-shirt and many times another shirt to keep it off your skin, it makes it very difficult. So the industry has done well to come up with new ways.

Senator FRANKEN. When assessing the effectiveness of it, that wearability issue is actually an issue because it is counterproductive if you do not wear it.

Mr. CANTERBURY. Absolutely.

Senator FRANKEN. Last week, I introduced the Local Courthouse Safety Act to codify the Justice Department's Valor Initiative, which provides training and technical assistance to local law enforcement personnel and teaching them how to anticipate and prevent violent incidents. For example, the Valor Initiative teaches officers how to detect concealed weapons and to identify potential gunmen.

Mr. Canterbury, I understand you have served as a training division supervisor with your police force. Do you agree that training is an important component of officer safety?

Mr. CANTERBURY. The most essential part of officer safety, and, unfortunately, it is the first thing cut when money gets tight. So without programs like BVP, the next thing that is going to be cut is officer training. It is the first and easiest thing to stop in a budget.

Senator FRANKEN. And you talked about those critical opening moments of an incident. This is one of the reasons I support the Mentally Ill Offender Treatment and Crime Reduction Act. You are familiar with that. People with mental illnesses are disproportionately caught up in the criminal justice system, and encounters with this population present a unique set of challenges for police.

The Mentally Ill Offender Treatment and Crime Reduction Act helps local police develop models for responding to incidents involving the mentally ill. Mr. Schirling, do you agree that specialized training for police can reduce injuries to not just officers but civilians during encounters with mentally ill individuals? And can you speak to the importance of that program?

Chief SCHIRLING. I do believe that is true, Senator. I think that is an excellent topic for discussion here in 2012. One of the most challenging things that our officers face day to day is events in

which people with unmet needs in the realm of mental health are acting out in some fashion. And as State budgets continue to be reduced, services and programs for folks that suffer from mental illness are eroding, and when all else fails, the last resort is the three-digit phone number. It is 9–1–1. And the situations can be very unpredictable, and they can be very challenging to deal with. And we are spending a great deal of effort training law enforcement and building additional capacity through street outreach and intervention. It is working with law enforcement agencies and things of that nature to try to ensure that we can de-escalate those scenarios before a bulletproof vest becomes the last line of defense, or vice versa, that someone with a mental illness who is there not by their own choosing ends up injured or worse as a result of an encounter with law enforcement.

So it is a huge challenge in an area where we need to spend significant focus.

Senator FRANKEN. Thank you, and thank you all for your testimony and thank you all for your work.

Thank you, Mr. Chairman.

Chairman LEAHY. And we have been joined by the Ranking Member, Senator Grassley. I will yield to you.

Senator GRASSLEY. Thank you very much. I know it is not very courteous, my not being here, but I think the Chairman told you why I was not. And, besides, there were three other Committee meetings scheduled in these morning hours, so forgive me.

I am going to put a statement in the record, but I want to refer to one paragraph from it. Officer safety is paramount, and we should do all we can to make sure officers on the streets have body armor. However, we must also ensure that taxpayers' dollars are monitored and managed effectively by the Justice Department. We can and must do both. Reauthorizing this program affords us that opportunity.

[The prepared statement of Senator Grassley appears as a submission for the record.]

Senator GRASSLEY. Mr. Maurer, the report released today by GAO found that the Justice Department has been carrying forward a significant balance in this partnership program. Your audit found that $27 million dating back to fiscal year 2002 is currently held by the program. On top of that, GAO found that $14 million was previously deobligated from the program in 2009 and used to pay off a Congressional rescission to the Department's budget. That is $41 million that could have been used to purchase vests for law enforcement agencies. Coupled with the program's matching requirement, it could have funded up to $82 million worth of vests.

So, Mr. Maurer, was GAO able to determine why the Department continues to carry over such a balance despite annual appropriations?

Mr. MAURER. Yes, we talked to the Department of Justice about that, and in a nutshell, this is unfortunately not unusual in grant programs, not just at DOJ but across all the Government.

Back in 2008, we issued a report talking about undisbursed grant balances, and at that time we found about $1 billion of funds like these that were sitting around basically unused. And what ends up happening is that awards are made, and for a variety of

reasons they are never actually acted on. And so the money builds up over a period of time.

Senator GRASSLEY. A couple together here. Was the Department even aware that they were carrying such large balances before you pointed out? And when asked about the money, what did the Department say it planned to do with it?

Mr. MAURER. Yes, when we talked to the Department about it, they were aware of these balances. Over the period of years, they were re-extending the grant award timeframes so that if localities had not used the money, they kept them active within the program.

We also asked them about their plans in addressing this going forward, and they said they are going to act on our recommendation to take action to actually use these funds.

Our point of departure on this is that, you know, whether you use these funds to purchase more bulletproof vests or use it to offset future appropriations, it does not serve anyone's interest to have it sitting in a DOJ account not doing anything.

Senator GRASSLEY. OK. Your report includes a recommendation that the Department deobligate the $27 million. It also notes that the Department concurred with the recommendations and "in the absence of statutory restrictions stating otherwise, it intends to use the deobligated, undisbursed BVP program funds to supplement the appropriation amounts in fiscal year 2012 and 2013."

Did the Department indicate if this was to buy more vests or whether they would use it to pay down more rescissions?

Mr. MAURER. My understanding of their response—and you can ask the Department this directly—is that their plan was to use it to purchase more vests. However, what you have read is what they provided us in writing.

Senator GRASSLEY. Were agencies that should be reimbursed never awarded funding?

Mr. MAURER. My understanding is that did not happen.

Senator GRASSLEY. In your opinion, should Congress stop providing no-year money for this program?

Mr. MAURER. I think that is a legitimate policy issue for Congress to consider, and we would be happy—I think our report helps inform those decisions, but we are not going to take a position on whether it should continue to be no-year funding or not.

Senator GRASSLEY. Bulletproof and stab-proof vests that save the lives of our law enforcement officers are a very worthy use of our dollars. However, given the current fiscal situation, we must ensure that the program is operated as efficiently as possible. Based upon your testimony, it appears that money for body armor has not been used efficiently because the money is funneled through two different Department of Justice grant programs, each with different requirements for the recipients. As a result, funds from both programs for the same purpose may have been provided to the same recipients, and some vests bought with that money may not be up to the best standards.

Of the two DOJ grant programs that provide funds for the purchase of vests, only the Bulletproof Vest Partnership, BVP, grant program has appropriate safeguards to ensure that the funds are used appropriately, such as 50-percent match. The GAO has stated—and I agree—that the matching requirements are crucial to en-

sure that grantees take care to use grant funds efficiently. Byrne/JAG grantees who use funds for vests do not have matching requirements.

More concerning, there is no guarantee that recipients of Byrne/JAG grants did not use those funds to pay for the match requirements of Bulletproof Vest partnership programs, and Byrne/JAG grantees are not required to buy vests that meet DOJ's own standards for quality and are not required to make sure that their officers actually wear the vests.

Another difference is that the Bulletproof Vest Partnership grant program requires that grantees make their purchases before being reimbursed while the JAG programs provide grantee money up front.

Why does Justice operate these programs differently? And what would be the benefits of combining the programs? And, second, does DOJ know how many grantees receive money from both of these programs in any given fiscal year? And do you know?

Mr. MAURER. I will answer your last question first. GAO does not know nor does DOJ know all the recipients that have received funding through the JAG program for purchase of body armor, nor are they required to do so. I think that is important to point that out as well.

The JAG program is a very broad program. It is a formula grant program. States and localities can use it for a wide variety of purposes, and there is no requirement that they report back to the Department of Justice specifically what they are doing with every dollar spent on that program.

Obviously, BVP is different. It is a very specific and targeted program designed specifically for body armor.

Senator GRASSLEY. This will have to be my last question. What changes to the Bulletproof Vest Partnership Act would you suggest to account for these problems or other issues that you discovered in the course of your audit?

Mr. MAURER. We think it is important for the Department to act on all the recommendations in our report, and whether that is handed through statute or through the Department's own policies we will leave to the Congress and to the Department to work out. But I think as a general proposition, it is important that all Department of Justice grant money that is used for the purchase of body armor be used to purchase NIJ-compliant body armor, that it meets standards, and that it goes to jurisdictions that have mandatory-wear policies in place. We would like to see that consistency.

Senator GRASSLEY. Quickly, could savings be achieved by consolidating the duplication between these two programs?

Mr. MAURER. Again, I think that is something for the Congress to work out.

Senator GRASSLEY. Thank you.

Thank you, Mr. Chairman.

Chairman LEAHY. Thank you, Senator Grassley.

In keeping with having former prosecutors here, we have Senator Klobuchar of Minnesota.

Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. Thank you to all three of the witnesses. I may be the last one to

speak, so I am the only thing that stands between you and lunch, I guess, and I want to particularly thank Chief Schirling.

I was very surprised that you would have a chief from Vermont here on this panel. You know, we are 50 States.

Chairman LEAHY. We picked them alphabetically starting with "V."

Senator KLOBUCHAR. All right. Very good.

Also, Director Maurer and Mr. Canterbury, thank you for your work on behalf of the brave men and women that put themselves on the line every single day. The most moving thing I have seen in the last year was, sadly, a funeral for one of the fallen officers. Someone who had responded to a domestic violence call was shot in the head, so a vest would not have helped in this case. And being there at that funeral and seeing his widow with the three little children, two little boys and this girl with this bright blue dress on, walk down that aisle of that church was something I am never going to forget. And so it reminded me day in and day out how they are putting their lives on the line, and we have to do every single thing to help them. So thank you so much for your work.

My first question was actually just about some of the statistics and what has been going on. In 2011, 71 police officers nationwide were killed by firearms, which is the highest number since 2007, and up 20 percent from 2010s total of 59. Do you think there are any factors that are contributing to this? Is there some kind of trend here? Is there any issue with the bulletproof vests, or is it just a statistical aberration? What do you think? Do you have any insight on what is going on? Mr. Canterbury, if you want to start.

Mr. CANTERBURY. A lot of research is being done on that, and we do not know. We are dealing with our international partners as well, and violence is up all over the world against law enforcement. New Zealand, for instance, where police officers do not carry, had two officers killed in the line of duty by firearms last year. So we are in a lot of discussions. I know that IACP and a number of the other groups are trying to look at the statistics on assaults and see.

Obviously, we think economic conditions play a role at some point, but we are hoping it was just an anomaly.

Senator KLOBUCHAR. OK. Anyone else? Director?

Mr. MAURER. We did not study that particular issue, but one of the things we did come across in our reviews was a RAND study that looked at the use of bulletproof vests and found that when officers are wearing bulletproof vests and if they are actually shot in the torso, they are almost 4 times as likely to survive. So it is a really important part of their equipment. Also, in their study they found no cases where there was actually a penetration of the bulletproof vest, so that is indicative of the quality of what is being provided.

Senator KLOBUCHAR. According to a National Law Enforcement Officers Memorial Fund report, in 2011 nine of the police officers killed by the firearms were killed while responding to domestic disturbances. This is an issue that resonates with me. We are trying very hard to move the VAWA reauthorization to the floor, and I guess my question is more about that. Are officers at some police departments required to wear vests while responding to domestic disturbance calls? Why are these calls more dangerous? And do you

have any insight on that? I do not know if you wanted to answer that one, Chief?

Chief SCHIRLING. Certainly, Senator. Thank you. Domestic violence calls are historically an enhanced risk scenario. I think moreover, though, to weave this into your last question as well, we are facing, I think, increasingly complex circumstances on the street, and there are a variety of things feeding that: an increase in substance abuse, more intractable alcohol and addiction-related issues, an increase in the number of contacts with people with underlying mental illness, and an increasing number of folks who are in sort of overall crisis for a variety of reasons that are often co-occurring at the same time. And I think that is leading to more violent encounters and ultimately more officers killed. And domestic violence is certainly a thread in there.

Chairman had a press conference in Vermont on Monday regarding VAWA funding, and one of the themes that we discussed there was the fact that in the last 15 years in Vermont, 51 percent of the homicides that have occurred were domestic violence related. So that level of violence translates directly to, I believe, the encounters that law enforcement officers have with alleged perpetrators of domestic violence, that there is just an enhanced risk that goes with that in all of those events.

Senator KLOBUCHAR. Very good. You mentioned drugs. I just cannot—I am obsessed with this right now. It is a little off topic, and no one is here so that is good. Have you seen an increase with synthetic drugs in Vermont like we have seen in Minnesota?

Chief SCHIRLING. I am going to knock on wood because we have not. Our pervasive issue is addiction to prescription opiates.

Senator KLOBUCHAR. Right.

Chief SCHIRLING. It is rampant, and it is driving crime, it is driving violence, it is driving everything right now.

Senator KLOBUCHAR. Yes, and Senator Cornyn and I worked on a prescription take-back to try to make it easier for people to get things out of their medicine cabinets, and I know that is not the only solution, but we passed that and have been pushing to get the rules developed with DEA.

Anyone else want to comment on the synthetics?

Mr. Canterbury.

Mr. CANTERBURY. In my home State, synthetics have been a problem. But just like the chief, it is prescription medication along with the ability to make cheap, quick methamphetamine. That is still a problem. The ingredients are different at times, which make them much more dangerous.

Senator KLOBUCHAR. OK. This is a question I bet you were not asked by my fellow Senators. This is about women and bulletproof vests. More and more women are entering law enforcement. In fact, I recommended and the President appointed our first woman Federal Marshal in Minnesota, and she was the deputy police chief in the Minneapolis Police Department.

We have received testimony in the record that suggests that female officers may not be getting bulletproof vests that fit properly and that they may be hesitant to requests vests made for women because those vests cost more.

We have also received testimony that suggests that officers may be less likely to wear their vests when the vests did not fit properly.

Could you talk more about these dynamics and what is the issue and the impact on female law enforcement? Director?

Mr. MAURER. Yes, we looked at that issue specifically as part of our review, and it is certainly one of the major issues that NIJ is studying right now. There are 100,000 female law enforcement officers in this country right now, so obviously having body armor that fits and that works is certainly in everyone's best interest.

Manufacturers are starting to rise to this challenge, but they definitely point to some—it is not an easy thing for them to do. They have to provide more contoured body armor for a female officer than for a male officer, and that creates technical challenges because there are more seams in the body armor and that makes it more difficult to produce something that is protective.

But you are absolutely right. It needs to be comfortable, and it needs to fit well for an officer to have the right incentive to use it every single day in the line of duty.

Senator KLOBUCHAR. Thank you. Anyone else? Chief?

Chief SCHIRLING. Thanks for that question, Senator. We actually did address that earlier, surprisingly.

Senator KLOBUCHAR. Oh, you did?

Chief SCHIRLING. We did, briefly.

Senator KLOBUCHAR. Sorry. I was at a farm hearing, but you do not want to know all the details on that.

[Laughter.]

Chief SCHIRLING. Happy to go back through it, though, and actually add some additional detail. About 20 percent of our officers are female, a little bit higher than the national average, and we are doing all we can to do custom fitting. But one of the things we are also exploring the use of is external vest carriers, which do not require quite as much tailoring so that a uniform shirt has to go over them. The shirt is worn, and then the external carrier is worn over that. There are a variety of potential benefits, including relieving weight from hips and duty belts as well.

So there is a lot of work being done in terms of enhancing comfort, not just for female officers but for all officers in this area.

Senator KLOBUCHAR. All right. Anything more? Mr. Canterbury?

Mr. CANTERBURY. There is a lot of other equipment that needs to be tailored for our female officers.

Senator KLOBUCHAR. Kind of like the chairs in the Judiciary Committee room. That is why I moved over so I could see.

[Laughter.]

Mr. CANTERBURY. The gun belts, the uniform pants, but since my start in the career to today, that has changed dramatically. But there are a lot of those issues that we need to address. But I think the new technology is helping some, and they do cost a little bit more, but it is just required.

Senator KLOBUCHAR. All right. Well, very good. Thank you to all of you for your testimony. Thank you.

Chairman LEAHY. Thank you. And you do not have to be a former prosecutor to serve on this Committee, but it does help, and we have one more, Senator Whitehouse of Rhode Island, who was

both a U.S. Attorney and Attorney General of his State. I am going to turn the gavel over to him while I step back out of the room to another meeting.

Senator WHITEHOUSE. Shall I recess at the end of my questioning or do you——

Chairman LEAHY. If there is nobody else here.

Senator WHITEHOUSE. Very well.

Chairman LEAHY. Although, if I might, with your indulgence, I would ask Mr. Maurer just so we have it on the record: You know the DOJ has not deobligated the $27 million funds which we talked about earlier. I agree with GAO's recommendation that the Department could use these funds for new grant awards. You said the Department plans to use these funds to supplement appropriations in fiscal years 2012 and 2013. Do you believe—and I assume you do—that the Department of Justice is capable of responding to your recommendations?

Mr. MAURER. Yes, we believe they are capable of responding to our recommendation.

Chairman LEAHY. And, President Canterbury, I think you would agree that this program itself has raised the awareness of the need for the use of bulletproof vests by police officers. Would you agree with that?

Mr. CANTERBURY. Absolutely, Senator, and we applaud you for continuing to have these hearings so that we can—you know, we do not like to advertise the use of bulletproof vests on the street. We do not want people to know we are wearing them. But, you know, without this type of funding, they will go back to doing bake sales and car washes to provide them.

Chairman LEAHY. And I have told you privately before about the police officer in Denver tapping his chest and what he said to me, and that is one of the things I will remember all the time I am in the Senate.

Senator Whitehouse.

Senator WHITEHOUSE. [Presiding.] Thank you very much, Chairman, and thank you for holding this hearing. I appreciate the testimony of all the witnesses.

We lost 160 police officers in 2010 and 164 in 2011 to fatalities in the line of duty, so it both reflects on the importance of your service, but it also reflects on the importance of this issue.

The mandatory-wear policies that the Department of Justice requires for those who are the beneficiaries of this program raise the question of what a mandatory-wear policy should look like given the wide variety of circumstances that present themselves to a police officer in the course of his or her career, and I am wondering if you all have developed enough experience in this that you have some sense of what would be good ingredients in a mandatory-wear policy. Are there best practices? Are there things to be avoided that people have discovered when they wrote a mandatory-wear policy and then realized, oops, that is a circumstance we did not think of? What is kind of the state-of-the-art right now with respect to mandatory-wear policies, if you know?

Chief SCHIRLING. Thank you, Senator. It is good to see you again.

I am not sure there is perfection out there relative to any law enforcement policy. As we continue to research best practice, what

we have found, I think, is that, by and large, for officers engaged in day-to-day patrol functions, what are called uniformed divisions, patrol divisions, whatever they may be called in whatever part of the country, the officer is wearing polyester. By and large, for agencies that have chosen to go with a mandatory-wear route, that is sort of—the unanimity seems to be there. It does become much more complicated for officers in plainclothes and on undercover assignments and administrative assignments.

What we have done and chosen to do based on looking at other folks' policies is, if you are in uniform serving an enforcement role, wear is mandatory. If you are in plainclothes, it is strongly encouraged in certain circumstance and it is mandatory in other circumstances. So it is event dependent.

You are right in assessing that there is no way to ever ascertain all of the variables that could be in play, so it is really about creating the best categories and guidance possible with mandatory wear.

Senator WHITEHOUSE. And learning as we go what the best policies are.

Chief SCHIRLING. Exactly.

Senator WHITEHOUSE. Mr. Maurer.

Mr. MAURER. Yes, in our work we did not assess how well the different mandatory policies were relative to one another. We did notice that the International Association of Chiefs of Police has developed a model policy that I think a lot of the jurisdictions are using as a starting point. That seemed to be something that was a good way to get things started, particularly the smaller jurisdictions. But I would agree with my colleague that I think it is important to have some flexibility in how it is used on a day-to-day basis.

Chairman LEAHY. Mr. Canterbury.

Mr. CANTERBURY. Well, there are geographical issues that come into play. Standing in an intersection at 103 degrees, you have got to allow them to take them off. And I think that geography plays a role. In undercover positions obviously it would jeopardize. So they have to be somewhat flexible. But we support the mandatory wear for those people engaged in active law enforcement actions.

Senator WHITEHOUSE. Well, thank you. This is, I think, an issue we are going to need to keep an eye on as it goes forward, and I appreciate your interest in it.

I have submissions for the hearing record from Sheriff Paul Fitzgerald, who is the president of the National Sheriffs Association; and from Chief Ron McBride of the International Association of Chiefs of Police; and from Dupont, who partners together with others in support of the Kevlar Survivors Club. Without objection, they will be made part of the record.

[The information referred to appears as a submission for the record.]

Senator WHITEHOUSE. Senator Klobuchar, would you like another round?

Senator KLOBUCHAR. No. I just came back to say good-bye.

Senator WHITEHOUSE. In that case, let me close out by describing the words of a great Rhode Island law enforcement officer, Chief Vin Vespia, who had an illustrious State police career chasing mobsters around Rhode Island back in the mob days and has for dec-

ades now been the police chief of South Kingstown and is extremely well regarded by his peers. He was recently the emcee at the installation of Chief Pizarray, the new chief of the Rhode Island Municipal Police Chiefs' Association, and what Chief Vespia says is, simply stated, "Body armor is the most important article of police equipment that an officer can have."

So on that note, I will conclude the hearing with my gratitude to all of the witnesses and my appreciation to the Chairman for his relentless attention on this important topic.

Senator KLOBUCHAR. Thank you very much.

Senator WHITEHOUSE. The record will remain open for 1 week for any further submissions.

[Whereupon, at 11:24 a.m., the Committee was adjourned.]

[Questions and answers and submissions for the record.]

QUESTIONS AND ANSWERS
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NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

9 March 2012

Dear Mr. Chairman,

I want to thank you again for affording me the opportunity to testify before the Committee on the Judiciary about the importance of the Bulletproof Vest Partnership (BVP) grant program and the need to reauthorize this program. I am happy to reply to the questions for the record posed by Senator Coons and to provide any other information with respect to this program.

Question #1:
In your experience representing many law enforcement professionals, what is the reaction you have heard regarding this program?

The reaction from our members has been uniformly positive. There is no doubt that we have thousands of members wearing soft body armor that is up to date because their agency was able to purchase or upgrade their soft body armor through the BVP program.

In addition, law enforcement agencies have reported that the online application process is easy to use, which is of great importance to smaller agencies.

Question #2:
How is the administration of the BVP program received at the state and local level?

It is very well received. Users and applicants have reported a high level of satisfaction with the administrative end of the program.

Quesion #3:
Do you believe the current system of matching funds is sufficient to ensure that every law enforcement officer has access to body armor?

No. This program certainly ensures that more law enforcement officers will have access to soft body armor and I do believe that a majority of agencies in the United States provide or assist their officers in obtaining soft body armor. But I do not believe this or any Federally funded program could make absolutely sure that every law enforcement officer has a vest. It is my understanding that requests for funds have exceeded the available funds in every year of the BVP program's existence, which suggests that there are unmet needs out there.

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Question #4:
How should the BVP program weigh the important balance between ensuring officers safety and maintaining high wear rates?

Higher wear rates obviously means a greater level of safety for the officers who are wearing them. I think that the best way to ensure greater wear rates among officers is to provide them with greater awareness and training with respect to the care of their soft body armor. I also strongly believe that law enforcement leaders–not just the chief or sheriff and his command staff, but FOP and other rank-and-file leaders need to lead by example. If your captain and your shop steward are wearing their vests, there is no excuse why every officer, barring special circumstances or a specific assignment, is not wearing his equipment during their shift.

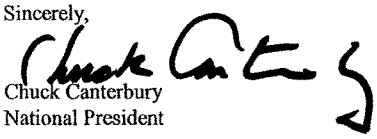
Question #5:
In your experience, what advances in body armor technology have increased "wearability," and where are further advances needed to provide maximum protection to all law enforcement officers?

The reduced weight and breathability of the armor, all of which have been made possible by technological advancements, have greatly increased wearability. I should also add that the work of the National Institute of Justice and the Body Armor Safety Initiative has been stellar. As the FOP was the first law enforcement organization to bring our concerns about Zylon to the U.S. Department of Justice, we have been very happy with the responsiveness of NIJ and other components within Justice. Officer safety has been a real priority for them and we're grateful.

I also want to clarify one other matter, as it was raised during the hearing and again by Senator Coons in the submission of these questions for the record. A "mandatory wear policy" is required for any agency applying for BVP funds. The FOP supports a mandate that every law enforcement agency have a wear policy for their officers that sets down rules and guidelines for the officers employed by the agency. The wear policy should reflect the agency's commitment to officer safety and be guided by that objective, as well as common sense. But we feel strongly that the wear policy should be crafted by the agency, not by the BVP or Federal authority.

I want to thank you again for the opportunity to testify at this important hearing and am happy to provide you and the Committee with any additional information. Please feel free to contact me or Executive Director Pasco in my Washington office if I can be of any further assistance on this matter.

Sincerely,



Chuck Canterbury
National President

United States Government Accountability Office
Washington, DC 20548

March 8, 2012

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate

Subject: *Law Enforcement Body Armor: Responses to Posthearing Questions for the Record*

On February 15, 2012, I testified before your Committee on the Department of Justice's body armor initiatives. This letter responds to questions for the record that the Ranking Member and several other Committee members posed. The responses are based on previously issued GAO products.[1] If you have any questions about this letter or need additional information, please do not hesitate to contact me at 202-512-9627 or maurerd@gao.gov.

David C. Maurer
Director, Homeland Security and Justice Issues

Enclosure

[1]See GAO, *Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements*, GAO-12-353 (Washington, D.C.: Feb. 15, 2012). GAO, *Law Enforcement Body Armor, DOJ Supports Its Use and Enhancements, but Could Strengthen Management of Its Related Grant Programs*, GAO-12-448T (Washington, D.C.: Feb. 15,

Enclosure I

GAO Responses to Questions for the Record

Questions from Senator Grassley

(1) Unexpired Balances in the Bulletproof Vest Partnership Program:

The report released by GAO at the hearing indicates that the Justice Department (Department) has been carrying over significant balances in the Bulletproof Vest Partnership program (BVP program). The report indicates that the BVP has a $27 million unobligated balance that GAO recommends the Department deobligate. In response to a question from me at the hearing, you stated that it was your understanding from the Department that they intended to follow through on this recommendation and use the money to purchase additional vests.

- **Is there any statutory requirement that the Department use these funds to purchase more vests? If so, please indicate what restrictions exist in law.**

  In our February 2012 report, we found that the BVP program had $27 million in undisbursed balances from grants whose terms had ended and were closed. We recommended that DOJ deobligate these undisbursed balances.[2] In accordance with statutory provisions, once DOJ deobligates the undisbursed balances, the BVP program may only use these amounts for the purpose of making grants to States, units of local government and Indian tribes to purchase armor vests for their law enforcement officers and State and local court officers, unless otherwise instructed by Congress.[3]

- **In the event there is no requirement with how the Department utilizes these funds, should Congress condition the use of future funds pending the distribution of the unobligated balance?**

  As noted in our preceding answer, there is a statutory requirement related to how the BVP program may use these funds.

- **What has been the impact of Congress continuing to award "no year" money to the BVP program? Is this is significant factor contributing to the unobligated balance in the BVP program?**

  According to DOJ officials, virtually all of their grants are appropriated with "no year" funds. We did not specifically evaluate the impact of awarding "no year appropriations" to the BVP program or whether this is a significant factor contributing to the undisbursed balances in closed grants in the BVP program.

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[2]Undisbursed balances are funds that the BVP program has obligated by entering into a grant agreement, but the grantee has not drawn down, or the program has not disbursed.
[3]42 U.S.C. § 3796*ll*.

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- **Are there any additional factors contributing to the continued presence of unobligated balances in the BVP program? If so, please describe those factors in detail.**

  As we noted in our February 2012 report, the key issue for the BVP program is undisbursed balances from closed grants. Once the BVP program awards a grant, it obligates its funding. However, because the BVP program does not disburse the funds up front, and instead provides them on a reimbursable basis, the grantee does not receive any funds from its award until the BVP program approves its request for reimbursement. If grantees do not submit reimbursement requests during the term of the grant and the BVP program does not extend the grant term, the program closes the grant and the grantee is no longer eligible for reimbursement. The BVP program may then deobligate these once obligated, but undisbursed funds.

  According to officials, there are several reasons why grantees may not seek reimbursement. In some instances, for example, grantees decided not to purchase some or all of the originally intended vests. In other instances, grantees purchased vests using funds from other sources.

- **To the best of your knowledge, are there any other grant programs at the Department that carry-over significant unexpired balances on an annual basis? If so, please provide a list of those programs.**

  Our work and findings on undisbursed funds from closed grants focused on the Bulletproof Vest Partnership Grant program. As such, we do not know whether other grant programs at the Department carry-over significant unexpired balances from closed grants.

(2) <u>Duplication and Overlap between Justice Department Grant Programs:</u>

Two distinct Justice Department grant programs provide funds that can be utilized to purchase body armor for local law enforcement agencies. The Bullet-Proof Vest Partnership (BVP) Grant Program administered by the Bureau of Justice Assistance (BJA) specifically provides reimbursement for the purchase of vests and the Byrne Justice Assistance Grant (Byrne/JAG) program funding for vests as part of its overall law enforcement assistance mission. The BVP program requires grantees to meet certain conditions, such as a 50 percent match, mandatory-wear policies by recipients, and adherence to quality standards. The Byrne/JAG program does not have any of these. Despite the fact that both programs could fund vests, the Department does not keep track of whether state and local agencies are using both programs to fund vest purchases.

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- **Why does Justice operate these programs differently and what would be the benefits for combining the programs?**

  Federal law established both programs with distinct statutory authorities, requirements, and purposes, which results in differences in the programs' operations. The BVP program was established for the purpose of saving the lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests. By statute, the Director of the Bureau of Justice Assistance (BJA) is authorized to make grants to States, units of local government and Indian tribes specifically to purchase armor vests for use by State, local, and tribal law enforcement officers and State and local court officers in accordance with statutory provisions. In contrast, by statute, under the Edward Byrne Memorial Justice Assistance Grant (JAG) program, the BJA Director is authorized to provide State, local, and tribal governments with support in a wide range of program areas, including law enforcement; prosecution and courts; prevention and education; corrections and community corrections; drug treatment and enforcement; planning, evaluation, and technology improvement; and crime victim and witness initiatives. Within the law enforcement program area, grantees may use JAG grant funds to purchase armor vests, among many other things. In our February 2012 report, we recommended ways for DOJ to harmonize body armor requirements across both programs to ensure law enforcement officers' protection. DOJ agreed with our recommendations and has begun taking steps in these areas. However, we did not examine the benefits of combining the JAG and BVP programs.

- **Does DOJ know how many grantees receive money from both of these programs in any given fiscal year? Does GAO know?**

  Neither DOJ nor we knows how many grantees use both BVP and JAG funding for the specific purpose of purchasing body armor. Because DOJ is not required to track JAG spending for specific purposes, it would not be able to determine how many JAG grantees used their grants to purchase body armor. However, DOJ tracks the most significant areas in which JAG grantees intend to use their funding by using "project identifiers." Regarding body armor, the JAG program has a project identifier for bulletproof vests, but no project identifiers for stab-resistant vests. In response to our audit work, DOJ officials said they would add a project identifier for stab-resistant vests during the fiscal year 2012 JAG application process.

- **What changes to the Bullet-Proof Vest Program Act would you suggest to account for these problems, or other issues you discovered in the course of your audit?**

  As noted in the above response, we and DOJ do not know how many grantees are using both BVP and JAG funding to procure body armor. In our

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February 2012 report, we recommended that DOJ enhance the controls for the BVP program to ensure that recipients of JAG grant funds are not using those funds as the matching portion for the BVP program. DOJ agreed that additional controls were needed and said that it would strengthen its monitoring activities in response to our review. In addition, DOJ said that it would enhance the availability of information on BVP and JAG program requirements in response to our recommendations. We believe that DOJ's planned actions will address our recommendations.

- **Could savings be achieved by consolidating the duplication between these two programs?**

  We did not examine whether savings could be achieved by consolidating these programs.

(3) Quality Control for Vests Purchased:

Vests bought with federal funds should meet the highest possible quality standards. According to your audit, you found that many different factors affect the use and effectiveness of body armor, such as comfort, fit, wear and tear, care and maintenance, and environment.

- **What can Congress do to assist DOJ and other agencies in ensuring the highest possible quality standards for body armor?**

  DOJ officials told us they have sufficient legal authority to establish requirements for the programs funding body armor purchases at the State and local level for their law enforcement officers. Nevertheless, further attention on this issue is warranted. In particular, we recommended that BJA establish requirements within the JAG program, consistent with BVP program requirements, that grantees using JAG grant funds for body armor purchases have written mandatory wear policies in place and that they are permitted to purchase only NIJ-compliant body armor. BJA agreed with these recommendations and we will monitor the department's actions to implement these recommendations.

- **What is the involvement of the manufacturers in the standards-setting process?**

  According to National Institute of Justice (NIJ) officials, manufacturers may provide input into the process for updating ballistic-resistant and stab-resistant standards in several ways. For example, they can participate in the NIJ-sponsored public workshops held before the standards are updated or they can provide comments on the draft standards when NIJ submits them for public comments. However, NIJ does not permit manufacturers to serve on the Special Technical Committees, which are groups with the primary responsibility for updating body armor standards. NIJ officials explained that this facilitates the participation of law enforcement practitioners and avoids conflict of interest.

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- **How are NIJ and manufacturers addressing the unique problems with vest comfort and fit faced by female officers?**

  NIJ officials and the manufactures with whom we spoke during the course of our review are aware of the vest comfort and fit issues female officers face and each group is taking action in response. For example, NIJ told us that ongoing research on female body armor testing methods will inform the test protocols in the new standards that NIJ expects to complete for stab resistant vests in December 2012 and ballistic resistant vests in November 2013. They also told us that the Special Technical Committees involved in updating the standards are considering the inclusion of ergonomic or "wearability" requirements in the new standards, which will benefit female as well as male officers. The six manufacturers we met with said that they custom fit their armor to the individual officer, which helps ensure female officers are wearing vests best contoured to their shapes. In addition, manufacturers told us that they have improved and will continue to improve the design and comfort of their female body armor. For example, one manufacturer said it is planning to use a new technique to mold bust cups without stitching, which may result in thinner, more comfortable vests for female officers.

- **Is there any reason why body armor made in a foreign country, but sold and used in the United States, should not be certified, tested, or evaluated by the National Institute of Justice?**

  We did not examine the issue of body armor made in a foreign country or foreign countries and whether that body armor should or should not be certified, tested, or evaluated by NIJ. We also do not know the countries in which the body armor currently meeting NIJ's compliance standards was manufactured. However, NIJ's body armor standards are voluntary and manufacturers are not required to have their armor tested. Both foreign and domestic body armor manufacturers may voluntarily submit their armor for testing through NIJ's compliance testing program. If the body armor passes, it may obtain NIJ-compliant status and appear on NIJ's compliant products list. Since law enforcement agencies that receive BVP funding may only purchase body armor from this list, there are advantages for manufacturers to undergo NIJ compliance testing.

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Questions from Senator Coburn

1. **Between FY1999-FY2012, Bureau of Justice Assistance (BJA) has awarded $340 million in Bulletproof Vests Partnership (BVP) grants, but has only reimbursed grantees $247 million - a $93 million difference. Of the $93 million in undisbursed funds, Government Accountability Office (GAO) found that $14 million was deobligated and repurposed. $8 million was used as an offset a FY2009 rescission in the Department of Justice's (DOJ) budget. The balance was used to fund "additional BVP program awards." What were these BVP program awards?**

   The BVP program used the balance to fund additional BVP grant awards for State, local, and tribal law enforcement agencies to purchase armor vests for their law enforcement officers.

   a. **$27 million of the $93 million are funds that have expired and could be deobligated and used for another purpose, and $52 million is from awards where the term has not yet expired, but claims for reimbursement have not yet been received. At the end of FY2012, portions of this $52 million will begin to expire unless they are obligated.**

      i. **Can you identify any reason BJA could not deobligate the expired awards immediately?**

         No. DOJ has indicated that the Office of Justice Programs (OJP) agreed with our recommendation to deobligate undisbursed funds from grants in the BVP program that have closed, and they are working to do so.

      ii. **Given the "no-year" funding status of the BVP Program, could this $27 million be used immediately to fund existing and new awards?**

         Yes. BJA intends to use the deobligated, undisbursed BVP program funds from closed grants to supplement the appropriation amounts for procuring body armor in fiscal years 2012 and 2013.

      iii. **Has the excess $93 million been accumulating interest?**

         a. **And, if so, what happened to that interest?**

         According to Department officials, the BVP grant funds do not accumulate interest.

      iv. **The DOJ recently requested $30 million in FY2013 funding for the BVP Program. With the addition of deobligated funds that are likely to become available at the end of FY2012 added to the current $27 million that can be**

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deobligated immediately, it seems BVP could recover enough funds from within its own program to fully fund this request. Is this correct?

Yes. BJA could potentially use the $27 million to fund grants for purchasing body armor vest in future fiscal years or offset a future budget request.

2. **In your testimony, you noted that BVP frequently extends and re-extends grant award time frames. You also referenced a 2008 GAO report which "found about a billion dollars of funds like this that were sitting around basically unused" in grant programs across the federal government.**

   a. **Does GAO believe the practice of extending (and in some cases re-extending) grant award time frames is a prudent approach to grant management?**

   We did not examine this issue during our review. However, the BVP program has designed internal controls to help it manage the funds from grant awards whose terms have been extended. However, we did not test these controls as part of our review.

   b. **When a grant award expires and the corresponding funding is deobligated, is the grantee prevented in any way from reapplying for BVP grants in the future?**

   No. Grantees that have obtained BVP grant awards and have not used part or all of the funds before the term of the grant ends may reapply for grant funds in future fiscal years.

   c. **Can you identify any accountability issues that may arise when grant awards are continually extended beyond their original time frame?**

   During our review, we did not examine the potential accountability implications of continued extensions of grant awards. The BVP program has designed internal controls to help it manage awards that have been extended beyond their original terms. However, we did not test these controls as part of our review.

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Questions from Senator Coons

Director Maurer, I appreciate the effort that has gone into studying the important issues surrounding the federal and state partnership in providing body armor to our law enforcement professionals. I am pleased to see that the GAO report recognizes the particular issue of female body armor, given the rising percentage of females serving in law enforcement across America. The report notes that NIJ will include female body armor testing methods in its ballistic-resistant body armor standards, which is scheduled to be released in November 2013.

1. **Is there anything that can be done prior to that time to ensure availability and proper fit of body armor for females serving in law enforcement today?**

   Yes. The National Institute of Justice (NIJ) is taking steps to address issues related to female body armor. In particular, NIJ has tested models of body armor designed specifically for females and will continue to do so. As a result, several models of NIJ-compliant body armor for females are on the market. Also, NIJ has guidance and an educational video that addresses proper fit of body armor for law enforcement officers, including female officers. In the guidance, for example, NIJ encourages agencies to inspect officer's body armor regularly to ensure the armor continues to fit properly. Further, NIJ's ongoing research to explore the effect of heat, humidity, and moisture on the strength of newer body armor materials could also benefit body armor for female officers.

2. **Did the GAO study how are female officers are currently affected by mandatory wear policies?**

   Yes. We spoke with female officers in 4 jurisdictions that had mandatory wear policies in place—Los Angeles, California; the District of Columbia; Hanover County, Virginia; and Gaithersburg, Maryland. The female officers we met with did not raise any issues with the mandatory wear policies of their departments and told us that, in the absence of mandatory wear policies, they would still use the body armor while on duty because it helps keep them safe.[4]

The GAO report helpfully outlines some of the important research that the NIJ has supported to ensure up-to-date standards for body armor.

3. **In its efforts to improve the design of body armor, has the NIJ studied the issue of backface signature injuries?**

   Yes. NIJ is working with the Department of Defense's (DOD) Technical Support Working Group to study new materials to significantly reduce or eliminate blunt force trauma caused by backface signature—the indentation

[4]Although the views of these officers provide valuable insights into body armor issues, these views are not generalizable.

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GAO Responses to Questions for the Record

caused by the bullet's impact— in soft body armor. We did not discuss with NIJ any other studies it may have conducted related to backface signature injuries.

4. **What standards, if any, are being developed to address this safety issue?**

The current NIJ ballistic-resistant standard addresses the performance of body armor in protecting against blunt force trauma. Specifically, the standard requires that during ballistic testing body armor is not penetrated by a bullet and has a backface signature of no more than 44 millimeters to pass the testing. NIJ is currently working to update its standard for bulletproof vests but we do not know whether NIJ will modify the backface signature requirement as part of the update.

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CHUCK CANTERBURY
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JAMES O. PASCO, JR
EXECUTIVE DIRECTOR

TESTIMONY

of

Chuck Canterbury

National President,

Grand Lodge, Fraternal Order of Police

on

"Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program"

before the
Committee on the Judiciary
United States Senate

15 FEBRUARY 2012

—BUILDING ON A PROUD TRADITION—

Good morning, Mr. Chairman, Senator Grassley and the distinguished members of the Committee on the Judiciary. My name is Chuck Canterbury, National President of the Fraternal Order of Police, the largest law enforcement labor organization in the United States, representing more than 330,000 rank-and-file police officers in every region of the country.

I want to thank you, Mr. Chairman for inviting me here this morning to share the views of these rank-and-file officers about the Bulletproof Vest Partnership (BVP) grant program.

In 1998, Mr. Chairman, you and then-Senator Ben Nighthorse Campbell proposed a simple bill with a very simple goal--to increase the number of law enforcement officers wearing soft body armor by creating a program to provide matching Federal funds to State or local law enforcement agencies of any size seeking to purchase armor vests for use by their officers. The legislation was written to ensure agencies which did not provide their officers with soft body armor would be able to do so and gave priorities to those agencies where crime and violence are more prevalent. Additionally, agencies with outdated or ineffective body armor were given access to the grant, enabling them to upgrade their equipment and give maximum protection to their officers on the street.

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There is no legislation, no government program, no grant or public-private partnership that can erase the sad fact that law enforcement officers will die. They will die in the line of duty at the hands of armed and violent criminals. But this program, Mr. Chairman, saves lives.

On 23 December 1975, Seattle Patrolman Raymond T. Johnson was shot. Fortunately, he was wearing soft body armor crafted through a partnership between the U.S. Departments of Defense and Justice and he survived. Since that shooting, the IACP-DuPont Survivors Club has certified 3,145 saves–that's 3,145 law enforcement officers who went home to their families and 3,145 names fewer on the Wall of Remembrance at Judiciary Square. How many other programs can quantify their success so starkly?

The 1970s were the deadliest decade for law enforcement officers, with more than 2,200 officers killed in the line of duty. But as soft body armor became more common, more affordable and more comfortable, it vastly improved the safety of law enforcement officers. Since 1970, firearms deaths are down 44%, and much of the credit goes to soft body armor.

This improvement is tempered by the events of last year, when 71 law enforcement officers were killed in the line of duty by firearms. Overall,

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we lost 177 officers in the line of duty last year–the highest total since 2007. Of these slain heroes, 32% were not wearing their body armor when they died.

Soft body armor, you see, not only provides ballistic protection, but great increases the safety and survivability of other injuries from car crashes, physical fights, falls and other trauma. Over the past ten years, law enforcement officers are assaulted nearly 60,000 times in the course of a year, resulting in an average of more than 16,000 injuries each year. In many cases, soft body armor is a factor in the officer escaping the assault without injury or reducing the impact of that injury.

In many ways, body armor is the single most important and effective piece of equipment a law enforcement officer can possess.

Law enforcement officers are constantly in harm's way. They work out of their police vehicle and are expected to go forward into the unknown and, most of the time, are unsupported when they do. What these officers do in the critical opening moments of an incident will shape the outcome of that incident. These officers live or die with what they have at that moment. If their equipment is not adequate the outcome can be devastating. Their equipment must include soft body armor that is faithfully worn. Armor at the station or in the back of the scout car

provides no protection.

Yet, sadly, every year we lose officers in the line of duty who were not wearing their body armor. We cannot stress to our officers enough just how important it is to wear. As a father to police officer, I make sure my son knows how important it is.

To increase the percentage of law enforcement officers that are wearing vests, the BVP program now requires officers to have a mandatory wear policy in place. The FOP supports mandating that every agency have a policy about wearing soft body armor, but that the policy is best set by the agency in conjunction with their collective bargaining unit and the rank-and-file officer.

For instance, it may not be necessary to have a plain clothes detective in body armor when he is expected to be at his desk working a case. Similarly, a chief or a sheriff in uniform on official business like appearing at a hearing or holding a press conference may not be required to wear body armor. But, generally speaking, the FOP supports efforts to increase the use of body armor by law enforcement.

In closing, Mr. Chairman I would like to say that support for State and local law enforcement through Federal grant programs has been

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deteriorating in recent years. Programs like the Edward Byrne Memorial Justice Assistance grant program and the hiring program administered by the Office of Community Oriented Policing Services were once regarded as critical to maintaining the nation's historically low crime rates. Yet in this fiscal and political environment, these programs are dismissed as "local and State responsibilities." Members of Congress once held in high regard on "law and order" issues are now pushing deep and unsustainable cuts to these programs, at a time when law enforcement agencies are facing cuts in manpower and equipment at every level. This is not fiscal responsibility, it is irresponsible.

I think everyone here can see the value of the BVP grant program, and I sincerely hope that it will be reauthorized and not be held hostage by extraneous political disputes or find itself without any funds to disperse over procedural rules about authorization of Federal programs. This issue is too important. Officers are victimized enough by criminal assailants; they should not be put at increased risk due to a budgetary shortfall.

Mr. Chairman, thank you again for holding this hearing, for inviting me to testify and, most importantly, having created and support the Bulletproof Vest Partnership grant program for all of these years.

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WRITTEN TESTIMONY SUBMITTED BY

JEFF G. FACKLER, NORTH AMERICA MARKETING MANAGER – LAW ENFORCEMENT, FIRE SERVICE, EMERGENCY RESPONSE

E. I. DU PONT DE NEMOURS AND COMPANY

DUPONT PROTECTION TECHNOLOGIES

Senate Committee on the Judiciary Hearing
"Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program"
Wednesday, February 15, 2012

Chairman Leahy and Ranking Member Grassley, I thank you for the opportunity to submit testimony on this very important subject related to officer safety. In my role, I am responsible for market strategy and business development for DuPont products to help protect the firefighter, hazmat responder, and police officer. These applications include body armor, turnout gear, chemical protective garments other personal protective equipment.

To successfully drive innovation from the end user perspective, I work closely with the police officer, hazmat responder, and firefighter through various fire services and law enforcement organizations, and translate this into new product development with our cross-functional product teams. I am a current, active member of The International Association of Chiefs of Police (IACP) Foundation Board of Directors; the IACP Police Standards, Image, and Ethics Committee; and the Department of Justice Private/Public Partnership Initiative. In my testimony, I will be providing background and history on DuPont, Kevlar®, and the IACP/DuPont Kevlar Survivors' Club®, as well as an extended discussion on body armor technology and officer safety, based on our 40+ years of learnings from working in this field.

Background and History on DuPont. Few companies in the world help protect more people, from more hazards, in more places, than DuPont. DuPont provides many of the most trusted brands of materials and services available to protect emergency responders from ballistic, thermal, chemical, bio and mechanical threats, including Kevlar®, Nomex® and Tyvek®. Because threats are dynamic and ever-changing, we dedicate significant resources to understand protection needs. DuPont spends $1.4 billion on global research and development initiatives annually. We are focused on solving real-world safety and protection issues, working directly with police, first responders and military personnel to develop innovative solutions.

Safety and protection are at the cornerstone of DuPont's legacy dating back 200 years, when a man named Eluthere Irenee DuPont from Nemours, France was invited by Thomas Jefferson to supply black gun powder to U.S. troops. We have come a long way since then, but have never wavered from our core principle of safety. We invest ourselves in science and collaboration to improve and innovate. We also invest in associations working to drive a safety culture and improve the survivability of our officers by actively participating in specific law enforcement officer safety initiatives. Examples include:

First, establishment of the center for prevention of violence against police officers. With the dramatic increase in assaults, fatalities, and shootings, it is critical that we set up a mechanism to capture the data on these acts, develop that data into preventative equipment and practices, and create a foundation for improvement. DuPont's commitment is to work with our customers including protective gear manufacturers and translate this data into existing solutions, or invest in developing new technologies to address the needs identified by this data.

Secondly, along with a few others in industry and in association with The IACP, we actively participate in and support the Safe Shield initiative. Safe Shield will collect broader data on all events injuring and disabling police officers. In addition to law enforcement leaders, this data is also important to government leaders, city managers, and attracting new recruits to the profession. DuPont has supported Safe Shield since its inception as the POST project, and we will continue our support. It is a joint core value that we share in injury and illness prevention. There is currently a Bureau of Justice Assistance-funded pilot underway with 14 agencies, and once completed, this work is expected to then be expanded nationally. Again, our commitment is to translate this data, commit resources, and deliver solutions based on this data.

Next, there is the Government Accountability Office (GAO) study that is the center of this discussion on taxpayer funds used to fund the Bulletproof Vest Partnership Act (BVPA). We have been an advocate for this government study, confident that the independent analysis of data will underscore the importance of body armor and the need for increased safety of law enforcement, and ultimately support re-authorization, as well as recommend added funding to help get body armor for all police officers, more sophisticated armor, and armor that fits and covers better, especially for female officers and those with unique body types. This additional funding need is also supported by Rand, an independent think tank, that released a report last year citing these same needs.

Next, like many others, we also sponsor the National Law Enforcement Officers Memorial Fund (NLEOMF). In addition to the memorial that honors those that have given the ultimate sacrifice, we strongly believe that building the museum will garner increased public support for law enforcement, improve law enforcement and community collaboration, and ultimately help to reduce officer injuries and deaths as a result.

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Finally, the IACP/DuPont Kevlar Survivors' Club, a joint effort that, since 1987, has documented 3,145 incidences to-date where body armor was deemed by the medical community to have saved an officer from serious injury. My testimony discusses the Survivors' Club in more detail, following background on Kevlar®.

Background and History of Kevlar®. Of the many thousands of products DuPont makes, there is one that is associated with law enforcement more than any other: Kevlar®. In fact, in 2006, DuPont received the Green Cross for Safety medal from the National Safety Council for corporate excellence in safety because of our work with Kevlar®. As a part of that ceremony, we donated ballistic vests made with Kevlar® to police officers in the Washington, D.C. area. We worked on that effort with In-Vest USA – a nonprofit organization that helps communities raise funds to purchase vests for local police agencies.

The history of Kevlar® is a great example of how corporate research can take us in unexpected directions that change lives. When we started the research back in the 1960s, the polymer for Kevlar® was difficult to work. Even when one of our scientists, Stephanie Kwolek, figured out how to dissolve the polymer so it could be spun, our technicians didn't want to run it through the spinning machines because they worried it would clog them up.

Fortunately, they went ahead and it spun beautifully. The result was a remarkable fiber. We initially thought it would be destined for the tire cord market and for ropes and cables. Then we realized that it had tremendous potential for protective apparel. The rest is history. Stephanie Kwolek eventually got a National Medal of Technology. But we are all in agreement that the recognition that matters most is the number of lives saved.

Early on, the U.S. Department of Justice teamed up with the U.S. Army to develop prototype body armor using Kevlar®. The prototypes were field tested by several large urban police agencies. The first documented save came in December 1975, when now retired Seattle Police Officer Raymond Johnson was shot by an armed robber. Two .38 caliber bullets from the robber's pistol hit Johnson, one in the hand and the second center chest. His prototype body armor stopped the chest shot. Since then, we have continued to develop this fiber technology to deliver dependable, consistent protection for more than 40 years.

Background on IACP/DuPont Kevlar Survivors' Club®. In 1987, DuPont joined with the International Association of Chiefs of Police (IACP) to create the IACP/DuPont Kevlar Survivors' Club®. DuPont has been involved with the Survivors' Club since its formation in 1987. The organization is dedicated to reducing death and disability among police officers by encouraging the use of personal body armor, regardless of brand or its fiber components.

In 2006, the IACP inducted the 3,000th police officer into the Kevlar Survivors' Club®. Save number 3,000 was Officer Corey Grogan of the Atlanta Police Department. Upon entering a house to serve an arrest warrant, Officer Grogan was hit twice in the chest with bullets from a 45 caliber semiautomatic pistol. His body armor saved him. He was transported to a trauma center where he was examined, treated and released, and he returned to duty.

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Officer Christopher Leary, of the Egg Harbor (New Jersey) Township Police, is save number 3,008. After making a traffic stop, Officer Leary learned from the dispatcher that the suspect was wanted on a burglary warrant. When Officer Leary moved to apply handcuffs, the suspect resisted and fled on foot. Officer Leary and his back up officer overtook the suspect who continued to resist and grabbed the other officer's service pistol opened fire. Officer Leary was shot by one .40 caliber bullet in the upper right torso. The bullet was stopped by his ballistic body armor. He was hospitalized for three days, but recovered and returned to full duty. The other officer was struck below the coverage area of her body armor. She underwent surgery and shortly recovered.

The fact that his fellow officer was injured despite her vest is a reminder that the innovation must never stop. We need to work on new designs that will help protect greater portions of the body.

Body Armor Technology and Improvements. It must be pointed out that DuPont does not make body armor itself. However, as a company, DuPont has 40+ years in body armor and ballistics experience, 26 worldwide patents on various technologies that DuPont licenses to others, and a patented technology on a ballistic structure designed for new / future standards and continues to invest in step-change fiber technology to improve strength while decreasing weight. DuPont works with ballistic weavers and manufacturers to integrate our experience and technologies with theirs to deliver the best protection to our law enforcement, military, and first responders.

Based on this experience, we respectfully offer a compilation of data and learnings accumulated on the value, type, and quality of body armor since 1987 and is from presentations we give to law enforcement that are targeted at the value of body armor:

The first question is, "Why wear body armor?" Answers are that the data proves that it saves lives, violent crimes are on the increase, there is no such thing as routine anything in law enforcement, and because partners, families, friends, and the communities being served are all depending on law enforcement "winning."

Looking at the facts on U.S. body armor:

- 2-3 American police officers are feloniously shot every 24 hours,
- 3100+ documented saves due to body armor since 1987, according to the IACP/DuPont Kevlar Survivors' Club®,
- 42% of officers fatally shot would have been prevented by wearing body armor, and
- Officers are 14% more likely to survive a ballistic firefight if wearing body armor.

Why does DuPont care? The death of a police officer is tragic and traumatizing for everybody. Police officer injury and death affect the morale of the community. Needless injury and death can strain community budgets. Because we are

committed to protecting and saving lives -- safety and protection have been core principles in DuPont since its inception in 1802.

Regarding actual data on officer injuries, our database provides scientific information on police officer "saves", but reporting incidents is *voluntary*. No organization or agency tracks police officer injuries, and as a result nobody knows the true extent of police officer injuries. There is great room for improvement in this area, in order to inform policy and ongoing technological advances. Even so, we know that body armor protects officers from harm from both ballistic and non-ballistic sources. For example, looking at causes of officer deaths analyzed in 2008 and protection in crashes:

- For the 11th year in a row, traffic-related incidents claimed the lives of more officers in 2008 than any other cause of death, including fatal shootings.
- Just over half of the 2008 officer fatalities involved either automobile or motorcycle crashes or officers struck by other vehicles while outside their own vehicles.
- Automobile crashes alone accounted for the largest share of 2008 traffic fatalities. In fact, more officers died in 2008 just in automobile crashes than were shot and killed.

No matter the cause of injury or death, the FBI reports that officers who do not routinely wear body armor risk a fatal injury at a rate 14 times greater than officers who do. Available information suggests that only 50 - 60% of police officers routinely wear body armor. The only way to ensure increased wear rates and reduce injury and death is for all police agencies to have a mandatory vest-wear policy, such as in the IACP Model Policy on the usage of personal body armor.

When we look at body armor procurement considerations by local law enforcement agencies, equipment must be purchased that will be routinely worn. The relevant standards or specifications that come into play include...

- V50 – the way the industry measures the bullet stopping capability of body armor, is the statistically sound measurement of the velocity in which 50% of the rounds will be stopped fired by a calibrated range barrel against a specific design. This number is always much higher than the actual velocity of a commercial round from an actual weapon.
- Blunt Trauma (back face signature) – measured in millemeters, is the statistically sound measurement of the indentation a bullet makes before it comes to a complete stop. This is very relevant since the more impact or trauma the bullet makes while being stopped, the more secondary injury can occur to the wearer such as severe bruising. This impact, and the indentation or signature that it creates, can incapacitate an officer even though the bullet was stopped from penetrating.

- Officer's / partner's own service weapon – an average of 20% of officer shootings are from their own or their partners' duty weapon.

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- Ballistic "Street" threat – criminal, confiscated, or stolen weapons – officers must be protected from what felons are using on the street.
- Meeting NIJ standards is only a starting point, but most agencies stop here. There are technologies and designs that can exceed or surpass NIJ's requirements, though these often add cost to the armor.
- Knife Resistance – 21 foot rule changing to 30 feet (Force Science Research Center research – the distance a person can cover [with a knife or other weapon] before an average officer can unholster their gun and fire 2 shots center mass) – are edged blades a threat and if so, armor can be designed to also protect against this threat, but if not designed in from the beginning, ballistic armor cannot be expected to stop an edged blade. Adding this protection is available, but adds costs to the armor.
- Spike Resistance – same as above, but hand made shanks, ice picks, awls, etc. pose a unique issue, require employing different fiber/fabric technology, and the capability to design this added protection in is available but must be specified and adds cost.
- Multiple / Combined Threat – bullet + knife + spike – a composite of everything above, armor can be designed to protect against specific ballistic rounds, knives, and spikes, but adds cost, and usually weight to the vest accordingly.

- Other beyond the obvious threat?
  - Concealable (covert) vs. External (overt) designs – external armor has advantages of greater surface area of coverage and is typically more comfortable for heavier multi-threat designs per above, but is more expensive. It includes an outer carrier that can also provide functionality to the officer such as carrying items and distributing the officer's load since the duty belt worn over top of concealed armor, can now be incorporated into the outer vest which also helps with lower back pain – a frequent issue with officers.
  - Ballistic panel cover and outer carrier materials – the fabrics that cover the ballistic/stab/spike panels themselves can offer water repellency, flame resistance, and even chemical resistance, but these features add cost.
  - Shock / trauma plate insert – this is an added pad placed into a pocket right over the sternum – since this is so close to the skin in even overweight individuals vs other areas of the torso, a shot taken there has high probability of damaging the sternum, so this is an option that also adds cost.
  - Proper measurement, fitting, and adjustability – custom fit increases wearer comfort, coverage, and maneuverability, but also adds cost.
  - Training – maintenance, adjusting fit – officers need to be educated on how to adjust armor if they gain/lose weight, and how to maintain the armor to keep it desirable to wear, and insure ongoing performance. This is typically provided in a variety of ways via the manufacturers, but

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there is a need to do in a way that the officer can access it at any time and through mobile devices – this adds cost.
    - Warranty – body armor manufacturers address this in a variety of ways and many offer periodic inspections of fielded armor as a service to their officer customers – this adds cost.
- The importance of Sizing (Fit)?
    - From FBI LEOKA;
        - Specific information on area of injury, caliber of weapon and if body armor was used.
        - From 1996 to 2005, 132 officers were killed as a result of ballistic penetration in areas not protected by their armor.
        - The breakdown of the coverage issues are as follows;
            - 26% (34 officers) between the side vest panels.
            - 35% (46 officers) armhole or shoulder area.
            - 25% (33 officers) above the vest.
            - 14% (19 officers) below the vest.
        - These are only a portion of verified cases of coverage issues due to fit since the number of documented cases for disabilities or injuries is not known - FBI only provides specific analysis on felonious deaths and not injuries resulting from assaults.

Ultimately, it's all about proper measurement. Measurements are the key to getting a proper fit and the right amount of coverage in regards to the ballistic vest. Research is being conducted to identify potential areas for increased coverage that will enhance protection without decreasing task performance. NIJ has funded some research in this area – one example being Mississippi State led by Mr. Daniel Carruth.

Problems are exacerbated when analyzing the female body armor vest. A growing number of women are entering the law enforcement field, and there are specific considerations we need to give to the female wearer. For example, precise fit vs. standard small/medium/large sizes – due to the variation in body shapes and types, once vests are selected, minor adjustments need to be made to ensure proper fit. New techniques are being employed to utilize specific measurements to create vest panels specific to a body shape. Some of this includes pleating, which is now used to create breast cups to eliminate the use of seams, keeping the material uniform. In addition, manufacturers are working on vest specific covers, which are made to complete the precise fit. Given the wide variation in body shape for male officers, this type of technology can apply more broadly as well. All of these improvements are valuable and needed, but have also added cost.

As we look to the future in body armor, these are trends that are being looked at toward additional improvements in the technology. Robust performance – armor that performs even more consistently across a very wide range of temperature and climatic conditions. Higher protection – companies like DuPont are constantly

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investing in material engineering and science to develop stronger materials at lighter weights. Improved comfort & heat stress management – companies are working on different ways they can regulate the temperature of the wearer. Multi-threat protection – combining protection from fragment / bullet / knife / spike / chemicals in a weight and cost effective way. Computer-aided design for new soft body armor – using sophisticated technology from other related apparel industries and incorporating it into addressing fit. Computer modeling threat events also allows companies to run thousands of simulations in much less time as a screening tool to arrive at newer solutions faster.

Conclusion. Together with IACP and other associations in the law enforcement field, law enforcement policies, and the body armor industry, we are making progress. Wear rates have climbed to almost 60%, but this means a third of our officers are still going to work unprotected. We must continue working to increase wear rates. DuPont will continue to innovate on the proven reputation of Kevlar® to help develop solutions law enforcement find comfortable, effective, and affordable. In the meantime, we look forward to analyzing the results of the GAO study and working with the Committee on upgrading the BVPA and ensuring appropriate levels of funding for the program so that it can continue to address the needs of the law enforcement field.

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NATIONAL SHERIFFS' ASSOCIATION

February 8, 2012

The Honorable Patrick Leahy, Chair
The Honorable Charles Grassley, Ranking Member
Senate Judiciary Committee
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

I would like to thank you for allowing the National Sheriffs' Association (NSA) to submit a statement for the record for the Senate Judiciary Hearing on "Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program," held on February 15, 2012.

On behalf of the National Sheriffs' Association (NSA) and the 3,079 elected sheriffs nationwide, I am writing to express our strong and unwavering support for the Bulletproof Vest Partnership (BVP) Program, administered by the Bureau of Justice Assistance, U.S. Department of Justice (DOJ).

Simply put, the Bulletproof Vest Partnership Program saves the lives of law enforcement officers on a daily basis. Originally implemented in 1999, the BVP Program assists sheriffs, and law enforcement agencies, in purchasing essential lifesaving vests for their officers. Through the BVP Program, nearly $300M in funding has been allocated to provide for the purchasing of an estimated 800,000 vests nationwide.

BVP is not only critical to sheriffs and law enforcement agencies for the tools the program provides, but also for the resources necessary to purchase these vital, yet expensive, vests. The funding aspect is imperative particularly as sheriffs, and law enforcement nationwide, are experiencing severe financial constraints on their budgets. Please do not misunderstand, the BVP Program is no "free-pass" to federal funding; rather, it requires that the local agency provide a match of 50% for the total costs associated with purchasing bulletproof vests.

However, for some agencies, particularly in rural America, a 50% match would not be feasible. The BVP Program fully recognizes this limitation and in an attempt to ensure all agencies are able to receive funding, authorizes the BJA to waive the 50% match requirement for agencies experiencing financial hardships.

A bulletproof vest is as essential to a law enforcement officer as are his or her uniform, badge, and handcuffs. The vest may be the only thing between a law enforcement officer and serious injury or death. As sheriffs, it is our duty to not only ensure the safety and security of the citizens within our communities, but to also ensure the safety and security of the men and women who don the law enforcement uniform.

Law enforcement is a dangerous profession and sadly we know this all too well. 2010 and 2011 saw a dramatic increase in violent and deadly attacks on law enforcement officers in the United States. According to the National Law Enforcement Officers Memorial Fund, in 2010, 153 law

enforcement officers were killed in the line of duty – a 43% increase from 117 in 2009; and in 2011, 173 law enforcement – up 13% from the previous year. And although law enforcement is afforded the ability to purchase bulletproof vests under the BVP Program, it is vital that officers actually wear these vests. Therefore, in response to the dramatic increase in violent deaths and assaults against law enforcement officers, in late 2010 U.S. Attorney General Eric Holder announced a "mandatory wear" policy for vests must be in place in order for agencies to apply for BVP funding in the FY2011 cycle.

The National Sheriffs' Association has expressed our strong support for the new "mandatory wear" policy as it applies to BVP funding. A "mandatory wear" policy will set the standards and situations for when law enforcement will need to wear lifesaving protective gear, thus increasing officer safety. Furthermore, it is our opinion that if a law enforcement agency is going to be taking federal funding to purchase bulletproof vests, it only makes sense that those vests will be worn and not placed in storage.

Unfortunately, a report by the BJA found that only 60% of law enforcement agencies have a "mandatory wear" policy for protective body armor. As such, in order to further encourage officer safety, NSA passed a resolution encouraging sheriff's offices nationwide to create and implement a "mandatory wear" policy for bulletproof vests. A copy of this resolution has been attached as an appendix.

Furthermore, while funding and "mandatory wear" for the BVP Program has been important, I want to highlight another issue that NSA has been working on in regards to bulletproof vests. NSA in partnership with the International Association of Chiefs of Police (IACP) and the IACP/DuPont Kevlar Survivors' Club have been working to secure a study from the Government Accountability Office (GAO) on several other key aspects in respect to the body armor issue.

Sheriffs and law enforcement agencies who purchase bulletproof vests with BVP funding must ensure that those vests meet minimum protection standards as outlined by the National Institute of Justice (NIJ), U.S. Department of Justice (DOJ). The problem that we have identified however is that while the NIJ has worked to ensure certain levels of protections for vests, the policy insufficiently addresses the issue of fit, measurement, and maintenance – all important for bulletproof vests.

To address this issue, we have asked that the GAO conduct a study on the effectiveness of body armor and the benefits of implementing standards regarding fit and maintenance. Additionally, we have also asked for a special focus, within the study, on female body armor. Over the last few decades, more women have chosen a career in law enforcement. The problem surrounding body armor is that most is designed specifically for men and does not take into account the anatomical differences between men and women; therefore, many female officers will wear body armor that is not designed for the difference and is ill-fitting. However, this is not just a problem specific to females – male officers also come in different shapes and sizes and it is imperative that when body armor is purchased, males are also appropriately measured so their armor fits properly.

In late 2010, Senators Cardin (D-MD) and Graham (R-SC) and former Senator Specter (R-PA) submitted a request to the GAO for a study on fit and maintenance of bulletproof vests. As the request was still pending in the new 112th Congress, Senator Whitehouse (D-RI) and Senator Graham (R-SC) re-instated the request to the GAO, and requested they move forward on a study. The GAO launched the study in late 2011 and we expect the results of the study in either February or March of 2012.

The protection of law enforcement officers across the country is a collaborative effort. The resources provided through the BVP Program enable sheriffs and law enforcement agencies to

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provide lifesaving vests to their officers. The nation's sheriffs and law enforcement agencies stand ready to do our part, and therefore we ask the continued support of Congress to ensure the preservation of the one such tool – the Bulletproof Vest Partnership Program. Additionally, it is imperative that sheriffs and law enforcement agencies not only purchase this equipment but take the steps to educate their officers on the need to wear these crucial vests.

On behalf of the National Sheriffs' Association, I greatly appreciate the opportunity to submit a statement for the record on the importance of the Bulletproof Vest Partnership Program. Please do not hesitate to contact me if the Senate Judiciary Committee has any further questions or needs any further information.

Respectfully,

Paul H. Fitzgerald

Sheriff Paul H. Fitzgerald
President

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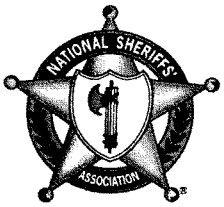

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NATIONAL SHERIFFS' ASSOCIATION ENCOURAGES SHERIFFS' OFFICES NATIONWIDE TO CREATE AND IMPLEMENT A MANDATORY VEST WEAR POLICY FOR SWORN LAW ENFORCMENT PERSONNEL IN THEIR AGENCIES

WHEREAS, according to the National Law Enforcement Officers Memorial Fund (NLEOMF), 1,626 law enforcement officers were killed in the line of duty in the past 10 years;

WHEREAS, in 2010, 153 federal, state, and local law enforcement officers were killed in the line of duty – a dramatic increase from the 117 killed in the line of duty in 2009;

WHEREAS, in 2010, the number of law enforcement officers killed by firearms in the line of duty increased by 20%;

WHEREAS, 2011 has been a particularly dangerous and deadly year for law enforcement officers;

WHEREAS, it is essential for law enforcement officers to have, use, and wear the equipment, technology, and resources needed to protect themselves and perform their duties;

WHEREAS, body armor is available to law enforcement personnel to protect the officers from deadly and/or critically disabling injuries;

WHEREAS, the Bureau of Justice Assistance (BJA) provides grants to state and local law enforcement agencies for the purpose of purchasing bulletproof vests;

WHEREAS, due to the increase in violent deaths and assaults against law enforcement officers, Attorney General Holder announced a "mandatory wear" policy for vests must be in place in order for agencies to apply for the Bulletproof Vest Partnership grant (BVP) for the FY'11 funding cycle;

WHEREAS, the National Sheriffs' Association (NSA) was instrumental in creating the Bulletproof Vest Partnership Program through legislation in 1998;

WHEREAS, the National Sheriffs' Association (NSA) has expressed our support for the mandatory wear vest requirement in regards to BVP funding;

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WHEREAS, a report by the BJA found that only 60% of law enforcement agencies have a mandatory wear policy for protective body armor;

NOW, THEREFORE BE IT RESOVLED, that the National Sheriffs' Association strongly encourages Sheriffs' Offices nationwide to create and implement a mandatory vest wear policy and procedures for sworn law enforcement personnel in their agencies, to ensure their safety and security while on-duty;

BE IT FURTHER RESOLVED, that the National Sheriffs' Association also strongly encourages Sheriffs to educate their law enforcement personnel on the capabilities of, and the need to wear, protective body armor.

Adopted at a Meeting of the General Membership in St. Louis, MO on June 20, 2011.

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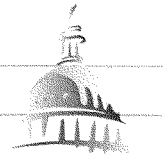
U.S. Senator Chuck Grassley • Iowa
Ranking Member • Senate Judiciary Committee
http://grassley.senate.gov



Prepared Statement of Ranking Member Grassley of Iowa
U.S. Senate Committee on the Judiciary
Hearing on "Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program"
Wednesday, February 15, 2012

Mr. Chairman, thank you for holding today's hearing. Law enforcement officers across the country risk their lives every day to ensure that our neighborhoods and communities are safe. Unfortunately, the tragic reality is that law enforcement officers are often placed in situations confronting dangerous criminals that are intent on harming anyone who tries to stop them. Last year alone 164 law enforcement officers were lost in the line of duty, there were another 162 officers lost in 2010. We owe these men and women, and their families, a debt of gratitude.

This hearing is to discuss the reauthorization of the Bulletproof Vest Partnership program at the Justice Department. The program was created by Congress in 1998 and was designed to provide federal matching funds to law enforcement agencies across the country to purchase body armor.

By many measures, the program has been successful in getting body armor to state and local agencies that request the matching funds. The program has reimbursed law enforcement agencies with nearly $247 million that has purchased nearly 1 million vests. This is important because these vests save lives, not just from bullets, but from other injuries, such as car accidents and assaults that occur in the line of duty.

Any program that helps save lives of law enforcement officers is important and should be reauthorized. However, that does not mean that we should simply write a blank check on the taxpayers dime without determining what is and what isn't working in the program.

For example, one of the biggest concerns with purchasing body armor has been ensuring that the vests purchased are actually worn by the officers on the street. We can authorize as much funding as we want, buy as many vests as the taxpayers can afford, but if the vests aren't on at the moment they are needed, those purchases don't matter. For this very reason, the

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Bureau of Justice Assistance has a mandatory wear policy on vests that are procured through the program.

This is an important provision and one that makes sense, but according to testimony we'll hear from the Government Accountability Office (GAO) this mandatory wear policy only applies to vests funded under the Bulletproof Vest Partnership program. It does not apply to body armor purchased through other programs like the Byrne Justice Assistance Grant program. This is an inconsistency that needs to be addressed to ensure that officer safety is a priority when federal funds are used to purchase body armor.

In addition to reviewing the program to ensure vests are worn, we also need to take a look at how this program is being managed by the Justice Department. According to GAO's testimony, and a report released today in conjunction with the hearing, the Department's management of this program needs to be improved.

Specifically, multiple grant programs can be used to purchase body armor with federal funds, yet the programs have differing requirements on matching funds, wear policies, and standards for purchasing approved body armor. These inconsistencies should be fixed to ensure that minimum standards for both programs are uniform.

GAO also found that the Justice Department needs to address the financial bookkeeping of this program. GAO found that the Department has consistently failed to deobligate expired money in the Bulletproof Vest Partnership program for over a decade. Some of these funds trace back to Fiscal Year 2002 and have not been expended. All in all, GAO found that there is $27 million in balances from grants awarded from FY2002-FY2009.

Further, GAO found that in 2009, there was an additional $14 million in funds from the program that were officially deobligated and used to pay down a recission in the Department's budget. So, according to GAO, funds Congress specifically appropriated for the program to purchase body armor were never used to actually purchase vests. This is a serious matter and one that needs to be addressed immediately.

Unfortunately, according to GAO, the Department has said that they don't yet know what they'll do with the $27 million available for de-obligation and they may not know what to do with it until September 2012. Any reauthorization of the program should ensure that the Department uses these funds to buy more vests, or pay down the national debt, not just sit on them for another decade.

Officer safety is paramount and we should do all we can to make sure officers on the street have body armor. However, we must also ensure that taxpayer dollars are monitored and

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managed effectively by the Justice Department. We can and must do both. Reauthorizing this program affords us that opportunity.

I look forward to working on this reauthorization and to hearing the testimony of the witnesses. I thank all the witnesses for being here today. I also want to thank the GAO for expediting the release of their report so that we could discuss it here today.

Thank you.

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Testimony for the Senate Judiciary Committee,

Submitted by William J. Johnson, Executive Director,

National Association of Police Organizations.

February 15, 2012.

Mr. Chairman, Senator Grassley, members of the Senate Judiciary Committee, My name is Bill Johnson and I serve as the Executive Director of the National Association of Police Organizations. NAPO is a coalition of police unions and associations from across the United States. Our mission is to advance the interests of America's law enforcement officers through legislative and legal advocacy, political action and education.

On behalf of 241,000 rank-and-file law enforcement officers, I would like to thank you for including our testimony in this hearing today.

"Protecting Those Who Protect Us: Bulletproof Vest Partnership Grant Program", is an issue of paramount concern to NAPO, as this law affects the safety of law enforcement officers, their families and ultimately every community in this country.

NAPO has been closely involved with the Bulletproof Vest Partnership (BVP) grant program since its inception and worked to shape and advance the 1998 legislation (S.1605).We have subsequently served as a national advocate for the BVP program. NAPO worked to secure successful passage for the reauthorization for the Bulletproof Vest Partnership Grant Program (H.R.6045) from 2008 through 2012.

The BVP grant program has allocated more than $180 million; reaching at least 57,326 jurisdictions around the nation to assist with the purchase of nearly a million bulletproof vests. Our nation experienced a spike in law enforcement fatalities in 2011. Officers put their lives at risk every day to protect our communities. While many officers are protected by bullet-resistant body armor, an alarming number of officers, many in small departments across the United States, are not afforded this same protection because of local budget constraints.

Matters were complicated in August of 2005 when the Justice Department announced test results indicating Zylon-based vests failed to provide the advertised level of ballistic resistance. Subsequently, departments have needed to replace these vests. Departments which apply under the BVP program must purchases vests that are NIJ compliant. The safety of law enforcement officers is an investment in the public's safety by the federal government. Bulletproof vests save lives. It is NAPO's priority to see that the BVP grant program is not only reauthorized but adequately funded.

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Another important issue arose in 2010. Attorney General Holder announced a new requirement for the Bulletproof Vest Partnership program: Agencies that receive funds will now be required to have a written mandatory wear policy for uniformed patrol officers. The enactment of this requirement began with the application for FY2011 funds.

NAPO recognizes the vital importance of modern body armor. However, we cannot support a policy that may be used to deny PSOB benefits to families of officers who are harmed in the line of duty. There are too many unforeseeable variables in an officer's compliance with body armor wear policies to justify making payment of benefits contingent on compliance with a blanket policy. Even though BJA issued a FAQ document on mandatory wear requirements that addresses potential problems and NAPO's statements on PSOB, "No blanket policy or automatic disqualification shall be implemented regarding this policy and its effects on federal death, disability or education benefits through PSOB," it needs to be clearly stated in the law itself that whether any given officer was or was not wearing a vest shall *not* be a criterion in deciding if a family receives PSOB benefits. It is imperative that Congress reflect this concern by including legislative protection for officers from a mandatory wear policy.

The Government Accountability Office (GAO) released its study of the BVP program providing several recommendations for executive action. This included a mandatory wear policy if funds are allocated under the Byrne-JAG grant program. Currently, departments may apply for bulletproof vest funding via two avenues; through the BVP grant program or through the JAG grant program. In NAPO's efforts to align ourselves with not only those who protect our nation, our rank-and-file members, but also the taxpayers who fund these programs, we find the redundancy of these programs purposes unnecessary; especially since allocations for bulletproof vests through JAG are not required to meet NIJ compliance standards. The consolidation of funds allocated to departments for bulletproof vests should not be reduced and should be combined in one program.

If we are going to have a mandatory wear policy, we should also have a mandatory care, measurement, fit and maintenance policy. Agency management should ensure that vests are not only being cared for adequately but that they also fit properly. There are approximately 100,000 female police officers in the United States who require body armor appropriate for their physiques. All officers require the necessary safety tools to do their jobs.

Another troublesome finding in the February 15th GAO report is the bookkeeping for the BVP program. From FY2002-FY2009 $27 million in funds have not been expended. This amount is more than the requested appropriation for the BVP program in President Obama's FY2013 budget. NAPO believes that this unobligated balance should remain in its intended area of use; providing bulletproof vests for officers in agencies that might not be otherwise able to afford them. NAPO believes a policy should also be enforced such that funds allocated under BVP are actually used for their intended purpose and that the responsibility for expending them resides with the receiving agency head.

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Thank you for this opportunity to present the concerns of America's police. The bulletproof vest partnership grant program is a proven lifesaving program. Thousands of jurisdictions across the United States rely on it to safeguard the lives of their officers. There is nothing more important than ensuring that every law enforcement officer returns home safely after each shift. This is why we have supported the BVP program since its inception. We urge Congress to act upon NAPO's recommendations and swiftly reauthorize this important program.

Statement Of Senator Patrick Leahy (D-Vt.)
Chairman, Senate Judiciary Committee
"Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program"
February 15, 2012

Today the Judiciary Committee will hear testimony about the Bulletproof Vest Partnership Grant program and other key programs providing Federal support for the men and women who serve in law enforcement. When I joined to introduce and pass the original bulletproof vest grant program in 1998, I wanted to do all we could to help protect the men and women in law enforcement who protect all of us. Just as we should have the best equipped armed forces in the world and the best equipped National Guard units, I believe that our state and local law enforcement officers need the best and most modern equipment to fulfill their mission and protect us in our communities across the country.

We originated this program to provide needed Federal assistance after several law enforcement officers from Vermont and New Hampshire lost their lives bringing a killing rampage by Carl Drega along our border to an end. Senator Campbell and I joined together to ensure that such basic, lifesaving equipment as the bulletproof vest would be available to state and local law enforcement officers.

The need for this program remains. Tragically, law enforcement deaths are on the rise, again. Last year, 177 Federal, state and law enforcement officers were killed in the line of duty. No one should question the sacrifices that our law enforcement officers and their families make. While dangers, injuries and death are increasing, state and local law enforcement budgets are cut. Nearly 12,000 police officers and sheriff's deputies were laid off last year and the Department of Justice's Office of Community Oriented Policing Services reports that approximately 30,000 law enforcement jobs remain unfilled. Our important Federal assistance to state and local law enforcement is a key investment in public safety. I was pleased to see that the administration's fiscal year 2013 request for the bulletproof vest program is consistent with recent appropriations.

During National Police Week in 2008, Detective David Azur of Baltimore testified before this Committee. Detective Azur was shot at point blank range in the middle of the chest while apprehending a criminal. During his testimony, Detective Azur held up the armor plate from his vest that stopped the bullet that would have taken his life.

Since its enactment, the bulletproof vest grant program has contributed to the purchase of nearly 1 million ballistic vests to help protect our law enforcement officers. I wish that this lifesaving equipment was not needed, but I know better. I am often reminded of the importance of this program when I encounter officers in Vermont and around the country and they tap their protective vests.

Today I am delighted that the Committee will hear from two outstanding representatives of law enforcement. Chief Michael Schirling of Burlington, Vermont, is one of the new generation of law enforcement leaders. Chuck Canterbury served in law enforcement for 25 years and is someone I have come to know well as the President of the National Fraternal Order of Police. He is a strong voice for the men and women of law enforcement around the country. We will

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also hear suggestions from a representative of the GAO on how the Department of Justice might further improve its distribution of funding.

Working to support our law enforcement officers has always been, and should continue to be, a bipartisan effort. This is something Senators can agree on regardless of politics. Longstanding Federal initiatives like the Violence Against Women Act, the Second Chance Act, the Trafficking Victims Protection Act and other important programs have traditionally enjoyed strong bipartisan support. Senator Mikulski and Senator Shelby, as the bipartisan leaders of the key Senate Appropriations Committee Subcommittee, and Senators serving on both sides of the aisle on this Committee have been strong supporters of the bulletproof vest grant program.

The Bulletproof Vest Partnership Grant Act expires in September. I intend to introduce legislation in the coming weeks to reauthorize this program and I invite all Senators to join me in this effort. The bulletproof vest partnership grant program increases officer safety and effectiveness.

Our support for state and local law enforcement has been a bipartisan tradition. I hope that now as we proceed to reauthorize the Bulletproof Vest Partnership Grant program and other important law enforcement measures, Congress will join together with one voice to send a strong, clear message to our Nation's law enforcement officers that we will do all we can to protect them, just as they work so hard to protect all of us.

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United States Government Accountability Office

GAO

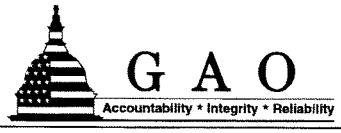
Testimony
Before the Committee on the Judiciary,
U.S. Senate

For Release on Delivery
Expected at 10:00 a.m. EST
Wednesday, February 15, 2012

LAW ENFORCEMENT BODY ARMOR

DOJ Supports Its Use and Enhancements, but Could Strengthen Management of Its Related Grant Programs

Statement of David C. Maurer, Director
Homeland Security and Justice



GAO-12-448T

Chairman Leahy, Ranking Member Grassley, and Members of the Committee:

I am pleased to be here to discuss the findings of our report being publicly issued today assessing the Department of Justice's (DOJ) body armor initiatives.[1] Nationwide, nearly 60 law enforcement officers were killed in 2010 after firearm-related assaults, but recent data show that body armor has saved the lives of more than 3,000 law enforcement officers since 1987. Recognizing body armor as an effective tool in helping to protect law enforcement officers, DOJ—through its Bureau of Justice Assistance (BJA) and its National Institute of Justice (NIJ)—has implemented initiatives, such as direct grants to states and localities to support their body armor use, as well as research and testing for compliance with standards to continuously improve body armor effectiveness. These initiatives have involved internal and external stakeholders, including law enforcement components within DOJ; components within the Department of Commerce and the Department of Defense (DOD)[2] that conduct related body armor research; and private entities, such as those that manufacture and assist in testing body armor.

My testimony this morning will address the key findings from the body armor report that we are issuing today. Like that report, my statement will address (1) the body armor efforts that DOJ has under way, (2) the extent to which DOJ has designed internal controls to manage and coordinate these efforts, and (3) factors that affect body armor use and effectiveness and steps DOJ has taken to address them.

To conduct our work, we examined program data on BJA's Bulletproof Vest Partnership (BVP) program for fiscal years 1999 through 2011 as well as its Edward Byrne Memorial Justice Assistance Grant (JAG) program for fiscal years 2006 through 2011. These are DOJ's two grant

[1]GAO, *Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements*, GAO-12-353 (Washington, D.C.: Feb. 15, 2012). For the purposes of this report, body armor includes ballistic-resistant and stab-resistant vests. The former are designed to protect against bullet penetrations and the trauma associated with bullet impacts. The latter are designed to protect against stab weapon penetrations.

[2]For prior GAO work related to Army body armor test procedures, see GAO, *Warfighter Support: Independent Expert Assessment of Army Body Armor Test Results and Procedures Needed Before Fielding*, GAO-10-119 (Washington D.C.: Oct.16, 2009).

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programs supporting state and local law enforcement's purchases of body armor. We also examined NIJ's procedures for setting standards and testing body armor for compliance with the standards and discussed with NIJ its research and efforts to coordinate with other body armor stakeholders. We interviewed officials from DOJ and 2 other federal agencies—the Department of Commerce and DOD—6 body armor manufacturers, 2 body armor testing laboratories, and 10 jurisdictions that receive DOJ body armor funding.[3] In some of the jurisdictions, we also interviewed male and female law enforcement officers who wear body armor. Moreover, we reviewed literature on the factors that affect body armor use and effectiveness and discussed these factors with the officials that we interviewed. We assessed DOJ's body armor policies and granting efforts using standards for internal control in the federal government and leading practices for grant management and stakeholder coordination.[4] We conducted this work in accordance with generally accepted government auditing standards. More detailed information on the scope and methodology of our published report can be found therein.[5]

[3]We selected nonprobability samples of these organizations. Unlike a random sample, a nonprobability sample is more deliberatively chosen, meaning that some elements of the population being studied have either no chance or an unknown chance of being selected as part of the sample. Therefore, the views that the individuals in our samples expressed provide valuable insight into body armor issues but are not generalizable. For the purposes of our study, we selected these organizations because of their involvement in body armor manufacturing, testing, research, and use and because of their size and location.

[4]GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999); Grant Accountability Project, *Guide to Opportunities for Improving Grant Accountability* (Washington D.C.: 2005); GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, GAO-06-15 (Washington, D.C.: Oct. 21, 2005); and American National Standards Institute, *United States Standards Strategy* (New York: Dec. 2, 2010).

[5]GAO-12-353.

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To Support Body Armor Use, DOJ Provides Grant Funding, Supports Research, Sets Standards, and Conducts Compliance Testing

DOJ has a number of initiatives to support body armor use by state and local law enforcement, including grant funding, research, standards development, and testing programs. Two separate BJA grant programs provide funding to state and local law enforcement to facilitate their body armor purchases. The BVP program offers 2-year grants on a reimbursable, matching basis to state and local law enforcement agencies to assist in their purchasing of ballistic-resistant and stab-resistant body armor.[6] Generally, the JAG program provides 4-year grant money up front that can be used to fund body armor procurement along with other criminal justice activities.[7] Since the BVP program's inception in 1999, it has reimbursed grantees $247 million for their purchases of nearly 1 million vests. The JAG program has provided nearly $4 billion from fiscal years 2006 through 2011, but BJA does not know how much of this amount grantees have spent on body armor because it is not required to track expenditures for specific purposes. Instead, BJA reports that from fiscal years 2006 through 2011, 357 grantees intended to use JAG funds for ballistic-resistant vest procurement, but it does not track how many grantees intended to purchase stab-resistant vests.

NIJ sponsors body armor research, establishes body armor performance standards, and oversees body armor testing for compliance. For example, NIJ's research has included studies to augment ballistic materials and improve the fit of body armor. In addition, NIJ works with stakeholders such as body armor users, researchers, and developers, when revising its body armor performance standards. NIJ is aiming to finalize revisions to its current stab-resistant body armor standard, originally established in 2000, by December 2012, and expects to update its ballistic-resistant body armor standard, last revised in 2008, by November 2013. Lastly, NIJ administers a program whereby manufacturers voluntarily submit their body armor for testing against the pertinent NIJ standard. If the body armor complies with the standard and NIJ approves it, NIJ includes the body armor in its list of all NIJ-compliant vests. Jurisdictions that receive BVP funding use this list to select body armor for purchase.

[6]The program has generally funded, on a reimbursable basis, up to 50 percent of the cost of body armor a jurisdiction purchases with its BVP funds. Particular exclusions to this rule are discussed in GAO-12-353. Prior to 2008, the BVP program gave grantees up to 4 years to spend their awards.

[7]For additional information on the JAG program, see GAO-12-353 as well as GAO, *Recovery Act: Department of Justice Could Better Assess Justice Assistance Grant Program Impact*, GAO-11-87 (Washington, D.C.: Oct. 15, 2010).

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DOJ Has Designed Several Controls and Coordination Mechanisms for its Body Armor Programs, but Could Further Minimize Management Risk

DOJ has designed several controls, consistent with internal control standards, to manage and coordinate BJA's and NIJ's body armor activities; however, we recommended five actions that BJA could take to strengthen its practices over the BVP and JAG grant programs.

BJA designed controls for the BVP program to check the eligibility of grantee payment requests, help prevent improper payments to grantees, and ensure grantee compliance with program requirements. However, BJA needs to take two key actions to improve the BVP program's internal controls (1) improve the management of funds from closed grants, and (2) expand information available to grantees on its key program requirements. Specifically, we reported the following:

- The BVP program has not deobligated about $27 million in balances from grants awarded from fiscal years 2002 through 2009 whose terms have ended and whose grantees are no longer eligible for reimbursement.[8] Once a grant's term has ended, a granting agency typically closes out the grant and deobligates the funds. We have previously reported that grant closeout is an important final point of accountability for grantees, ensuring that they have met all program requirements.[9] To strengthen fund management, BJA could deobligate funds from grants that have closed and apply the amounts to new awards or reduce requests for future budgets. Given that the BVP program requested $30 million—and received about $23 million—in fiscal year 2012, deobligating this $27 million could have significant benefits.[10] In response to our audit work, BVP program officials told us that as of February 2012, they and their colleagues in the Office of the Chief Financial Officer were in the process of examining the $27 million available for possible deobligation and

[8]A deobligation is the cancellation or downward adjustment of previously incurred obligations.

[9]See GAO, *Grants Management: Attention Needed to Address Undisbursed Balances in Expired Grant Accounts* GAO-08-432 (Washington, D.C.: Aug. 29, 2008). In addition, the DOJ Inspector General has reported on the importance of timely grant closeout. See DOJ Office of the Inspector General, *The Department of Justice's Grant Closeout Process* Department of Justice Office of the Inspector General Audit Report 07-05 (December 2006).

[10]The Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, 125 Stat. 552, 616, provided $24 million to the BVP program for law enforcement armor vests, including $1.5 million transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing, and evaluation programs.

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considering how to use it. However, DOJ had not yet made a final decision on this matter before we finalized our February 2012 report, and officials stated a decision likely would not be made until September 2012. Thus, we recommended that BJA deobligate undisbursed funds from grants in the BVP program that have closed. DOJ concurred with the recommendation and stated that in the absence of statutory restrictions stating otherwise, it intends to use the deobligated, undisbursed BVP program funds to supplement the appropriation amounts in fiscal years 2012 and 2013.

- BVP program rules, such as those requiring that grantees maintain documentation of their vest purchases for 3 years, are not as well publicized as they could be. This information appears in "frequently asked questions" guides and is provided when grantees call for technical assistance in administering their grants. However, the requirements do not appear in the grantee instructional manual or in the online system that grantees and BJA use to manage the grant funds. Emphasizing the need to comply with grant award requirements and including clear terms and conditions in funding award documents are leading practices to improve grant accountability and fundamental to internal control standards.[11] We recommended that BJA expand information available to BVP grantees on the current program requirements for jurisdictions to retain documentation on all transactions for at least 3 years. DOJ concurred with the recommendation and stated that it will add language in the fiscal year 2012 BVP program requirements to address this issue.

We also made three recommendations for DOJ to improve controls over the JAG program related to body armor. Specifically, we reported the following:

- The JAG program and the BVP program have different policies for the use and purchase of DOJ-funded body armor. Unlike the BVP program, the JAG program does not require that grantees purchasing body armor have policies in place mandating that officers wear the armor or that the grantees purchase body armor that is NIJ compliant. We have previously identified establishing mutually reinforcing strategies and compatible policies and procedures as key

[11]See GAO/AIMD-00-21.3.1. See also, Grant Accountability Project, *Guide to Opportunities for Improving Grant Accountability*.

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coordination practices.[12] Harmonizing requirements across the BVP and JAG programs could improve consistency in the department's efforts to ensure law enforcement officers' safety. To address this issue, we recommended that BJA establish requirements within the JAG program that grantees using the money for body armor purchases have written mandatory wear policies in place and that they purchase only body armor that is NIJ compliant. DOJ generally agreed with the recommendation. It stated that it had sufficient legal authority to establish these requirements in the JAG program, but noted that it plans to implement such requirements carefully to avoid impeding the ability of local jurisdictions to purchase ballistic equipment that does not have associated standards, such as K-9 ballistic vests, and to accommodate other JAG program requirements.[13]

- BJA does not document its procedures to monitor JAG grantees' compliance with the requirement that recipients not use JAG funding toward the match portion of BVP grants they may also receive. Currently, BJA grant managers perform desk reviews, in which officials review grant documentation off-site, to assess grantees' compliance with general programmatic requirements. Documenting grant managers' desk review procedures for monitoring compliance with this requirement would be consistent with standards for internal control in the federal government. In addition, such documentation could help ensure consistency in grant managers' monitoring practices, which in turn could help BJA better ensure grantees' compliance with JAG program requirements. Therefore, we recommended that BJA document procedures for its desk reviews when it checks on compliance with program requirements. DOJ agreed in part with this recommendation, acknowledging the importance of close monitoring. However, DOJ stated that it did not believe desk reviews are the best mechanism for ensuring that grantees are separately tracking and administering JAG and BVP funds and stated that it would develop and institute additional controls

[12]See GAO, *Results Oriented Government: Practices that Can Help Enhance and Sustain Collaboration Among Government Agencies*, GAO-06-15 (Washington, D.C.: Oct. 21, 2005).

[13]K-9 ballistic vests are protective vests that dogs working with law enforcement officers wear while on duty. Vests modified for K-9 units have not been tested by NIJ.

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beyond desk reviews to ensure grantees' compliance.

- BJA has limited visibility over which JAG grantees intend to use their awards for body armor purchases. Currently, BJA—along with several other bureaus and offices within the department—uses an online system, known as the Grants Management System, to track JAG spending across more than 150 specific categories—each associated with a "project identifier." Although "bulletproof vest" is among the project identifiers, no project identifier exists that could be used for stab-resistant vests. BJA could enhance its tracking, consistent with standards for internal control, to know which grantees intended to use the JAG funds to purchase either type of body armor. With improved tracking, program officials would be better positioned to target their monitoring and ensure grantees' compliance with existing or any newly added body armor requirements. Thus, we recommended that BJA establish a project identifier within the Grants Management System to track stab-resistant body armor. DOJ concurred with this recommendation and stated that it will add a project identifier for stab-resistant vests during the fiscal year 2012 JAG program application process.

Fit and Coverage Are Some of the Factors Affecting Body Armor Use and Effectiveness and DOJ Has Related Efforts to Address These Factors

There are multiple factors that affect body armor's use and effectiveness, including

- law enforcement agencies' policies, such as those mandating wear;
- the comfort; fit, and coverage of the vests;
- degradation caused by wear and tear;
- care and maintenance; and
- exposure to environmental conditions.

For example, based on our interviews and research on these factors, we reported that body armor can create discomfort for an officer through reduced mobility, increased weight, heat build up under the armor, and chafing. As a result, such discomfort may cause an officer to discontinue wearing the armor. In addition, if the body armor is poorly fitting, it can create both discomfort and affect total coverage area. Further, designing comfortable, well-fitting body armor for female law enforcement officers is particularly challenging, according to the six body armor manufacturers in our sample.

We also reported on the steps DOJ has taken to address these factors. Among other efforts, DOJ has disseminated guidance and periodically revised its standards and compliance test procedures to incorporate the

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latest technology. In particular, NIJ's body armor guidance provides information on elements of proper fit and advises agencies to inspect body armor routinely to ensure proper fit. In addition, NIJ is funding a study on the effect of body armor use on core body temperature to gain a better understanding of comfort issues. NIJ is also funding the development of test methods for assessing the performance of contoured body armor designs for females and plans to discuss the issue of including ergonomic or "wearability" test protocols as it considers revisions of the ballistic-resistant body armor standard.

Chairman Leahy, Ranking Member Grassley, and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact me at (202) 512-9627 or MaurerD@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Joy Booth, Assistant Director; Juan Tapia-Videla, Analyst-in-Charge; and Heather May. Additional contributions to our detailed report include Lydia Araya, Ivelisse Aviles, Willie Commons III, Katherine Davis, and Stanley Kostyla.

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WRITTEN TESTIMONY SUBMITTED BY (RET.) CHIEF RON McBRIDE

IACP/DuPont Kevlar Survivors' Club®

Senate Committee on the Judiciary Hearing

"Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program"

Wednesday, February 15, 2012

Chairman Leahy and Ranking Member Grassley, Members of the Committee, I genuinely appreciate this opportunity to submit testimony regarding an issue key to law enforcement officer safety: the purchase and wearing of soft body armor, which has been greatly assisted over the last several years by the Bulletproof Vest Partnership Act (BVPA). I commend the Committee for bringing more awareness to this issue and highlighting the need to reauthorize and improve the BVPA.

I have documented the benefits of wearing body armor for thousands of officers across the country over the last decade through the IACP/DuPont Kevlar Survivors' Club® was created by the International Association of Chiefs of Police (IACP) and DuPont in 1987. Key functions of the IACP/DuPont partnership are encouraging law enforcement officers to wear personal body armor and celebrating the lives of officers who, as the result of wearing ballistic protection, were protected from being disabled or killed. The data collected from police survivors is shared with the non-commercial research community for the exclusive purpose of improving the next generation of body armor.

Prior to serving as manager of the IACP/DuPont Kevlar Survivors' Club® I served as a police officer for thirty-five years, twenty of which were as chief of police. It is through this combination of experiences that I bring a unique perspective to this issue.

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The following is a partial listing of reported preliminary and verified saves in the states represented by membership on the Committee on the Judiciary:

Reported Preliminary and Verified Body Armor Saves
States with Senators Serving on the Judiciary Committee

Alabama	12
Arizona	24
California	43
Connecticut	5
Delaware	5
Iowa	8
Illinois	36
Minnesota	8
New York	41
Oklahoma	20
Rhode Island	4
South Carolina	13
Texas	58
Utah	7
Vermont	1
Wisconsin	10

I call to your attention that we are unable to capture all saves. Agencies and officers for a variety of reasons often prefer not to submit information about an incident.

Background and Need. Law enforcement is a field that carries inherent risks, with the past two years being especially lethal years for law enforcement officers. Numbers from the Officer Down Memorial Page (www.odmp.org) note that 164 line-of-duty deaths were reported in 2011 and 162 line-of-duty deaths in 2010. Although we are at the beginning of 2012, line-of-duty deaths are already at 17 - with the first being that of a female officer - United States Park Ranger Margaret Anderson.

Considering only police line-of-duty deaths resulting from felonious attacks, the numbers are stunning. The table below reflects final FBI LEOKA (Federal Bureau of Investigation Law Enforcement Officers Killed and Assaulted) data for the years 2009 and 2010. Although the data for 2011 is incomplete as reported by FBI LEOKA on December 27, 2011, the number of officers feloniously killed increased 35.4% from 2009 to 2011. This begs the question, if the reports of homicide in the country are generally decreasing, why are police homicides up?

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FBI LEOKA reports of officers feloniously killed

Type of weapon	2009	2010	2011[1]
Number of victim officers	**48**	**56**	**65**
Type of firearms used to kill law enforcement officers			
Handgun	28	38	
Rifle	15	15	
Shotgun	2	2	
Type of firearm not reported	0	0	
Total officers feloniously killed by firearm	**45**	**55**	**56**
Weapons other than firearm used to kill law enforcement officers			
Knife or other cutting instrument	0	0	1
Bomb	0	0	
Blunt instrument	0	0	
Personal weapons (hands & feet)	0	0	2
Vehicle	3	1	6
Other	0	0	

[1]FBI LEOKA preliminary report felonious deaths as of December 27, 2011. Final 2011 report of Law Enforcement Officers Killed and Assaulted will be published by the FBI in 2012.

Visit FBI LEOKA data at http://www.fbi.gov/about-us/cjis/ucr/leoka/leoka-2010

The American police community is facing incredible challenges, not the least being officer safety. Police officers are encountering criminals armed with high-powered weapons including fully automatic rifles. Criminals are routinely wearing body armor while engaged in violent acts. Historically criminals commonly fled before officers arrived at the scene of a crime. There is anecdotal information indicating that criminals are more inclined to either choose to stand and fight the police or on occasion become predators seeking out the police.

Even so, men and women of American law enforcement are the first responders charged to prevent, interrupt, mitigate, and recover from a criminal act, be it a minor crime in progress or the action of a terrorist. With rare exception, the first

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officer to deal with a problem, regardless of its nature, will be a man or woman operating a marked police vehicle of a local, county, or state police agency. It is vital to ensure that they are provided the tools and equipment to carry out their duties safely. This includes adequate comfort and coverage with respect to body armor.

Personal body armor continues to serve as an effective piece of equipment to save police officers from disabilities and death - with FBI data showing the relative risk of fatality for officers who did not wear body armor was 14 times greater than those who did[1]. Documented saves include more than 3,100 law enforcement officers over the past 30 years[2] - a number that is likely far higher considering that many incidents go unreported in the regular course of law enforcement work. However, the Bureau of Justice Statistics (BJS) estimates that only **67% of departments require the officers to wear protective armor at all times[3].**

Body armor protects scores of officers from injuries - both ballistic and non-ballistic - every year. However, although the National Institute of Justice (NIJ) has worked to ensure certain levels of protection for ballistic vests, the policy insufficiently addresses issues of fit, measurement, and maintenance - which has produced wide variation in the treatment of these issues by manufacturers that has led to a decreased level of safety for officers using body armor. For example, the Bureau of Justice Assistance policy fails to set standards for those taking measurements for fit and coverage, leaving room for great levels of discretion and error. Ideally, fit would be verified (1) at time of delivery, (2) at a specific period of time after delivery to provide for adjustments required after a break-in period, and (3) annually thereafter until the armor is removed from service.

The FBI reports that from 1996 to 2005, 132 officers were killed while wearing body armor from ballistic penetration of areas not covered by body armor. Of those killed, 26% were wounded between side vest panels, 35% around the armholes or shoulder, 25% above the vest, and 14% below the vest. The actual numbers are much greater as this information is only limited to felonious deaths and does not include assaults where the officer survived. These numbers highlight the importance of ensuring good fit and measurement to provide officers with equipment that provides maximum safety.

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[1] Federal Bureau of Investigation Law Enforcement Officers Killed and Assaulted (LEOKA) data
[2] International Association of Chiefs of Police (IACP)/DuPont Survivors' Club®
[3] Bureau of Justice Statistics Web site, based on Law Enforcement Management and Administrative Statistics survey, and the Census of State and Local Law Enforcement Agencies: http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=71

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Special Issue Concerning Female Body Armor. Law enforcement is no longer a men-only occupation. Numbers show that for the past few decades, the number of women in law enforcement has consistently increased - for all levels of law enforcement[4]:

- By 2008, approximately 100,000 women served as federal, state, or local law enforcement officers.
- The number of women in local enforcement grew from 7.6% in 1987 to 12% by 2007.
- Among local law enforcement agencies, women represented more than double the percent of sworn personnel in large agencies than compared to small agencies.
- In 2007, women accounted for 18% of sworn officers in 12 of the 13 largest local police departments.

Regrettably, when it comes to body armor for women officers, usage of specialized armor is limited for various reasons. Much of the armor currently offered is designed for male law enforcement officers and does not take into account the anatomical differences between male and female officers. In one survey, female officers complained that the poor fit, especially in the bust, made it "hard to breathe," and another noted that the tight fit made her feel "squashed" - hardly top conditions under which female officers should operate. A survey conducted by the Institute for Women in Trades, Technology, and Science found that 33% of female officers reported fit problems, compared to 6% of their male counterparts.

Even so, many female officers shun the stigma surrounding perceived "special treatment" by superiors and, therefore, fail to request equipment made to suit them even though it may only run $100-150 more than male armor. Many end up requesting body armor designed for a male body, to keep up with their male peers, but find it impractical to use.

For those who end up using such body armor, there is inconsistency in awareness around simple use guidelines that can increase their level of safety, such as not wearing female undergarments constructed with underwire. For those who use female body armor, many do not know of the added level of security ensured by using models that are molded versus stitched. Clearly, the level of education and awareness concerning this type of protective equipment must be elevated.

Solutions. The use of body armor by law enforcement officers can be enhanced and encouraged through an outreach and awareness campaign. Law enforcement organizations such as the International Association of Chiefs of Police (IACP) have long included policies such as those requiring body armor to be worn by recruit officers during training and field officers. The SafeShield project and National

[4] Bureau of Justice Statistics Crime Data Brief: Women in Law Enforcement, 1987-2007: http://www.bjs.gov/content/pub/pdf/wle8708.pdf

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Center for the Prevention of Violence against the Police are two programs that are attempting to reduce the frequency of police disabilities and deaths.

However, more can be done from the federal level through tweaks in the BVPA and administrative and regulatory actions by federal agencies. For instance, I applaud Attorney General Holder's order that now requires Bulletproof Vest Partnership Act funding applicants to have a mandatory vest wear policy in place - this has doubtless saved officer lives while ensuring more effective use of the federal dollar. However, current federal statutes and policies address only certain levels of protection while failing to adequately address issues of fit, coverage, and maintenance - for male and female officers. Solutions can be put in place through collaborative efforts with various law enforcement groups and associations, but including ways to address these issues in the reauthorization of the BVPA would go even farther.

For example, overall, education and maintenance are other areas unaddressed by the current policy. Officers receive ongoing training on how to use weapons and other tools of law enforcement, yet receive minimal training on how to properly use and maintain their body armor. Many just see it as part of the uniform. There is a great need for agencies to increase training programs for their officers to alert them to issues of fit, coverage, tactics, and ongoing maintenance. Such issues could be discussed and addressed in the context of a BVPA reauthorization.

GAO Study. Toward concrete recommendations for the reauthorization, the results of the U.S. Government Accountability Office (GAO) study looking at resourcing, the effectiveness of body armor, and the benefits of implementing standards regarding fit and maintenance have been long-awaited. I look forward to reacting in more detail to the study's results soon after this hearing.

However, for now, in reviewing GAO testimony for this hearing from Homeland Security and Justice Director David C. Maurer, I am heartened that the GAO is documenting the good that body armor has done in the number of lives it has saved. I also appreciate very much that the recommendations the GAO is putting forward seem generally to keep the BVPA and related Edward Byrne Memorial Justice Assistance Grant (JAG) and make upgrades to those programs.

I am also appreciative that facts about body armor fit and coverage are documented in Director Maurer's testimony. I am curious, however, to hear more from GAO about what specific recommendations they have around fit and coverage for the BVPA reauthorization itself. I am also curious to find out what the GAO is referring to when it talks about guidance that the DOJ has disseminated and periodically revised regarding its "standards and compliance test procedures to incorporate the latest technology." In my experience, such reference could refer to the publication titled, "Selection and Application Guide to Personal Body Armor - NIJ Guide 100-01 (Replaces Selection and Application Guide to Police Body Armor, NIJ Guide 100-98)".

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Guidance on fit and coverage starts near the middle of page 46 and ends on page 47 of this document. Please note that this document was published in November 2001, which is relatively early in body armor history. Much has been learned since this monograph was first published. If such guidance involves more than this manual, I would be interested to know what that is. If this is the sole reference point, a significant update is needed. Either way, it is my opinion based on experience that the status quo bears improvements and additional outreach to the field needs to occur, which could be encouraged through enhancements in the BVPA.

Overall, after careful review of the study's final results and recommendations, it is my hope that we can work collaboratively on a vehicle to reauthorize the BVPA that takes into consideration issues around resourcing, fit, and coverage - which will not only put more units of body armor into law enforcement's hands but also encourage officers to wear them.

I thank Senators Whitehouse and Graham for their ongoing championing of this study, and I thank Senator Grassley for signing onto the request as well. I truly appreciate Chairman Leahy's interest in holding this hearing and bringing light to the study. We could not have gotten to this point without your understanding of the potential positive impact of such a study for law enforcement officer safety. I look forward to continuing to work with all of you and other Members of the Committee, as well as other Senate and House offices that have shown interest, to arrive at a sound reauthorization that has practical and lifesaving results for the field.

Conclusion. Body armor that does not fit properly puts officers at even greater risk. Poor fit can lead to inadequate coverage. Additionally, body armor that does not fit can limit mobility and be extremely uncomfortable. This is an issue that must be dealt with especially for female officers. Increased numbers of women in the field, surveys demonstrating poor fit, and the inherent dangers of law enforcement all point to the need for increasing the use of better equipment in the field. Body armor saves lives, but only if it fits properly and is worn by officers. We owe it to those who serve to encourage the use of body armor that provides the optimal level of safety and comfort.

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TESTIMONY OF CHIEF MICHAEL E. SCHIRLING
SENATE COMMITTEE ON THE JUDICIARY
PROTECTING THOSE WHO PROTECT US: THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM
FEBRUARY 15, 2012

TESTIMONY BY
MICHAEL E. SCHIRLING
CHIEF OF POLICE
BURLINGTON POLICE DEPARTMENT
BURLINGTON, VERMONT

Good Afternoon Mr. Chairman and Members of the Committee.

My name is Michael Schirling and I have the privilege of serving as the Chief of Police in Burlington, VT. I am pleased to be with you again.

Burlington is a community of approximately 40,000, located on the eastern shores of Lake Champlain about 35 miles south of the Canadian border. We host, among other educational institutions, the University of Vermont and Champlain College. It is the central hub of activity, commerce, and services for northwestern Vermont, which encompasses a population of approximately 150,000 residents. We have a 145-year history of providing law enforcement services to Vermont's largest City with 100 officers and 36 civilian personnel.

Nationally, our 18,000 police departments and 800,000 police officers confront increasingly complex challenges on our streets and in our neighborhoods. 21st Century law enforcement stands squarely at the crossroads of every contemporary social issue. Each day in the United States, law enforcement officers are thrust into a myriad of situations in which, despite their best efforts and skill, they lack full control of events as they unfold and are seriously injured or killed. In the roughly 1 million encounters they have each day, officers face more complex and unpredictable scenarios. This results from a wide range of complicating factors including offenders released from our prisons, those with intractable substance abuse and addiction, and some in our communities with unmet mental health needs.

Last year was a tragic one for law enforcement in the United States. For the first time, the number of officers killed by gunfire exceeded the number killed in traffic crashes. The overall number of officers killed in the line of duty rose 37 percent in 2010 followed by a 16 percent increase in 2011. The nation's police chiefs are vividly aware that we must continually evaluate

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and develop techniques that will protect our officers when confronted by those who will not hesitate to injure or even kill them. We owe this to those who put their lives on the line every day for the freedoms we cherish.

Among the most basic strategies is the use of bulletproof vests. My agency has mandated the wearing of vests for all uniformed personnel, and in October of 2011, the International Association of Chiefs of Police (IACP) stated that they believe mandatory wear should be the standard for all agencies. As you are likely aware, the Attorney General has mandated that any agency receiving Bulletproof Vest Partnership funds must have a mandatory wear policy.

Vests are just one part of the equation. In 2002, the IACP Division of State Associations of Chiefs of Police created *SafeShield*, an initiative dedicated to protecting our nation's law enforcement officers and reducing the number of officers killed in the line of duty to ZERO. With the recent surge in violence against the police, there are two noteworthy projects underway:

> First, in partnership with the Bureau of Justice Assistance (the U.S. Department of Justice, the Reducing Officer Injuries: Developing Policy Responses project), data has been collected for the period of July 2010 through June 2011, tracking daily injuries in 18 agencies. The data collected will allow IACP to make assessments and educate policy makers on what strategies and are needed to reduce injuries to officers.
>
> The IACP is continuing to work on another important initiative: the National Center for the Prevention of Violence Against the Police. Funded by BJA, this Center is gathering comprehensive data from state, local, university and tribal law enforcement agencies in the United States on line-of-duty deaths and felonious assaults committed against law enforcement. Center staff will study this data to develop strategies across the criminal justice system designed to prevent violent assaults against law enforcement officers. In this vein of awareness and prevention, the Center recently released an agency self-assessment tool entitled: *Preventing Line of Duty Deaths: A Chief's Duty*. It is designed to help law enforcement leaders evaluate their agencies' efforts to address the safety needs of their officers.

I should also take a moment to touch on the health of our nation's police officers from a perspective beyond their physical safety. Faced with tragedy and stress repetitively during their careers we now recognize the support that is needed to maintain emotional and psychological health, and resiliency. With a suicide rate of 17 per 100,000 compared to 10 per 100,000 in the general population and 20 per 100,000 in the veteran population, we must also keep in mind the needs of our officers in this realm.

Federal, State, local, university and tribal law enforcement are doing all that we can to protect our communities from crime, disorder, and the specter of terrorism. I would be remiss if I did not take a moment to recognize the fiscal reality that faces our nation today. We must be smart about the projects and initiatives we choose to fund as our nation works hard to recover from a devastating recession. We must choose what we fund wisely. The safety of our nation's law enforcement officers is a wise and necessary investment. I urge you to reauthorize the Bulletproof Vest Partnership Act and continue to provide funds to help law enforcement agencies across the country purchase life-saving vests for their officers.

Thank you, Mr. Chairman and distinguished Senators, for taking testimony on this important issue, and for your continued leadership and assistance on criminal justice matters and the safety of our law enforcement officers, nationwide.

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