



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

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,

A handwritten signature in cursive script that reads "Paul H. Fitzgerald". The signature is written in black ink and is positioned above the typed name.

Sheriff Paul H. Fitzgerald
President



2011-6

**NATIONAL SHERIFFS' ASSOCIATION ENCOURAGES SHERIFFS' OFFICES
NATIONWIDE TO CREATE AND IMPLEMENT A MANDATORY VEST
WEAR POLICY FOR SWORN LAW ENFORCEMENT 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;

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.