

*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 purchase 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.

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 15<sup>th</sup> 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.

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.