

THE BULLETPROOF VEST PARTNERSHIP PROGRAM: PROTECTING OUR NATION'S LAW ENFORCEMENT OFFICERS

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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MAY 13, 2008
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CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Feingold, Hon. Russell D., a U.S. Senator from the State of Wisconsin, prepared statement	12
Leahy, Hon. Patrick J., a U.S. Senator from the State of Vermont	1
prepared statement	17

WITNESSES

Azur, David, Detective, Baltimore City Police Department, Baltimore, Maryland	5
Macarilla, Michael, Lieutenant, Vermont State Police, Waterbury, Vermont	3

SUBMISSIONS FOR THE RECORD

Azur, David, Detective, Baltimore City Police Department, Baltimore, Maryland, statement	10
Herraiz, Domingo S., Director, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, Washington, D.C., statement	13
Macarilla, Michael, Lieutenant, Vermont State Police, Waterbury, Vermont, statement	19

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TUESDAY, MAY 13, 2008

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

The Committee met, Pursuant to notice, at 9:34 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Patrick J. Leahy, Chairman of the Committee, presiding.

Present: Senator Leahy.

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

Chairman LEAHY. Good morning, and I am pleased to convene today's hearing about the Bulletproof Vest Partnership grant program during National Police Week. Lieutenant Macarilla and Detective Azur, please come up and sit down.

I thank our witnesses for taking time during this week of very important events and meaningful ceremonies to appear before this Committee and share their experiences with us to help us better understand the importance of body armor for our peace officers.

Incidentally, I am looking forward to Thursday morning to be at the events on the West Front of the Capitol, as I am most years, because this is the week that law enforcement officers come from around the country, they come to Washington to honor the men and women who have given their lives in the line of service over the past year.

One thing with the ceremony, it shows that all Americans join in expressing their gratitude to these officers and, of course, to their families. I hope today's hearing will add to the recognition of the tremendously important jobs all of you do, and that Congress and the American people will take the time to reflect upon the sacrifices you make. I know I speak for all Americans in thanking you and all of the men and women serving in law enforcement for your service to our communities and to the people of the United States.

The intent of this hearing is to highlight the importance of the Bulletproof Vest Partnership grant program. We are going to hear directly from those who are on the other end of that body armor program.

I want to have the forum also so I could let Members of Congress know how important the bulletproof vests are to not only the officers but to their families. This week at Thursday's memorial, we

will recognize and remember the officers lost in the line of duty during the last year. There were 181 officers. Each death is a tragedy, but this is the largest yearly total since the extraordinary losses on 9/11 and its aftermath. Let me emphasize that we have to do all we can to protect the men and women who protect us.

One of the officers with us today has had firsthand experience with the importance of armor vests, and I am grateful to him for his willingness to share the experience with the Committee. I am also very pleased that Lieutenant Michael Macarilla from the Vermont State Police is here with us to share his insights into this program. The lieutenant has done something I am not quite sure I could have done, but he arrived in Washington by bicycle. Our State Police normally do not patrol in Vermont by bicycle. There is a T-shirt which says, "Vermont is not flat." And it is not. But he rode 300 miles from New Jersey with other police officers in the Police Unity Tour to raise awareness about those who have lost their lives and to raise funds for the Law Enforcement Officers Memorial and Museum. Michael, thank you for doing that.

I was proud to initiate the Bulletproof Vest Partnership Act. I did it with Senator Ben Nighthorse Campbell, the former Senator from Colorado, and who had also been a deputy sheriff. Between 1999 and 2007, our bill gave \$234 million to the States, and that means 818,044 vests. It is great that the law we enacted is having a real impact on the security of our officers. I have had a lot of officers come up to me in airports all over the country and other cities and say, "I heard you wrote the vest program." They will tap their chest, and they will say, "Thank you." I say "Thank you" to them for protecting us.

Now, the President's budget has repeatedly left out funding for this program, but Congress has stepped up, we have recognized its importance. We have put together a bipartisan coalition to keep it strong. I hope we will do it again. It may be easy for somebody who is just looking at Federal grant programs as just numbers and find ways to reduce Federal spending. But when it comes to the safety of law enforcement officers, I can think of no rational excuse not to fully fund what Congress requires in this program. And for those of us who had the privilege of serving in law enforcement before we came here, we know how important that is.

Bulletproof vests are expensive; no officer should be without one. They should be basic equipment. We should be past the time when this is viewed by departments as optional or when officers, who do not get that great a salary begin with, are told to pay for it themselves. The vests are a fundamental part of keeping officers safe in the line of duty, and if State and local jurisdictions are unable to pay for it, I think the Federal Government should step up. If we can afford to send over \$1 billion to pay for equipment for the Iraqi Police Department—and then we do not know where most of it went—we ought to be able to take care of the police departments in our own country. So let us pay for training and equipment for our officers. Let's do some of the things we need to do here at home.

I am introducing today a bill to reauthorize this program for another 3 years, and this week the Judiciary Committee will take up legislation to give the Director of the Bureau of Justice Assistance

at the Justice Department the authority to waive the Act's matching requirement.

I will put the rest of my statement in the record. I want to hear from the witnesses, and I know we are going to have votes here in a while on the floor.

[The prepared statement of Chairman Leahy appears as a submission for the record.]

Chairman LEAHY. Michael Macarilla is a lieutenant with the Vermont State Police. He works to distribute bulletproof vests to officers in our State, and we talked about this back home in Vermont. He began his service with the State troopers in 1989. He became a lieutenant in 2006. He worked in the Bureau of Criminal Investigation from 1998 to 2003. He was a liaison with the Bureau of Alcohol, Tobacco, and Firearms. He served on various volunteer fire departments and ambulance squads over the years. He has been on the Executive Board of Vermont Troopers Foundation from 2000 to 2007.

And then he will be joined by Detective David Azur. He is a detective with the Baltimore Police Department in Baltimore, Maryland. He also works as a task force officer for the Bureau of Alcohol, Tobacco, and Firearms. Detective Azur began serving with the Baltimore Police in 1993 as a patrol officer. He became a detective in 1997. He was subsequently assigned to a multi-jurisdictional auto theft task force. While working for the regional auto theft task force in 2000, Detective Azur was shot in the line of duty at point-blank range. He survived because he was wearing a bulletproof vest, and he was awarded the Medal of Valor for his actions that day and has been awarded the Exceptional Police Performance Award by the Baltimore County Police Foundation. I hope I do not sound parochial in pointing out that he is from South Burlington, Vermont, and he attended the University of Vermont and Florida State University.

So, Lieutenant Macarilla, we will begin with you, sir. Go ahead.

**STATEMENT OF LIEUTENANT MICHAEL MACARILLA,
VERMONT STATE POLICE, WATERBURY, VERMONT**

Mr. MACARILLA. Senator Leahy, distinguished members of the Committee, I am Lieutenant Michael Macarilla of the Vermont State Police.

This morning, I am honored to share with you the experiences my Department has had with the Bulletproof Vest grant program from its inception 10 years ago.

The Vermont Department of Public Safety has had an extensive and successful working relationship with Senator Leahy and with the Bureau of Justice Assistance. In 1998, Senator Leahy cosponsored the Bulletproof Vest Partnership Grant Act at a time when our department was regrouping in the aftermath of the so-called Colebrook Incident.

On August 19, 1997, a lone gunman killed four people in northern New Hampshire, including New Hampshire State Troopers Scott Phillips and Leslie Lord. The gunman also wounded four additional law enforcement officers in ambush fashion. The rampage began in New Hampshire, but moved into Vermont where the gun-

man was finally stopped by a combined force of Vermont, New Hampshire, and Federal law enforcement officers.

At that time, Vermont State Troopers did not have ballistic body armor provided by the Department. Each trooper made the personal decision whether to purchase this life-saving, yet expensive, equipment. As a result of extensive after-action reviews, the Vermont State Police committed to providing ballistic body armor to each member of the Department.

On the national level, Congress recognized the need to help local, county, and State law enforcement agencies by supporting the purchase of body armor through the Bulletproof Vest Partnership Grant Act.

As administered by the Bureau of Justice Assistance, the Act has allowed the Vermont State Police to purchase over 350 sets of ballistic body armor over the last 10 years. A credit to the provisions of the Act, the expense of this investment is half of what the actual cost for the department would have been. This provides a savings to the department that can be used for other equally critical needs. Although the department was committed to the purchase of ballistic body armor regardless of the passage of the Act, certainly the force-multiplying effect of the Act should not be understated. While the dollar amounts may seem small by national standards, this support is often the critical difference when a small agency is faced with prioritizing how to spend limited dollars on what is truly life-saving equipment.

We understand that there is discussion concerning an option to permit the Bureau of Justice Assistance to waive the matching funds requirement of the Act. The Vermont Department of Public Safety supports that concept. The Bureau of Justice Assistance has been an outstanding partner with the States. Under the leadership of Director Domingo Herraiz, the Bureau has worked diligently to get funding resources and technical assistance out to the field with a minimum of bureaucratic hurdles. The authority to waive matching requirements for agencies that need that latitude will continue the proven effectiveness of the BJA.

Vermont has been fortunate in not having the experience of other States with officers being wounded or killed by gunfire. The Committee will continue to hear from law enforcement officers who owe their lives to the presence of this grant program.

In March of this year, Senator Leahy and Senator Specter traveled to Rutland, Vermont, and heard testimony from Vermonters on the influx of more brazen, violent actions related to drug-trafficking activity. Vermont is not immune to violence, and Vermont law enforcement—and Vermont State Police agencies are greatly indebted to the ongoing support we receive from your efforts in the combined justice assistance programs that are available to us. Your efforts to protect us with these programs, such as the Bulletproof Vest Partnership Grant, allow us to protect our citizens.

Thank you for the honor and opportunity to offer this testimony today.

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

Chairman LEAHY. Well, thank you for being here. We are going to go into questions in a minute, but you speak about the Draga

event that involved both States and Federal authorities near the Canadian border. It was just horrible. A lot of things came out of that, not only the bulletproof vests but more effort at having the ability for various jurisdictions to speak to each other on radios. As you know, we have lots of dead spots where cell phones are no good.

The then-Director of the FBI, Louis Freeh, was staying at my home in Vermont, in Middlesex—and you know where that is.

Mr. MACARILLA. Yes, sir.

Chairman LEAHY. We decided to drive down to the hospital, just the two of us, and see one of the Federal agents who had been badly wounded. It was not until I came there that I made the connection with his last name. His father had been a professor of mine at St. Michael's College, and I had known him—I first saw this officer when he was about a month old. And it was quite emotional. He survived—severely wounded, but survived. Not all the officers did, as you know.

Detective Azur, would you please give your testimony? I know what is in it, but I think we should hear that.

**STATEMENT OF DETECTIVE DAVID AZUR, BALTIMORE CITY
POLICE DEPARTMENT, BALTIMORE, MARYLAND**

Mr. AZUR. Thank you. Good morning again. Thank you for the opportunity to speak here today. It is truly an honor.

My name is David Azur, and I am a detective with the Baltimore City Police Department in Maryland. I would like to share with you why I believe so strongly in the importance of every officer wearing a bulletproof vest.

I have been a police officer since 1993 and became a detective in 1997. On July 24, 2000, I was a member of a multi-jurisdictional auto theft task force. Our goal was to apprehend car thieves while they were driving stolen vehicles. I was working in plain clothes and was operating an unmarked sport utility vehicle. I wore a PACA brand bulletproof vest in a black tactical carrier that I wore over my shirt. The vest was clearly marked "POLICE" in big, bold letters, and it was issued to me in August 1995.

At approximately 12:30 in the afternoon, I observed a suspected stolen vehicle traveling northbound on Pennsylvania Avenue in Baltimore City. With the assistance of additional units from the auto theft task force, we stopped the vehicle at a red light on a busy main street in Baltimore. I approached the passenger side of the vehicle and spoke with both the driver and the passenger through an open window. My partner approached the driver side of the vehicle as well. I asked the driver who owned the vehicle. He said he obtained the vehicle from an unknown male earlier in the day and did not know who owned the car. I told my partner to pull the driver out of the vehicle and to place him under arrest. I then removed the passenger from the vehicle and immediately got into a struggle with him.

The car door was open, and I had the suspect pinned up against the car between the open door and the passenger seat, my chest against his back. As I was restraining him, he attempted to grab something from his pocket, which I assumed were drugs that he was trying to dispose of. I had his left arm pinned to the top of the

car, and I reached around and grabbed his right arm. A third officer, who had arrived on the scene and was standing on the other side of the open passenger door, attempted to grab the suspect's right arm as well. Just as the officer grabbed the suspect's arm, the suspect rotated to his left, and I heard a gunshot. Unbeknownst to me, the suspect had a .38-caliber revolver in his waist, which he had grabbed with his right hand. He reached around his body, positioning the gun under his left armpit. When he rotated to the left, he shot me at point-blank range, dead center in the chest. The gunshot threw me back, but did not knock me down. The suspect took off running, and the two officers on the scene with me took off running after him. Nobody knew that I had been shot, including myself.

Perhaps 5 to 10 seconds later I heard a second gunshot, which was the suspect committing suicide. It was at that point that I felt the pain in my chest and realized that I had been shot. I gasped for air and shouted to an officer about 20 feet away from me that I had been shot. He was shocked and shouted back, "What?" I told him that I had been shot. I then grabbed my handheld radio and alerted the police dispatcher that I had been shot and waited for help to arrive. I ripped off my vest and asked the officer "Where's the blood?" He told me that the bullet didn't go through the vest, and I replied that it still hurt like hell. My chest bruised almost instantly, and by the time the medic arrived on the scene, I had a bruise the size of a volleyball on my chest.

I was taken to the University of Maryland's Shock Trauma Unit and was told that if I hadn't been wearing my bulletproof vest that in all likelihood I would have died. I was released from the hospital less than 5 hours after having been shot in the chest at point-blank range. I suffered minor nerve damage, which I still have to this day, but it is a small price to pay for what could have happened if I had not been wearing my vest.

Many people view the day that I got shot as a terrible day, but I view it as just the opposite. I am lucky to be alive and owe my life to the bulletproof vest. Every officer should have a bulletproof vest. If there is anything that I can do or say to help officers obtain and wear their vest, then I would love to do it and feel as though it is the least that I can do.

Again, thank you for your time, and it has been an honor.

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

Chairman LEAHY. You said if there is anything you could say or do. You have, and I can assure you that every member of this Committee is going to see that testimony.

I notice that Jim Pasco, the Executive Director of the FOP, just came in, and, Jim, would you stand up so these officers can see you.

The FOP has been tremendous in its support of the bulletproof vest program, and I am sure they will take note of the testimony of both of you.

Let me ask Lieutenant Macarilla this: In the Justice Department, the Department of Justice is administering this. Mostly there are parts where they do it very well, and parts where maybe

they should do it better. Can you talk about both? Where do you think they do the best, where do you think they might do better?

Mr. MACARILLA. Our experience in Vermont has been quite positive. They make the moneys available to our grants specialist. She lets us know how much money we have to spend on the vests, and then they reimburse us after the vests are purchased. We cannot match those Federal funds with other Federal funds such as funds that we take from drug dealers, the profits of drug sales. That may be something that may need to be looked into so that funds that are seized from a drug deal that are supposed to go back into law enforcement can also be used to purchase the vests for the other half.

Chairman LEAHY. You know, Marc Metayer is now the Deputy Commissioner of the Vermont Department of Public Safety. He helped a lot in the passage of the original law. My office worked with him, and I worked closely with him. In fact, at the signing ceremony, he was here and made comments about introducing the President, President Clinton at that time. He described how for 20 years as a State trooper he has purchased his own body armor, but also for many that was not a possibility. And, of course, after the Carl Draga matter we talked about, he realized how important it was.

Our State is probably typical of rural areas with the exception of Burlington, South Burlington. Most of the police departments are fairly small, and in a lot of towns there may be a one-person police department, if that. Otherwise, we rely on the State Police or sheriff's departments. Do you find that some of these towns have problems matching the amount of money—or doing the matching funds to buy vests?

Mr. MACARILLA. They do. Small towns like the town I live in, Waterbury, I think 70 percent of the village's budget goes to the police department as it is. With resources as limited as they are for a small five- or six-man department, they can run into problems getting the matching grants. And then they also have to have the administrators within the village government to go out and do the research and make sure they apply for the funding to come back to the departments afterwards. So it can be for the smaller towns very troublesome.

Chairman LEAHY. They also have—of course, sometimes you have departments that have gone through terrible tragedies, Katrina and things like that, and there is no money for anything.

Mr. MACARILLA. Right.

Chairman LEAHY. And the matching funds can be more than enough. You know, it worries me also, again, with these small areas. They happen to have no back-up, and they are often the only person on the scene, and you would think that you would want, if anything, to require even more equipment to be there.

Mr. MACARILLA. Right.

Chairman LEAHY. And one of the things when I first got into this with Senator Campbell and I started researching it, I was surprised—and when I was a prosecutor, you almost never saw any kind of body armor, not the type of things we have today. But I was surprised to find out these things break down. They wear out. Is that correct?

Mr. MACARILLA. The manufacturers only warranty them for 5 years, regardless of how much they have been used during that 5-year period. So every 5 years, we have to replace the body armor that is issued to the officers.

Chairman LEAHY. And, Detective Azur, do you still have that vest?

Mr. AZUR. I do, sir. This is the trauma plate. You know, in addition to my ballistic vest that goes around my body, I have got a pound in the center that holds this plate.

Chairman LEAHY. Would you hold that up?

Mr. AZUR. And this is where the bullet struck me. It looks like a little tiny smudge mark.

Chairman LEAHY. It didn't feel like that on the other side, did it?

Mr. AZUR. Yes, it felt like a sledgehammer, and it hit me in the chest. And talking about the warranty on the vest, my vest was issued to me in August 1995, so the warranty expired in August 2000, and I got shot on July 24th of 2000.

Chairman LEAHY. Man, you got lucky all around. You know, it seems almost wrong to say this, but if you had not had it, you might not have felt anything. You would have been dead.

Mr. AZUR. Absolutely. Yes, I have no doubt about that whatsoever.

Chairman LEAHY. Wearing that vest—I mean, if you had not been wearing a vest, would you not have still reacted—I mean, you would have gone and tried to make the arrest and everything else?

Mr. AZUR. Absolutely.

Chairman LEAHY. That is your job, right?

Mr. AZUR. Yes, although there has never been a day when I have not worn my vest. It is just part of my standard equipment. I cannot imagine going on the street without wearing my gun, and I cannot imagine going on the street without wearing my vest.

Chairman LEAHY. Is there a mandatory policy for the Baltimore Police?

Mr. AZUR. There is, although, you know, there is personal choice. There are still many members of the department that do not wear their vests, which just amazes me. But it is a matter of personal choice, and it is essential equipment that you must have.

Chairman LEAHY. Well, probably you will talk about—one of the things I learned as a prosecutor is never ask a question if you do not know the answer. I think I know the answer to this, but would both of you agree we ought to be reauthorizing this program?

Mr. MACARILLA. Yes, sir.

Mr. AZUR. Yes, sir.

Chairman LEAHY. And you like the idea for giving the department the ability to waive the matching, if necessary?

Mr. MACARILLA. I think with the smaller towns, with the limited resources they have, that is a necessity.

Chairman LEAHY. Well, I am going to introduce a bipartisan bill to reauthorize this program for another 3 years, and I am going to do that today. Congressman Visclosky is going to do that in the House. This is not a matter of Republicans or Democrats. That is why when Senator Campbell and I first joined on it, we made it

very clear that it is not a Republican or a Democratic bill. This is a law enforcement bill.

I know Senator Shelby, Republican from Alabama, and Senator Mikulski, Democrat from Maryland and the Chair of one of the Subcommittees and in Appropriations, have worked hard on this also. We will try to get this passed.

I think many of the members on this Committee served in one form or another in law enforcement, as I did. We understand it. But I think it is important, and that is why I thank the FOP and others who are getting the word out how important it is to let people know. You have helped a great deal with that. I think that it is important that we hear these real-life things.

You talked about the Draga incident, which I remember very, very well, and both FBI Director Freeh and I were—the phones were very busy at my farmhouse during that week. And, Detective Azur, we will let your family back in Vermont know you were here. I am sure they were delighted that you were OK after that.

Mr. AZUR. Yes.

Chairman LEAHY. I am also going to submit for the record a statement submitted by the Bureau of Justice Assistance Director Domingo Herraiz, and I thank Director Herraiz and the Department of Justice for their work on this.

We will adjourn because we are going to have votes, but obviously, I support the bill. I know it has the strong support of the Fraternal order of Police. I am hoping that we can put this one on a fast track. I do not want to have any place where we go a few months without it. I live in a town of—you live in Waterbury, Lieutenant. How many people in Waterbury?

Mr. MACARILLA. A couple thousand.

Chairman LEAHY. Yes. And Middlesex has 1,200 where I am, the adjoining town. Montpelier, our State capital, has 8,500, where I was born. So you are the big-city guy here, Detective.

Mr. AZUR. I miss Vermont.

[Laughter.]

Chairman LEAHY. Well, I am going to be there this weekend, and I look forward to being there. And I look forward to being home. I know that we have excellent law enforcement in our State, as you do in yours. And I also sometimes think that a lot of people do not realize what law enforcement people do for the hours they put in.

Thank you very much, and we will stand in recess.

Mr. MACARILLA. Thank you, sir.

Mr. AZUR. Thank you, sir.

[Whereupon, at 10:04 a.m., the Committee was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

Testimony of
Det. David Azur

May 13, 2008

Good morning. Thank you for the opportunity to speak with you today. My name is David Azur and I'm a Detective with the Baltimore Police Department in Maryland. I would like to share with you why I believe so strongly in the importance of every police officer wearing a bulletproof vest.

I've been a police officer since 1993 and became a Detective in 1997. On July 24, 2000 I was a member of a multi-jurisdictional auto theft task force. Our goal was to apprehend car thieves while they were driving stolen cars. I was working in plain clothes and was operating an unmarked sport utility vehicle. I wore a PACA bulletproof vest in a black tactical vest carrier over my shirt. The vest was clearly marked "POLICE" in big, bold letters. It was issued to me by the Baltimore Police Department in August of 1995.

At approximately 12:30 in the afternoon, I observed a suspected stolen vehicle traveling northbound on Pennsylvania Avenue in Baltimore City. With the assistance of additional units from the Auto Theft Task force, we stopped the vehicle at a red light on a busy main street in Baltimore. I approached the passenger side of the vehicle and spoke with both the driver and the passenger through an open window. My partner approached the driver side of the vehicle. I asked the driver "who owned the vehicle?" He said he obtained the vehicle from an unknown male earlier in the day and didn't know who owned the car. I told my partner to pull the driver out of the vehicle and to place him under arrest. I then removed the passenger from the vehicle and immediately got into a struggle with him. The car door was open and I had the suspect pinned up against the car between the open door and the passenger seat, my chest against his back. As I was restraining him, he attempted to grab something from his pocket, which I assumed were drugs that he was trying to dispose of. I had his left arm pinned to the top of the car and I grabbed his right arm. A third officer, who had arrived on the scene and was standing on the other side of the open passenger door, attempted to grab the suspect's right arm as well. Just as the officer grabbed the suspect's arm, the suspect rotated to his left and I heard a gunshot. Unbeknownst to me, the suspect had a .38 caliber revolver in his waist band, which he had grabbed with his right hand. He reached around his body, positioning the gun under his left armpit. When he rotated to the left he shot me at point blank range, dead center in my chest. The gunshot threw me back, but didn't knock me down. The suspect took off running and the two officers on the scene took off running after him. Nobody knew that I had been shot. Perhaps five to ten seconds later I heard a second gunshot, which was the suspect committing suicide. It was at that point that I felt the pain in my chest and realized that I had been shot. I gasped for air and shouted to an officer about 20 feet away from me that I had been shot. He was shocked and shouted back "What??" I told him that I had been shot. I then grabbed my handheld radio and alerted the police dispatcher that I had been shot and waited for help to arrive. I ripped off my vest and asked the officer "Where's the blood!?" He told me that the bullet didn't go through the vest and I replied that it still hurt like hell! My chest bruised almost instantly and by the time the medic arrived on the scene I had a bruise the size of a volleyball.

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Many people view the day that I got shot as a terrible day, but I view it as just the opposite. I'm lucky to be alive and owe my life to my bulletproof vest. Every police officer should have a bulletproof vest. If there's anything that I can do or say to help officers obtain and wear their vest, then I would love to do it and feel as though it's the least that I can do. Thank you for your time.

Statement of U.S. Senator Russ Feingold
At the Senate Judiciary Committee Hearing On "The Bulletproof Vest Partnership Program: Protecting our Nation's Law Enforcement Officers"

May 13, 2008

I want to start by thanking the Chairman for holding this important hearing and for his steadfast dedication to our state and local law enforcement officers.

The Bulletproof Vest Partnership Program (BVP), operated by the Department of Justice, provides funding to state and local law enforcement for up to 50 percent of the cost of bulletproof vests. In fiscal year 2007 alone, 172 jurisdictions in Wisconsin received awards under the BVP, totaling more than \$550,000 in funding for 2,463 life-saving vests. And those numbers pale in comparison to the longer term nationwide statistics: The BVP has provided law enforcement officers in 11,900 jurisdictions with nearly 450,000 new bulletproof vests since 1999.

As the testimony of the witnesses today will show, the necessity and effectiveness of these vests is not in question. What is in question, and it is an area where the federal government can assist, is their availability and funding. Funding for state and local law enforcement has been cut dramatically under the current administration's budget proposals, resulting in increased pressures on our officers on the ground. Congress, in partnership with states and local communities, has an obligation to provide the tools, technology and training that our nation's law enforcement officers need in order to protect our communities. Helping our law enforcement officers obtain bulletproof vests is one way the federal government can, and should, help.

Chairman Leahy has introduced a bill, S. 2511, to permit the Justice Department to waive the BVP matching funds requirement in the case of fiscal hardship. At a time when too many police departments are already facing cuts to essential programs and crime fighting initiatives, this is a sensible step.

This is a particularly appropriate time to consider this program because this week is National Police Week. It is a time when we honor the heroic law enforcement officers who have lost their lives in the line of duty, to protect us and our communities. Every day, thousands of brave men and women put on the uniform and provide a dangerous and important service. It is our responsibility, both as individuals and as members of Congress, to honor them, and to do our part in providing the tools that allow them to do their jobs as effectively and safely as possible.

Thank you, Mr. Chairman.



Department of Justice

STATEMENT FOR THE RECORD OF

**DOMINGO S. HERRAIZ
DIRECTOR
BUREAU OF JUSTICE ASSISTANCE
OFFICE OF JUSTICE PROGRAMS
UNITED STATES DEPARTMENT OF JUSTICE**

BEFORE THE

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

HEARING TITLED

**"THE BULLETPROOF VEST PARTNERSHIP PROGRAM:
PROTECTING OUR NATION'S LAW ENFORCEMENT OFFICERS"**

MAY 13, 2008

Chairman Leahy, Ranking Member Specter, and distinguished Members of the Committee, thank you for the opportunity to submit a statement for the record regarding the Bulletproof Vest Partnership (BVP) on behalf of the U.S. Department of Justice's Office of Justice Programs (OJP). I am Domingo Herraiz, Director of OJP's Bureau of Justice Assistance (BJA).

BJA's mission is to provide leadership and services in grant administration and criminal justice policy development that supports state, local and tribal justice strategies to achieve safer communities. BJA's overall goals are to reduce and prevent crime, violence and drug abuse; and improve the functioning of the criminal justice system. BJA is responsible for administering the BVP Program.

As you know, BVP was created by the Bulletproof Vest Partnership Grant Act of 1998. This Act was passed by Congress to assist state, local and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, in purchasing body armor for their officers. The Program works by reimbursing law enforcement agencies for the purchase of stab-and bullet-resistant vests that meet the standards established by OJP's National Institute of Justice (NIJ). In 2004, in response to concerns from the law enforcement community, DOJ announced a Body Armor Safety Initiative to address the reliability of body armor used by law enforcement personnel and to examine the future of bullet-resistant technology and testing. As part of this initiative, NIJ produces a list of models that comply with the requirements of Bullet-Resistant Body Armor. The BVP program pays up to 50 percent of the cost of each vest purchased by

applicants who meet the NIJ standard. In addition, in 2006 BVP provided separate funding for the replacement of Zylon[®]-based body armor vests that were purchased with previously awarded BVP funds and subsequently removed from the NIJ list in 2005.

The BVP program is a cornerstone of the Department's efforts to keep law enforcement officers safe in the line of duty. Since its inception in 1998, over 11,900 jurisdictions have participated in the BVP Program, with \$234 million in federal funds committed to supporting the purchase of more than 800,000 vests. In Fiscal Year (FY) 2008, Congress appropriated more than \$28 million for the BVP Program. Funding will be used to reimburse states and units of local and tribal governments that are equipping officers with body armor that meet the NIJ Body Armor standard. The application period for the FY 2008 BVP program opened on March 13, 2008 and closed April 23, 2008. BJA is in the process of reviewing the applications and expects to announce the FY 2008 awards in July.

As you know, the President's proposed budget for FY 2009 consolidates more than 70 Department of Justice discretionary grant programs into four larger multi-purpose programs. All told, the President's budget request for the Department of Justice includes more than \$1.6 billion in grant assistance.

The approach outlined in the President's budget allows us to be adaptable and flexible. It looks a little different from the way we have done things in the past, but our goal is to give communities the opportunity to decide for themselves how to fight the

specific public safety problems they are facing and support their law enforcement needs. This strategic approach gives communities considerable flexibility in designing crime-fighting programs. We recognize that change from past practice can be uncomfortable, but it is also motivating. It causes us to think in new ways, and engenders creativity and innovation, which, as you know, are the keys to successful crime-fighting.

Law enforcement officers are our country's front line in the fight against crime, and they perform difficult and dangerous jobs with skill and dedication. For this reason, BJA is committed to providing our state, local and tribal criminal justice partners with the tools they need to successfully perform their jobs and make America's communities safer for our citizens.

Thank you, Mr. Chairman for the opportunity to submit information on this important program.

**Statement Of Sen. Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On "The Bulletproof Vest Partnership Grant Program:
Protecting our Nation's Law Enforcement Officers"
May 13, 2008**

I am pleased to convene today's hearing about the Bulletproof Vest Partnership grant program during National Police Week. I thank our witnesses for taking time during this week of important events and meaningful ceremonies to appear before this Committee and share their experiences with us, to help us better understand the importance of body armor for our peace officers.

This week, law enforcement officers from around the country come to Washington to honor the men and women who have given their lives in the line of service over the past year. All Americans join in gratitude to the officers and their families. I hope today's hearing will add to the recognition of the tremendously important jobs you all do, and that Congress and the American people will take the time to reflect upon the sacrifices too many have made. I know I speak for all Americans in thanking you and all of the men and women serving in law enforcement for your service to our communities and to the people of the United States.

The intent of this hearing is to highlight the importance of the Bulletproof Vest Partnership grant program by giving law enforcement officers the chance to talk directly with the Committee about the value of body armor. I hope that by giving our witnesses this forum, more Members of the Committee will begin to understand that bulletproof vests make a real difference to our officers and their families. This week at Thursday's memorial, we will recognize and remember the 181 officers lost in the line of duty during the last year. Each death is a tragedy, but this is the largest yearly total since the extraordinary losses on 9/11 and in its aftermath. We need to do all we can for the men and women who risk their lives protecting us and public safety every day.

One of the officers with us today has had first-hand experience with the importance of armor vests, and I am grateful to him for his willingness to share his experience with the Committee. I am also very pleased that Lieutenant Michael Macarilla from the Vermont State Police is here with us to share his insights into this program. Lieutenant Macarilla arrived in Washington by bicycle, having ridden 300 miles from New Jersey with other officers in the Police Unity Tour, to raise awareness about those who have lost their lives and to raise funds for the Law Enforcement Officers Memorial and Museum. We welcome our witnesses today.

I was proud to initiate the Bulletproof Vest Partnership Act with Senator Ben Nighthorse Campbell. Between 1999 and 2007, \$234 million has gone to the States and has assisted in the purchase of an estimated 818,044 vests. It is great that the law we enacted is having a real impact on the safety and security of American law enforcement officers better enabling them to do their job. It means a great deal to me when officers come up to me and thank us for this program.

Despite the fact that the President's budget has repeatedly neglected to request authorized funding for this program, Congress has stepped up and recognized its importance and appropriated the funds needed to keep it strong. I hope that Congress will do so again this year. It may be easy for a government bureaucrat to look at Federal grant programs as just numbers and find ways to reduce Federal spending. But when it comes to the safety of law enforcement officers, I can think of no rational excuse not to fully meet Congress' determined level of support for the men and women who protect us all.

Bulletproof vests are expensive; no officer should be without one. They should be basic equipment made available to officers when we ask them to perform dangerous jobs. We should be past the time when this is viewed by departments as optional or when officers, who are not paid enormous sums, are asked to pay for their own protection. As we recognized when we passed the original law, these vests are a fundamental part of keeping officers safe in the line of duty and the Federal government must step up where State and local jurisdictions are unable to provide this essential equipment to their officers.

This administration has provided Iraqi police forces with a virtual blank check for the last several years. American taxpayers have seen hundreds of millions of dollars sent to Iraq and misspent, seen large sums of cash and weapons disappear or fall into the hands of partisan militias. If we can afford to pay for training and equipment for Iraqi police, we can afford bulletproof vests for the officers who protect Americans here at home.

State and local law enforcement officers assist Federal authorities in many areas, and this grant program should be viewed in the spirit of this cooperation. In an era when State and local law enforcement are shouldering more responsibilities on the front lines in the name of national security or in cooperation with Federal authorities in fighting interstate crime, the Federal government owes it to them to provide all the support it can. Much of our nation's strength lies in the rule of law, and Congress should support the men and women who serve to uphold the laws that protect our democracy and our safety.

The Bulletproof Vest Partnership Grant Act expires next year. Today, I am introducing a bill to reauthorize this program for another three years. I hope all Senators will join me in continuing this important program. Also this week, the Judiciary Committee will take up legislation to give the Director of the Bureau of Justice Assistance at the Justice Department the authority to waive the Act's matching requirement for jurisdictions experiencing fiscal hardship. I hope all Senators will join in supporting this legislation. In an era of tighter budgets and a troubled economy, it makes sense to give the agency making these grants the authority to be flexible so it may ensure that no jurisdiction is excluded from such critical assistance simply because it cannot afford to meet the matching requirement.

I thank our witnesses for being here today and I look forward to their testimony.

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**Senate Judiciary Committee
Testimony of LT Michael Macarilla, VT State Police
May 13, 2008**

Senator Leahy, distinguished members of the Committee, I am Lieutenant Michael Macarilla of the Vermont State Police.

This morning, I am honored to share with you the experiences my Department has had with the Bullet Proof Vest Partnership Grant Program from its inception, ten years ago.

The Vermont Department of Public Safety has had an extensive and successful working relationship with Senator Leahy and with the Bureau of Justice Assistance. In 1998, Senator Leahy co-sponsored the Bullet Proof Vest Partnership Grant Act at a time when our Department was regrouping in the aftermath of the so-called Colebrook Incident.

On August 19, 1997, a lone gunman killed four people in northern New Hampshire; including New Hampshire State Troopers Scott Phillips and Leslie Lord. The gunman also wounded four additional law enforcement officers in ambush fashion. The rampage began in New Hampshire, but moved into Vermont where the gunman was finally stopped by a combined force of Vermont, New Hampshire, and Federal law enforcement officers.

At that time, Vermont State Troopers did not have ballistic body armor provided by the Department. Each Trooper made the personal decision whether to purchase this life saving, yet expensive, equipment. As a result of extensive after-action reviews, the Vermont State Police committed to providing ballistic body armor to each member of the Department.

On the national level, Congress recognized the need to help local, county, and state law enforcement agencies by supporting the purchase of ballistic body armor through the Bullet Proof Vest Partnership Grant Act.

As administered by the Bureau of Justice Assistance, the Act has allowed the Vermont State Police to purchase over 350 sets of

**Senate Judiciary Committee
Testimony of LT Michael Macarilla, VT State Police
May 13, 2008**

ballistic body armor over the last ten years. A credit to the provisions of the Act, the expense of this investment is half of what the actual cost for the Department would have been. This provides a savings to the Department that can be used for other equally critical needs. Although the Department was committed to the purchase of ballistic body armor regardless of the passage of the Act, certainly the force-multiplying effect of the Act should not be understated. While the dollar amounts may seem small by national standards, this support is often the critical difference when a small agency is faced with prioritizing how to spend limited dollars on what is truly, life saving equipment.

We understand that there is discussion concerning an option to permit the Bureau of Justice Assistance to waive the matching funds requirement of the Act. The Vermont Department of Public Safety supports that concept. The Bureau of Justice Assistance has been an outstanding partner with the states. Under the leadership of Director Domingo Herraiz, the Bureau has worked diligently to get funding resources and technical assistance out to the field with a minimum of bureaucratic hurdles. The authority to waive matching requirements for agencies that need that latitude will continue the proven effectiveness of BJA.

Vermont has been fortunate in not having the experience of other states with officers being wounded or killed by gunfire. The committee will continue to hear from law enforcement officers who owe their lives to the presence of this grant program.

In March of this year, Senator Leahy and Senator Specter traveled to Rutland, VT and heard testimony from Vermonters on the influx of more brazen, violent actions related to drug trafficking activity. Vermont is not immune to violence, and Vermont law enforcement is not immune to becoming the target of violent activity. The Vermont State Police and all Vermont law enforcement agencies are greatly indebted to the ongoing support we receive from your efforts in the combined justice assistance programs that are available to us. Your efforts to

**Senate Judiciary Committee
Testimony of LT Michael Macarilla, VT State Police
May 13, 2008
protect us with programs such as the Bullet Proof Vest
Partnership Grant Act allow us to protect our citizens.**

Thank you for the honor and opportunity to offer testimony today.

