



Testimony

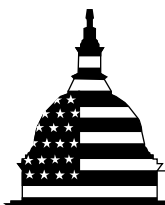
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LAW ENFORCEMENT BODY ARMOR

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



G A O

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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

¹GAO, *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.

²For 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).

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

³We selected nonprobability samples of these organizations. Unlike a random sample, a nonprobability sample is more deliberately 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.

⁴GAO, *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](#).

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.

⁶The 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.

⁷For 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).

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

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

⁹See 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).

¹⁰The 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.

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

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

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

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

¹³K-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.

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

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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