

Updated Frequently Asked Questions (FAQs) for the BVP Program Mandatory Wear Requirement

April 1, 2014

The frequently asked questions and responses below replace previous versions of this document and were developed to provide additional guidance to the law enforcement community based on questions received by BJA to date.

In October 2010 and again in March 2011, the Attorney General announced that DOJ's Bulletproof Vest Partnership (BVP) program will include a new application requirement to ensure that agencies receiving funding for reimbursement of body armor purchases have a written mandatory wear policy for uniformed patrol officers, in place when the FY 2011 BVP applications are submitted.

The following guidance is provided to agencies applying for BVP funding in FY2013:

Q. Why is a mandatory wear requirement necessary?

A. First and foremost, the new requirement is intended to promote the use of body armor in order to reduce line-of-duty deaths among law enforcement officers. Second, this new requirement will ensure that vests purchased through the BVP program will be used. This is particularly important given that many agencies and officers cannot afford total cost of protective vests and BVP funding has been insufficient to reimburse all applicants the maximum 50% for all requested vests. Because of this, BJA desires to ensure that all vests purchased with federal BVP funding will be used to the maximum benefit in protecting officers.

Q. Isn't this policy requirement best left to local law enforcement agencies to decide?

A. BJA is implementing a policy requirement to reduce line of duty deaths and disabling injuries and to ensure that taxpayer funding, appropriated by Congress specifically for body armor to protect officers, is spent wisely and that the armor is used in the field. This requirement was carefully written to ensure that local law enforcement agencies maintain significant discretion in how this requirement is met locally.

Q. Does this requirement pertain to all DOJ funding that may be used for body armor?

A. This requirement is specific to the Bulletproof Vest Partnership Program and the Justice Assistance Grant Program (JAG) administered by BJA.

Q. Does this requirement pertain to BVP funding awarded in prior years, i.e., FY2010 and prior?

A. No, the requirement only pertains to FY2011 and future funding, consistent with appropriations.

Q. When must the policy be in effect?

A. The written "mandatory-wear" policy must be in effect as of the date the jurisdiction submits its FY 2011 application for BVP funds. Each jurisdiction will need to "Certify" during the application process, that it has a written mandatory wear policy for all uniform law enforcement officers. The policies will not need to be submitted with the BVP application, but said policies will be subject to

random review and verification. In order to meet the requirement of the BVP program, all policies must bear the date that the policy was enacted.

Q. What is meant precisely by "while engaged in patrol or field operations"? Who does that cover?

A. This language was included in order to demonstrate that BJA recognizes that some officers in uniform assignments may not always be in situations or environments where they are at risk of being involved in violent encounters. The BVP requirement will not be expanded beyond this language and local agencies may decide how they wish to implement the mandatory wear requirement within their agency. BJA takes no position on agency interpretations so long as the local policy does not serve to eliminate the requirement all together for all officers.

Q. Does this apply to officers who are uniformed, but who are in administrative or support positions that do not regularly engage in police action?

A. As noted above, local agencies may decide what, if any, exceptions should be in place within the mandatory wear policy for uniformed officers.

Q. Can a Chief/Commander have authority to grant exceptions to mandatory wear policy within the agency?

A. Yes, agencies can provide exceptions for individuals, assignments, organizational units, climate-related situations and other factors that may be determined necessary at the local level.

Q. Can an agency exempt an officer for documented medical reasons?

A. Yes.

Q. If an officer is injured/killed in line of duty and was NOT wearing a vest as required by policy, would they risk losing Federal benefits?

A. No blanket policy or automatic disqualification shall be implemented regarding this policy and its effects on federal death, disability or educational benefits through the Public Safety Officers Benefits Program (PSOB).

Q. Does the requirement pertain to correctional agencies and other law enforcement agencies that do not have a traditional "street patrol" function or that have uniformed officers in specialized non-"street patrol" functions, such as jails, civil process service, school resource, security?

A. The mandatory wear policy requirement applies to all agencies that apply for funding through the BVP program, however agencies have discretion in determining which types of specialized functions may be excepted from the mandatory wear requirement or how/when this would be done.

Q. Where can I get a copy of a sample model policy?

A. Law enforcement agency administrators and jurisdiction CEOs can obtain a copy of the Body Armor Model Policy and Issues Paper, developed by the International Association of Chiefs of Police (IACP) by contacting the BVP Help Desk at 1-877-758-3787 or by email at vests@usdoj.gov.