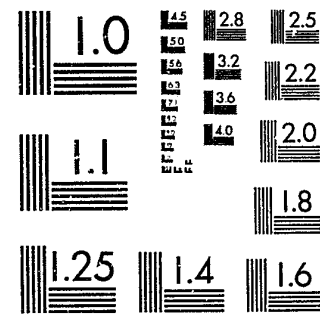


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National Institute of Justice
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Washington, D. C. 20531

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Department of Justice

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STATEMENT

OF

JAY B. STEPHENS
DEPUTY ASSOCIATE ATTORNEY GENERAL

BEFORE

NCJRS

THIS

APR 2 1984

ACQUISITIONS

SUBCOMMITTEE ON CRIMINAL LAW
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

ARMOR-PIERCING BULLETS

ON

MARCH 7, 1984

U.S. Department of Justice
National Institute of Justice

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Mr. Chairman, it is a pleasure to appear here today on behalf of the Department of Justice to discuss the issue of armor-piercing handgun ammunition and the threat which such ammunition poses to law enforcement officers and others who use soft body armor. We support the thrust of legislation restricting the availability of armor-piercing bullets while recognizing that such restrictions in themselves do not provide a panacea to the dangers faced by law enforcement officers.

To understand the vital interest of the Department of Justice in this issue, it is important to understand our concern about protecting law enforcement officers and our role in the development of soft body armor to assist in that effort. In 1971, Lester Shubin of the Department's technology development program became aware of a new synthetic fiber, marketed under the trade name "Kevlar", originally developed for use as a replacement for steel cords in automobile tires. Recognizing the potential of this fiber, the Department of Justice pioneered the development of a prototype vest made from "Kevlar" and, following extensive laboratory work, conducted field tests of this new type of body armor in fifteen cities. Results exceeded expectations. In addition to offering exceptional ballistics resistance, the new vests were light, flexible and could be worn unobtrusively under normal street clothes and uniforms.

By 1975, dozens of manufacturers had entered the body armor market producing a wide range of soft, lightweight body armor. Because few state or local agencies had the resources to test the

quality of such body armor, the National Institute of Justice of the Department of Justice, in concert with the National Bureau of Standards of the Department of Commerce, developed a body armor standard published in December of 1978. This standard established procedures for testing body armor and created five different armor categories: Type I, Type IIA, Type II, Type III and Type IV. These body armor categories protect against increasing threat levels. For example, the Type I armor is the lightest weight providing protection against designated handgun ammunition when fired from a distance of five meters under specified conditions; the Type IV armor is the heaviest providing protection against designated armor-piercing rifle ammunition. Types I, IIA and II are soft body armor. Types III and IV incorporate metallic or ceramic materials and are normally used by special weapons teams in sniper or seige situations.

With the Chairman's consent, we would like to show the Subcommittee the different types of body armor now used by law enforcement officials and to explain the various uses and characteristics of each.

(Demonstration)

An estimated 50% of the nation's law enforcement officials use body armor such as that you have just seen, primarily due to the efforts of the Department of Justice and the International Association of Chiefs of Police, both of which strongly advocate its use. Soft body armor has saved the lives of an estimated 400 police officers during the past eight years. We have, therefore, been

concerned over the availability of handgun ammunition capable of defeating soft body armor and have devoted substantial efforts in recent months to development of an appropriate and workable legislative remedy to the problem.

Our technicians have known from the beginning that soft body armor, like all other forms of armor, can be pierced by particular types of handgun rounds. The standards used for testing different classes of body armor require that the armor be able to stop specific types of bullets posing particular threat levels in order to receive a rating. It is for this reason that body armor is referred to by technicians as "ballistics-resistant" apparel. The fact that body armor is more commonly referred to by the public as "bullet-proof" has created the mistaken impression that body armor can or should be able to stop any bullet. Rather, soft body armor is designed to stop the most common threats that police officers face.

With this background, experts were not at all surprised by a network television news program in early 1982 on the "KTW" bullet and its ability to penetrate multiple thicknesses of soft body armor. Our technicians were, however, disturbed that such information was so widely distributed to the public, in essence creating a shopping list for criminals.

Our concern over the publicity surrounding the "KTW" bullet is two-fold. First, we fear that publicity surrounding the availability of handgun ammunition capable of defeating body armor could encourage assassins and other criminals to search out these particularly dangerous classes of ammunition to use in their endeavors.

Although our technicians have known about the "KTW" bullet for many years, this and other forms of armor-piercing ammunition were not felt to constitute a substantial threat because most criminals are not so sophisticated as to realize that the protection afforded by body armor is limited and that there are varieties of ammunition available which will penetrate it. Although we are unaware of any instance in which an armor-clad police officer has been shot with armor-piercing handgun ammunition, the publicity surrounding the "KTW" bullet has, in our view, increased the likelihood of such attacks.

Secondly, we are concerned that the publicity over armor-defeating ammunition may discourage police officers from wearing body armor. In this regard, although the new soft body armor is comfortable to wear by comparison with earlier types of armor, it is a constant problem for police administrators to ensure that body armor issued to officers is indeed worn. Too often, officers to whom body armor was issued have been killed or severely wounded because the armor was left in a dressing room locker or the trunk of a squad car. By discouraging the use of armor, the publicity surrounding the availability of armor-piercing handgun ammunition could result in more deaths and crippling injuries than the actual use of armor-piercing bullets against officers wearing body armor.

In order to provide law enforcement officers with some measure of additional protection, we have continued to try to develop appropriate and enforceable restraints upon the manufacture and importation of armor-piercing handgun bullets which would not be unduly onerous to gun owners or ammunition manufacturers. In this regard,

we believe that we should do all we can to encourage police departments to equip their officers with body armor, for in the last analysis this is a more effective way of reducing injuries to law enforcement officers than an effort to restrict the availability of certain ammunition which could defeat some types of armor.

In early 1982, the Department of Justice commenced work on legislation to ban the manufacture or importation of certain armor-piercing handgun ammunition. Our initial efforts produced a draft bill very similar to S. 555 and other bills currently pending before the Congress. Careful review of these proposals, however, revealed that they were overbroad in their reach inadvertently banning ammunition with legitimate recreational uses. In fact, early proposals would have inadvertently deprived thousands of citizens the use of their firearms by banning all ammunition being manufactured for certain handguns. Moreover, our early efforts at a legislative definition of "armor-piercing" bullets were imprecise with the result that they did not give adequate notice to manufacturers and importers as to precisely which bullets are legal and which are prohibited. S. 555 and other similar bills now before the Congress suffer from these same grave defects.

During the time we have been considering this broader issue we have taken steps to protect law enforcement officers. First, we have supported enactment of mandatory-minimum penalties for the criminal use of such ammunition during the course of a federal crime of violence. With respect to creating criminal sanctions for the criminal use of armor-piercing handgun ammunition, absolute

precision from a technical standpoint is not as crucial as in the area of restricting production or importation as law enforcement officials will often be in possession of both the suspect ammunition and the handgun in which it was loaded thereby facilitating testing to ensure that the ammunition is armor-piercing when fired from the weapon in possession of the felon. Our proposal of minimum-mandatory penalties for criminal use of armor-piercing bullets was recently approved by the Senate as Part E of Title X of the Comprehensive Crime Control Act, S. 1762.

We believe the mandatory-minimum penalty proposal governing criminal use of armor-piercing bullets constitutes a substantial contribution to reducing the threat to officers posed by armor-piercing bullets. We hope that this important measure will be enacted by the Congress this year.

Second, in early 1982, the Department of the Treasury met with ammunition manufacturers and importers and secured voluntary agreements to halt importation, manufacture or public sale of the most dangerous armor-piercing bullets. This was an important step toward reduced availability of bullets which were already rare. These voluntary agreements reflect great credit upon the Department of the Treasury and upon ammunition manufacturers and importers. I understand that a Treasury representative will discuss these voluntary agreements more fully later today.

To assist the Subcommittee in its consideration of this issue, we have furnished to Subcommittee staff copies of the test procedure we developed in an effort to distinguish among different types of

bullets based upon penetration capability. This test procedure is a "complete" one in that it recognizes that the penetration potential of ammunition cannot be precisely evaluated without reference to the system from which it is fired. Barrel length, the type of handgun used (i.e., pistol or revolver), the tolerances to which the weapon is manufactured, and the amount of wear to which the weapon has been subjected affect the velocity at which projectiles emerge from weapons. The test procedure, therefore, provides for firing of test ammunition from test fixtures used by manufacturers to test velocity of ammunition. Detailed written standards exist for these test fixtures. Furthermore, rather than using layers of "Kevlar" as the test medium, the NIJ test procedure provides for use of a series of aluminum plates to determine penetration. Metal plate is much more uniform than fabric in its composition and penetration resistance and thus yields more precise and predictable results. The use of metal plates rather than fabric as the test medium also reduces costs associated with performing penetration tests. In short, our test procedure eliminates many of the variables in S. 555 and yields predictable results. We have also provided your staff with a summary of our test results for about 100 different handgun bullets showing the number of plates the various bullets will penetrate. We hope that the test procedure and test results will be useful to you in your consideration of this issue.

In sum, we believe we have made significant progress in addressing this issue. We have developed mandatory-minimum penalty legislation for the use of armor-piercing bullets and we have

obtained voluntary agreements to restrict the availability of such ammunition. We have also developed a feasible test procedure which can provide a base from which to work to develop restrictions on the availability of certain armor-piercing handgun ammunition without imposing undue burdens on manufacturers or legitimate gun owners. We recognize that these additional efforts do not provide an easy panacea to the protection of our law enforcement personnel and that in the last analysis increased use of body armor by police officers provides the best line of defense. We will continue to work to take those additional steps that could provide some added measure of safety for those who are on the front line in our fight against crime.

END