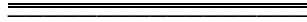
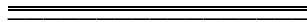


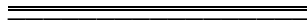
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Body Armor: Choice or Mandatory



**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

When a chief administrator takes charge of a law enforcement agency, he or she accepts total responsibility for the department and must make vital decisions that are in the best interest of the officers who work for them. This includes the decision of body armor and whether or not it should be made mandatory that officers wear it or leave to their discretion. The methodology used to research this topic is the review of literature and a telephone interview with law enforcement agencies in the North Central Texas area. The result of this research indicates that there is no right or wrong answer regarding whether or not the chief administrator should mandate the use and wearing of body armor. The important thing to realize is that no matter what the decision is, there should be a well-written policy that makes sound guidelines for the officers to follow based on the facts and information at the time.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.	1
Review of Literature	3
Methodology	6
Findings	7
Discussions/Conclusions	12
References	14

INTRODUCTION

When a chief administrator takes charge of a police department, he or she accepts total responsibility for that department. That administrator hopes that the officers are responsible, able to make good decisions and hold themselves accountable for their actions. If the chief does make the wearing of vests mandatory, how will this affect their attitudes, and thus, performance and safety? Although the officers do have a certain amount of discretion in their job, should this possibly life or death decision be left to the officers' discretion? Officers like the feeling of being able to make decisions in law enforcement. They like knowing that they are responsible enough to make the decisions to arrest someone or not, or to issue a citation or not. There are very few occupations that allow employees this kind of discretion or choice, especially when officers have powers that take away or limit a person's right. If they are so responsible, then why not give them the discretion of wearing body armor? Does, in fact, the employee's personal preference, job performance and attitudes outweigh public safety and or governmental liability – assuming there is such a balance?

This research will examine responsibility and further consider whether or not it should be an officer's choice (personal discretion) or a departmental responsibility for the use of body armor. The research question to be reviewed is: Does the governmental entity's or employer's liability of not requiring employee's to wear a ballistic vest outweigh an officer's ability to effectively, efficiently and safely perform their duties if they have the choice to not wear a ballistic vest? Attitudes, performance and safety are all subjects that can be, in some way, affected when a chief mandates the use of body armor. Officers do have a large amount of discretion in performing their

job, but it shouldn't necessarily include the discretion that ultimately deals with their own life or death.

Several methods of research will be used to study this issue. The International Association of Chiefs of Police (IACP), Police Chiefs Desk Reference (PCDR) suggests that manuals should reflect accepted practices. Therefore, surveys will be distributed to law enforcement agencies (both small and large) to determine whether or not they have policies mandating the wearing of body armor. Interviews with those chief administrators will be conducted to ascertain their reasoning for implementing the policy or why the lack of such policy. Published materials (along with personal experience) will also contribute to this study. Attempts will be made to contact agencies and entities which have implemented such a policy and have done any pre and post studies, surveys, and longitudinal or cross-sectional studies regarding body armor policies if any exist. Special attention will be paid to the impact on officers' morale and attitudes as it affects job-specific performance.

The intended outcome of this study proposes that officer safety issues and departmental liabilities may, in fact, outweigh the officers' personal preference with regard to mandating the use of body armor. Both, the officers and their departments will benefit from making it mandatory for officers to wear their body armor while on-duty. Also, the use of a vest will reduce the amount of liability on the agency by raising officer safety if an officer is shot (or, in some cases, an auto accident) and killed in the line-of-duty. The family members and the community in which the officers serve will benefit from the mere knowledge that the law enforcement agency is taking the added step of creating a policy to aid in the protection of the officers for which they care. This

research will also present that the implementation of mandatory wear of ballistic vests can be made rather seamlessly, without any major disruptions to the proper functioning of the police department.

REVIEW OF LITERATURE

When researching the topic regarding whether or not to make the use of body armor mandatory, this author did not find any literature confirming that body armor should be made mandatory for officer's to wear. What this author did find was literature on policy making, articles related to officer's morale, statistics on officer's killed in the line-of-duty while wearing body armor, and body armor facts.

In the Police Chiefs Desk Reference, Chief W. Dwayne Orrick introduces the development of a police department policy and procedure with the importance of developing and implementing a departmental policy-procedure. He claims that the policy-procedure manual provides officers with information to act decisively, with consistency and legal backing. It also promotes confidence and professionalism among the officers. This reference describes that the challenges that agencies face (both large and small) are similar, but one of the main differences is the degree of job assignments and the degree of specialization in smaller departments. Because of this degree there may more latitude in performance with the smaller departments.

In an article in the October 2000 issue of FBI Law Enforcement Bulletin, Michael Carpenter states:

the department has shown due regard in directing the actions of its employees and that officers followed approved and recognized procedures in carrying out their duties. They also show that the chief executive officer has taken a stand in

planning ahead for both the department and it's officers rather than waiting until after a major incident to write a policy. (p. 1)

In the same article Carpenter (2000) goes on to conclude:

Municipalities, chief executive officers, and police officers must have current and detailed guidelines to follow to perform in a professional manner. Developing and implementing a detailed, comprehensive manual, distributing it to every employee, and keeping it current allows every person in the police department to make decisions and perform their jobs consistently and professionally. (p. 5)

Carpenter also adds that every agency needs a well-written policy to protect both the department and the community.

Support for the problem of the body armor generating heat and becoming uncomfortable to wear was addressed in the Law and Order, October 2005 article "How Should We Wear Our Vest?" by Wallace Oswald. In this article Oswald addresses the heat conditions in Iraq and how the military solved the problem of the vest trapping in heat. As with some law enforcement agencies around the world, the military wear their vest on the outside of the uniforms. This allows for breathing when it is not worn against the body. In the same article Oswald went on to say that "Officers in both Great Britain and Austria also wear their vest on the outside of their shirts and uniforms" this is to allow for better air flow which in turn keeps the officers cooler (p.1). In an ad for Size Right Certified Solutions, they had a motto "when it fits, it's comfortable. When it's comfortable, you wear it. When you wear it, it works." This is an ad promoting proper vest fitting. They advise that the distributors for Safariland and American Body Armor

properly size the officers for body to insure a proper fit. Each distributor attends training and must pass examinations before they can be certified distributors.

Aaron Westic writes:

Always wear body armor. Recognize that armor is one form of security (barrier).

The basic forms of security (how we protect things and persons) are barriers (armor), surveillance (recognition) and awareness (intelligence). Our greatest allies of law enforcement survival are time (including its relation to space), intelligence regarding our opposition and using security measures starting with body armor. (n. p.)

One worry that chief executive officers face is the drop in officer moral and efficiency based on a policy that they implement. In the February 2003 issue of *Law Enforcement News*, McAndrews states that “One readily identifiable culprit is low moral, which researchers have found to significantly influence officers’ decision to leave the service---- to say nothing of its link to other organizational problems, such as corruption and inefficiency” (n.p.). In a research paper by Edward S. Brown entitled *Police Motivational Training: The New Frontier*, Brown addresses some of the reason that lead to officers having low moral. “Moral and integrity share a common space. Many of the reasons why departments suffer from low moral are much the same reasons that cause unethical activity; i.e., low compensation, unappreciation, apathy, inadequate leadership....” (n.p.).

METHODOLOGY

The purpose or question to this research is to see if the chief administrator of a law enforcement agency should make the use of or the wearing of body armor

mandatory or leave that decision to the discretion of the individual officer. This research will depict whether or not the entities liability outweighs the officer's ability to effectively and efficiently perform their duty in a safe manor. It is this author's hypothesis that the decision of making the use and wearing of body armor mandatory should be left solely to the chief administrator and not the officer. Additionally, whatever the chief administrators decision for making the use of body armor mandatory or not, it should be made clear by implementing the decision in a well written policy and procedure.

The measurement instrument that will be used in this research is interviewing different law enforcement agencies. The interviews conducted in this study will be with administrators from twenty law enforcement agencies in the North Central Texas area of various sizes. These interviews will be conducted in person and over the telephone. The interview will consist of five questions related to the chief administrator's policy or the lack thereof on body armor. If the respondent advises that they do not make the use mandatory, then they will be asked why not. If the respondent replies that they did have a policy, they were asked if they had any personnel problems by implementing the policy. The personal experience in dealing with officers on this topic will also inform this research.

The information obtained in the interviews will be examined to determine how many agencies mandate the use or wear of body armor and if not the reasoning for why not. For the agencies that do mandate the use and wear of body armor, this information will also depict if those agencies have any type of cool down policy. This information will also advise of any problems that they might have had by mandating such a policy.

FINDINGS

In determining whether the use of body armor should be mandatory or not, one should first look at policy making. In the October 2000 issue of the Law Enforcement Bulletin an article entitled “ Put It in Writing, The Police Policy Manuel” by Michael Carpenter, he advises that a written policy demonstrates that the department has shown due regard in directing the actions of it's employee's. A written policy also serves as a powerful communication tool. The author also states that employee's tend to follow approved and recognized procedures. As in federal, state and local laws, not everybody likes or agrees with the laws but they tend to obey them. People know that if they get caught breaking the law there is a great possibility that they may face consequences for their actions. Not every officer is going to like every policy set forth but they tend to follow them.

Communication is pertinent in any type of relationship. The communication between officers and their commanders can be considered even more relevant due to nature of their job. A written policy and procedure lets everyone in the organization know what is expected and how the policy should be followed through. In the Police Chiefs Desk Reference, Chief Larry M. Hesser (retired) emphasizes that many “People Problems” are magnified because of the lack of effective communication skills. Problem solving, decision-making and quality improvement efforts are seriously hampered, if not impossible, if poor or ineffective communication skills are prevalent. Therefore, if the chief administrator communicates to the officers through policy and procedure that they must wear their body armor, ideally, the officers will tend to do so.

There are many factors to consider in deciding whether or not to make the wear and use of body armor a policy. One factor to consider is whether or not the

governmental entity's liability of not making wearing ballistic vest outweighs an officer's ability to efficiently, effectively and safely perform their duties if given the choice not to wear their ballistic vest? Statistics provided by the FBI Uniform Crime Report from 2004 showed that there were a great number of officers slain with firearms were wearing body armor at the time of their deaths, some of which died from wounds to the front upper torso. This is the same area that is covered by ballistic body armor. The same study showed that some of the officers were killed wearing body armor and died from torso wounds caused by the bullets entering their bodies despite wearing body armor and none of them due to body armor failure. The fact is wearing body armor can save lives as it is intended to do, but the numbers show that even wearing a ballistic vest does not mean that it is "bullet proof."

Law Enforcement Officers Feloniously Killed with Firearms Point of Entry for Torso Wounds and Wearing Body Armor, 1995-2004											
Point of entry	Total	1995	1996	1997	1998	1999	2000 ¹	2001	2002	2003	2004 ²
Total	103	9	9	13	10	11	7	11	8	12	13
Entered between side panels of vest	16	3	4	3	1	0	1	0	1	1	2
Entered through armhole or shoulder area of vest	33	3	2	2	1	5	5	8	3	2	2
Entered above vest (front or back of neck, collarbone area, etc.)	16	0	1	5	2	2	0	1	0	2	3
Entered below vest (abdominal or lower back area)	16	1	1	0	3	1	1	1	3	3	2
Penetrated through vest (round more powerful than vest's capabilities/specifications)	22	2	1	3	3	3	0	1	1	4	4
Penetrated through vest (body armor failure)	0	0	0	0	0	0	0	0	0	0	0

¹For one victim not included in the 2000 total, location of fatal firearm wound was rear upper torso/back while victim was only wearing a front panel vest.
²For one victim not included in the 2004 total, location of fatal wound was front upper torso/chest; however, body armor was not penetrated. Fatal wound was due to blunt force trauma to chest.

Given these facts, chief administrators must look at the long term effects that might arise if they make it policy. Will this decision affect the attitudes and performance of the officers? In interviewing agencies that made it mandatory for their officers to wear their body armor, none of those agencies advised of serious problems in attitudes or performance. The only problem that stemmed from the mandate was that officers griped about the heat that the vest stored against the body. Several of the agencies that made it mandatory also had some type of "cool down" policy. A "cool down" policy is one that the officers can use their own discretion in taking their vest off long enough in a practical situation to cool down. One of those situations would be working a traffic control detail in the Texas August heat. It is this author's opinion that the chances of becoming a heat casualty would then out weigh the chances of being shot.

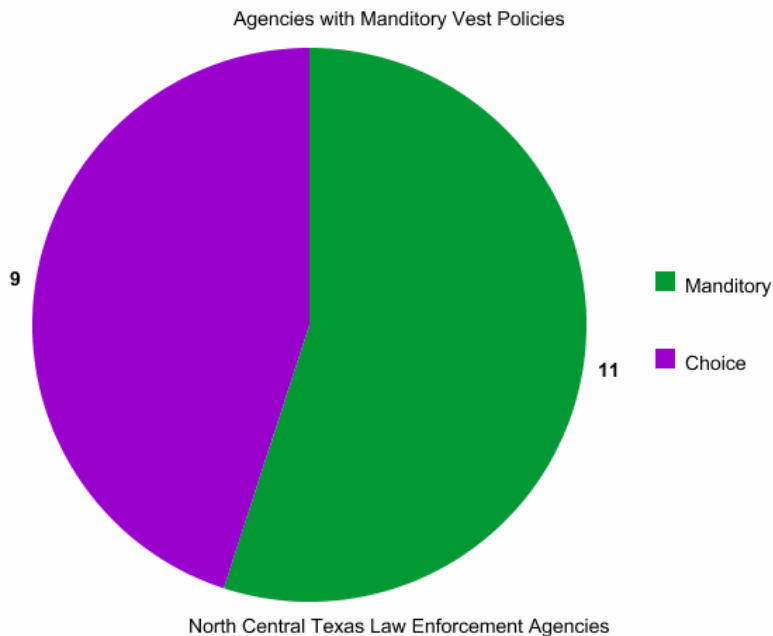
Before a decision is made to make the wearing of body armor should be mandatory the chief administrator must consider the long term effects that such a decision will have on the officers. Will this decision affect the officers' moral? Will the decision affect the officers' efficiency? In interviews conducted by this author with chief's of police, sheriff's and other command officers, there is little to no ill effects of making such a strict policy of mandating the ware and use of body armor. In interviews with some officers they said that they would wear their vest whether or not it was mandated. A couple of chief's stated that a few of their larger officers complained of discomfort, another popular complaint from officers is that the vests are uncomfortable when spending endless hours in a patrol car. A motto in the ads for Size Right Certified Solutions they claim that "When it fits, it's comfortable. When it's comfortable, you wear it. When you wear it, it works." Size Right Certified Solutions promotes the fact that only

Size Right Certified Technicians can place orders for Safariland and American Body Armor (ABA) ballistic vest. To become certified the technicians must attend training and pass both written and practical examinations in fitting officers for ballistic vest.

Safariland and ABA are two popular choices but regardless of the brand the vest should fit properly.

In interview chief administrators on the reasons that they did not make it mandatory was because of financial burdens on their budget. The United States Department of Justice officers the Bulletproof Vest Partnership (BVP) Grant of 1998. According to their web site, over 11,900 jurisdictions have participated and been awarded over \$173 million dollars in federal funds to support the purchase of an estimated 450,000 vest since 1998. The National Association of Chiefs of Police (NACP) have a program for small departments in which they solicit used or excess vest from large departments, agencies, security corporations, and individual donors. The NACP has rewarded departments around the country over 500 over the last four years, one in which saved the life of a Missouri officer.

In telephone survey of 20 law enforcement agencies in the north central Texas area more than half mandated the use and wear of body armor. Of those agencies only one agency reported to have any issues or problems from the officer's in moral. Other studies show that the main reasons for low moral or unethical decision making are caused by low compensation, lack of appreciation, apathy, and inadequate leadership (Law Enforcement News, 2003).



DISCUSSION/CONCLUSIONS

The purpose of this research is to address the question: Does the governmental entity's (employers) liability of not making wearing ballistic vest outweigh an officers' ability to effectively, efficiently and safely perform their duties if they have a choice to not wear a ballistic vest? This author reviewed literature that addressed the topics of policy making and the importance of making and implementing a well written policy, the causes of officer low moral, facts on body armor and how officers should wear there body armor. Telephonic interviews were conducted and revealed that in north central Texas it was almost a split difference for the agencies that that mandated the use and wear of body armor and those who did not. The interviews also addressed any problems the agencies might have been face with if any at all. Also a study of the 2004

FBI report of the officers killed in the line of duty while wearing their vest revealed that the number was higher than what some might have expected.

Based on the information gathered it is this author's hypothesis that the decision of making the use and wearing of body armor mandatory or not should be left solely to the chief administrator and not the officer, and whatever their decision, it should be made clear by implementing the decision in a well written policy and procedure. This is not to say that officers cannot make good sound decisions but rather that a good written policy, mandated or not, lays a good solid foundation for the department to follow. This author found no significant evidence to dictate one way or another if a chief administrator should make the use and wear of body armor mandatory. It is the opinion of this author that the chief administrator should consider the risk, perception of the public, direction of the local government, make a decision and then put it in written policy.

There were many limitations to conducting research because there were no one answers that are accepted policy over the other. This author found no law enforcement organizations for chief administrators that promoted this decision one way or another. The fact of the matter is that body armor can save human life if given the right conditions. In this author's experience in dealing with officers, most want to wear their body armor and do wear it unconditionally.

This research provides chief administrators of law enforcement agencies of every size and demographic with facts that benefit their agency in making the decision for themselves if they should make the use and the wearing of body armor mandatory or if they should leave it to the discretion of the individual officer. This research can also

provide chief administrators with good solid reasons for making their decision one that is in a written policy for the best interest of their jurisdiction and their officers.

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