April 16, 2003

DEPARTMENT MEMORANDUM NO. 03-11

SUBJECT: Felons in Possession of Body Armor

Under USCA Title 18, Part I, Chapter 44, the Department of Justice and the United States Attorney's Office are now federally prosecuting convicted felons who are found to be in possession of body armor. This law was enacted as a result of "Operation Ceasefire," a program that was designed to incarcerate violent offenders in possession of weapons and reduce violent crimes.

The Robbery Unit, with the assistance of the department's Bureau of Alcohol Tobacco and Firearms (ATF) liaison and the U.S. Attorney's Office, will coordinate case development for felons in possession of body armor. For a felon to be prosecuted for possession of body armor, the listed requirements must be present:

1. The subject must have been convicted of a crime of violence against persons or property (to include burglary).

2. The identified felon must have been in possession of body armor.

If this criteria exists, the suspect and body armor will be transported to Headquarters and an Arrest Approval will be obtained from a Violent Crimes Division supervisor. Robbery Unit detectives will be responsible for processing cases in conjunction with ATF and submitting them to the United States Attorney's office for prosecution.

Anytime this criteria exists in conjunction with another state or felony charge, i.e., burglary, homicide, narcotics, stolen auto, etc., the respective investigative element will handle the felon in possession of body armor case.

Under USCA Title 18, Part 1, Chapter 44, there is an exception for felons who wear body armor for work purposes. They must obtain prior written certification from their employer stating that body armor is necessary to their work. The felon also has to actually be engaged in employment related activities. These cases will be reviewed with the department's ATF liaison and the U.S. Attorney's Office prior to case submission.

If, during a traffic stop, car check, etc., an officer observes an individual who is wearing or is in possession of body armor, and/or the individual has a certification from their employer stating their body armor is necessary to their work, the officer will contact the Robbery Unit for direction.

Any other questions, regarding felons who are in possession of body armor should be directed to a Robbery Unit supervisor or commander.

Richard D. Easley
Chief of Police

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