

March 29, 2004

TO: Police Commissioners, Chiefs of Police and County Sheriffs  
FROM: Attorney General Eliot Spitzer  
RE: Second Chance Body Armor, Inc. - Body Armor Made With Zylon Fiber

Dear Commissioner, Chief or Sheriff:

I am writing to advise you that my office has commenced an investigation of Second Chance Body Armor, Inc. ("Second Chance") regarding its body armor made with Zylon fiber. As part of this investigation, and as described below, we are seeking information from law enforcement agencies that have purchased this product or Zylon-based body armor produced by any other company.

### **Background**

As you may be aware, Second Chance made a public announcement in September, 2003 that its Zylon-based Ultima and Ultimax protective vests wear out faster than expected and pose a potential officer safety issue. This announcement followed separate incidents in which bullets penetrated vests worn by law enforcement officers.

Rather than recall the vests and issue full refunds or free replacements, Second Chance has offered free upgrade kits to supplement the performance of its Zylon-based armor models by the insertion of additional pads. We are concerned whether this response to the problem is adequate. Some law enforcement officers have told us that the upgrades are unacceptable in that they "bulk up" the vests. The National Institute of Justice will be testing the upgrade kits; however, the results may not be available until the end of September, 2004.

The company has also offered a trade-in program which gives current Ultima or Ultimax owners a credit toward the purchase of a Second Chance replacement vest, based on the age of the vest to be replaced. However, this option requires another purchase, in spite of the product's five-year warranty period, and may be unfair under the circumstances.

Preliminary testing of Zylon-based bullet-resistant vests has been conducted by the National Institute of Justice. A report released on March 11, 2004 demonstrates a clear need for more thorough testing of multiple brands of Zylon-based body armor. The report is available on the Office of Justice Programs' web site <https://vests.ojp.gov>.

**The Investigation**

We have preliminarily identified over 6,000 sales of Second Chance Zylon-based vests in New York, including sales to police departments, correctional facilities, schools and airports. In our investigation we will be exploring, among other issues, the extent to which Second Chance may have been aware of the problem with the vests prior to the September 2003 announcement and failed to warn users, and whether the company has taken reasonable steps to deal with the situation. We issued an investigative subpoena to Second Chance on January 8, 2004.

**Request for Information**

We are interested in hearing from your department regarding this matter. We are particularly concerned whether any officers have incurred problems or seen excessive wear with Second Chance Zylon-based vests, or with Zylon-based vests produced by any other company.

We are asking law enforcement agencies with officers using Zylon-based body armor to complete the attached questionnaire and return it to our office by April 15, 2004. Please send your response to: Office of the Attorney General, Assistant Attorney General Doris K. Morin, 101 East Post Road, White Plains, New York 10601.

We are working to ensure the safety of our law enforcement officers, and appreciate your assistance in this important matter.

Very truly yours,

ELIOT SPITZER