

**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

**Implementing A Mandatory Physical
Fitness Program for All Sworn Police Personnel**

**A Policy Research Paper
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Abstract

I am going to recommend the implementation of a mandatory physical fitness program for new officers being hired and a voluntary program for veteran officers of the Farmers Branch Police Department. The department currently has a physical fitness test that is required before being hired but passing it is not mandatory. The only other physical fitness testing for officers in the department is for members of the SWAT team. The average American male lives to be 72 years of age, while the average law enforcement officer lives to be 59.5 years of age. The image of officers has declined over the years. An officer who is fit and trim sends a much more positive image to the public as well to criminal elements. A fit officer is less apt to be injured or overwhelmed when effecting an arrest where the officer has to fight or struggle with the subject. Research has showed that the implementation of a physical fitness program has resulted in decreased sick time, less on the job injuries, better cardiovascular and strength, and an overall better image of officers. When a fitness program is followed an officer will experience health benefits such as weight loss, lower cholesterol, improved muscle tone, better cardiovascular, and less stress.

Police Departments must be sure that before adopting any physical fitness program, the standards must be validated for job relatedness. If they fail to do this they could be in risk of being sued under Section 106 of the Civil Rights Act of 1991 and other provisions that is covered under the Americans with Disabilities Act. You must have a set of standards that apply to all to all personnel doing the same job.

There are several reasons for implementing a physical fitness program such as the outrageous cost of medical care, early medical retirements, and civil liabilities to the department. But the number one reason for a physical fitness program is the health and well being of the officers. That should be first and foremost reason that any law enforcement agency implements such a program.

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INTRODUCTION

The purpose of this paper is to research a physical fitness program for the Farmers Branch Police Department. Not only will the research be conducted, but also ideas will be explored to actually implement a fitness program within the department. Most agencies can implement a physical fitness program at a relatively low cost.

History shows that heart disease is the number one killer of police officers (Brown, 1994). Many police officers have known colleagues who have died at an early age of heart disease, or other serious diseases such as diabetes or cancer. Implementation of a physical fitness program as well as proper diet can extend the life of many of fellow officers.

Police officers go to extreme measures to insure they have the proper training, weapons, ballistic vests, and studying of defensive tactics. The question is why do they ignore one of the greatest areas of need, physical fitness. Physical fitness programs have numerous advantages in terms of lower medical costs, less retirement due to poor health, and even in civil liability areas. Unfit officers cost about two to three times more than a fit officer, (Hilyer, 1997). Numerous agencies have the facilities to assist officers in staying in shape, however, voluntary programs have generally not achieved the participation level desired by administrators. There is a great disparity between the longevity in civilian population and in law enforcement. The average American male lives to be 72 years of old, while the average law enforcement officer lives to be 59.5 years old (Strandberg, 1997).

The intended audience of this research paper is the administration of the Farmers Branch Police Department and may be useful for other law enforcement agencies considering the implementation of a fitness program.

Research for this project came from professional journals, legal decisions, internet, news reports, and information gained from other law enforcement agencies that currently have programs in place.

This research project will have two distinct goals. First, it will analyze the importance of a physical fitness program. It will show the benefits of a program not only for the officer, but also the department. The second goal is to show that the program can be implemented with relatively low cost.

The intended result of this research paper is to identify the basic obstacles that police departments encounter when attempting to implement a physical fitness program. The results of a physical fitness program are many. The officers feel and look better, they use less sick time, injuries should be reduced, and officers should be healthier. It is hoped that implementation of such a program will help save officers lives and bring back the professional image of police that has deteriorated over the years.

HISTORICAL, LEGAL OR THEORETICAL CONTEXT

There have been several agencies that have instituted a physical fitness program. The Hazelwood, Missouri Police Department instituted a physical fitness program after a death of one of their officers. The officer died of a heart attack at an early age of 39 years old. W.C. Brown says "The number one killer of police officers is not a criminals bullet, but heart disease" (Brown 1994,60). To accomplish the police task, officers may be required to run, wrestle, jump, fight with their hands, and on occasion might be called upon to swim. In essence police officers must be athletes. The courts are beginning to recognize that police officers are athletes and must be able to perform certain physical tasks that the job requires.

In 1988, in U.S. v. City of Wichita Falls, the court held that the city could conduct physical assessment tests for persons seeking employment with the police department; additionally, the training academy could require physical agility testing after recruits had entered the academy.

Upon seeking to implement a physical fitness program, departments are often confused on legal issues. Departments have been sued for implementing a physical fitness policy and successfully sued because they failed to implement a policy. When implementing a physical fitness policy, a standard validated test should be used. The standards must be the same for all officers who are doing the same job. "If you are going to have different standards for people doing the same job, keep the check book close" (Thomas 1998). Under Title VII of the Civil Rights Act of 1964 and the U.S. Constitution, court decisions suggest that law enforcement administrators have considerable latitude under the Constitution to enforce reasonable health and fitness standards that promote good health and job-related fitness in a positive manner To legally enforce, all mandatory fitness standards must be reasonable. In a recent court opinion, Parker v. the District of Columbia (1988), a jury awarded nearly a half of million dollars to a man who

was shot by a District of Columbia police officer while the officer was attempting to arrest him. The court advised if the officer would have been physically fit, he might have been able to overpower Parker instead of reaching for his weapon. They said that the officer was not in shape to adequately do his job. The court ruled that his conduct was the result of deliberate indifference on the police department for failing to physically train its police officers.

One legal problem that departments face is whether or not a physical fitness test is job related. The department must justify that physical fitness is essential to the job, and it must define how its standards relate to specific tasks. The Equal Employment Opportunity Commission (EEOC) has defined three acceptable validation strategies when determining job relatedness (Pilant, 1995).

1. Content Validity. The content of the test is the same as that specified by the job. For example, if an officer typically has to climb a 6-foot fence during foot pursuits, then the test would measure the officer's ability to climb a 6-foot fence.
2. Criterion Validity. This is a test that can predict with some accuracy an officer's ability to perform a task. For example, testing aerobic power could predict an officer's ability to engage in a foot pursuit lasting two to three minutes.
3. Construct Validity. This test measures the underlying factors that enable an officer to perform a task. For example, upper body strength is an underlying factor in the ability to use force, lift, carry or subdue subjects (Pilant, 1995).

Robert Bragg, coordinator of defensive tactics and physical fitness training for the Washington State Criminal Justice Training Commission, and Kregg Jorgenson, a member of the U.S. Customs Service Contraband Enforcement Team, list five areas of fitness that relate directly to law enforcement (Brown, 1994).

- (1) Aerobic capacity, the ability to perform physical work for sustained periods of time.

(2) Anaerobic power, the body's ability to produce or sustain a high level of energy output over a short period of time.

(3) Muscular strength, the muscle's ability to develop tension or force in a single effort or contraction.

(4) Muscular endurance, the muscle's ability to sustain tension or repeated contractions of less than maximum effort for a long period of time.

(5) Flexibility, the amount of movement around a given joint, and is specific to that joint.

The above listed areas of fitness are crucial to officer survival each and every day.

REVIEW OF LITERATURE OR PRACTICE

In 1997, a survey was conducted of Texas law enforcement agencies to learn how many agencies had mandatory fitness programs and why some agencies did not have one. The survey consisted of 63 law enforcement agencies in Texas. Of the 63 agencies, it was discovered that only 4.8% of responding agencies have some type of post-academy mandatory physical fitness programs. Thirty one point seven percent (31.7%) of the agencies responding reported having a voluntary system in place and 63.5% reported as having no physical fitness programs of any kind (Pizzurro, 1997). The survey also asked agency administrators to list the reasons that would prevent them from implementing a mandatory post-academy fitness program. The main reason why Texas law enforcement agencies do not implement a mandatory fitness program are lack of finances, followed by lack of concern/interest, fear of litigation and lack of administrative support (Pizzurro, 1997).

When discussing the options of implementing a physical fitness program there are basically two choices, a voluntary program or a mandatory program. A mandatory program would mandate specific standards that must be reached, if an officer fails to meet the standards he/she would be penalized. The penalty could be financial incentives being lost, unable to promote, and ultimately termination. In a voluntary program, officers can set reasonable goals for themselves and if goals were met there would be incentives. Incentives could range from financial gain, compensatory time, and could be used in promotional processes.

The City of Hurst Police Department, Hurst, Texas, currently has a voluntary fitness program in place. The responsibility for staying in shape falls on the individual officer. An officer will establish a set of goals with the assistance of a fitness coordinator at the department. Any officer who passes the physical agility test and meets the goals set out for them, they will be

compensated with eight hours of compensatory time. The officers are tested twice annually, which makes them eligible for sixteen hours of compensatory time a year. Earning the compensatory time is the incentive they offer for staying in shape.

Four agencies in Texas that have a mandatory fitness program are College Station PD, Fair Oaks Ranch PD, Highland Park D.P.S., and Richardson PD. Penalties for failing to comply with standards vary from department to department. Fair Oaks Ranch and Highland Park tie their merit raises and being eligible for promotions to successfully passing their physical fitness exam. If an officer continues to fall below the set standards, the end result could be termination. Time is allotted for officers with both agencies to workout while on duty. This is possible due to working shifts longer than eight hours a day. College Station PD and Richardson PD differ and do not allow time to work out on duty and officers are tested once annually. In College Station, if an officer was a member of the agency prior to the date of implementation of the fitness program he/she would have 24 months to achieve an acceptable rating. Those hired on or after the date of implementation of the program have 18 months to achieve an acceptable rating. If an officer fails to achieve the acceptable rating, the results could be termination.

College Station Police Departments physical fitness testing consists of a 1.5 mile run/walk or 3 mile walk, sit ups, sit and reach (flexibility), and push ups. Although officers are not allowed to work out on duty, they are encouraged to successfully meet and maintain the program's standards. In order to be successful, officers are allowed to accrue a maximum of two (2) hours of compensatory time per week when they use the agency's facilities to work out. Officers are required to sign in and out of the weight room. The Richardson Police Department's test differs from College Station slightly. Richardson's test consist of a 1.5 mile run, vertical jump of 16 inches, 29 sit ups, and 25 push ups. This is a new

program being implemented and will be phased in over a three year period. All new employees will be required to pass the test prior to employment and will be tested once annually. Officers already on board will have three years to reach the level of fitness requested and will also be tested once annually. One thing that is unique about Richardson's fitness requirement is that if an officer does not pass the fitness test set out, they have an alternative test. The alternative test will require an officer to pass a validated obstacle course. If the obstacle course is successfully completed then the officer demonstrated that he/she has maintained the minimum standard of physical fitness. These standards are required to perform his/her job. If an officer is unable to perform these minimum standards then the paperwork is forwarded to the Chief of Police for final determination of employment.

DISCUSSION OF RELEVANT ISSUES

The average American male lives to be 72 years old, while the average law enforcement officer lives to be 59.5 years old (Strandberg, 1997). The reason for the great disparity in longevity is because of the sedentary life style coupled with poor nutrition that officers practice. The Farmers Branch Police Department is composed of young officers to veteran officers. Over the past three years there have been a large number of retirees, the vacant positions are usually filled with young rookie officers. As a result the agency has rookies and veterans that are overweight and out of shape. There are also supervisors who are grossly overweight and out of shape and this is not setting a good example. Officer fitness levels and diets can dictate the course of careers and perhaps lives as well (Baumer, 1991). A cop on the beat is the symbol of the entire police force, a trim, fit cop can send the right message to the community, not to mention the criminals. Also, a fit cop is much better able to handle all the demands and pressures of the job (Strandberg,1997). In order for a fitness program to be successful, it must start at the top. Tom Lyons, Unit Chief with the FBI said, "Chiefs and top staff members have to lead by example" (DeFranco 1999,32).

When analyzing the cost of implementing a fitness program you must look at the whole picture. Would it cost less to implement a program or less to hire a new employee? The answer is easy, if you lose an officer that has been trained and has experience, how much is that worth. When replacing an officer you will encounter the cost of training, possibly paying a rookie officer's salary while sending them to an academy, equipment expenses, etc.

The cost of implementing a fitness program far outweighs not implementing one. It is clear that the adverse effects of the lack of fitness are overwhelming, while the positive benefits are often overlooked. Being physically fit diminishes stress, promotes self-esteem, improves

firearms accuracy, increases an officer's confidence in confrontations, and makes him/her more effective with defensive tactics (Nichols, 1994). From an agencies standpoint, physically fit officers use less sick time, tends to have fewer on the job injuries and take fewer medical retirements. (Nichols, 1994).

In order to successfully defend legal litigations for adverse impact violations under the Americans with Disability Act and Section 106 of the Civil Rights Act of 1991, any physical fitness testing must be validated. If a department fails to allocate the funds to develop a validated physical fitness program that is job related, then they are at risk for litigation. Without a validated physical fitness program, the department would not be capable of successfully defending lawsuits. In U.S. v. Wichita Falls 1988, the city was successful in defending a lawsuit that was filed by an applicant who claimed that an obstacle course was not a job related test. Due to their physical agility test being validated as job related, the city was successful in their defense. This should serve as a lesson for all departments interested in implementing a physical fitness program.

The only physical fitness testing conducted by the Farmers Branch Police Department is for the applicants that are participating in the hiring process. At this time, it is not mandatory that applicants pass the pre-employment fitness test in order to be hired. Once an officer is hired he/she is never required to participate in a fitness program or tested for physical fitness unless he becomes a member of the SWAT unit.

Many officers have not participated in a fitness program since graduating from the basic academy. With the sedentary type of work that is associated with law enforcement coupled with poor eating habits, the department must implement a physical fitness program designed for each individual officer. Since officers range in age from rookies to veterans, all officers should participate in a medical examination before a program is instituted. This can be done at a very

low cost since the department pays for each sworn officer's medical insurance. The medical exam could be covered under this. Each officer would have a \$15.00 co-payment and the department can reimburse the officers for this. The Farmers Branch Police Department currently employs seventy (70) officers, at \$15.00 per officer; they are looking at a cost of \$1,050.00 for medical expenses. It does not matter what an individual's particular exercise goal is, the most important thing is to achieve it safely. The goal is to improve one's health, not lose it. This is why a thorough physical examination should be the first step on the road to fitness.

CONCLUSION/RECOMMENDATIONS

The purpose of this research paper was to explore the possibilities of implementing a mandatory physical fitness program for the officers of the Farmers Branch Police Department. After examining programs that are currently in use by other Texas police departments, there is no reason not to implement a program.

Currently the only fitness testing that takes place with the department is for pre employment purposes, and at this time it is not mandatory to pass to be hired. What kind of message is this sending out? In order for a physical fitness program to be successful, it must start at the initial pre-employment phase. You must enforce the standards set out, or in effect, you have no standards. In order to send a message to recruits that physical fitness is very important to the department, the agency must enforce passing of a pre-employment fitness test. The cost of implementing a fitness program for the Farmers Branch Police Department would be minimal.

The department currently has a well-equipped weight room that provides free weights as well as machines. Also in the weight room is a commercial grade treadmill for cardiovascular work. Officers also have access to a City owned recreation center that houses a weight room, swimming pool, and a full court basketball gymnasium. By using current medical insurance that the city provides, each officer would be required to receive a complete physical prior to implementation. The cost for medical screening would cost the city approximately \$1,050.00 (\$15.00 x 70 officers). The Cooper Aerobics Center, located in Dallas offers training for fitness coordinators. At a cost of \$645.00, Coopers would train an individual to be a physical fitness specialist specifically for law enforcement. The training would provide the skills needed to implement an individualized physical fitness program. The content of the training focuses on screening options, fitness assessment and goal setting, exercise prescriptions, nutrition,

motivational techniques, feedback, safety, legal issues, developing norms and standards, exercise physiology, anatomy, kinesiology, along with wellness and coronary risk.

The fitness program could be phased in over a two-year period, with no penalties given until the initial phase in period has expired. Two physical fitness tests should be administered throughout the year (one test every six months). In order to be eligible for promotions and special assignments an officer must pass the fitness test. Failure to pass the test would require an officer to be tested again three months later. If the officer fails the test or fails to show signs of vast improvement, he/she could receive disciplinary action and eventually termination. In order for the program to be successful, top administrators must lead by example. They must be a driving force; it has to start at the top.

The department will receive initial resistance from officers whose life style does not include physical fitness. Once the program is in place and the officers are educated and they see the health benefits that result from being physically fit, they will accept it.

There is no doubt that a fit, trim officer sends a positive message to the public as well as to the criminal. An officer who is in shape has more confidence, more self esteem, and can react better in stressful situations. There are benefits to the department for implementing a fitness program, but the number one reason is for the health and well being of the officer. If feasible, allowing officers to workout on duty would encourage officers to participate in a mandatory fitness program. Due to the normal shift being 8 hours, it is virtually impossible to allow time for working out while on duty. Agencies must not take the cost of a program over the well being of their officers. Compared to a death of an officer, the cost is minimal.

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