

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

**Law Enforcement and Mandatory
Fitness Standards**

**An Administrative Research Paper
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ABSTRACT

Physical fitness standards are a means for law enforcement agencies to discriminate between those who can and those who cannot do the job. Most agencies are good at testing their potential employees, but they fall short when it comes to testing their existing personnel. Law enforcement as a whole must decide whether or not the benefits outweigh the negatives and whether they should take the necessary steps to implement physical fitness standards.

In order to assess the current trends in law enforcement regarding physical fitness standards, a survey of Texas law enforcement agencies was conducted. The survey questioned both large and small departments, and the departments were from all over the state. It was discovered that most agencies have pre-employment testing for applicants, but once those applicants pass the initial tests, they are never asked to perform them again. Even when there is strong evidence that using physical fitness standards has benefits, most agencies are not enforcing the standards with their employees.

It is concluded that having physical fitness standards for applicants and existing personnel has many benefits. Officers are responsible for taking care of the public, so officers should take extra care of themselves to ensure that they can handle anything that comes their way. Staying physically fit helps officers with the physical aspects of their job, but it also helps them with the daily stressors as well.

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INTRODUCTION

It is thought that some officers in law enforcement today are unable to do the minimum requirements of the job because of their lack of physical fitness. Many agencies require potential employees to meet fitness standards, but once they hire an individual, he or she is never required to show that they meet that standard again. Additionally, potential employees may wonder why they are held to a higher standard than that of officers actually doing the job.

Law enforcement agencies should have minimum fitness standards that correlate with their ability to do the job. Existing personnel hired under different fitness standards should be required to comply with newly adopted fitness standards. Law enforcement agencies should not require potential employees to meet a standard if existing personnel are not required to meet the standards. The purpose of this research is to find evidence showing that law enforcement agencies should require both their potential employees and existing personnel to meet the same standard.

Terault (2003) quoted U.S. Surgeon General Richard Carmona as saying, "Law enforcement officers must take care of themselves to ensure that they are in top shape and ready to meet whatever challenges come their way" (p. 37). Officers are called upon daily to perform physical tasks that require some level of fitness. As General Carmona said, officers must be ready to perform these tasks as the public looks to them in difficult times.

The issue to be examined in this research is whether or not law enforcement agencies should have minimum fitness standards for both potential employees and for existing personal. This issue is relevant to law enforcement because of past civil

actions brought forth by individuals who have been turned down by agencies for their inability to meet fitness standards, such as Lanning vs. Southeastern Pennsylvania Transportation Authority (Brooks, 2001). Surveys will be distributed to several law enforcement agencies so that current trends, in reference to fitness standards, can be examined.

Once the research has been completed and the data compiled, it is anticipated to show that law enforcement agencies should have minimum fitness standards for both potential employees and existing personnel. If fitness standards are based on what it takes to do the job, then existing personnel should be required to meet the same standard as potential employees. Also, it is anticipated to show that that even though existing personnel was hired under different fitness standards, an agency could implement new standards if adequate time is given for those employees to comply with the new standard.

This research could be used by an agency with no existing fitness standard or if an agency is contemplating the implementation of one. It could be used to support the need for implementation of fitness standards and for existing personnel to meet those same standards. An agency that is being sued by an individual or by a group because of fitness standards could use this research to reaffirm their stance on fitness standards and provide assistance to them in the areas of legality and necessity.

REVIEW OF LITERATURE

Thomas Collingwood is one of the country's foremost experts on fitness standards for law enforcement personnel (Collingwood, Hoffman, & Smith, 2003). He has written numerous articles on the issue and regularly presents to police

administrators who are contemplating the implementation of a fitness program for their existing personnel. Collingwood developed the Cooper Aerobics Center Police Fitness Instructor Program, and Hoffman was the director of training for the Army's Soldier Physical Fitness School (Collingwood, et al., 2003). Collingwood and Hoffman wrote two articles that greatly contributed to this research. Their research showed that officers today are in poorer health than their civilian counterparts (Hoffman & Collingwood, 1996). Additionally, the longer officers stay on the force, the worse the comparison gets (Hoffman & Collingwood, 1996).

In 2004, The Colony Police Department entered into a contract with Fitness Intervention Technologies, a company owned and operated by Thomas Collingwood, for the purpose of developing and validating physical fitness standards for the position of police officer. Because of costs, The Colony Police Department was unable to have a criterion validation study done; rather, they settled for a transportability study. The cost difference between two studies was extensive. The criterion validation study cost approximately four times as much as the transportability study. The transportability study involved taking a physical job-task analysis from many of the officers working for The Colony Police Department and comparing the compiled data to other agencies that had had an extensive criterion validation study conducted. Once a close match was found, the standards used by that agency were adopted by The Colony Police Department.

The Colony Police Department implemented the standards immediately for the hiring of potential employees and gave the incumbent officers four years to come into compliance with those standards. Several officers were sent to the Cooper Institute in

Dallas, Texas to become Police Fitness Instructors. These individuals are used to conduct the testing of both applicants and existing personnel. These individuals are also used to assist existing personnel who are not in compliance with the standard. They recommend a personal fitness program, including exercise and nutrition.

The Colony Police Department does not terminate the employment of existing personnel who are not in compliance with the fitness standards, but they do hold their employees accountable. If the standards are not met, an employee gets that information noted in their annual performance evaluation, and they are not eligible for promotions, transfers, or special assignments, such as the special response team. This information is important because it shows that standards can be put into place with existing personnel if adequate time is given for those employees to come into compliance and if the standards are based on job relatedness.

Oldham (2001) found that there are several factors that contribute to officers being in such poor health. First, police work, in general, is extremely sedentary. Police officers are in their squad cars for long periods and get little exercise while on patrol. Second, officers are subjected to irregular work and eating schedules. Many officers work extra jobs to make additional money, so this further complicates the matter. Nutrition is one of the biggest stumbling blocks for police officers as a whole. On-duty meals are often spent dining on high fat, high calorie fast food. Most officers take nutrition for granted even more than they do other fitness components (Oldham, 2001). Finally, the stress an officer endures is above average compared with their civilian counterparts. The stresses and dangers of police work often have severe emotional and psychological impact on the men and women who are depended on to enforce the

laws of society (Rafilson & Heaton, 1995). They are required to go from inaction to action at a moment's notice. They have to deal with unpleasant or intoxicated individuals. If someone calls the police, it is usually because something is wrong. Officers typically see people while they are upset or angry. Officers have been known to handle these stressors by using alcohol, smoking, and overeating (Hoffman & Collingwood, 1996). These unhealthy lifestyle choices have been shown to affect the officer's health and their performance (Hoffman & Collingwood, 1996). A police officer eating doughnuts and drinking coffee is an example of the unhealthy lifestyle choices made by many.

Oldham (2001) wrote that agencies have long realized the benefits of a physically fit officer. There is less down time from injuries and less sick time taken as a result, which means improved officer safety, public safety, and a healthier overtime budget from not having to fill in for officers out sick. Collingwood and Hoffman (1996) both recognized the benefits of a fitness program for police officers. Additionally, because of the physical demands placed on an officer at a moment's notice, they also recommend fitness standards (Collingwood, personal communication, March 25, 2003).

While most administrators know there is a need for officers to be physically fit, they misunderstand the laws regarding fitness standards. In most instances, police agencies require applicants to meet their fitness standards, but they have none in place for officers already employed. Administrators have shied away from requiring officers to meet fitness standards because they fear being sued. Fitness standards tend to show a disparate impact against females, so the standard is either lowered or done away with all together. Albeit officers are not required to use their physical strength all that often,

they should still be able to meet the critical demands of the job. The fact is that females are able to meet the same standards as their male counterparts, but females may have to train harder to achieve the same fitness level (Collingwood et al., 2003).

As stated above, most administrators know that an officer's fitness level is important. This has been known for some time. The New York Municipal Training Council (1974) prescribed height, weight, and physical fitness standards for police officers. This was a necessary part of the research because it showed that it has been known for some time that an officer's fitness level is important. The New York Municipal Training Council (1974) recognized that it was imperative to have their applicants meet certain standards in relation to physical fitness. They knew that officers came across situations that required them to use physical force against others, and the officers would not be able to do so if they did not meet that standard.

The typical municipal law enforcement agency will have an entry exam and physical fitness test for their potential employees. Once hired, most officers are never asked to meet those standards again (Sharp, 2003). Additionally, in some agencies where the top official is elected, no one in the agency is ever asked to meet a standard.

Sharp (2003) wrote that mandatory physical fitness standards are not a high priority in most departments. Many departments that do not require an employee to meet physical fitness standards have their employees qualify with their weapons many times throughout the year. There are strict standards for firearms training, and the majority of police officers never fire their weapons during their career (Collingwood et al., 2003). The question is not if an officer will need to use his or her physical strength, but when. Most officers are tasked with the need to use their physical strength daily.

Officers must help the citizens push broken down cars out of the street, must climb stairs while searching houses or while heading to the next report call, must chase individuals that fail to stop when ordered, and must occasionally fight the individual that refuses to be taken into custody.

Mandatory physical fitness standards should be job related and applied to both applicants and incumbents (Schofield, 1993). An administrator must defend having applicants perform certain tests when the ones actually doing the job are not held to the same standard. If an agency is going to operate like this, they should not have standards in the first place. Physical fitness tests are in place for a reason. They are supposed to be indicators of who can and who cannot perform the job of a police officer (Collingwood, personal communication, March 25, 2003).

Discrimination based on race, color, sex, national origin, or religion is prohibited by the Civil Rights Act of 1964. Discrimination resulting in the loss of employment is prohibited in Title VII of that Act. Burdens of proof as well as other procedural requirements for litigation of a Title VII action were established by the Civil Rights Act of 1991. Because of this legislation, an employer discriminating against a protected group can only defend their actions by proving their standards are "job related for the position in question and consistent with business necessity" (Brooks, 2001, p.27). This relates to law enforcement by telling administrators that physical fitness standards must be job related, and they must be the same for everyone (Schofield, 1993). Collingwood stated, "We cannot have different standards for men and women, young and old. We have one job and one standard" (Collingwood, personal communication, March 25, 2003).

METHODOLOGY

Law enforcement agencies should have minimum fitness standards that correlate to their ability to do the job. Existing personnel, hired under different fitness standards, should be required to come into compliance with those newly adopted fitness standards. Law enforcement agencies should not require potential employees to meet a standard if existing personnel are not required to. It is thought that research will show that law enforcement agencies should have minimum fitness standards, and all personnel should be required to meet those standards.

A survey will be constructed for distribution to other law enforcement agencies. The survey will ask for agency size, so large and small agencies can be compared. The survey will ask if agencies use a fitness test for applicants and their existing personnel, and it will ask if they are held to the same standard. Additionally, the survey will be used to find out what the trend is in relation to fitness testing and what testing is being used around the state.

Twenty-three surveys were circulated at Texas Women's University (TWU) in Module II of the Law Enforcement Management Institute of Texas. The survey sent out resulted with a 100% response rate of return. The department sizes ranged from four officers to more than 2,500 officers. The departments surveyed were state, county, local, and education-based law enforcement agencies. The departments were from all over the state of Texas.

The surveys will be looked at and the information analyzed to see if there are any obvious trends regarding the size or location of the departments and physical fitness standards. For example, the larger agencies may be doing more in the area of fitness

testing than the smaller agencies or vice versa. Municipal agencies may differ from county agencies. Finally, the information obtained will be used to draw a conclusion about whether law enforcement agencies should have minimum fitness standards. If departments believe there should be a minimum fitness standard, then it needs to be decided if they should require both potential employees and existing personnel to meet the same standards.

FINDINGS

As seen in Figure 1, the majority, 65% of the agencies surveyed, were municipal law enforcement. Education-based law enforcement agencies were the second highest with a total of 17%. County law enforcement agencies made up 13% of the survey while state agencies made up just 4%.

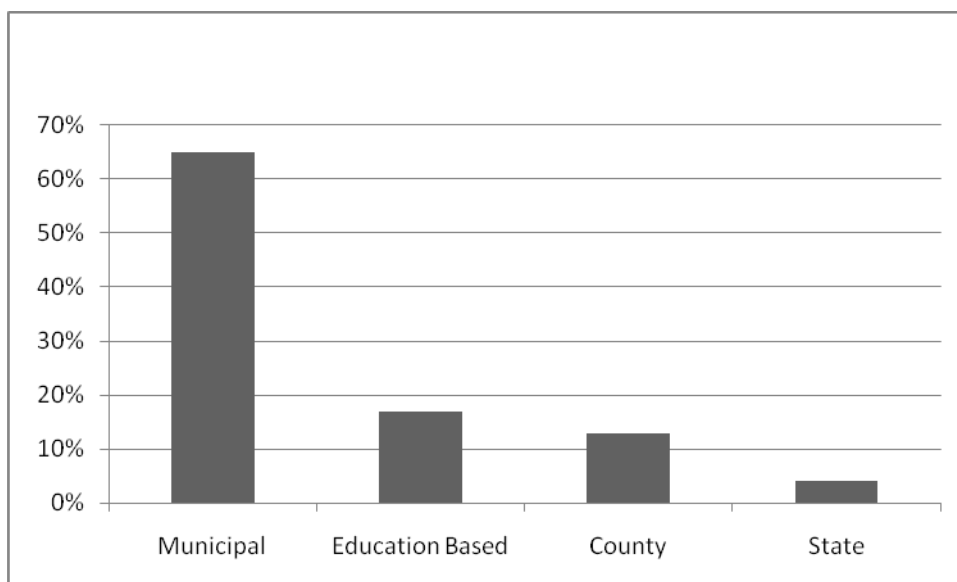


Figure 1. Percentages of the different law enforcement agencies surveyed.

As seen in Figure 2, the survey revealed that more than 17% of the departments did not have any form of physical fitness standards for either incumbents or potential employees. The majority of the departments that had no physical fitness standard were

smaller in size, averaging 81 total officers. The survey revealed that 65% of the departments have mandatory physical fitness standards for potential employees but none for their existing employees. Those departments were typically larger in size averaged 369 total officers. Of the 83% of departments surveyed that reported having physical fitness standards, only 21% of them, or more than 17% overall, reported having the same standards for their incumbent officers. Those agencies averaged 207 total officers. This information was significant in the research because it shows the current trend in law enforcement in terms of physical fitness standards. Figure 2 shows that the majority of law enforcement agencies are testing their potential employees but not their existing personnel.

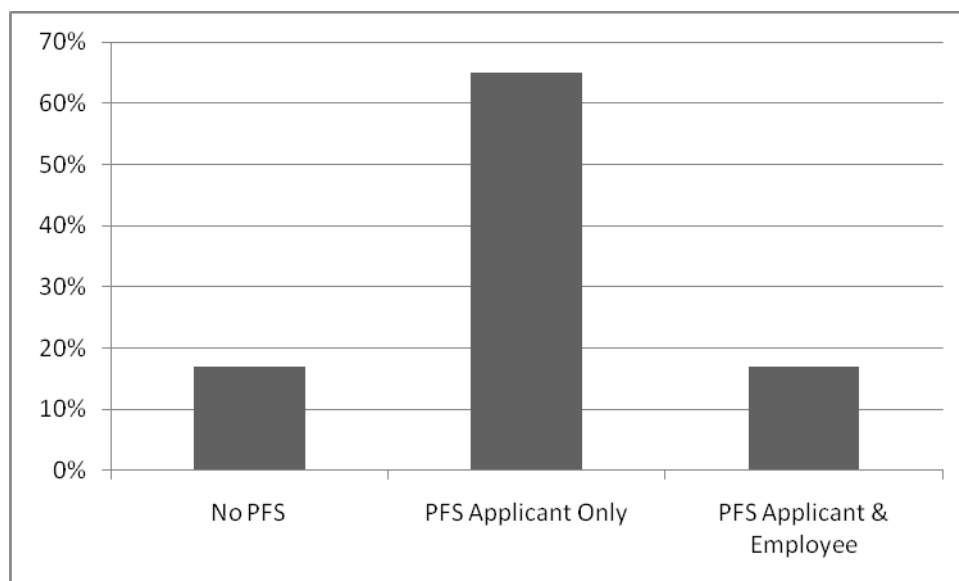


Figure 2. Percentages of the law enforcement agencies surveyed who have no physical fitness standards (PFS), PFS for applicants only, and PFS for applicants and existing personnel.

The departments that reported having physical fitness standards in place for their potential employees and for existing personnel made up only 17% of the total departments surveyed. Of that 17%, 75% of them reported testing their existing

personnel annually. Twenty-five percent of those departments surveyed reported testing their employees more frequently as they got older.

The survey also asked the departments that did have mandatory physical fitness testing for their existing personnel if the employees received any type of reward for meeting the standard or sanctions for not meeting it. Those departments reported rewarding the employees who met the standard with various awards, from a commendation bar all the way up to two days off with pay. Although some departments had no sanctions, others reported that job termination could be given if no improvement had been made after an on-duty conditioning program was offered.

DISCUSSION/CONCLUSION

There are some agencies that do not require their potential employees or their existing personnel to meet any fitness standards. The number of agencies not requiring fitness standards is small. The majority of agencies require their potential employees to meet a certain standard, but they do not require the same from their current employees. A small number of agencies require both their potential employees and their existing personnel to meet the same fitness standard. Hoffman and Collingwood (1996) reported that there are many benefits of physical fitness standards. The reported benefits are improved job performance, improved performance of essential physical tasks, and reduced likelihood of excessive force. Some additional benefits are prevention of health problems, longer life, and better daily living. Finally, there is less risk of disability, fewer sick days used, improved productivity, and reduced healthcare costs. Since this is the case, more agencies should have mandatory fitness testing for the current employees.

Law enforcement agencies should have minimum fitness standards and should apply those standards to both potential employees and to their existing personnel. The standards should be based on what it takes to do the job and should be applied the same to females and males alike. The standard should be applied to the young and old alike.

Sharp (2003) believed that the majority of departments do not have physical fitness standards because of a lack of funds. This could hold true as some of the departments surveyed were rather large. Trying to test incumbents at a large department could prove to be very expensive. The department must have the personnel to perform the testing and then the funds to pay the officers when they test. When administering the physical fitness test, the department must account for the time spent taking each test and the time spent resting between each test. The Associated Press (2003) reported that the Chicago Police Department, which has a force of more than 13,500, made its physical fitness test for incumbents voluntary. They offered a bonus of \$250 to each officer who takes and passes the tests.

Research showed that, indeed, law enforcement agencies should have minimum physical fitness standards for both potential employees and for their existing personnel. All experts agree that having a physically fit officer benefits everyone, including the officer, the agency, and the public served. A physically fit officer is more adept at handling the stresses of the job and handling themselves when performing the physical aspects of the job. The research showed that a physically fit officer has better job performance and improved productivity. A physically fit officer is also less likely to have

an excessive force instance as the officers are able to better handle situations as they arise.

As discussed earlier in this paper, law enforcement administrators have long recognized the benefit of having a mandatory physical fitness standard. Most agencies have a fitness standard for their potential employees. Research showed that after being required to meet those standards before an individual is hired, they are never required to meet them again. The two reasons uncovered during research were lack of funds and fear of being sued. This research would be beneficial to law enforcement administrators that are classified in those two areas. One, it shows that the cost savings of a physically fit officer is greater than the initial cost of the validation process and time to take the test. Secondly, if the fitness tests are job related and consistent with business necessity, they are defensible in court.

Society asks a lot of police officers. When bad things are happening, the first call is made to the police for help. Officers should be ready for the call and everything it entails. Officers must be able to handle themselves in any circumstance, which not only includes the physical aspect of the call, but the ability to think and act in a moment's notice. Requiring officers to be physically fit will help them in all circumstances.

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APPENDIX

Departmental Physical Fitness Survey

I am conducting this survey as part of my research for the paper required by the Leadership Command College. It will help me tremendously if you would complete the survey and return it as soon as possible. I would be happy to share all of my results with you after completing my research.

Respectfully,

Chris Chandler

The Colony Police Department

- Name of your agency: _____
- Number of certified officers: _____
- Does your department use a fitness test as part of the hiring process? (**Yes** or **NO**) If you answered yes to the above question, briefly describe the fitness test used by your department:

- Does your department have mandatory fitness testing for existing personnel? (**Yes** or **No**) If you answered yes, is it the same test used during the hiring process? (**Yes** or **No**)
- If your department does have fitness testing for existing personnel, how often is the test administered? _____

- If your department does have mandatory fitness testing for existing personnel, please describe any reward they receive for meeting or exceeding the standard:

- If your department does have mandatory fitness testing for existing personnel, please describe any action taken if they fail to meet the standard:
