

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

**HEIGHT AND WEIGHT STANDARDS
FOR POLICE OFFICERS**

**A Policy Research Project
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of the Requirements for the Professional Designation
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ABSTRACT

The policy of hiring the tallest or biggest person to enforce the law or maintain order has recently come under scrutiny by the Federal Courts. Since the 1964 Civil Rights Act went into law, many police departments have had to alter their hiring practices to include women and other minorities. In an attempt to comply with court rulings, most departments created a physical agility test. Although most of these agility tests were fair, some were struck down because they continued to discriminate against some protected classes of workers. The courts have consistently ruled that any hiring requirement be job related.

The purpose of this research was to determine if the height and weight scale used by the Richardson Police Department was still valid, and, if our policy of requiring an officer to maintain an appropriate weight would prevail under scrutiny by the Courts.

Federal legislation, court rulings, and current health care programs were the basis of the research for this document.

After a careful review of the pertinent data gathered, this writer concluded that the Richardson Police Department's policy of requiring its officers to weigh-in each year is legal and defensible in court. The research also indicated that the height and weight charts utilized by the Richardson Police Department were still valid and were the same charts used by other law enforcement agencies. The policy of requiring officers to weigh-in each year should be extended to all sworn police officers in the department.

Introduction

In the early days of policing, the duty of providing order maintenance or law enforcement services often went to the biggest or meanest person in the community. This custom has continued for many decades, and it has only been within the past thirty years that this practice has undergone significant changes. In today's law enforcement community that theory is not necessarily true. With the inclusion of women and other minorities, pure brute strength is not the only criteria necessary for employment as a police officer. There are many ways to determine if a person is capable of performing the duties of a police officer, and the Federal Courts have mandated that any standard must be job related (Gaines and Kappeler 116).

The purpose of this research paper is to identify issues that are related to establishing height and weight standards for police officers. There are many theories and options available to an agency's chief executive in this area. This paper and it's related research will attempt to examine some of those options.

The research will primarily benefit the Richardson Police Department. However, other departments of similar size and configuration, may find this research useful. Several sources of information were used for this project. First, the Richardson Police Department has a General Order relating to an officers maintenance of a weight that is proportionate to his or her height. This order was used as the guide to establish research surveys sent to other agencies of comparable size in order to compare their standards and Richardson's. In addition, there are several magazine and legal journal articles on this subject. Finally, wellness and fitness experts were contacted to gather data regarding the ideal height and weight chart.

Historical and Legal Context

Police administrators have long extolled the virtues of employing physically capable police officers. The forerunners of physical standards were the height / weight standards that were

typically placed at levels that allowed only the tallest and largest of applicants to be hired. It was believed that police work was physically demanding, presented numerous threats, and required officers who, as a result of their size, they could control and subdue suspects. As of the 1960's, some police departments had minimum height requirements of six feet. These minimum height requirements had an adverse impact on female and Hispanic applicants. For example, in *Vanguard Justice Society v. Hughes* (1979) the court noted that the Baltimore Police Department's height requirement of 5'7", which excluded 95 percent of the female population and only 32 percent of the male population. was prima facie evidence of sex discrimination (Gaines and Kappeler, 116-6).

The personnel selection process is one of the most important administrative functions in a police department. With the passage of the 1964 Civil Rights Act, the process of hiring and retaining qualified officers changed dramatically. In order to understand the issues and problems involved in police selection it is necessary to consider the legal framework that dictates employment practices. Legal restrictions on employment standards and tests are based on federal anti-discrimination law. This law is derived from a number of sources including court decisions, legislative enactments and governmental directives. Restrictions and requirements based on anti-discriminatory law limit the standards and tests used to select police officers. At the same time, this law promotes fairness in employment and helps to ensure the use of objective selection procedures by police organizations. Prior to the passage of this law, many women and other minorities were excluded from police work (Gaines and Kappeler 107-8).

For the purpose of police selection it is important to distinguish between standards and tests. Standards refer to criteria or qualifications necessary for an applicant to hold a position. They are usually rigid and require applicants to meet specified qualifications before they become eligible for employment with the agency. Police employment standards vary from department

to department, but may include requirements relating to age, vision, hearing, height, weight, educational levels, residency, biographical characteristics, and the absence of a history of drug use. Police departments can choose among these and other standards so long as they are permissible within the legal framework of anti-discriminatory laws (Gaines and Kappeler 112).

As a result of numerous court decisions which consistently struck down police height requirements, many agencies developed physical agility tests in order to evaluate applicants' physical ability to perform police duties. The courts' reactions to these agility tests have been mixed. For example, in *Thomas v. City of Evanston* (1985) the court invalidated the city's physical agility test which included a half-mile run, stair climb, and an obstacle course because it discriminated against female applicants. In *United States v. Wichita Falls* (1988) the court upheld the Wichita Falls, Texas testing procedure where applicants were screened using an agility test which was less strenuous than one which was administered in the training academy after a sufficient training period (Gaines and Kappeler 116). The Court, in *Thomas*, identified three conditions which physical agility tests must meet in order to be acceptable. First, any test must be based on a proper job analysis to determine the required work behaviors for successful performance on the job. Second, the test must represent the content of the job. Third, the test must be scored to discern those who are able to perform the job versus those who cannot.

The third point is the most difficult since it is virtually impossible to identify at what point an individual's physical condition will detract from successful performance of the job, especially since many police agencies do not require their veteran officers to maintain a physical fitness level that would allow them to pass their department's entry-level physical agility tests.

Review of Practice

The importance of selecting effective police officers has been increasingly recognized. When a law enforcement agency can spend as much as thirty percent of its annual budget for personnel, the leader, whether a chief or sheriff, must ensure that they appoint only the most qualified people. To date, a variety of measures have been employed including physical, biographical and demographic characteristics of applicants, psychological and intelligence tests, and situational tests in an attempt to select the most qualified officer. Predictors from the physical category have come under scrutiny because selection standards based upon height and weight potentially discriminate against female and other protected classes (Spielberger 20).

Although the City of Richardson no longer uses a height standard as one of the requirements for employment as a police officer or firefighter, the police department continues the policy which requires an applicant to have a weight that is proportionate to their height. At the present time, the Richardson Police Department uses height / weight tables and charts that were developed by life insurance companies. These tables, which were initially designed in the 1940s, used weights that were an “ideal” or “desirable” weight. These weights were defined as the weights of persons with the lowest mortality rate. These tables have undergone many revisions since their inception.

In 1973 a chart of “recommended weights” in relation to heights was prepared for the Fogarty International Center Conference on Obesity (Caroline Smith 1995). The data in this chart is simply the 1959 Metropolitan weight table data recalculated to express heights without shoes and weights without clothes. Both average weight and ranges of weights were given for men and women of various heights.

On March 1, 1983, the Metropolitan Life Insurance Company issued new height / weight charts which were derived from a research called The Build and Blood Pressure Study that was

conducted by the Society of Actuaries (Caroline Smith 1995). It is the 1983 height / weight charts which is the standard that the Richardson Police Department is used for it's General Order when it was published in 1991.

General Order 1.00.29-91, Agility Course/Weigh-in, requires that all sworn officers the rank of Lieutenant and below weigh-in each year. Weigh-ins are conducted by the department's training coordinator any time between January 1st and August 31st of each year. All officers and supervisors must successfully complete the weigh-in requirements or they are subject to disciplinary action. Officers that fail the weigh-in have sixty days from the date of the initial weigh-in to meet the standard for their height. There is no minimum or maximum number of times an officer can be weighed in this sixty day period. It is only necessary for the officer to weigh-in until the required weight is met. If an officer fails to attain his/her proper weight, the training coordinator will notify the employee's supervisor. The supervisor will then file a formal Internal Affairs complaint against the employee. If the complaint against the employee is sustained, the punishment can range from an oral reprimand to dismissal (RPD General Order 1.07.01-76).

Any officer that fails the height / weight test, and believes that the failure is a result of muscle mass is allowed to have a "Lean Body Mass" test performed to determine their percentage of body fat. (See Appendix 1 for the allowable percentages.) At the present time, this test must be conducted at the Cooper Aerobics Center in Dallas. The cost of the test is the responsibility of the officer involved.

Caroline Smith, the City of Richardson's Wellness Coordinator, was interviewed concerning the reliability of the Lean Body Mass test. The test which requires a person be submersed under water is only accurate if the person being tested completely exhaled before beginning the test, as air in the lungs could effect the outcome. There can be other factors which affect the

test, such as food or fluids in the subject's stomach. Smith recommends the department begin using the Skinfold Fat Thickness (SFT) technique. The technique requires use of skinfold calipers to measure the thickness of folds of skin at three different sites on the body. When this technique is performed by a trained person, the resulting measurement of relative body fat is usually accurate to within two to three percent of the Lean Body Mass test. The Richardson Police Department currently has two officers that are trained to use the SFT technique, therefore there is no cost to the officer.

In an effort to determine the policies and practices of other police agencies, a survey of ten comparably sized police departments to that of Richardson was conducted (See Appendix Number 2). It appears from the results of the survey that Richardson is in the minority when it requires officers to weigh-in annually. Ninety percent of the departments surveyed indicated that they had no height / weight standard for their police applicants. And, the overwhelming majority did not require their officers to maintain a height / weight once employed. Of the departments that did have a height / weight policy, there were no sanctions or disciplinary action against an officer who failed to maintain a proportionate height / weight. For complete survey results, refer to Appendix 3.

Discussion of Relevant Issues

There are several issues which need to be explored.

- Is the Richardson Police Department's policy of requiring officers to have a weight that is proportionate to their height lawful?
- Are the height / weight charts that are used current and valid?
- Once a person is employed as a police officer, should they be required to maintain a weight that is established by the department?
- If an officer fails to maintain his/her prescribed weight, should they be subject to disciplinary action?

- Is the Lean Body Mass test accurate?
- Should there be an alternative to the Lean Body Mass test?

Although the Richardson Police Department does not use height as a qualifier for its police officer applicant, it is permissible within the guidelines established by Federal Courts, to require an applicant's weight be proportionate to their height. But according to Sally E. Smith, executive director of the National Association of Advance Fat Acceptance (NAAFA), people should be judged on factors of competency and not on factors such as weight. Height and weight should not be used as factors in hiring as long as people can meet criteria to do the job. If they can pass employment testing procedures, they should be eligible to do that job. You can't make generalizations about the fitness level of an individual based solely on weight (Smith 248).

The Richardson Police Department height / weight standards are the same that are used by the Allen, Texas Police Department. This Department was the only other agency surveyed that had a height / weight requirement.

The survey revealed that no other police agency had a requirement for their officers to maintain a range of weight and no agency sought sanctions against their officers because of their weight.

The Weight Control Digest in its November / December 1993 issue described the Lean Body Mass test as the "gold standard" against which all other techniques are validated (Weight Control Digest 299). With this endorsement, it appears that the results of such a test would be accurate.

Other laboratory-type techniques are available for assessing body composition. These include radiography, magnetic resonance imaging (MRI), hydrometry, photon absorptiometry, total body electrical conductivity, and dual-energy x-ray absorptiometry (Weight Control Digest 301). Most of these techniques are quite complex and require the use of very expensive equipment. It is highly unlikely that any of them would be used in the assessment of the general population. The SFT technique is the simplest and has the lowest cost of any test recommended by Dr. Jack H. Wilmore at the University of Texas at Austin (Weight Control Digest 303).

Conclusions

The purpose of this research has been to identify issues that are related to the establishing of a height and weight standard. Are these standards legal, and more importantly, are they defensible in court? It appears that because the Richardson Police Department hasn't established a height standard, their policy is lawful. Should the head of the law enforcement agency establish a height and weight standard, and if so, what method should be used to determine if an officer is over-weight? Because the Richardson Police Department has set high standards for all its sworn officers, the Chief expects them to be physically fit and not appear to be overweight or obese. In an effort to accomplish this goal, he requires the Department's officers to have a weight that is proportionate to their height. Should the agency use the standard height / weight charts that were developed by life insurance companies? According to research gathered by this author, the charts appear to be fair, and allow for a wide range of weight for any given height for both male and female. If an agency adopts a height / weight policy, how often should an officer be weighed? Should it be only at the time of applying to the agency, or throughout his/her entire career? It is this author's recommendation that the

Richardson Police Department continue to require it's officers to maintain a weight that is proportionate to their height at the time they are hired as police officers. It is also recommended that all sworn officers, regardless of rank, be subject to the requirements set forth in General Order 1.00.29-91. If an officer should be outside of the weight parameters set for their height, they should be allowed to seek alternative body fat measurement techniques, including the SFT.

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Beddingfield, Randy. Richardson Police Officer, June 1996.

Hammond, James III. Richardson Police Sergeant, April 1996.

Hauver, Michael. Richardson Police Lieutenant, October 1996.

Percival, Cynthia. Richardson Police Officer, September 1995.

Smith, Caroline. City of Richardson Wellness Coordinator, August 1995 and March 1996.
(Furnished Fogarty International Center Conference and Metropolitan Life Insurance
Company height / weight charts).

Welch, Terrell. Richardson Police Officer, September 1995.

Appendix 1

Acceptable Body Fat Percentages

| AGE | MEN | WOMEN |
|----------|-------|-------|
| Under 30 | 14.1% | 20.6% |
| 30 - 39 | 17.5% | 21.6% |
| 40 - 49 | 19.6% | 24.9% |
| 50 - 59 | 21.3% | 28.5% |
| 60 + | 22.0% | 29.3% |

Appendix 2

Departments Surveyed

Allen Police Department, Chief Richard Carroll

Amarillo Police Department, Chief Jerry Neal

Arlington Police Department, Chief David Kunkel

Carrollton Police Department, Chief David James

Duncanville Police Department, Chief Jack Law

Garland Police Department, Chief Larry Wilson

Grand Prairie Police Department, Chief Harry Crum

Irving Police Department, Chief Lowell Cannaday

Mesquite Police Department, Chief Harmon Ivie

Midland Police Department, Chief Richard Czech

Appendix 3

SAMPLE HEIGHT & WEIGHT STANDARDS SURVEY

1. Does your Police Department have a minimum height standard for police officer applicants?

| | |
|-----|----|
| Yes | No |
| 1 | 9 |

2. Does your Police Department have a weight standard for police officer applicants?

| | |
|-----|----|
| Yes | No |
| 1 | 9 |

3. Is the weight standard proportionate with an officer's height?

| | |
|-----|----|
| Yes | No |
| 1 | 9 |

4. Does your Police Department require your officers to maintain this standard throughout his or her service with your agency?

| | |
|-----|----|
| Yes | No |
| | 10 |

5. How often is your officer's weight measured?

| | | |
|----------|---------------|-------|
| Annually | Semi-annually | Never |
| 3 | 1 | 6 |

6. If an officer fails to maintain an acceptable weight, are there sanctions brought against them?

| | |
|-----|----|
| Yes | No |
| 0 | 10 |

7. If the answer to #6 was yes, are your officers subject to disciplinary actions?

| | |
|-----|----|
| Yes | No |
|-----|----|

8. What standards does your department use to establish it's height and weight standards?

The only Department to use any standard was Allen Police Department. They used the Metropolitan Life Insurance Company charts.

If available, please include a copy of your agency's written directive for height and weight standards.