

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

Establishing a Legally Defensible Physical Fitness Policy for Law Enforcement:
A "Wellness Program" Approach

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by

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TABLE OF CONTENTS

Section	Page
Abstract	
Introduction	1
Historical, Legal or Theoretical Context	2
Review of Literature or Practice	5
Discussion of Relevant Issues	8
Conclusions / Recommendations	11
Bibliography	
Appendices	

ABSTRACT

The El Paso County Sheriff's Department recently conducted regular physical fitness assessments on law enforcement personnel during semi-annual training. Physical assessment is voluntary at this point, but the adoption of a mandatory physical fitness standards policy is being contemplated for the future. The purpose of this research project is to examine the legal issues that impact mandatory fitness policies. This author would suggest an overall "total fitness" or "wellness" program and job related physical assessments as a means for departments to achieve legally defensible officer fitness standards.

The intended audience for this research are the Sheriff's and Police Chiefs within Region VIII (El Paso, Hudspeth and Culberson Counties) contemplating implementation of mandatory physical fitness standards. Additionally, members of governmental entities impacted by this decision, such as the County Commissioner's Court and the El Paso County Sheriff's Civil Service Commission, will undoubtedly need to understand the legal considerations involved in physical fitness testing and the benefits of implementing a "total fitness" or "wellness" program in conjunction with such testing.

INTRODUCTION

Ensuring law enforcement officers are physically fit to perform their duties is a major concern of police managers. Nonetheless, very few departments require officers to maintain fitness standards after their academy training and probationary period have ended. The reluctance to impose such fitness standards on veteran officers appears to stem from the implications of federal anti-discrimination legislation. The concern is growing for the implementation of mandatory fitness standards as the number of civil lawsuits for use of force by officers are increasing throughout the country. Officers should have the physical abilities to perform the public safety duties for which they were hired. In one court case (Parker vs. Washington D.C., 850 F. 2d 708), the city was found negligent in a civil suit for not having an ongoing fitness program for officers after an unfit officer shot a suspect he was chasing. The court decision in Parker, that an agency was negligent in training an officer who is involved in an incident because the agency failed to maintain physical standards, illustrates the need for fitness programs.

Most challenges by officers and police labor groups center on allegations of “disparate treatment” when applying fitness standards. The application of any type of physical fitness assessment standard is subject to review under various federal laws, which include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act and the Civil Rights Act of 1991. This research project suggests adoption of a physical fitness policy based on job related skills testing and promotion of a “total fitness” or “wellness” program. This approach will comply with current law and should be favorably received by the officers and police labor groups.

HISTORICAL, LEGAL AND THEORETICAL CONTEXT

Traditionally, many law enforcement agencies showed little or no concern regarding physical fitness standards after the initial hiring, training and licensing of an employee. Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) Rules, Section 211.80 (a) 12A, requires only that applicants for peace officer, reserve officer, armed public security officer, or a jailer license must “be examined by a licensed physician and be declared in writing within the past 180 days (of hire) to be physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought.” TCLEOSE does not require in-service physical examination or assessment of an officer. This may be a factor in the lack of mandatory fitness standards for officers throughout Texas. Although few departments currently mandate physical fitness standards for their officers, more departments are looking towards the adoption of such standards. If the policy can be proven to have a “disparate impact” on any particular group based on age, race, sex, ethnic origin, religion, or disability, the policy is subject to review by the Equal Employment Opportunity Commission and subsequent court challenge.

Title VII of the Civil Rights Act of 1964 provided employment discrimination protection from “disparate” or adverse impact based on gender (female) and ethnicity (Black, Hispanic, Native American, etc.). Most lawsuits filed against agencies under Title VII were based on imposed standards which allegedly had a “disparate impact” upon protected classes; if for instance, less than 80 % of a protected class passed a given standard at the pass rate of majority employees (white officers)(Cooper, 1995). One area which Title VII may impact is the imposition of height and weight standards on law enforcement officers. The Supreme Court found in

Dothard vs. Rawlison 433 U.S. 321 (1977), that mandated standards of weight proportional to height are acceptable when applied in a non-arbitrary manner. Agencies imposing weight standards for the first time should consider phasing them in over a reasonable amount of time to allow overweight officers to comply. A thorough physical should also precede the imposition of weight standards as a glandular or other physical condition which causes the officer to be consistently overweight may be considered a disability and subject to protection under the Americans with Disabilities Act (ADA) or the Rehabilitation Act of 1973 (McCormack, 1994).

The Civil Rights Act of 1991 updated Title VII and made it illegal for an employer, “in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of ...sex” (42 U.S.C. Section 2000e-2(1)). Many agencies re-examined their physical fitness standards and testing with different passing scores for men and women. The area of physical performance testing, such as timed runs and calisthenics, that have been “normed” for the physiological differences between the sexes fall within the meaning of this statute. The Civil Rights Act of 1991 thus appears to require employers to use a single physical standard for men and women. However, single standards would seem to conflict with Title VII as it could create a “disparate impact” on test results (Sauls, 1992). Another problem is establishing a “business necessity” for the physical performance standard that has been selected. In Harless v. Duck 619 F.2d 611 (1980), the Toledo Police Department was successfully sued after the court found the physical agility test had a disparate impact on women. Toledo Police administrators required officers to pass three parts of a four part test: complete 15 push-ups, 25 sit-ups, a 6-foot standing broad jump, and a 25 second obstacle course. The court ruled the police department

could show no justification for the types of exercises chosen or the passing mark for each exercise. In selecting physical fitness performance requirements, agencies should select tests which simulate the physical challenges of the job (Sauls, 1992).

As of July 26th, 1994, the Americans with Disabilities Act impacted all employers in the public and private sector who employ more than 15 employees. A disability is defined by the ADA as a “physical or mental impairment that substantially limits one or more major life activities.” The broad sweep of physical and mental conditions covered by ADA laws would seem to indicate that anyone who fails an agency’s minimum physical standards may be protected by ADA (Spilberg, 1995). It is important for an agency to identify the “essential job functions” associated with the position of police officer and demonstrate that physical tasks to be tested are job related. For example, if an agency requires a 5 mile run, they should be prepared to demonstrate that officers may routinely perform such a task. The “reasonable accommodation” requirement of the ADA permits a qualified applicant or employee with a covered disability to engage in one or more aspects of employment: (1) participation in the job application process; (2) performance of the essential functions of the job; and (3) enjoyment of the benefits and privileges of employment. This means officers who may have a physical disability which limits the ability to perform a specific function must be accommodated, if possible. An example of this would be to allow an officer with a bad back to demonstrate cardiovascular fitness through bicycling, rather than running. The Equal Employment Opportunity Commission (EEOC) urges employers to use an individualized, case-by-case, process in determining reasonable accommodation of a disability. The individual’s physician or health care provider should be included in this process (Spilberg, 1995). The ADA also provides an “undue hardship” clause which permits the organization to

claim the accommodation would be unduly costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of a business (Spilberg, 1995). The ADA does not require an employer to create a “light duty” assignment to accommodate a disabled employee.

REVIEW OF LITERATURE OR PRACTICE

In February 1993, a conference of the Major City Chiefs Association, National Executive Institute Associates, and Federal Bureau of Investigation was held at the FBI Academy in Quantico, Virginia. Persons from major law enforcement agencies, selected legal advisors, and several experts in the field of physical fitness discussed the issues involved in the complex issues of fitness testing and compiled a report for use by law enforcement managers in setting fitness policies. Their conclusions support fitness standards based on job related skills required of the law enforcement tasks to be performed. The participants identified ten essential functions of a typical police officer and listed the physical abilities or skills needed to perform the function (see Appendix A). This type of occupational job and task survey listing may be prepared for any position in law enforcement, whether a sworn or civilian position. The Americans with Disabilities Act (ADA) and Civil Rights Act of 1991 have legal requirements that selection and retention standards be job related and consistent with business necessity. The preparation of physical requirements in job descriptions and assessment procedures should be based on a job task analysis of the essential functions of the position (U.S. DOJ, FBI Report, 1993).

The Cooper Institute for Aerobics Research in Dallas, Texas has led in the area of physical fitness testing standards for law enforcement. Many law enforcement agencies used the “Cooper Physical Fitness Test” for their selection process. However, with the recent enactment of the

American's with Disabilities Act and Civil Rights Act of 1991, the Institute has been the center of controversy over whether or not the "Cooper's Test" is job-related and fitness standards adopted are justified. The Institute's position is: "There is solid documentation that physical fitness is job related and fitness tests have undergone court scrutiny as being job related" (Cooper, 1995, p. 1). Nevertheless, the "Cooper Fitness Test" has added the "Single Standard General Population Sample" (see Appendix "B") and the "Single Standard Law Enforcement Standard" (see Appendix "C") to the "Cooper's Fitness Test" result possibilities. These standards comply with ADA and the Civil Rights Act of 1991 as they reflect testing of the law enforcement personnel and members of the general public, without "norming" for sex or age. The Institute still recommends use of the old "Cooper Fitness Test" which "norms" the results because of the physiological differences between men and women, and because of age (Cooper, 1995).

In identifying job related factors required by the ADA, the Institute has concluded that the following fitness factors are important to the essential job function of law enforcement officers:

Strength:

Static strength
Explosive strength
Dynamic strength
Trunk strength

Flexibility:

Extent Flexibility
Dynamic flexibility

Endurance:

Stamina

Body Composition:

Percentage of body fat

Speed:

Anaerobic power
Running speed

Motor abilities:

Coordination (agility)
Balance

Source: Cooper Institute for Aerobics Research. "Public Safety Fitness Standards and Testing." Dallas: 1995, p 8.

The Institute conducted validation testing of the “Cooper Physical Fitness Test” at seven federal, state, and local law enforcement agencies (Cooper, 1995). The Institute concluded the following physical fitness tasks would demonstrate an officer’s ability to perform the essential job functions required of law enforcement:

- 1) 1.5 mile run and 12 minute run = Aerobic power and endurance
- 2) 300 meter run = Anaerobic power
- 3) 1 RM bench and leg press = Absolute strength
- 4) 1 minute sit-up and one minute push-up = Dynamic strength
- 5) Percentage of body fat = Body composition
- 6) Sit and Reach Test = Flexibility

Source: Cooper Institute for Aerobics Research. “Public Safety Fitness Standards and Testing.” Dallas: 1995, p 9.

The Cooper’s Institute report said: “the purpose of any standard is to discriminate...A good test or standard is one that discriminates reliably on an important factor for job performance and in a fair manner” (Cooper, 1995, p. 10) . The Institute believes the Cooper’s Fitness Test is job-related and should be used for assessing fitness levels of law enforcement officers.

The “Denver/Stanard” Model for Police Physical Testing (See Appendix D) was developed in 1992 after the Civil Service Commission of the City and County of Denver, Colorado contracted with Stanard and Associates for development of a new physical ability test for the Denver Police Department. Denver adopted this model after conducting a job analysis study, statistical analysis of police related activities, and field testing. This content-based model identified tasks performed by Denver Police and are reportedly legally defensible under new federal anti-discrimination laws. The “Denver/Stanard” test also has been endorsed by police labor groups and was designed to be a fair and unbiased way of testing applicant and officer fitness (Stanard, 1994).

The “Cooper Fitness Test” and the “Denver/Stanard Model” approach to physical fitness testing appear to contrast with each other. Both are legally defensible as they take the essential functions of the law enforcement officer into consideration. The “Cooper” test measures common physical skills, such as running, sit-ups, push-ups, etc., whereas the “Denver/Stanard” Model measures skills based on actual situations law enforcement officers may encounter in the performance of their duties. Many agencies may choose to select their own standards for their officers, but they must keep in mind the legal ramifications of the Americans with Disabilities Act and the Civil Rights Act of 1991 on physical fitness standards. The common theme is that adopted standards must be job-related, consistent with “business necessity” requirements, to be legally defensible.

DISCUSSION OF RELEVANT ISSUES

Whatever method of physical assessment selected by an agency, there are questions regarding costs of implementation, acceptance or resistance to the plan by employees and labor groups, and the action that should be taken against officers who refuse to get in shape. The facts are that health and fitness assessments and education are advantageous to officers and agencies alike. Data from assessments can give the individual officer a “baseline” measurement of their fitness level and should be reviewed with the employee in an educational manner, and not as a threat of punishment (Leitner, 1994). The approach taken by Human Kinetics in its FitForce program is perhaps the best in developing the concept of “total fitness.” This approach incorporates nutrition, weight management, stress management, the benefits of not smoking, substance abuse prevention and exercise to produce maximum health and performance for the officer (Hoffman, 1995).

The cost of implementing this type of program is minimal. Officers should be given a physical or medical health screening before starting a program, which is usually covered by the officer's health insurance. If insurance does not cover the cost, it may be minimized by approaching health care professionals or training institutions in your community and asking them to volunteer their time in conducting a health screening with the actual cost of medical tests being paid for by the agency. Exercise equipment and facilities are usually available in all communities; if not, they could be purchased or donated. Health club memberships are relatively expensive and generally do little to encourage officers to remain fit. Some agencies provide financial incentives for officers to remain fit and, in turn, seek to discipline officers who fail tests. This practice is discouraged unless officers refuse to participate in a physical fitness program (Whitmore, 1992). The benefits to the agency far outweigh the costs, in terms of improved officer health, less sick leave taken by officers, and fewer Worker's Compensation claims.

In New Mexico, the Hobbs Police Department initiated a "wellness" program for its officers in late 1985. After implementation of mandatory fitness assessments, the Hobbs Police Department reported that of the 64 officers participating, the results went from 64 % of the officers testing "very poor" during the initial assessment to only 3.1% testing "very poor" after 16 weeks. Average body fat also was reduced from 20 % at "very high" levels to 17 % "above normal" after 16 weeks. Flexibility improved from an average of 14.3 inches to 17.5 inches on the "sit and reach" test after 16 weeks (Arters, 1992). Hobbs Police Chief Bill Lane said he introduced the program by stressing that no one would be fired because of the physical fitness program, and that he was not interested in all of the officers being able to run a 6 minute mile (Arters, 1992, p. 64). The program coordinator, Steve McCleery, explained that participants

were given the choice of swimming, walking, bicycling, or jogging for cardiovascular development, as well as performing stretching and strengthening exercises. Each officer kept an exercise log where they recorded weight, pulse rate, minutes and miles of the exercises they engaged in (Arters, 1992). The physical test has four parts: aerobic exercise where the participants have the choice of a 3 mile walk or 1.5 mile run (for distance), a 12 minute swim or a 12 minute bicycle ride; body fat percentage; a sit and reach flexibility test; a muscular endurance and strength test including sit-ups, curl-ups, and push-ups. Tests are given several times a year and officer who fail are re-tested after 60 days. Officers are given assistance in developing their skills in fitness areas they fail or perform poorly. According to Jim Gallagher, training officer of the Hobbs Police Department, officer morale and cohesiveness improved as a direct result of the testing. Gallagher further reported that in a two year period, the city saved \$11,000 as a decrease of 800 sick days was noted during that period. The City of Hobbs invested \$10,000 on a one time basis for fitness equipment for the department, and that amount was recouped within the first two years (Arters, 1992).

The Region VIII Academy of the El Paso County Sheriff's Department conducted voluntary physical fitness assessments from January through June, 1996 (See Appendix E). 266 officers chose to participate, including the entire command staff, and a few officers from other agencies within El Paso County. Using the "Cooper's Fitness Test", the goal is for all officers to eventually score above the 50 percentile as a minimum. 157 officers scored 50% or better during this initial assessment, and 9 of these officers scored "superior." It should be noted that 7 of the officers who scored "superior" are on the Special Weapons and Tactics(SWAT) team of the Special Operations Division. This division is in a remote location away from the other Sheriff's

sub-stations and is equipped with a full gym. The Region VIII Training Academy has the only other fitness equipment available to the officer's within the department. A new training academy and sub-station are under construction and plans are to include a fully equipped gym and 1/4 mile rubberized running track for use by all officers.

CONCLUSION / RECOMMENDATIONS

The El Paso County Sheriff's Department has demonstrated a commitment to assess whether or not an officer is physically fit for duty. A policy of mandatory participation in this physical assessment process and development of an individual "wellness" program tailored to the officers needs should be adopted. The Hobbs Police Department experience with such a wellness program has been successful. All participants should be tested by using either the Single Standard Cooper Law Enforcement Standard Sample Test (see appendix C) or the Denver/Stanard Model (see appendix D) during semi-annual training. Officers who fail in a fitness area, such as aerobic or strength tests, should receive individualized counseling in exercises they may engage in to improve their test scores. Re-testing of officers who fail may be conducted during the next training session to measure improvement. Accommodations for persons with disabilities that do not prevent them from ordinarily performing their duties, such as bad knees, may be accomplished having the officer perform a similar function, such as bicycling for 12 minutes instead of the 1.5 mile run, to test cardiovascular fitness. The emphasis should be on educating the officer on the importance of "total fitness" on their jobs and the quality of their lives.

The Texas Commission on Law Enforcement Standards and Education (TCLEOSE) should also take the lead by adopting rules requiring agencies to adopt physical fitness assessment and a “total fitness” or “wellness” program. The implementation of a “total fitness” program by an agency should prove beneficial to the men and women of law enforcement. Agencies should ensure that fitness standards adopted comply with the Americans with Disabilities Act and the Civil Rights Act of 1991.

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APPENDIX A:

PHYSICAL SKILLS REQUIRED FOR THE ESSENTIAL FUNCTIONS OF A POLICE OFFICER

	1	2	3	4	5	6	7	8	9	10
Agility	X		X			X		X	X	X
Balance	X					X	X	X	X	X
Carrying	X		X			X	X	X	X	X
Climbing	X				X		X	X	X	X
Coordination	X	X	X		X	X	X	X	X	X
Dragging	X		X			X	X	X	X	X
Endurance	X					X	X	X	X	X
Flexibility	X	X	X		X	X	X	X	X	X
Gripping	X	X	X			X	X	X		X
Hearing	X	X	X	X	X	X	X	X	X	X
Jumping	X					X	X	X	X	X
Lifting	X		X			X	X	X	X	X
Manual Dexterity	X	X	X	X	X	X	X	X	X	X
Power	X		X			X		X	X	X
Pulling	X		X			X	X	X	X	X
Pushing	X		X			X	X	X	X	X
Reaching	X	X	X		X	X	X	X	X	X
Reading	X	X	X	X	X	X	X	X	X	X
Reflexes	X	X	X			X	X	X		X
Running	X		X		X	X	X	X		X
Sitting		X		X	X		X			
Smelling	X		X		X		X	X	X	X
Speaking	X	X	X	X	X	X	X	X	X	X
Standing	X		X			X		X	X	X
Strength	X		X			X	X	X	X	X
Throwing	X						X	X	X	X
Vision	X	X	X	X	X	X	X	X	X	X
Writing			X	X	X		X		X	

1. Make Custodial Arrests

2. Drive Operate and Maintain Departmental Vehicles

3. Provide Care and Treatment to Citizens and Prisoners

4. Communicate Orally and in Writing

5. Conduct Investigations and Interviews

6. Use Force

7. Perform Patrol Functions

8. Perform Rescue Operations
and Render Citizen Assistance

9. Conduct Searches and Seizures

10. Perform Public Safety Operations

Source: U.S. Dept. of Justice, FBI Academy, Physical Fitness Testing in Law Enforcement: Implications of the American with Disabilities Act, Civil Rights Act of 1991, and the Age Discrimination in Employment Act, August 1993, pp 5 - 22.

APPENDIX B:

COOPER INSTITUTE FITNESS NORMS SINGLE STANDARD GENERAL POPULATION SAMPLE

CATEGORY	% TITLE	MAX VO2 (ml O2)	1.5 MILE RUN (min/sec)	12 MIN RUN (miles + 1/10th)	1 RM BENCH PRESS (ratio)	1 RM LEG PRESS (ratio)	SITUP (number)	PUSHUP (number)	SIT + REACH (inches)	FAT (% fat)
SUPERIOR	99	52.0	9:07	1.75	1.07	1.91	44.7	64.2	23.7	7.4
	95	46.6	10:52	1.60	1.06	1.90	44.6	47.0	22.6	12.2
EXCELLENT	90	44.4	11:38	1.56	.97	1.79	41.7	46.5	21.4	14.6
	85	42.4	12:20	1.49	.91	1.72	38.7	36.8	20.7	16.2
	80	41.0	12:51	1.45	.88	1.67	37.0	33.3	20.1	17.3
GOOD	75	39.9	13:13	1.42	.84	1.63	35.4	31.3	19.6	18.4
	70	38.8	13:35	1.39	.81	1.59	34.4	29.1	19.1	19.3
	65	37.9	13:54	1.36	.79	1.55	33.0	27.5	18.6	20.1
	60	37.0	14:15	1.34	.76	1.52	31.7	26.1	18.2	21.0
AVERAGE	55	36.4	14:28	1.32	.74	1.49	30.5	24.5	17.7	21.7
	50	35.7	14:46	1.30	.72	1.46	29.3	23.0	17.3	22.5
	45	34.4	14:59	1.28	.70	1.43	28.4	21.6	16.8	23.3
	40	34.1	15:20	1.26	.68	1.40	27.1	20.4	16.4	24.1
FAIR	35	33.3	15:37	1.25	.66	1.37	25.7	18.8	15.9	24.9
	30	32.6	15:50	1.22	.65	1.34	24.5	17.9	15.3	25.9
	25	31.7	16:11	1.19	.62	1.31	23.5	15.9	14.8	26.9
	20	30.7	16:31	1.16	.60	1.27	22.1	15.4	14.1	28.1
POOR	15	29.9	16:39	1.11	.58	1.22	20.1	12.8	13.2	29.5
	10	28.5	17:18	1.09	.55	1.17	18.3	12.1	12.2	31.2
	5	23.5	17:32	1.05	.50	1.09	15.0	9.4	10.5	33.9
	1	23.0	19:09	.96	.49	1.08	14.0	5.3	10.4	34.0

APPENDIX C:

COOPER INSTITUTE FITNESS NORMS LAW ENFORCEMENT SAMPLE

CATEGORY	% TITLE	MAX VO2 RUN (ml O2)	1.5 MILE RUN (min/sec)	12 MIN PRESS (miles + 1/10th)	1 RM BENCH PRESS (ratio)	1 RM LEG (ratio)	SITUP (number)	PUSHUP (number)	SIT + REACH (inches)	FAT (% fat)
SUPERIOR	99	58.1	9:30	1.93	1.75	3.08	57.7	70.2	26.8	6.2
	95	51.3	11:00	1.74	1.56	2.75	49.8	58.5	24.1	10.5
EXCELLENT	90	47.7	11:45	1.64	1.45	2.58	45.8	52.7	22.7	12.7
	85	45.5	12:15	1.58	1.39	2.48	43.1	51.5	21.8	14.2
	80	43.0	12:42	1.51	1.32	2.36	40.4	44.5	20.9	15.7
GOOD	75	41.9	13:00	1.48	1.28	2.31	39.1	42.6	20.4	16.4
	70	40.5	13:18	1.44	1.25	2.24	37.4	40.1	19.8	17.3
	65	39.1	13:36	1.40	1.21	2.17	35.8	37.8	19.3	18.2
	60	37.9	13:53	1.37	1.17	2.10	34.4	35.6	18.8	19.0
AVERAGE	55	36.5	14:09	1.33	1.13	2.06	32.9	33.5	18.3	19.7
	50	35.4	14:29	1.30	1.10	2.00	31.6	31.5	17.9	20.5
	45	34.3	14:39	1.27	1.06	1.94	30.2	29.4	17.4	21.2
	40	32.9	14:54	1.23	1.03	1.88	28.8	27.3	16.9	22.0
FAIR	35	31.5	15:12	1.19	.99	1.82	27.3	25.1	16.5	22.8
	30	30.1	15:28	1.15	.95	1.76	25.8	22.5	16.0	23.7
	25	28.6	15:47	1.11	.91	1.69	24.1	20.8	15.4	24.6
	20	27.6	16:00	1.08	.88	1.64	22.8	18.6	14.9	25.3
POOR	15	25.4	16:32	1.02	.81	1.52	20.1	14.4	14.0	26.8
	10	22.9	17:00	.95	.74	1.42	17.4	10.4	13.1	28.3
	5	19.6	17:46	.86	.64	1.25	13.4	4.4	11.5	30.5
	1	12.8	19:14	.67	.44	.92	5.5	0.0	9.0	34.8

APPENDIX D:

“Denver/Stanard” Model for Police Physical Testing

Required Equipment (Provided by Department)

Duty Belt w/ holster
Duty handgun (unloaded) or hard plastic training gun (9mm)
Handcuffs w/case
Magazine pouch

Materials

2 Stop watches
1 Patrol car
1 Administrative script
1 Chain link fence (8 feet wide by 6 feet high)
2 Office size folding tables
1 150 pound dummy
4 Mannequins
4 Sets distinctive clothing (hats, shirts, pants, etc. of different colors and types)

Testing Sequence

- Orientation (walk through of sequence of events)**
- Listen to test instructions**
- Receive a physical description of suspect**
- Open car door and get out**
- Run to the fence and climb over it**
- Crawl under tables**
- Run to window opening**
- Crawl through window opening**
- Identify the suspect (mannequin) by shouting out correct number**
- Go to 150 pound dummy and move from a chair to a point 5 feet away**
- Timing stopped when entire dummy crosses the line**
- The fastest time between two stop watches is recorded**

Events

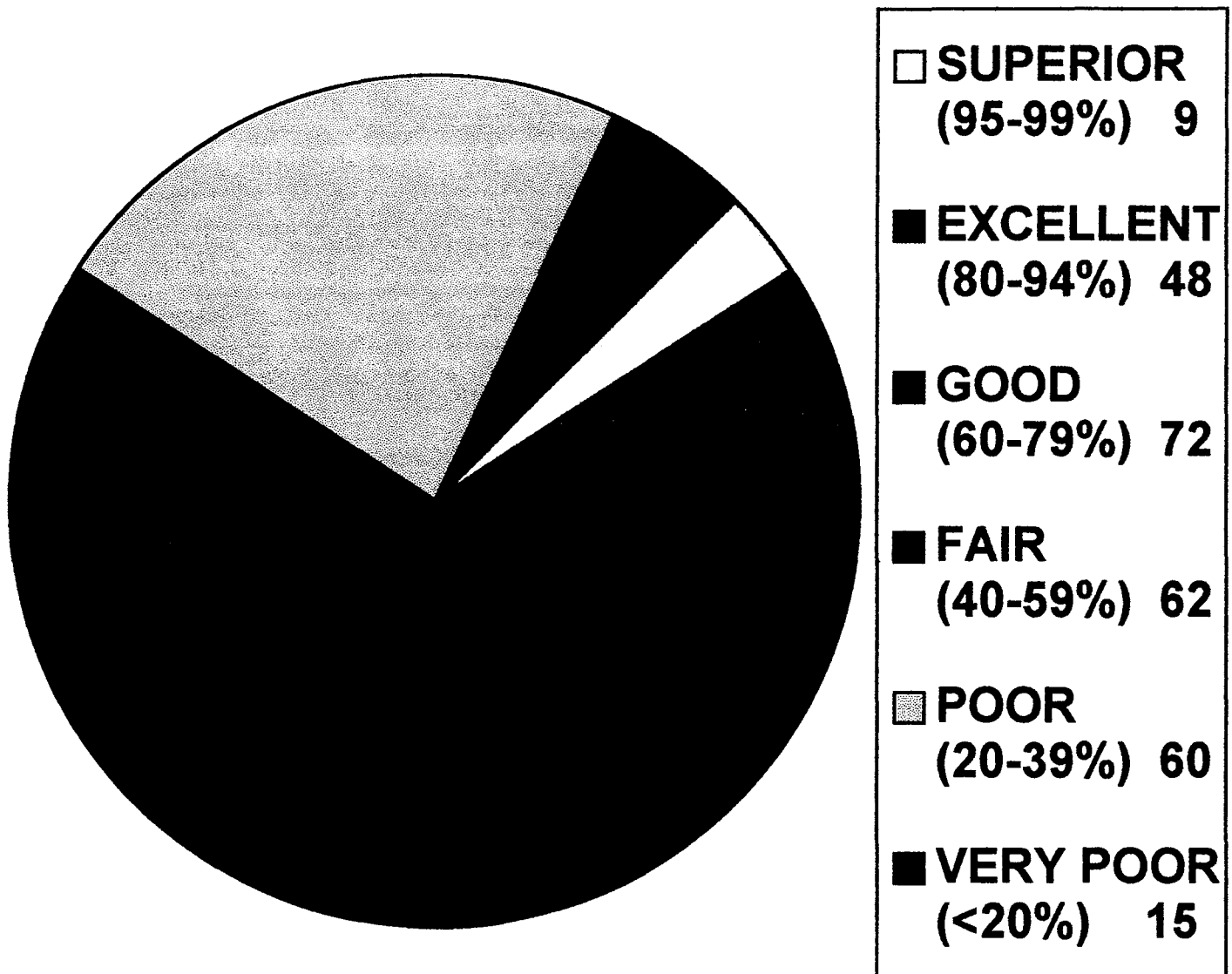
1. **Patrol Car** - Wearing a police utility belt and the listed equipment, the candidate (officer) will sit in the driver's seat in a squad car with the doors closed and windows rolled down and await further instructions.
2. **Physical Description** - A test monitor will give the candidate (officer) a verbal instruction to pursue a fleeing felon suspect by providing a description of what the suspect is wearing (for example, a baseball hat and red t-shirt). The test monitor will provide two pieces of descriptive information. Finally, the test monitor will inform the candidate to "BEGIN." At this time, the candidate (officer) will begin the subsequent events.
3. **Run** - The candidate (officer) will get out of the car and begin the run which is a total of 130 yards. The stop watch will be engaged when the car door opens. It does not matter if the candidate (officer) closes the door or not.
4. **Fence Climb** - At some point approximately midway through the 130 yard run, the candidate will encounter and limb over a 6 foot high chain link fence. The candidate (officer) must climb over the fence and will not be allowed to go around it.
5. **Crawl Under Tables** - On the other side of the fence there will be two standard size office folding tables placed next to each other under which the candidate (officer) must crawl.
6. **Climb Through Window** - After the candidate (officer) crawls under the tables, the run continues to a 30 inch x 30 inch opening which is 50 inches off the ground. The candidate (officer) must climb through this opening.
7. **Suspect Identification** - After climbing through the 30 inch x 30 inch opening, the candidate (officer) will encounter four number mannequins, each dressed differently. The candidate (officer) will identify the proper suspect by shouting out the correct number (one through four). The candidate (officer) will then run to another chair where a 150 pound (approximately) dummy will be seated.
8. **Suspect Move** - Upon encountering the seated 150 pound dummy, the candidate (officer) will move the dummy from the chair to a designated line 5 feet away from the chair. Timing of the events will end when the entire dummy passes over the line.

Criteria for Passing the Exam

- 1. Candidates (officers) must complete all events in 64 seconds or under (Note: Time events were based on field testing in Denver. Actual time limits for other departments must be determined through field testing.)**
- 2. Candidates (officers) must complete all events in the specified amount of time in the required sequence or they fail the exam.**
- 3. Candidates (officers) must correctly identify the suspect.**
- 4. Upon completion of the test, candidates (officers) will be told their times and will be informed whether they passed or failed.**

APPENDIX E:

1996 EL PASO COUNTY SHERIFF'S DEPARTMENT
PHYSICAL ASSESSMENT RESULTS



266 officers were assessed from January 1 to June 30, 1996. These results may include officers from other agencies who attended semi-annual training.