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Developing a Physical Fitness Program For Veteran Officers

A Proposed Policy Research Project
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by
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Abstract

I am going to recommend the implementation of a mandatory physical fitness program for the veteran officers of Farmers Branch Police Department, which currently has no physical fitness program. In the last five years, two officers have died from heart attacks. Officers on average die at about 59 years of age, far younger than the national average of about 72 years of age. No one can dispute that a fit trim officer sends a better message to the community and criminals about the type of police service in a community. A fit officer is more able to respond correctly in use of force situations, and less apt to become injured or overwhelmed while struggling with subjects being arrested. Research shows that implementing physical fitness programs has resulted in decreased sick time usage, less on the job injury, and better cardiovascular health. Six to eight weeks after starting a training program, the training effect begins and health benefits such as lower cholesterol, weight loss, improved muscle tone, and increased work capacity occur .

Departments need to insure that any physical fitness program they adopt, has its standards validated for job relatedness or risk being sued under Section 106 of the Civil Rights Act` of 1991 and other provisions covered by the Americans with Disability Act. No test can be "normed" for any gender or race, so now all personnel doing the same job must be held to the same standard. Departments have been successfully sued for incorrectly implementing a physical fitness program and also for not implementing one, after an unfit officer shot a subject while struggling to arrest him.

Liability is a good reason for implementing a physical fitness program, but not the best reason. The absolute best reason is the health and well being of the officers.

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INTRODUCTION

The purpose of this policy research paper is to research physical fitness programs for veteran officers, and to examine current programs being used by other agencies to see if similar programs should be implemented by the Farmers Branch Police Department. The Farmers Branch Police Department has no physical fitness program in place at this time.

In the last five years the Farmers Branch Police Department has had two veteran officers die of heart attacks. Forty plus years of law enforcement experience was taken from the department when these two officers died, and a Corporal is currently on extended sick time recovering from heart by-pass surgery. A few years before this a command level officer retired after he went through heart by-pass surgery. All these officers had one thing in common, they were not physically fit. Three of these officers were overweight and would have appeared out of shape to even a casual observer.

The intended audience for this policy research paper is the Command Staff of the Farmers Branch Police Department. This project consists of information received from examining professional journals, as well as books, magazines, lectures, and physical fitness programs of other police departments.

A physical fitness program for veteran officers is not a new concept. Appleton, Wisconsin implemented a program in 1984. In Texas, other police departments such as Highland Park, College Station, and Fair Oaks Ranch already have programs in place.

The intended outcome of this policy research paper is that the Farmers Branch Police Department carefully examine the benefits associated with a physical fitness

program, and adopt a program as soon as possible. "The critical issue is that the organization establish a program and standards to ensure a physically fit work force."(Collingwood 20).

What is the best way to get veteran officers to buy into and participate in a physical fitness program? Highland Park DPS and Appleton Wisconsin both offer incentive pay to officers who pass the physical fitness test (Witezak 51.) In addition Highland Park and Fair Oaks Ranch both make passing the physical fitness test a requirement for eligibility for promotion (Highland Park, Fair Oaks Ranch).

A physical fitness program for veteran officers should result in officers that not only look better, but feel better and use less sick time. Highland Park noted in studying their program that sick time usage decreased dramatically as physical fitness levels rose. From 1992 to 1993, the number of sick hours used decreased by 26.1%. From 1993 to 1994, the decrease was even more significant at 33.3%.(Highland Park) Hazelwood, Missouri also had a reduction in absenteeism, injuries and sick time after instituting their physical fitness program (Getz,48).

HISTORICAL, LEGAL OR THEORETICAL CONTEXT

The Farmers Branch Police Department tests applicants for physical fitness during the hiring process, however once an officer is hired he is never again tested for physical fitness for duty unless he or she becomes a member of the SWAT unit. Many other departments have similar policies. Some have had similar disastrous results. Many veteran officers have not participated in physical fitness programs since they left the academy. With this in mind it is important for the department adopting a physical fitness training

program to insure the older officers participating have some sort of medical examination before the officers participate. Dr. Kenneth Cooper MD says, "No matter what your particular exercise aim may be, the most important thing is to achieve it safely. After all, you want to gain your health, not lose it. That's why a thorough physical examination should be the first step on your road to fitness" (Cooper 1970, 21)

Hazelwood, Missouri instituted their physical fitness program after a 39 year old officer died of a heart attack off duty. While conducting the medical screening that goes with their new program two other officers were found to have serious heart problems (Getz 44-45). Addison Police Department instituted a program and also discovered two officers with serious heart problems (Layman 1998).

Dr. Kenneth Cooper and Dr. Thomas R. Collingwood have emerged as gurus of modern day physical fitness programs. Dr. Cooper has written many books on physical fitness including as, *Aerobics*, *The New Aerobics* and *The Aerobics Program For Total Well-Being*. Dr. Cooper also designed the United States Air Force physical fitness program, which is still in use today. Both doctors have worked out of *The Institute for Aerobics Research* in Dallas, Texas. The Institute is widely noted for its expertise at validating physical fitness programs as job related. Dr. Collingwood is now part of Fit Force, a company which specializes in law enforcement physical fitness.

Legal issues are confusing at best on departmental physical fitness programs. Departments have been successfully sued because they implemented a physical fitness policy, and successfully sued because they did not. In O'Fallon, Missouri five officers successfully sued the police department after they were terminated for failing to meet

mandatory physical fitness standards. O'Fallon, Missouri had used the 50th percentile of the "Cooper Norms" as the passing standard for their physical fitness test. The 50th percentile was selected because it seemed reasonable. The main reason the officers were successful in their suit was that the "Cooper Norms" are broken down by age and gender which was a violation of Section 106 of the Civil Rights Act of 1991. The officers were awarded 1.5 million. "If you are going to have different standards for people doing the same job, keep the check book close" (Thomas 1998).

In *Parker v The District of Columbia*, a veteran officer named Hayes shot the plaintiff, Parker, twice during an arrest after Hayes was unable to physically subdue Parker. Hayes had joined the Washington DC police force in 1971, and had not received any physical fitness training in 4 years. This was the first time Hayes had ever discharged his weapon in the line of duty. The jury held that the officer was simply not in adequate physical shape to do his job. This condition posed a foreseeable risk of harm to others. The department was held liable because the officers conduct was the result of "deliberate indifference" on the part of the District with respect to the physical training of its police officers. The court awarded Parker nearly a half a million dollars.

An administrator might ask if there is liability on both sides of this issue why should we keep our current policy or take the risk of implementing a physical fitness program? Throwing out physical fitness programs and policies may be the easy way out, but departments can still be held liable for deliberate indifference to their officers health, fitness, and training (Pilant 86, Getz 45).

Many of the legal problems stem from whether a physical fitness test or program is job related. This standard has bearing on both applicants and incumbent officers. For a physical fitness test to withstand legal scrutiny the test must be validated as job related. The Equal Employment Opportunity Commission has defined three acceptable validation strategies for determining job relatedness. 1. *Content Validity*. The content of the test is the same as that specified by the job. For example, if an officer typically had to climb a 6 foot fence during foot pursuits, then the test would measure the officers 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 lift, carry, or subdue subjects (Collingwood 88).

REVIEW OF LITERATURE OR PRACTICE

Dr. Thomas Collingwood states that 20-25 basic police officer functions can be categorized into the following twelve physical tasks: walking, running-short to moderate distances in foot pursuits, climbing stairs and ladders, jumping and dodging obstacles, lifting and carrying objects and people, dragging and pulling people and objects, pushing/pulling heavy objects, bending and reaching, using force of short and moderate duration with subjects, using restraining devices, using restraining/control holds, using hands and feet for self defense.

Fitness-Standard testing, which has been found to be predictive of an officers ability to perform these tasks, includes the following:

Aerobic Power/Endurance: (1.5 mile or 12 minute run): Pursuit tasks, use of force lasting one to two minutes.

Anaerobic Power (300 meter run): Sprints, use of force, any short intense burst of effort lasting less than 30 seconds to 1 minute.

Absolute Strength (1 RM bench and leg press): Lifting, carrying, dragging, pushing heavy objects.

Dynamic Strength (1 minute of sit ups and push ups): Use of force, lifting, carrying, dragging, and pushing.

Flexibility (sit and reach): Lifting, carrying, bending, pursuit with obstacles (Collingwood 88.)

There are two types of physical fitness programs, voluntary programs and mandatory programs. The two programs differ in the manner they use to get the officers in shape. In a mandatory program there are sanctions for non-compliance with a standard. In a voluntary program there are incentives to see that goals are reached (Hoffman 1998).

In Texas, College Station PD, Highland Park D.P.S., and Fair Oaks Ranch PD are using a mandatory departmental physical fitness program. The sanctions used to gain compliance differ from department to department. Highland Park and Fair Oaks Ranch tie merit raises and eligibility for promotion to the passing of the physical fitness examination. Continually falling below standards could result in termination, although this has not yet happened.

Hurst PD has a voluntary program. The advantage of this type program is that it puts the responsibility on the individual officer where in an ideal world it should be. Hurst has incentives for officers who can pass the physical agility. Any officer who meets the goals established for them by the fitness coordinator is eligible for eight hours of compensatory time. Since the officers are tested twice a year they are eligible for sixteen total hours of compensatory time in a calendar year if they meet their goals both times.

Because the shifts are longer than eight hours a day at departments such as Fair Oaks Ranch and Highland Park, they give the officers time to work-out during their shift. The officers from Fair Oaks Ranch receive work-out time three times a week.

Fit Force recommends that officers be given time to work-out on duty, so that their progress can be more closely monitored. On duty work-out time helps get officers to buy into the program and participate (Hoffman 1998). And Fit Force further recommends that departments institute a mandatory physical fitness standard to be phased in over a period of several years to allow out of shape officers to get back into shape (Thomas 1998).

What exactly is aerobics? Aerobics means utilizing oxygen, and aerobic exercise means exercising with oxygen (Cooper 1982, 13). Research shows that thirty minutes of aerobic exercise, three to five times per week is enough to strengthen the heart muscle. After only six to eight weeks of training, you can expect to see a slower heart rate, lower blood pressure, lower cholesterol, weight loss, an increase in work capacity and lean weight (Sheehan 27).

Aerobic training must be balanced with strength training. If an altercation does occur, an officer who strength trains is better able to effectively engage or possibly deter a confrontation. Increased endurance developed through strength training can be the deciding factor in surviving a physical confrontation (Sweeney 32-33).

DISCUSSION OF RELEVANT ISSUES

If history is truly a predictor of the future, and no departmental changes occur, then Farmers Branch Police Department can expect to lose at least two additional officers in the next five years to cardiovascular disease. Farmers Branch Police Department needs to implement a physical fitness program to try and avert further tragedies. Reports suggest the cardiac death rate was higher for officers than any other profession (Lambides 11). The average American male lives to be 72 years old, while the average law enforcement officer lives to be 59.5 years of age (Strandberg 36). By looking at Farmers Branch Police Department personnel you will observe many of the officers are overweight, out of shape, and do not present a professional image. A cop on the beat is the symbol of the entire police force, and a trim, fit cop can send the right message to the community, and to the criminals. Also a fit cop is much better able to handle all the demands and pressures on the job. It takes physical fitness and real skills to subdue a criminal, or chase down a fleeing felon (Strandberg 35). Endurance, Strength and Physical Conditioning are often critical factors in determining the outcome of an encounter between an officer and a lawbreaker (Jones 6).

Cost benefit analysis is difficult to calculate when you are dealing with human lives. If nothing is done and two more officers die in the next five years what will be the cost to the department? We are losing not just the person, but the experience and training the officer brought to work with him everyday. Other expenses will be the cost of finding and training someone to take the officers place. Background investigations are not cheap, and neither is paying a rookies salary and school costs while he or she attends the police

academy. If past experiences by private industry and other agencies is duplicated one benefit of a physical fitness program should be lowered absenteeism and sick time usage (Fit Force, Cooper). Physical fitness doesn't just impact the waistline, it impacts the bottom line. Unfit officers cost about two to three times more than fit officers (Strandberg 37). The money saved by paying 25 to 33 percent less overtime to keep minimum staffing levels might be used to offset the cost of the implementation of a physical fitness program.

Perhaps the biggest benefit and cost saving will come when medical screening before the implementation, uncovers officers who are seriously ill with cardiovascular disease or some other life threatening condition they were not aware they had. Addison, College Station, and Hazelwood, Missouri all had this experience (Layman 1998, Bishop 1998, Getz 45). A way to cut costs on the medical screening might be to have officers go to their private doctors for an annual physical which would be covered by their medical insurance. The officers would be given a day off when they go in for their physical.

In order to avoid being sued for adverse impact violations under the Americans with Disability Act and Section 106 of the Civil Rights Act of 1991, physical fitness testing has to be validated. Legally a department is vulnerable to lawsuit unless it spends the money to develop a validated physical fitness program, with job related standards. The tests cannot be "normed" there can only be one standard for both sexes (Pilant 86, Thomas 1998). In U.S. v. Wichita Falls 1988, the city successfully defended a lawsuit filed by an applicant who claimed an obstacle course was not a job related test. Based upon their physical agility test being validated as job related the city won the lawsuit.

Parker won \$425,000 dollars after being shot twice by an out of shape officer trying to subdue him. The officer had not been involved in physical fitness training in four years. Farmers Branch Police Department has no policy about physical fitness for incumbent officers, and many of the officers have not been to any type of physical fitness training since they graduated the academy.

The 11th Circuit Court of Appeals in the Avarez v. Dade case found that department are not required to provide on duty work out time even though compliance with a physical fitness standard is required (Thomas 1998).

The opportunity is here, now is the time to make changes to the departments physical fitness program. With the new justice center being built, equipment can be ordered, and training could begin. Both the Aerobics Institute and Fit Force can train officers of the department to be instructors/coordinators of the physical fitness program, and validate the program. The training and certification of the fitness coordinator must be done in a professional dedicated manner (Collingwood 1988, 37).

Implementation of any physical fitness program may require the moving of shift starting and finishing time if we allow on duty workouts, and no money or compensatory time is allocated for the program. Equipment could be purchased with funds in the seized assets account or officers could seek donations of used equipment

CONCLUSION/RECOMMENDATIONS

The purpose of this policy research paper was to research physical fitness programs for veteran officers. By examining current programs being used by other agencies to see if a similar program should be implemented by Farmers Branch Police Department.

This policy research paper is relevant to Farmers Branch Police Department because of the costs in lost human lives we have experienced in the past, and because of liability. In order to avoid being sued for adverse impact violations under the ADA and Section 106 of the Civil Rights Act of 1991, physical fitness testing has to be validated. Our applicants for police officer positions are being tested to a physical fitness standard when the people actually doing the job are not. Farmers Branch Police Department has no physical fitness program for incumbents officers at this time.

Liability is a good reason to implement a physical fitness program for veteran officers, but not the best reason. A department the size of Farmers Branch Police Department suffers a terrible loss when a veteran officer dies or medically retires. Years of training and invaluable experience are lost when an officer dies or leaves. The absolute best reason for implementing a physical fitness program is the health, and well being of the officers.

Exercise promotes cardiovascular health. A fit officer uses less sick time, is injured less often, and is better able to react in use of force situations. Additionally a fit officer generally looks better, which presents a better professional image.

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