

The Bill Blackwood
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

A WELLNESS PROGRAM INCLUDING MANDATORY PHYSICAL FITNESS TESTING
FOR SAN ANTONIO POLICE OFFICERS
AND
A PRE-EMPLOYMENT CONTRACT REQUIRING NEW RECRUITS TO MEET MINIMUM
FITNESS STANDARDS AS A CONDITION OF THEIR EMPLOYMENT

A RESEARCH PAPER SUBMITTED IN FULFILLMENT
OF THE REQUIREMENTS FOR
THE LAW ENFORCEMENT MANAGEMENT INSTITUTE

by
THOMAS TANNEHILL

SAN ANTONIO POLICE DEPARTMENT
SAN ANTONIO, TEXAS
JANUARY 1999

#604

TABLE OF CONTENTS

Section	Page
Abstract	
Introduction	1
Historical, Legal or Theoretical Context	2
Review of Literature or Practice	3
Discussion of Relevant Issues	4
Conclusion/Recommendations	7
Bibliography	10

Abstract

The San Antonio Police Department views physical fitness as an important and integral part of an officer's basic survival tools as evidenced by the department's stringent fitness requirements for its recruits while attending the San Antonio Police Academy. Unfortunately, when an officer graduates from the academy and begins his field duties, fitness requirements cease.

Throughout an officer's career the department offers and, in many cases, requires extensive training in survival skills like firearm proficiency, intermediate weapons use, and pursuit driving, yet it is not mandatory that the officer demonstrates continuing physical fitness – the most important day-to-day tool in his/her arsenal. Endurance, strength, and physical conditioning are many time, critical factors in determining the outcome of encounters between our officers and criminals and, are crucial in the officer's decision to resort to higher levels of force to control a violent lawbreaker.

The purpose of this paper is to offer police management a strong rationale by which to develop a written directive establishing mandatory physical fitness standards for all sworn personnel employed by the San Antonio Police Department. Included is a review of history as it relates to the need for a police officer fitness program and minimum standards, the liability our department may face without such a program, and the legal, safety and health implications.

The conclusion of this research indicates that a well structured wellness program coupled with dietary and personalized prescriptions, and mandatory fitness standards will result in improved officer fitness and cost savings to the City of San Antonio. It has as its objectives to increase job performance and morale, while at the same time reducing health care costs, absenteeism, turnovers, and the risk of injury and disease.

INTRODUCTION

The San Antonio Police Department views physical fitness as an important and integral part of an officer's basic survival tools as evidenced by the department's stringent fitness requirements for its recruits while attending the San Antonio Police Academy. Unfortunately, when an officer graduates from the academy and begins his field duties, fitness requirements cease.

Although the police department offers and, in many cases, requires extensive training in survival skills like firearm proficiency, intermediate weapons use, and pursuit driving, it is not mandatory that officers demonstrate continuing physical fitness – the most important day-to-day tool in their arsenal. Endurance, strength, and physical conditioning are many time, critical factors in determining the outcome of encounters between our officers and criminals and, are crucial in the officer's decision to resort to higher levels of force to control a violent lawbreaker.

The purpose of this paper is to offer police management a strong rationale by which to develop a written directive establishing mandatory physical fitness standards for all sworn personnel employed by the San Antonio Police Department.

The results of this research will be: 1) to establish the need for an effective and on-going officer wellness program with mandatory fitness standards; 2) to evaluate the positive and negative impact of such a program on our Department and its personnel; and, 3) to recommend approaches to its successful development and implementation.

Research sources include other department policies and procedures, professional journals, surveys, legal opinions, and interviews with other department personnel.

Historical, Legal & Theoretical Context

There are grave physical risks inherent in urban police work. Violent encounters are always a possibility. From 1973 - 1997, 178 Texas peace officers were killed in the line of duty. And from 1988 - 1997, there were 48,992 cases of assault (Texas Department of Public Safety, Crime Information Bureau).

But violence is not the only threat to the safety and well being of our officers. Long hours, an occupational tendency toward poor diet and nutritional habits, inadequate exercise, insufficient sleep - often interrupted by court appearances and callbacks - can take their toll on the health of our employees. Obesity, smoking, and excessive alcohol consumption also contribute to a picture of a workforce whose collective health and fitness is in need of significant improvement. Currently, over 50,000 of our nations businesses promote exercise to keep their employees physically fit (Driver et al, p21). Why are they doing this? Employees are healthier, happier, and more productive according to Russell Driver. And, it simply makes good business sense. "Medical research holds that regular exercise, particularly of the type emphasizing cardiovascular endurance, promotes fitness for most individuals (Driver et al, p26). Employers are seeing work groups who are more productive, more cohesive, and better satisfied with their job. And that's good - both from the standpoint of the employer and the employee - and to those recipients of their product or service.

Enhancing the physical condition of police officers results in better crime fighting and service to the public; a sharper, more professional image; increased esprit d'corp and officer self-confidence; and a very substantial reduction in personnel costs. Moreover, police administrators have a clear duty to citizens of San Antonio to ensure that every officer is physically and emotionally fit to perform competently.

Fitness is an important and integral component of a police officers job.

"Being physically fit diminishes stress, promotes self-esteem, improves firearms accuracy, increases an officer's confidence in confrontations, makes him/her more effective with impact weapons and defensive tactics, and generally improves his/her quality of life" (Ness et al, p74-78)."

According to researcher Katherine Ellison, "Law enforcement officer, in particular, must be fit and healthy to perform their jobs. The demands placed on them, both physical and mental, necessitate their strong commitment to an above average level of health and fitness" (Ellison, p133).

Police work, according to W.C. Brown is ranked second only to Air Traffic Controllers as the

most stressful of occupations, with some researchers ranking it number one (Brown, p60). And stress, coupled with an otherwise unhealthy lifestyle, is playing havoc on our police officer's overall health. "Stress associated with police work compounds the problem as studies have indicated a direct relationship between stress and physical maladies" (Norvell et al, p75-79). Lack of physical conditioning is directly related to lower back injuries, cardiovascular problems (Harpole, p5), and obesity (Violanti, p58). A vicious circle must be broken. The routine duties of a police officer are not conducive to good health. A sedentary lifestyle, shift work, and poor eating habits contribute to their poor physical condition. "Odds are ten to one that a police officer will die of a heart attack rather than job related violence" (Andeson, p32).

From an employer's standpoint a poorly fit employee can be costly. Police officers in poor physical condition will use more sick leave and suffer more on-the-job injuries than their physically fit counterparts. Higher insurance rates and paid death benefits are also a cost factor for the department. Heart Disease is the number one killer of police officers. "The U.S. Department of Health conducted a study of 149 occupations and ranked law enforcement highest in heart disease" (Brown, p66). Of note is an article by Peter Gambaccini who wrote that in 1983, Tenneco conducted a study of its fitness program and found that the average medical costs for employees who did exercise was approximately one-half of those who did not exercise (Gambaccini, p68). Recently, the San Antonio Police Department's Central Service Area experimented with a self-motivated on-the-job workout program and realized a 20% reduction in absenteeism over a six months period. In addition, management personnel noted a marked overall improvement in morale. 80% of the personnel were involved (SAPD – CPB Shift; Mar-Nov 1997).

Review of Literature and Practices

The police officer Wellness Program represents the concept of fitness, image and training. It has been designed to respond to a variety of special needs and problems. These include:

1. Increasing lost time and health care costs directly related to on and off-duty illnesses and injury. In fiscal year 1997, police officers accounted for \$1,194,003 (projected) in workers compensation losses and 924 days in industrial leave - a loss of 3.55 man-years (City of San Antonio, Office of Risk Management);
2. An organizational concern that many of its members are not sufficiently fit to handle the full range of field duties and constitute a safety hazard to themselves as well as other officers who must depend on them in life threatening situations;

3. Legal considerations in that court decisions continue to point to the possible liability that law enforcement agencies face if they have unfit officers (Parker v. District of Columbia, 850 F. 2d 791);
4. An awareness that job performances directly and significantly affected by fitness levels. Readiness in an emergency, trainability, survivability, fatigue tolerance, accident prevention, stress management, increased repertoire and endurance is all directly related to individual fitness.

An increasing number of fitness programs in the private and public sector - including law enforcement - have thus far produced extremely favorable results. Fewer medical retirements, reduced absenteeism, health care costs and turnovers, and increased productivity and morale are some of the most important benefits realized. In a study conducted on all officers of the California Highway Patrol a significant reduction (3.5% to 0.06%) in sick leave days was recorded after implementation of a mandatory fitness program (Superko, p99-109). In a study conducted by Lawrence Sweeney, he noted that physically conditioned officers performed their duties on a higher level than less conditioned officers (Sweeney, p32-37). And, Donald Quire and William Blount, who studied the coronary risks of St. Petersburg (male) police officers concluded that one of the important defenses against heart disease was "a fitness program which contained exercise and diet recommendations (Quire et al, p93). Fitness strongly correlates to the health and welfare of a police officer. "The role physical fitness programs play in reducing instance of heart disease, hypokinetic diseases and orthopedic disorders is well known ... these conditions are less likely to occur in physically fit individuals" (Tracy, p12).

Numerous law enforcement agencies throughout the United States are now requiring mandatory fitness testing. Police departments in Denver, San Diego, St. Louis, Great Bend, Kansas and Tulsa, as well as, the Illinois Secretary of State Investigators Office, Ohio State Highway Patrol, California Highway Patrol, and Arizona Department of Public Safety all required fitness testing for their sworn personnel (Telephone Interviews, March 1988). In addition, Denver, San Diego, and Tulsa Police Departments included a pre-employment contract for all newly hired police officers requiring adherence to minimum fitness requirements. Each of the departments included progressive disciplinary steps in the event the officer failed to meet minimum standards. Each department removed the officer from their duty assignment until those standards were accomplished.

Discussion of Relevant Issues

Based on increasing evidence, a mandatory wellness program with minimum fitness including minimum fitness standards makes good sense from both the employer and employees point of view. For the police officers it's a health and safety issue, and for the employer, an economic and legal

concern;

Safety and health: Fitness improves an officers overall lifestyle. It decreases stress (Baumener, p23), reduces the risk for heart disease (Quire et al, p93; Brown, p66), facilitates weight control (Violanti, p58), strengthens the muscular-skeletal system thereby reducing back injury (Pollock), and promotes job-satisfaction (Driver et al, p26).

Economics: James Ness concludes “ from the agency’s view point, physically fit officers use less sick time, increase public respect for the agency, and demonstrate improved attitude toward others. In addition, the agency benefits in that fitness tends to prevent premature retirement and reduces on the job injuries” (Ness et al, p74-78).

Legal: There are very real concerns when an officer is forced to resort to use of force when attempting to subdue a violent lawbreaker. An unfit officer who cannot handle the physical demands when required to subdue a violent offender may very well increase the Departments tort exposure. This was born out in Park vs. District of Columbia when an officer used deadly force when, in the Supreme Courts view, physical force should have been sufficient.

“A District of Columbia police officer was attempting to arrest the plaintiff, who physically resisted arrest and during the struggle the officer was unable to subdue the subject and subsequently shot and permanently disabled him. The plaintiff alleged in his suit that had the District of Columbia Police Department required a higher level of physical fitness of the officer, he would have been able to affect the arrest without using deadly force” (Parker v. District of Columbia, 850 F. 2d 791). The Supreme Court agreed and assessed a \$450,000 judgement.”

The Supreme Court has looked closely at the “necessary force” question and, in their 1985 ruling in Tennessee vs. Garner restricted the use of deadly force in apprehending a fleeing non-dangerous felon. In instances where officers have used firearms inappropriately, a common thread seems to emerge. Specifically, officers believe that they are not physically able to do anything other than shoot, which creates panic and poor judgement. In James Ness’ opinion, fitness could give these officers the confidence, ability and endurance to try other alternatives, such as defense tactics and/or impact weapons (Ness). According to Mary Powers, head of Citizens Alert, a Chicago police watchdog group, complaints of excessive force correlated to officer fitness. “If police were in shape, they wouldn’t have to bully people around” (Hoffman, p26). The public simply believes that an officer should be fit enough to handle a non-lethal but violent situation without resorting to unnecessary force.

Research is conclusive and it is this author’s belief that the City of San Antonio and the San

Antonio Police Department Chief of Police is responsible to ensure that the City's police personnel maintain the minimum fitness level necessary to perform his/her duty.

Certainly, there are important issues that must be reviewed when developing a comprehensive fitness program for a police department our size. And, these issues must be resolved before we proceed. However, it is imperative, in order for this or any program to succeed, that top police management shows open and active support.

Establishing a comprehensive fitness program can be costly, but the cost of a wellness program, as Thomas Bickers says, should be balanced against the costs to the agency in lost hours due to sick leave, disability, and limited duty status, as well as a host of other less direct costs (Bickers, p2). B. Healy argues that management has a fitness responsibility to its officers and suggests that physical fitness is a "tool" – an extension of the most important unit of the police department, the individual. It is unfair to place the burden of quality effectiveness on each individual (officer) without presenting a plan (wellness program) that will achieve these goals" (Healy, p67-70).

Legally, fitness testing is on pretty solid ground. "To be legally enforceable, all mandatory fitness standards must be reasonable. ...Health and fitness standards are constitutionally valid if fairly implemented and rationally related to legitimate law enforcement interests..." (Schofield, p26-30).

On the other hand, R.T. Thomas asserts that the legal risk is great where agencies determine who the unfit officers are through mandatory health or fitness assessment testing and do not have a remedial (wellness) program that either improves the officer's fitness level or removes him from street duty (Thomas et al, p7).

It should be noted that this includes mandatory fitness testing based on age and sex and "may entail less of a risk for lawsuits than job task performance test since participants results are compared to others of their own [weight], age and sex" (Thomas et al, p8).

Of issue also in the establishment and implementation of a program is who has control? It is strongly recommended that the San Antonio Police Department's physical fitness program not be part of the collective bargaining agreement. In an article written for the International Association of Chiefs of Police entitled, "Safeguarding Management Rights", R.M.Ayres and P.R.Cole maintains that a police administrator's primary obligation is the protection of life and property. To meet this obligation, the administrator needs certain rights. And, those rights that could be adversely affected by making the fitness program part of the collective bargaining agreement include:

1. Planning, directing and controlling department operations;
2. Disciplining and firing officers;

3. Determining performance standards; and,
4. Training and determining criteria (Ayres & Cole, p6).

Even if an adequate fitness program is agreed upon by all parties to the bargaining agreement, is this further erosion of management's rights? Could any change or improvement in the program be implemented by management in the future without labor disputes and/or court action?

Conclusion/Recommendations

The purpose of this paper is to offer management a strong rationale by which to develop a written directive establishing minimum physical fitness standards for sworn personnel employed by the San Antonio Police Department.

Fitness is a police officer's basic survival tool that enhances the other skills needed to survive on the job. Fire arms proficiency, intermediary weapons use, self defense, as well as pursuit driving all improve as a result of an officers fitness. Many times, endurance, strength, and physical conditioning may determine an officer's decision to resort to higher levels of force to control a violent lawbreaker.

The San Antonio Police Department's Police Academy is, without a doubt, the best police training facility in the Southwest. The Academy's staff produces recruits who, upon graduation, "hit the streets" with all the survival tools necessary to begin their jobs. They have passed rigorous testing both scholastic and physical and are well prepared. But although academic training continues throughout the officer's career as does firearms proficiency and other forms of street survival techniques, fitness standards cease to exist, and no one is held accountable.

Certainly, our police officers bear much of the responsibility to be "prepared" to do the job. But research indicates that the San Antonio Police Department is just as responsible, not just to our police officers, but also to the community to actively support fitness within the ranks of our Department, and to require minimum fitness standards of all our sworn police personnel.

It is the goal of the Officer Wellness Program to promote a healthy lifestyle that will result in improved officer fitness and cost savings to the City of San Antonio. It has as its objectives to increase job performance and morale, while at the same time reducing health care costs, absenteeism, turnovers, and the risk of injury and disease.

Program Proposal

The inception of the Departments forty-hour in-service program provides the mechanism to insure comprehensive training for all police personnel. Inclusion of the Officer Wellness Program in the in-service is only the first step in achieving our previously stated goal of officer fitness.

All Department sworn personnel should be required to meet certain establish minimum fitness standards based on age and sex. This component is seen as crucial to the overall success of the Officer Wellness Program and the only means by which the Department can be assured that all members meet minimum standards. It is proposed, therefore, that this component be implemented in four phases over a five year period.

Phase I - All sworn officers will be required to attend and fully participate in the annual Officer Wellness Program including Nutrition, Individual evaluation, and fitness testing;

Phase II - All officers hired after a specified date will be required to enter into a pre-employment contract wherein they agree to meet minimum fitness standards as a condition of their employment. Failure to do so could result in disciplinary action. Testing for officer under this provision would be administered bi-annually (Denver, San Diego, and Tulsa Police Departments administered a pre-employment contract with newly hired police officers);

Phase III - All sworn personnel hired prior to the specified date will be provided with a fitness profile analysis by a medical provider, which would include recommendations for fitness improvement. Sworn personnel will then have approximately one year to follow the profile analysis prescription before the mandatory fitness standards become effective. (Denver, San Diego, and Tulsa Police Department, Illinois Secretary of State Investigators Office, Ohio State Highway Patrol, and Arizona Department of Public Safety require mandatory fitness testing for all sworn personnel).

Phase IV - All sworn personnel (with exceptions for medical reasons) will be required to participate in fitness testing on a bi-annual basis. A minimum average annual score must be attained. Those failing to do so will have two opportunities for re-testing at 60 and 90 days after which, they may face sanctions to include termination for officers hired after the above specified date. These sanctions are viewed as the least desirable measure that management will employ to achieve compliance. Emphasis will be on training, with officer wellness staff and a network of volunteers available to assist individual officers in establishing their own conditioning program. Staff will provide on-going counseling as needed.

The fitness testing will cover four categories: Cardiovascular ability; Strength; Flexibility; and Body fat composition (Collingwood, p23). Standards in each of the four categories will be established by age and sex.

Pre-Implementation Recommendations

The department should establish a program development task force made up of members of the Wellness Staff, a Chief's representative, City personnel, legal staff, and rank and file officers, whose

responsibility it would be:

1. To develop a pre-employment contract for newly hired police officers wherein they agree to meet minimum fitness standards as a condition of their employment;

2. To develop fitness test standards based on age and sex and, a rationale for a cutoff standard;

3. To develop an phase-in approach to mandatory standards:

- (1) Mandatory assessment and education;
- (2) Mandatory prescription (dietary; fitness);
- (3) Voluntary participation (fitness testing);
- (4) Data Collection;
- (5) Mandatory fitness testing;
- (6) Remedial training;
- (7) Sanctioning.

Bibliography

- Andeson, Mike "Atlantic Beach Officers Exercise Regularly". Law and Order (February 1986).
- Ayres, R.M., and P.R. Cole, "Safeguarding Management's Rights", International Association of Chiefs of Police, Gaithersburg, MD, 1987.
- Baumener, P. "Back to basics", Police: The Law Officers Magazine, (January 1991).
- Bickers, Thomas, "Advantages of Wellness Programs for Law Enforcement Personnel in the Rural or Small Community". Law Enforcement Management Institute (October, 1992).
- Brown, W.C., "Managerial Perspective in the Development of a Physical Fitness Program" Human Resources in Criminal Justice (1994).
- Bryant, C., "Law enforcement stress: I need help" The FOP Journal (Spring 1990).
- Collingwood, Thomas R., "Implementing Programs and Standards for Law Enforcement Physical Fitness," Police Chief, April 1988.
- Driver, Russell W., and Roland A. Ratliff, "Employees Perceptions of Benefits accrued from Physical Fitness", Personnel Administrator, (August 1982).
- Ellison, Katherine W. and John L. Genz, "Stress and the Police Officer," Charles C. Thomas, Illinois, 1990.
- Harpole, Bobby J. "Mandatory Physical Fitness for Police Officers". Law Enforcement Management Institute. (January 1994).
- Healy, B. "The Aerobic Cop," Police Chief, February 1981.
- Hoffman, Art, "Add Muscle to you Fitness Program", Law Enforcement Technology, New York, NY, 1984.
- Ness, James J., "Mandatory Physical Fitness Standards: Issues and Concerns" Police Chief, V59, No.8 (August 1992).
- Norvell, Nancy, Dale Belles, and Holly Hills. "Perceived Stress Levels and Physical Symptoms in Supervisory Law Enforcement Personnel". Journal of Police Science and Administration 16, No.2, 1988.
- Parker vs. District of Columbia, 850 F. 2s 791.
- Pollock, Michael L., "To your Good Health", Amsco Publications, New York, N.Y. (1970).
- Quire, Donald S., and William R. Blount. "Coronary Risk Profile Study of Male Police Officers: Focus on Cholesterol." Journal of Police Science and Administration, 17, No.2 (June, 1990).

Ritter, Malcom, "Lack of Exercise, Heart Disease Linked in Study," Ft Worth Star-Telegram, (3 July 1992): Sec B, p.2.

San Antonio Police Department, Research and Planning Unit

San Antonio Police Department, Homicide Unit

San Antonio Police Department, Budget and Accounting Unit

San Antonio, City of, Risk Management Department

Schofield, Daniel L., "Establishing Health and Fitness Standards: Legal Considerations," FBI Law Enforcement Bulletin, Washington DC, 1989.

Superko, Robert, and Edward Bernauer. "Effects of a Mandatory Health Screening and Physical Maintenance Program for Law Enforcement Officers." The Physician and Sports Medicine 16, No.9, 1988.

Sweeney, Lawrence. "Strength Training: For your Job, For Yourself." Law and Order, 40, No.3, 1992.

Television Interview: Denver, San Diego, Tulsa Police Departments; Illinois' Secretary of State Investigators Office, Ohio State Highway Patrol, and Arizona Department of Public Safety (February, 1988).

Thomas, Jr., R.T., R.B. Means, and M.R. Brandon, "Designing Public Safety Physical Fitness Programs: Legal and Protocol Perspectives, Part II," Police Law Journal, March 1989.

Tracy, T "The basic eight: Strength training to improve health, job performance", Police: The Law Officers Magazine, (March 1992).

Violanti, John M., "Obesity: A Police Health Problem," Law and Order (April 1985).