

THE BILL BLACKWOOD  
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The Utilization of a Physical Fitness Program  
In a Small Agency

A Policy Research Project  
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## **ABSTRACT**

Unhealthy employees in any line of work can be a problem. Unhealthy law enforcement officers can create a safety issue and financial burdens on the department. Police officers are responsible for the public safety and could therefore required at times to engage in physically demanding tasks in which their level of fitness may have a direct impact on the saving or loss of life. People who are trying to make healthy lifestyle choices need a lot of support. Health and fitness programs demonstrate a concern of officers not only as crime fighters but also as valuable employees and individuals whose fitness and well being should be proactively cared for to some degree by their department. Administrators should look to endorse a physical fitness program due to the benefits it will receive in reducing overall health care costs and promoting wellness and morale. It is essential that an administrator have a genuine commitment to the philosophy that physical fitness is a critical part of a police officers job. Law enforcement administrators should look at establishing a comprehensive wellness program. It is valuable for the officer, the agency and the community.

## **INTRODUCTION**

Unhealthy employees in any line of work can be a problem. Unhealthy law enforcement officers can create a safety issue and financial burdens on the department and local governing agency. Few professions are more sedentary than police work. Yet, at any time, intense physical exertion could be required. (Reintzell 32) To get the job done, officers may have to run, jump, wrestle, shoot, push, swim and/or punch at any given time during any daily shift. (Ness 75)

This Policy Research Project will cover the utilization of a physical fitness program in small agencies, and will provide a vital look at the cost and financial savings that could be rendered by the implementations of a physical fitness program. Police officers are responsible for the public safety and could therefore required at times to engage in physically demanding tasks in which their level of fitness may have a direct impact on the saving or loss of life. Therefore, continued fitness among police personnel is essential. (Charles 251)The intended audience of this project is the Hutchinson County Sheriff, Department Staff and the County Commissioners Court. The benefits of health/fitness programs for law enforcement agencies far outweigh the costs. Not only can a well-developed fitness program help reduce injuries, boost morale and foster a more effective crime fighting force, but it can also be a cost-effective component to a department's overall health care policy. The benefits of an effective and well administered health/fitness program for law enforcement agencies should no longer be ignored. (Jones 6)

Journals, books, periodical articles will be used as research for this report. Despite abundant research and information regarding the value of exercise and nutrition, many

police officers are both out of shape and overweight by any reasonable standard. (Nichols 17) Stress, morale, illness, sick pay, workmen's compensation, and other health related issues are discussed to determine what benefits were gained. Wellness addresses both the psychological and physiological effects and implications of job stress. (White 264)

This project will be used to determine the economic benefits relating to work production as a result of good morale and good health. Management will be able to see that a physical fitness program will assist with fewer workman's compensation claims, and the overall better health of the individual officer. While certain legal, financial, facility, and time considerations must be made, they can be overcome. The job relatedness, image, morale and health are some practical reasons for pursuing such a program. (Nichols 17) This report will show the Sheriff and the County Commissioner's Court the benefits of implementing a department physical fitness program.

## **HISTORICAL, LEGAL OR THEORETICAL CONTENT**

Training programs for the police began in the early twentieth century and have gained broad acceptance among departments across the United States. However, these programs are largely designed after the traditional military model, which encourages strict protocol as well as an aggressive, punishment oriented, physical training program; a program that promotes participant injuries and serves as a negative influence on continued fitness among police officers. (Charles 252) For many years these personnel have received academy, in-service, and professional training that provides for the intellectual nurturing of up-to-date information and skills necessary to carry out the law enforcement mission. (Fuller 2) Physical training and performance requirements are part of every police recruit training academy. Police executives know the importance of

physically fit officers both in terms of job related performance and the images presented to the community. Unfortunately, physical fitness training usually ends when new recruits graduate from the academy. (Nichols 17)

Physical abilities, by contrast, are called upon regularly in police work. It is generally held that a high level of physical fitness should be achieved and maintained by those individuals engaged in such occupations as fire fighting, the military, athletics, and policing. (Charles 251) Endurance, strength, and physical conditioning are often critical factors in determining the outcome of an encounter between officers and lawbreakers. (Jones 6) In a recent study, it was found that officers rated their training in physical activity as inadequate while their training in firearms was rated as adequate or better. (Ness report) A study of the Michigan basic training curriculum revealed similar results. It can be concluded that the police tend to rely more on firearms training than physical fitness training. (Ness 75) Relying on firearms as a means to protect officers and apprehend offenders frequently falls short. In 1985, the Supreme Court, ruling in *Tennessee v. Garner*, restricted the use of deadly force in apprehending a fleeing non dangerous felon. The practical effect of this ruling is that officers must be in adequate physical condition to pursue and subdue without "firearm dependence." In instances where officers have used firearms inappropriately, a common thread seems to emerge. Specifically, officers believe they are not physically able to do anything other than shoot, which creates panic and poor judgement. Fitness could give these officers the confidence, ability and endurance to try other alternatives, such as defense tactics and/or impact weapons. Firearms expertise alone is not enough. (Ness 75) In *Parker v. District of Columbia*( 1988) an officer shot an unarmed offender whom he could not subdue. The

court found in favor of the plaintiff after considering two issues: failure to train in arrest procedures and deficient physical fitness programs. The court concluded that the officer's condition posed a foreseeable risk of harm to others due to his inadequate physical condition. (Ness 75) Court decisions discussed in this article suggest that law enforcement administrators have considerable latitude to develop and enforce reasonable health and fitness standards for law enforcement employment. Health and fitness standards are constitutionally valid if fairly implemented and rationally related to legitimate law enforcement interests. (Schofield 30) Because of the nature of the law enforcement profession, the courts have upheld the rationale that wellness programs are valid on the grounds as to develop a "shared pride" that can be easily recognized by the public and for the officer's safety. (McCormack 28) Many law enforcement agencies have long had policies or regulations regarding the grooming, uniform or dress, and weight of their officers. (McCormack 27) During the last decade the number of serious injuries has risen, the number of workman's' compensation claims have continued to rise, leading to disability retirements, and the general fitness of our line police officers seems to be deteriorating. (Fuller 2)

Legal counsel at the FBI Academy in Quantico, Virginia, suggest the following recommendations for a fitness program: 1. As a first step, begin a mandatory wellness program, which would include the provision of information on a healthier lifestyle, such as nutrition, smoking cessation and the benefits of exercise. A physical exam could also be included. 2. Be aware of and avoid any negative impact that might occur, particularly on any protected group, until the program is deemed job related. 3. Before implementing any mandatory standard, consult with fitness experts and legal counsel to determine its

legality. (Schofield) To be legally enforceable, all mandatory fitness standards must be reasonable. (Schofield 26)

Mandatory standards are those which are used as a basis in evaluating officers for employment actions, such as pay raises, promotions, assignment and termination.

Because such standards have significant consequences, they are the most likely to face legal challenge. Consequently, mandatory fitness standards should be imposed only after considerable practical and legal scrutiny. (Jones 10)

## **REVIEW OF LITERATURE OR PRACTICE**

Numerous studies suggest that heart disease, cancer, and suicides are substantially higher in the police industry than other professions. Psychologists have compiled statistics revealing that the rate of alcoholism, divorce and suicide is abnormally high in the police profession. (Britannica 170) One group of researchers called policing "the most emotionally hazardous job of all." (Nichols 17)

A number of studies have argued that physical exercise programs may not change physical fitness but may well have psychological benefits. Improvements in self perceptions, self-confidence, awareness, and social coping have all been noted. There is evidence to suggest that participating in exercise programs can reduce absenteeism. (Kiely 556) In 1991, a study at Steelcase, an office equipment manufacturer, found that participants in a corporate fitness program had medical claim costs 55 percent lower over a 6-year period than did nonparticipants. (Barrier 41)

A 1992 government survey found that more than two-thirds of companies with more than 250 employees had fitness programs of some kind. (Barrier 41) Law enforcement is not equivalent or parallel with the private sector. Few police agencies



have any form of fitness training or programming. Those with programs are usually voluntary and offer little assistance or monitoring. Interestingly, one study found that 20 percent of agencies surveyed had mandatory weight maintenance programs but offered no fitness training assistance. (Nichols 17) There are currently few programs that meet the legal test and formal standards are difficult to impose. (Fuller 5)

According to recent studies, lifestyles adopted by police officers, because of the nature of their work, could be pertinent to the development of cancer. The digestive organs (esophagus, stomach, colon, rectum, liver, and pancreas) were the most common sites of cancer among officers. Increased risk of colon and digestive cancers has been found to be related to diet, indicating the importance of reducing fat intake and diet changes. (Violanti 48) Officers eat at unusual times of the day, ingest high fat, fast foods and few vegetables, and hurry their meals between stressful calls. Combined with this regime is the lack of exercise, also found to be associated with colon cancer. (Fuller 11)

## **DISCUSSION OF RELEVANT ISSUES**

Not only are they killing themselves through poor lifestyle choices - smoking, bad eating habits, heavy drinking and lack of exercise - but unfit officers make it easier for others to do them harm. The vulnerable appearance of some officers may actually encourage others to "try" them. Robbers who were interviewed after their apprehensions suggested that they chose victims who probably would not offer resistance, based on their overall appearance, stance, alertness and demeanor. (Ness 75)

Law enforcement agencies have considerable latitude to enforce health and fitness standards that promote the good health and job related fitness in a positive manner. However, fitness standards should not be punitive but should instead facilitate the health

and fitness of employees. Departments should implement a fitness program and make it mandatory for everyone, but should not penalize officers for poor performance during a reasonable initiation period. (Pynes 242) From the agency's point of view, physically fit officers increase public respect for the agency and demonstrate improved attitudes towards others. Fit officers are also more productive and tend to be subject to fewer excessive force-related lawsuits. (Ness 75) In physically fit agencies, there is a tendency toward increased rapport between the administration and other personnel because of the perceived caring attitude demonstrated by the agency. (Ness 75) Law enforcement administrators have considerable latitude to enforce reasonable health and fitness standards that are determined to be job related. (Nichols 40)

The first and essential step in promoting the health and fitness of law enforcement employees is a department "wellness" program that encourages good health and provides various health-related benefits to employees on a voluntary basis. All law enforcement organizations should have a "wellness" program that provides employees with information on lifestyle issues, such as drinking, smoking, diet, and proper exercise. Too often, departments become focused on fitness assessment and fail to provide education to assist officers in developing healthier lifestyles. Forcing an overweight, hypertensive, chainsmoker with a high cholesterol level to run a mile and do a round of sit-ups once a year will do little to improve that individual's health. For this reason exercise counseling should be included in any departmental fitness program. (Jones 7)

There are tangible benefits such as improved productivity and reduced worker's comp rates; but also intangibles like improved employee morale and low turnover rates. Employees have more energy; they are more focused. (Flynn 66)

When an officer's obesity is medically caused, an individual assessment must be made as to whether the officer can safely perform the essential functions of the job. If obesity is voluntary and not caused by a physiological disorder, or the person cannot safely perform the essential functions of the job even with reasonable accommodations, neither the ADA nor the Rehabilitation Act protects against adverse personnel decisions for failure to meet reasonable weight standards. (McCormack 31)

As long as requirements do not disproportionately disadvantage women and are validated as job related there should be no violation of Title VII of the Civil Rights Act of 1964. FBI Agent Daniel L. Schofield, who researched the issue of mandatory police fitness programs states "... employees can be required to participate in 'wellness-related' activities. Mandatory health and fitness standards with no disparity under Title VII are constitutional if rationally related to a legitimate government interest." (Schofield 26)

Implement a fitness program and make it mandatory for everyone, but do not penalize officers for poor performance during a reasonable initiation period. Administrators should not fear litigation if the proposed fitness program is communicated in advance of its imposition, if the program is job-related and mandatory for everyone, and if a fair amount time is allowed to lapse which enables the participants to adjust to the standard. (Pynes 240) Typically an incentive such as a percent pay increase is offered to promote participation. (Jones 9)

"Exercise is a great remedy for people who are overweight, people who want to quit smoking, people who are stressed out, people who are tired and don't seem to have a lot of energy." Drohan says. "Just getting active is a great remedy for a lot of things." (Barrier 42)

Often, the first tactic in promoting health/fitness programs is to quote the abundance of data showing reduced health care costs and absenteeism and improved productivity and morale. Although they are compelling reasons for initiating a program, they are difficult to measure objectively. Departments should not rely on attaining them to *justify* a health/fitness program. (Jones 7)

The costs associated with the development and implementation of a testing and fitness program may initially seem prohibitive. These costs however need to be balanced alongside the expenditures that local governments make for disability retirement, workers compensation claims, as well as the recruitment and training of new officers. (Pynes 242)

Ask your employees to share the cost of fitness. If you pick up the entire tab for employees in a health club, you will probably lower the odds that they will use the membership. (Barrier 42)

Adverse effects of the lack of fitness are overwhelming, while the positive benefits of fitness are often overlooked. Being physically fit diminishes stress, promotes self-esteem, and improves firearm accuracy, increases an officer's confidence in confrontations, makes him more effective with impact weapons and defense tactics, and generally improves his quality of life. (Ness 75)

It is more reasonable for departments to justify a fitness program by arguing that a compelling interest exists in law enforcement to have officers who are healthy and fit. If this effort saves department money in health care costs, then all the better. However, departments should not determine the success or failure of health/fitness programs by whether a cost savings results. The ultimate result should be an improved department with employees who are healthier, personally more secure, and better able to provide effective policing services. (Jones 7)

## **CONCLUSION/RECOMMENDATIONS**

We live in a violent society. The training in impact weapons, firearms, defense tactics and weapon retention, along with a solid physical foundation, will enable police officers to better perform their sworn duties. (Ness 78) Some departments simply do not regard fitness as a critical issue. (Jones 6)

The well being, safety, and productivity of police officers can be greatly enhanced through a total program of fitness that addresses strength, flexibility, endurance, proper nutrition, and education on maintaining a healthy lifestyle. (Ness 78) To ensure that a total fitness program is successful the head of the agency must be very supportive and participate in the program himself. In addition, to guarantee that the program is reasonably, fairly implemented, and legally defensible, the administrator must involve persons with expertise in program development. (Ness 78) People who are trying to make healthy lifestyle choices need a lot of support with a very warm and caring environment. (Flynn 65)

Police administrators are realizing the importance of improving the health and fitness levels of their officers. Health/fitness programs demonstrate a concern of officers not only as crime fighters but also as valuable employees and individuals whose fitness and well being should be pro actively cared for to some degree by their departments. Well-developed health promotion programs can also lead to reduced over-all health care costs. Most importantly, however, they can increase the effectiveness and security of officers and enhance morale within law enforcement agencies. (Jones 11)

Although it sounds both workable and desirable to have a voluntary fitness program, in fact such programs tend not to enjoy lasting success. While 1- to 15 percent

of officers may become involved for a time, those officers who really need a program will not participate voluntarily. (Ness 75) There is a vast difference between intellectually understanding the importance of such a program and actually getting - and staying involved in the program, particularly when there is no support from the top. The lack of knowledge on how to begin, the absence of clearly articulated, attainable goals and the intimidation factor involved also cause officers to remain aloof from physical fitness programs. (Ness 75)

A physical fitness program can be implemented by any law enforcement agency. While some adjustments, creativity and flexibility may be necessary; virtually any size agency can establish a mandatory physical fitness program. A fitness policy requirement should be as important as firearm qualification and clean uniforms. It is paramount that the police administrator has a genuine commitment to the philosophy that physical fitness is a critical part of a police officer's job.(Reintzell 33)

Police administrators should look to the benefits of establishing a comprehensive physical fitness program. This will require law enforcement managers to abandon the reactionary approach style. Physical fitness should become an integral component of every law enforcement agency's training program. Every police employee, including the chief or director should be expected to actively participate and successfully meet measurable standards. It is good for the officer, the agency, and the community. (Nichols 40)

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