

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

**Reducing Workers' Compensation Costs
(Mandatory physical fitness training)**

**A Policy Research Project
Submitted in Partial Fulfillment
of the Requirements for the Professional Designation
Graduate, Management Institute**

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Houston, Texas
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ABSTRACT

This policy research project examines how, in theory, the Houston Police Department would benefit by required physical fitness training. Presently, the Houston Police Department does not have a formal fitness program for police officers. After a Houston police officer graduates from the academy he or she will not be required to meet any level of physical fitness. For numerous reasons most officers simply can not find the time to maintain the minimum level of fitness they were required to have when they were hired. Unfortunately the average officer's rushed life style leads to a loss in muscle mass, high blood pressure, high blood cholesterol, and a loss of flexibility, only to name a few negative consequences. If a department sponsored fitness program were implemented, the City of Houston would save literally hundreds of thousands of dollars in Worker's Compensation claims and medical expenses. This proposed program would be mandatory and would require all officers to participate in thirty (30) minutes of stretching and low impact aerobics immediately prior to their respective tours of duty. Implementing a fitness program would require developing a minimum level of exertion that all officers, regardless of their age or physical ability, would be able to successfully complete on a regular basis. Implementation would also require approval from the Houston City Council and the Command Staff of the Houston Police Department. There would be no expense for equipment and the exercise would take place in the existing roll call rooms. No special attire would be required, the exercise would be done in standard department issued uniforms. Detailed records would be kept for legal purposes and to show the officers who are involved in the program their individual improvement. It is the recommendation of this proposal that the Houston Police Department commence with this fitness program for the period of one (1) year, at which time the success of the program can be evaluated.

INTRODUCTION

The purpose of this research is to lower the Workers' Compensation costs, absenteeism and medical expenses of the Houston Police Department. This report contends costs to the City of Houston can be reduced while simultaneously increasing productivity, morale and survival rates.

The problem that the Houston Police Department is experiencing, out of shape and over weight police officers is not unique. Police departments across the nation are finding themselves in the same predicament, most have reached the same conclusion, physical fitness training.

This policy research project is intended for the Command Staff of the Houston Police Department. With adequate, relevant information, the Command Staff and the Chief of Police will be able to make an informed decision regarding a physical fitness program. This policy research project is also intended to fulfill part of the requirements for the professional designation, Graduate, Management Institute. As with any new program to be implemented on a department wide basis, for success, the Chief and the Command Staff must buy into it and openly support it. As Robert Landon aptly states, "For a physical fitness program to be successful it must have the complete support of the police chief and be promoted aggressively as an essential component of personnel policy." (Landon 9).

The information cited in this article comes from a variety of sources. The literature was published from various recognized experts in the field. Reports were furnished from the City of Houston, Risk Management Division and policy was obtained from the Waco Police Department.

The intended outcome of this policy research project is for the Houston Police Department to reduce its Workers' Compensation costs. The police department will be well served by preventative maintenance of its human resources. Officers need to have the regimen of regular exercise combined

with their daily duties to become physically fit. In order for the Houston Police Department to maintain its vanguard status and advance into the next century, developing and implementing a physical fitness program is essential. Realizing the importance of human resources and the expense of injuries due to lack of fitness, no other conclusions can be drawn. A physically fit employee is less likely to be injured, absent, and non-productive.

HISTORICAL CONTEXT

The police officer's occupation has certain unique characteristics. The majority of the officer's time is spent sitting, either in a car or behind a desk. Frequently, but sporadically, an officer is required to run distances ranging from short dashes to considerably longer runs. The run is hampered by the added weight of a pistol, portable radio, bullet-proof vest, flash light and a various sundry of miscellaneous equipment. After spending two-thirds of their time sitting, the officer completes the one hundred yard dash, then they engage in physical combat with an aggressor who is generally more motivated by thoughts of escape than the officer's motivation to apprehend. This often results in an injured employee and a workers' compensation claim, medical expenses and time to convalesce.

The above described scenario is repeated endlessly in the City of Houston twenty-four hours a day, seven days a week. The result is more than their fare share of injuries, as compared to private industry. The fact is, the majority of the Worker's Compensation claims for the Houston Police Department are paid for strains and sprains. From September 1994, to April 1995, the Houston Police Department had 248 claims for strains and sprains which accounted for 41.9 % of all the claims filed. The dollar amount of the strain/sprain claims was, \$1,173,153,000.00 (Appendix A).

In the population as a whole, 70% to 80% of all diseases can be attributed to poor nutrition, a sedentary lifestyle of little physical activity, and the effects of smoking (Northbrook video). Most officers do not exercise on a regular basis. Being physically fit is simply not a high priority in most officers lives.

The average officer spends his/her tour of duty in a cramped police car, constantly accessible to the public, ever listening to the radio, finding it impossible to escape the stress. Police occupational stress results from lack of public support, personal problems, constant changing of

shifts, inadequate or non-supportive management, conflict with other criminal justice agencies, and the potential for being injured or killed on the job (More 47). More often than not the officer has fast food to eat between the calls for service. This life style contributes to muscles atrophy, ulcers, high blood pressure, and hypertension. The belief that the job itself fosters this poor life style is borne out in a study which was commissioned by the International Association of Chiefs of Police. The study was conducted by the Aerobic Research Institute of Dallas, Texas. The study compared the physical fitness of 520 police officers between the ages of 21 and 55. After checking the active and resting pulse rates, blood pressure, blood chemistry, body fat, strength and flexibility, it was determined that the average police officer is above average in health and fitness compared to the general public when they entered police work. The study also concluded, within five (5) years the officers had lost that advantage and were only average, as compared with the general public. Further the study concluded by age 29, the same officer who was above average only six (6) years earlier now was at greater risk for heart disease and was below average in physical fitness as compared to men in his same age group (Healy 68). The mortality rate of a police officer is 59.8 years, almost 20 years below the national average (Kuntz 46).

The private sector has developed physical fitness programs for their employees within the past ten (10) years. All their participating employees are charged little or no fee to exercise. In several instances , employees were allowed to exercise on their lunch break, however, most either come to work early or stay late to exercise.

The media continually shows us overweight officers chasing younger, faster, thinner criminals . The old stereo type of the cop in the doughnut shop unfortunately is based in fact. The public can see, every night on the news, the un-professional appearing over weight officers standing around a

crime scene, this does not promote a positive image of any police department.

Employee assistance programs are becoming increasingly common in law enforcement to help police officers deal with stress (More 48). Some police departments offer incentives and sanctions along with their fitness programs. Some incentives include time off for above average ratings in fitness standards, others combine a pin to be worn on the officers uniform similar to a shooting pin given for firearms proficiency. Some sanctions include disciplinary measures for not meeting minimum requirements. However, sufficient time must be given for an improvement to occur. The officer is given six (6) months to take corrective action at which time he/she is re-evaluated. (Waco G.O. 42.19). Case law has established, health requirements necessary to police agencies and being physically fit are bona fide occupational qualifications. Those matters are visited in Massachusetts v. Murgia, 1976 and Geary v. Retirement Board of Alleghany County, 1967 (Price 208). And in the Fair Labor and Standards Act some areas could be linked with the lack of a physical fitness program, for example, Under the general duty clause of the law, each employer must provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm (On the Job). However, an analysis of liability for occupational safety noted that the United States Supreme Court held that failure to warn or train employees regarding a risk does not violate the right to due process (Kappeler 52).

In theory, with the proper values instilled in the employee, eating habits, and exercising habits and self esteem will be greatly improved. In addition, absenteeism and workers compensation claims will be reduced.

REVIEW OF LITERATURE OR PRACTICE

Combining what we already know about Workers' Compensation claims due to strains/sprains, with the absenteeism and medical expenses that must exist from increased susceptibility to disease, the cost begins to stagger the imagination. We can easily see the expense of not having a fitness program, but what about the advantages? According to the Blue Cross/Blue Shield insurance company, employers average over a two dollar (\$2.00) return for every dollar invested in their health maintenance program (Bertera. 1104). Officers who exercise as little as three (3) times a week, for twenty (20) minutes a session, greatly improve their fitness level and general health (King). Regular exercise controls stress and promotes stability (Gaithersberg 4). Continued exercise improves self-image (Lifesavers video). A fitness program diminishes stress, promotes self esteem, improves firearms accuracy, increases confidence, and generally improves his quality of life (Ness 75).

According to the Waco Police Department their objectives and fitness benefits derived from their physical wellness program are; better health, improved diet, more energy, improved job performance/attendance, promotion, appearance, confidence, stress control, more relaxed, well rested, positive attitude, self-respect, morale, sensory awareness. The extended capabilities for law enforcement are; survival, poise/ presence of mind, command presence (appearance), confidence, alertness, aggressiveness, energy, withstand stress, withstand fatigue. With their program they believe they; reduced sick leave, reduced disability retirements, financial savings, reduced medical payments, more energetic employees, increased productivity, employees more alert, more innovation, less accidents, higher morale of employees.

The F. B. I. offers a health and fitness program that is geared specifically toward police officers, the curriculum combines the holistic approach in an adult education setting (Smith 16). In Waco,

the police department first performs medial assessment screening for the officers. Each employee is evaluated by the fitness staff. Following the American College of Sports Medicine (ACSM) classification system, contraindications and major risk indicators, it is determined what level of fitness an individual may begin or if an individual needs to have a medical exam in which a stress test may be required. Each employee is asked to sign an Information Consent Form for any health related exercise test, before any test is administered. All employees are required to participate in an annual pre-assessment medical screening, except the blood analysis.

The pre-assessment medical screening is conducted by the city health services to determine an individuals ability to participate in a physical fitness assessment. The pre-assessment medical screening is a health risk assessment of each employee and includes, but is not limited to, medical history questionnaire that combines aspects of health history and health hazard appraisal, resting heart rate, resting blood pressure, blood analysis, height/weight, percentage of body fat, and step test.

If a medical concern is found in the employee's pre-assessment medical screening, the employee is referred to a physician who decides if the employee is able to participate in a physical fitness program. Once the employee has been determined eligible by the pre-assessment medical screening or by a medical exam clearance, he/she is allowed to participate in the physical fitness assessment. The physical fitness assessment gives a reliable estimate of an employee's present capacity to perform neuro-muscular acts that either singularly or in combination demand endurance, speed, flexibility, and strength. Employees wanting to participate in the departmental physical wellness program are requested to sign a contract which establishes a commitment to an on-going fitness program and helps the employee set goals and provide motivation. The contract is intended as a positive tool and is not used for negative motivation or disciplinary action (Waco G. O. 4219). The positive compliance

approach is based on the view that the purpose of regulations is to prevent or redress harm caused by noncompliance with regulations and to create incentives that encourage those being regulated to act responsibly (Ouellet 14).

In March 1993, the FBI Academy hosted a working conference of personnel specialists, physical testing experts, and attorneys for the purpose of recommending legally defensible and operationally effective physical standards for law enforcement. A comprehensive report sets forth the findings and conclusions of this conference. The report concludes that Federal statutory requirements can be met by establishing physical standards that are job-related and consistent with business necessity and that the following simulative, content-based task test is a legally defensible fitness standard for law enforcement:

- 1) The person taking the test must complete a 1/4-mile course consisting of a series of 20- to 40-yard runs/sprints interspersed with the events described below.
- 2) The course includes a 5- to 6-foot wall climb, a 4-foot horizontal jump (may be done while running), a stair climb (six steps up, six steps down), the drag of a 160- to 170- pound dummy for 50 feet, and another run/sprint in a different direction. No specific order or frequency of events was established, but all events should appear at least once.
- 3) At the conclusion of the course, the applicant must dry fire the service weapon five times with both strong and weak hands (Schofield 27)

DISCUSSION OF RELEVANT ISSUES

Poor physical fitness not only reduces the officer effectiveness in certain situations, but also increases officers' safety risk to themselves and to other officers. In implementing a mandatory physical fitness, police administrators must consider a number of factors, including legal aspects, cost factors, officer safety, morale and collective bargaining agreements (Ness 5). The Houston Police Department would greatly benefit from a physical fitness program. Physical fitness standards help assure that patrol officers are qualified to meet the physical challenges of patrol duty. Perhaps physical fitness will play a key role in elevating the professional nature of policing by enhancing the officer's ability to perform (Devine 21). Evidence indicates, with a mandatory physical fitness program in place the Houston Police Department would benefit from increased morale and a decrease in medical and Workers' Compensation costs. An employer does profit through the use of preventive measures (Chelius 22).

The key to addressing the fitness problem is determining the appropriate starting point. That starting point is medical screening. Secondly the department should identify any negative impact the program might have on a group of officers. A disparaging effect on a protected group of officers could potentially open the city of a civil liability. For that reason, great care should be made to ensure any program meets the job related and bona fide occupational requirement standard. The Houston Police Department can utilize other police departments programs and the private sector's experience/empirical knowledge and learn from their mistakes and successes. Any physical fitness program would need to be of a nature that could be universally applied to the entire department. The Houston Police Department currently employees officer who range in age from 21 to 65. With such a large diversity in age and physical ability the need for a mild program that promotes flexibility and

implementing a fitness training program. Medical personnel and the staff attorneys will provide the proper safe guarding for the Houston Police Department and limit its liability to a level that is negligible. The Federal Bureau of Investigation, concludes that the recommended task test (physical fitness test) is legally defensible as applied to both applicants and incumbent employees and encourages its use in that fashion. Yet, it counsels caution in applying the standards to incumbents unable to meet the passing standard in the absence of a medically sound period of time in which incumbent employees may regain the needed level of fitness (Scholfield 32). In short if fitness standards are required by new recruits, it is more defensible if it is also applied to the tenured officers, and sufficient time should be provided for seasoned officers to achieve the required level of fitness.

Cost would include the loss of 30 minutes per shift of patrol time and the increased wear to uniforms. The 30 minutes lost would be compensated for in the increase in productivity. Officers would rip some uniforms as they began the exercise program, but the damage would diminish as the officers opted for looser fitting uniforms that afforded a greater range of mobility. No special equipment has been requested for this proposal and therefore the city should have no cost. The minor cost of uniforms could be absorbed into the existing budget. Patrol sergeants would be trained by the existing academy personnel in fitness training and in turn would lead the roll calls in the actual exercise. No expense for additional personnel is requested. The exercise would take place in the roll call rooms. The nature of this program is such that it would begin with very mild exercise and specifically target strain/sprain related injuries. After one year the program would be evaluated to insure it is actually impacting what it is intended to. When the fitness level of the department increases, the fitness program would increase to challenge officers incrementally.

CONCLUSION/RECOMMENDATIONS

The purpose of this proposal is to reduce the amount of money spent for Workers' Compensation claims, medical expenses and absenteeism in the Houston Police Department. In addition the proposal suggests morale, productivity and general health of the Houston police officers will be increased.

The level of physical fitness and flexibility of the police officers in the City of Houston can be directly correlated to the number and severity of job related injuries.

The articles studied and cited in this proposal suggest the average Houston Police officer's fitness level is considerably below the national average for non-police personnel. The Houston Police Department is paying substantially more in Workers' Compensation claims and related medical expenses than private industry.

This proposal concludes there is a justified need for a mandatory physical fitness program at the Houston Police Department. It is therefore recommended the Houston Police Department implement a department wide fitness program. The fitness program recommended is a 30 minutes on-duty routine of stretching and light aerobic exercise, five days a week, immediately prior to the officers deployment and duty assignment.

A mandatory physical fitness program will decrease the Workers' Compensation and medical costs by reducing strain/sprain injuries. A fitness program will reduce strain/sprain injuries by increasing the officers flexibility and decreasing the percentage of body fat. A fitness program will also accomplish its goals by increasing the officers cardiovascular capacity and fostering a healthier life style.

cardiovascular increases appears to be the sensible direction to explore. Stretching improves physical fitness skills and helps avoid injuries (Robinson 18).

If a single injury could be targeted for prevention, back injuries has to be it. Back injuries account for one-third of all workplace injuries. Industrial back injuries cost \$14 billion each year. The typical back pain episode results in 14 lost work days. A person off work for 6 months due to a back injury has only a 50 percent probability of returning to work; after 12 months off work the probability drops to 12 percent; after 2 years of absence only 1 percent of injured workers return to work (Rehab brief).

Getting the officers to buy into the program also needs to be addressed. If the officers have a sense of ownership in the program and are made aware of the advantages they will continue the exercise program on their own time and life styles will change. The primary tool for motivating New York City police officers to increase their personal health awareness involves the measurement and interpretation of cardiovascular risk factors (Arliss 16). The motivating tool used in New York City, giving the officers their cardiovascular risk factors, is currently being used in the Houston Police Department. For the officers who have worked for the Houston Police Department over five years the results of their risk factors will provide the awareness needed to gain their willing participation in the fitness program.

The opportunity to increase morale, productivity and physical well being can not be over looked. Physical fitness training could increase the public's perception of the police department. With the citizens of Houston observing their police officers on the nightly news, a trim, conditioned officer would promote a professional image of the police department.

The police department is constrained by certain governmental entities and legal precedents in

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Analysis By Nature of Injury Report Requested by storres1 /home/storres1/Analysis_NOI.rpt

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Analysis as of 4/19/95

City of Houston

Page: 1

Analysis by Nature of Injury

From:09/01/1994 to:04/18/1995

Department : 10 Police

Cost Center: ALL

Code	Code Description	Nbr Clms	Amount Incurred	Amount PTD	% of Freq	% of Inc	---Rank--- Freq	Inc	Largest Cln
4	INJ - Burn	1	600	0	0.2	0.0	19	21	600
7	INJ - Concussion	2	10850	4113	0.3	0.3	14	14	10850
10	INJ - Contusion (Bruise)	105	393316	170638	17.7	12.5	2	3	90965
13	INJ - Crushing	1	600	45	0.2	0.0	19	21	600
19	INJ - Electric Shock	1	3185	1046	0.2	0.1	19	15	3185
25	INJ - Foreign Body	7	27516	2741	1.2	0.9	9	11	24800
28	INJ - Fracture	20	409456	57864	3.4	13.0	8	2	91160
32	INJ - Heat Prostration	2	24360	1675	0.3	0.8	14	12	21315
34	INJ - Hernia	1	19836	876	0.2	0.6	19	13	19836
36	INJ - Infection	2	1945	275	0.3	0.0	14	17	1150
37	INJ - Inflammation	2	1200	337	0.3	0.0	14	20	600
40	INJ - Laceration (Cut)	86	326665	97271	14.5	10.4	3	5	62193
41	INJ - Myocardial Infarction (Heart Attack)	2	46047	1400	0.3	1.5	14	9	44997
43	INJ - Puncture	21	271264	208379	3.5	8.6	7	7	215800
49	INJ - Sprain	70	370803	122947	11.8	11.8	4	4	49136
52	INJ - Strain	178	802350	257760	30.1	25.5	1	1	55505
59	INJ - All Other	42	290757	17142	7.1	9.2	5	6	174308
65	OCC -Respiratory Disorders (Gases, Fumes, Chemical, etc.)	4	1908	843	0.7	0.0	11	18	600
66	OCC -Poisoning - Chemical	3	1551	214	0.5	0.0	13	19	859
68	OCC -Dermatitis	1	305	305	0.2	0.0	19	24	305
71	OCC -All Other Occupational Disease	4	2050	98	0.7	0.0	11	16	1250
73	OCC -Contagious Disease	31	29783	1094	5.2	0.9	6	10	1725
78	OCC -Carpal Tunnel Syndrome	5	106562	9306	0.8	3.4	10	8	31402
80	OCC -All Other Cumulative Injuries	1	600	0	0.2	0.0	19	21	600
Column Totals		592	3143507	956369					

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Analysis By Nature of Injury Report Requested by storres1
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Analysis as of 4/19/95

City of Houston

Page: 2

Analysis by Nature of Injury

From:09/01/1994 to:04/18/1995

Department : 10 Police

Cost Center: ALL

	Freq	Medical	Indemnity	Expense	Legal	Rehab	Recov	Total
OPEN								
-Inc	501	1809434	1304394	6360	6125	0	0	3126313
-Ptd	369	624466	315082	2099	3688	0	0	945335
-Out	498	1184968	989312	4261	2437	0	0	2180978
CLOSED								
-CWP	37	10679	356	0	0	0	0	11034
-CNP	54	0	0	0	0	0	0	0
TOTAL								
-Inc	592	1822037	1308985	6360	6125	0	0	3143507
-Ptd	406	635145	315438	2099	3688	0	0	956369
NET INCURRED			3143507					
TOTAL LOSS			3143507					