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Law Enforcement Management Institute of Texas**

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**Implementing Mandatory Physical Ability Testing  
for Incumbent Officers**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

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August 2005**

## **ABSTRACT**

The purpose and objective of this paper was to substantiate or disprove the lack of physical requirements for incumbent officers that work in the law enforcement profession in the State of Texas. The findings of the research were collected in a fair and unbiased manner in order to present the researcher with valid and accurate information. The findings of the research have been very supportive of any agency that is willing to take on the challenge and implement mandatory standards for incumbent officers. The findings support that mandatory ability testing can be enforced and defended in a court of law in regards to civil litigation. The findings support that the ability testing must be valid and have a direct connection with the tasks that officers perform on a regular basis or that it has a great level of need from the officers' perspective.

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## INTRODUCTION

The law enforcement community has on a continual basis set its officers up for failure in regards to physical fitness. The law enforcement community as a profession has encouraged and told its officers to be mentally and physically prepared for the dangerous and demanding jobs that they are asked to carry out on a daily basis. The lack of preparation has been demonstrated by the lack of physical testing and mandated standards for the officers that work for local law enforcement agencies that serve the communities.

The purpose of this research paper is to exam the effects of the lack of physical standards for officers, and how that impacts not only the department but also the community they serve. The question to be addressed is: Implementing physical fitness standards that all commissioned officers are required to pass and maintain, throughout their careers, and this being defensible?

The intended method of inquiry will be research of several departments in the state of Texas that have minimum standards for physical fitness or ability testing for entry level officer positions. A survey will also be conducted on a select group of citizens, from the community surrounding Round Rock Police Department, on their expectations of the officers that serve them in regards to physical ability testing. This group of citizens will be limited to those that have been directly involved in the activities of the local police departments, through either volunteer activities or graduates of Citizen Police Academies.

The anticipate outcome is that most departments throughout the state of Texas lack mandatory testing of it's incumbent officers, and therefore have allowed a degree of negligence to be encumbered for their officers and the safety of other officers and the

communities they serve. The research is also intended to show that law enforcement can implement a defensible ability testing for incumbent officers.

This study will suggest that the agencies that choose to implement mandatory ability testing for their officers will be supported in this effort, and that they can have mandatory testing standards for both new officers as well as incumbent officers. The conclusion will be that in the future, law enforcement will reduce the number of officer related illness's and injuries. This can also reduce the number of Use of Force statistics. Being physically fit can provide a higher level of service to the communities served based on level fitness that the officers are able to achieve and maintain.

## **REVIEW OF LITERATURE**

Research literature on this topic was plentiful; there have been numerous case rulings and numerous decisions for both sides of testing of incumbent offices. The researcher has reviewed law enforcement magazines and journals related to physical ability testing that have taken this subject and presented many different sides to the argument. The researcher has located and reviewed several articles in newspapers and fitness magazines about fitness in the law enforcement profession. The researcher has attended classes about fitness and the law enforcement profession and how to do the insurmountable task of developing, implementing and developing a test that was both valid and defensible. The one commonality that that the researcher discovered is the involvement of the people most directly affected by this testing and how they were not involved in any part of the ability testing development. This stood out the most during this research.

During the review of this topic it was evident that very few organizations actually have a mandatory requirement for its incumbent officers that require them to recertify on an annual or bi-annual basis to demonstrate that they are still physically proficient to perform their job functions. The study of this topic was evident that law enforcement agencies must do something in regards to ability testing for its new hires and its incumbent officers.

A study that was intended to validate a Police Officers Physical Abilities test was conducted and used in the police selection process suggested that it is valid to and is representative occupational requirements. The study went further to explain that a task analysis demonstrated the physical nature of police work does not change at a given rank in the police department or with more years of service. The study concludes that if the test is valid for entry into the department then it should be required of all incumbent officers to maintain the same level of fitness (Thomas & Means, 2001).

In this review of literature it was observed by the researcher that several of the organizations and the insuring entities are aware of the situation surrounding the law enforcement profession and the lack of ability testing for incumbent offices. It was noted by the researcher in this publication that many organizations are unwilling or unable to make this a reality in their organizations and seem to be unsure of how to devise a plan for implementation.

A review of materials found that it was suggested that law enforcement agencies establish and implement mandatory physical testing standards for all officers. The study recommends that the process be administered in phases that will lead the officers to the final goal of meeting the minimum standards. The phases can be broken down to

recognize the needs of the individual, then develop a training program to allow officers to come in to compliance. This would also include the allotment of time to work towards the goal of meeting the standards. The phases will be implemented over a period of time and would include; complete psychical examinations by a licensed Doctor, guidance and counseling on nutrition and guidance and motivation on proper aerobic and anaerobic exercises. The final phase is actual testing phase of the program, at this point the officers take the ability test and for those that are unable to conduct the test or pass the test they are given a second chance to perform the tasks prior to any disciplinary measures are taken (Anderson, Placeas, & Segger, , 2001).

Again in reviewing literature on the issue of mandatory ability or physical testing the message is clear from the research on this topic. The failure seems to be in the implementation of the measures by the organization that it will impact. In researching this topic it is becoming clear the many organizations don't have the ability or resources to take drastic steps in the implementation of policies of this nature or the organizational leaders are unwilling to accept the responsibility to take on the challenge of such a drastic measure for their organization for fear of civil action.

A review of weight standards shows that there can be a correlation between weight standards and the degree of physical fitness that an officer must possess. The courts have ruled in the rational behind the weight standards must be rational and the standards can be challenged in the courts on the same basis as grooming standards. If a department was to impose a weight standard the courts would more than likely require the standard to be phased in over a period of time, to allow officers to come into compliance (Nichols, 1994).

The research and review of literature listed above clearly proves that an organization cannot simply implement un-substantiated standards that have no basis or foundation for support. The courts have ruled that standards for performance can be utilized for both new applicants and incumbent officers that hold the same or similar functions in the organization.

A study of how to implement standards for law enforcement professionals was outlined and the following was recommended for program development: 1. Define the health and fitness status of the agency through medical evaluations and fitness evaluations. 2. Define the job that the officers must be able to perform to based on minimum standards (McCormack, 1994). This step requires a validation study of the essential job tasks. This will allow the department to establish a base line and have a beginning point for the officers to start from. The department then should include the officers in the development portion of the program definition and also involve the line troops in the development of the program and its design (McCormack, 1994).

A survey conducted in 1997 showed that law enforcement agencies in Texas are lacking in physical fitness standards and the testing of those that desire to gain employment as well as those that are already employed. The survey revealed that of 63 agencies that responded only 4.8% have post-academy mandatory physical fitness programs. Of the agencies that responded 31.7% reported having voluntary programs and 63.5% of the agencies reported not having any standards at all (Collingwood, 1988; Pizzuro, 1997).

The review of literature in regards to the implementation and enforcement of ability standards is presented in a clear manner, the ability standards that are viable and job related are very defensible in the court system. The only issue that has been noted



through the research is that organizations are unwilling or unable to take the stand and implement the mandatory standards for all officers. The issues that surround this are plentiful and each and every organization must be willing to develop and implement the standards for their specific organization. This is by no means an easily completed venture and will require effort and time on each organization.

## METHODOLOGY

This paper is to identify the proper and most defensible way to implement mandatory physical fitness standards for law enforcement professionals and to develop a defensible program. This research paper will speculate that the commanders and leaders of the law enforcement agencies would be willing to implement Mandatory Physical Fitness Testing on a reoccurring basis for the law enforcement professionals based on the model and the implementation process that has been effective and established in the law enforcement arena. The method of inquiry is researching the many state agencies that do or do not have minimum standards through the internet and the agencies web sites, resources such as Texas Municipal League Intergovernmental Risk Pool, Texas Police Association, and International Association of Chiefs of Police. All these sources have pertinent information about defensible standards for Texas agencies. The method of inquiry also includes the implementation and testing of the Round Rock Police Departments mandatory physical ability testing for all commissioned officers. The method of implementation will be Round Rock Police Departments General Order 04-03, and how the department worked through the implementation of this order and developed a mandatory physical testing policy. This was conducted with a focus group and the people that it affected within the department. The process of implementing a Mandatory Physical testing has to be dealt with in a direct and efficient

manner. The steps taken and outlined have been conducted at the Round Rock Police Department as referred to in General Order 04-03. The process results are the Round Rock Police Department implemented the process over a period of four years and during the course of the implementation several subjects were evaluated and tested. The Department tested a total of 112 officers and of the 112 officers, 5 officers were not able to take the test due to medical reasons, and from the remaining 107 commissioned officers 90% were able to meet the minimum qualifications or passing percentage for an entry level police officer. The results obtained establish a reasonable way of implementing a mandatory physical testing process into an established organization, which has never had a mandatory testing process for its incumbent officers.

## **FINDINGS**

The findings of this research paper suggest that there is a need for Mandatory Physical testing for both potential applicants and incumbent officers in the law enforcement field. It is clear that the benefits and positive outcomes of minimum levels of fitness for law enforcement officers is beneficial not only the officers themselves but also to the community that they serve. This was supported based on overall wellness levels of commissioned officers; the officers had fewer issues or problems with their health. The officers also had fewer job-reported injuries and when they did have job related injuries they recovered more rapidly if they were physically fit. The findings also supported that officers that maintained a level of fitness also used less sick time and were less of a burden on the establishment's health care cost.

The findings also discovered that a very small percentage of Departments in Texas have post-employment testing for their incumbent officers and a large percentage of agencies have an entrance standard that must be met for employment. It has also

reveled that many agencies chose not to have mandatory testing due in large to the fear of Civil Litigation from its employees and fear of loss in a civil case over the issues of physical fitness. The findings supported the departments that had implemented reasonable mandatory testing for its officers and the reasonableness must be defensible.

The findings supported the implementation of Mandatory Physical testing for incumbent officers that would require that throughout the tenure of their employment that they be able to meet the minimum qualifications of an entry level police officer during their tenure with a department. The steps begin with the development of essential job tasks for commissioned positions. Once this has been conducted it was implemented department wide for all commissioned officers to undergo physicals on an annual basis. This was the first phase of the implementation process. The second phase was the development of valid physical job related task that could be measured. This was the development of the physical ability course for both new applicants and incumbent officers. It was discovered that the Physical Ability tasks must be job specific and be validated by the organization in order for it to be reasonable and defensible. The next phase was voluntary compliance with an incentive system for those that participated. This period lasted for two years and heavy emphasis was placed on participation with knowledge that the mandatory testing would come at a set date. The final phase was with the involvement of key members of the department that would not be able to meet the minimum qualifications for physical ability testing. This phase include a bi-annual testing for all commissioned members of the department. If a member failed to meet the minimum qualification they are then placed on a remedial training program and re-evaluated on a quarterly basis until they can meet the minimum

qualification. During the remedial phase the employee is allowed time on duty to work on performance issues that have been noted during the evaluations. The time line for implementation is a minimum of two years and it would be recommended that the agency take at a minimum four years to implement an entire program for mandatory physical fitness testing and minimum qualifications.

The Round Rock Police Department implemented the program over a period of four years. During this time the department involved its employees in each step of the process and encouraged their input into how the program should be developed and implemented. The Round Rock Police Department had the following findings during implementation. During the first three years of physical testing the department had the following participation results. In the first year the Department had a 65% participation rate, in the second year the Department had a 59% participation rate, and in year three the department had a 67% participation rate.

## **DISCUSSION/CONCLUSIONS**

The law enforcement community has on a continual basis set its officers up for failure in regards to physical fitness. The lack of preparation has been demonstrated by the lack of physical testing and mandated standards for the officers that work for local law enforcement agencies that serve the communities.

The purpose of this research paper is to exam the effects of the lack of physical standards for officers, and how that impacts not only the department but also the community they serve. The question to be addressed is: Implementing physical fitness standards that all commissioned officers are required to pass and maintain, throughout their careers, and this being defensible?

This study has demonstrated that agencies that choose to implement mandatory ability testing for their officers can be supported in this effort, and that they can have mandatory testing standards for both new officers as well as incumbent officers. The conclusion will be that in the future, law enforcement will reduce the number of officer-related illnesses and injuries.

In developing a conclusion the researcher formed the opinion that any agency, no matter the size can implement and defend mandatory physical ability standards for its officers. This opinion is based on the findings and the actual implementation of mandatory testing that is reasonable and viable to the essential job functions of a police officer in the City of Round Rock. The research has discovered that each organization may have different needs or functions but the testing must be job specific for each particular organization. The findings of implementing the testing have shown to be valid and obtainable by an organization that is willing to involve its employees and devote the time and effort to implementing the mandatory physical fitness standards. Each organization will have to develop job specific tasks that measure and test the physical fitness levels of its officers but the leaders of the organization and the governing body can do it with forward thinking and a strong commitment. The study is viable to the future of law enforcement, as the times are ever changing and the complexities of the job shift the needs must be met by both new officers entering the profession and officers already performing the roles in society as police officers.

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