

THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

THE NEED FOR A PHYSICAL FITNESS / WELLNESS PROGRAM
BEAUMONT POLICE DEPARTMENT

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

by

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Beaumont, Texas
May 15, 1997

ABSTRACT

Law enforcement agencies have learned that wellness and physical fitness programs are necessary in order to keep their police officers healthy and safe. Studies have been conducted and the results found that many of the health problems associated with today's police officers can be reduced through wellness and physical fitness training. Stress, heart disease and high blood pressure are just a few of the health problems addressed with wellness programs. Through fitness and wellness programs, not only are officers given fitness training but also medical evaluations to determine the course of action for medical problems. Many companies, by implementing wellness programs have saved thousands of dollars on health related costs as well as decreasing employee absenteeism, use of sick leave and increased productivity.

Health related issues are not the only incentive for law enforcement agencies to have healthier and more physically fit officers. Civil damages have been awarded to victims where police officers have had to resort to the use of firearms because the officers were not in the physical condition to effectively do their job. In one case, the department was found liable because the department was "deliberately indifferent" to the officer's physical training program. No longer can departments require minimum levels of physical fitness for hiring purposes and not provide continuing physical fitness training.

Police Departments have found wellness programs increase the physical fitness of its officers as well as their personal health. By using incentives, departments have gained the cooperation of its officers to participate in these programs. By implementing a wellness program the Beaumont Police Department officers would benefit through their participation and health related costs to the department would decrease. Wellness programs are a win-win situation, for the officers, the department and the city.

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INTRODUCTION

Over the past decade, law enforcement agencies across the country discovered not only the need for entry level physical fitness evaluations, but also physical fitness/wellness programs for incumbent officers. Physical fitness plays a critical role in job performance in all aspects of law enforcement. Studies and evaluations of law enforcement agencies across the country indicate that an officer's worst enemy is not the criminal on the street but the stress inherent to his job (Arters and Aaron 62).

This policy research paper will explore the need for a physical fitness/wellness program for the Beaumont, Texas Police Department. Applicants applying for employment with the Beaumont Police Department complete an entry level physical agility /strength test. Once employed by the department, officers receive continuing training in the areas of use of force, firearms, legal issues, investigative techniques, family violence and other related issues. In the area of physical fitness/wellness, officers are usually left to continue this training on their own, which many fail to do. The job required by the police officers include shift work, variable or non existent meal times, long periods of sitting with intermittent, sudden requirements for total exertion, and constant stress. These combine to impact adversely on an officer's health/fitness and total well being (Smith and Dunphy 18). Because of the requirements placed on the officers and lack of continued physical training, many officers in the department have become overweight and lack any type of physical fitness/wellness activity.

This research will show that implementing a physical fitness/wellness program will be a direct benefit to not only the officers, but also to the department itself. With the increased fitness of officers, management will see better overall job performance and a decrease in a job related injuries and officer stress, both leading to the decrease in the usage of sick leave. Along with the

above benefits, a reduction in liability concerns for officers will also be visible.

The intended audience for this research will be the executive staff of the Beaumont Police Department. The sources of information I will use to complete my research will be that of Law Enforcement bulletins, books, journals and legal opinions.

The outcome of this policy research project is to show the need for a physical fitness/wellness program at the Beaumont Police Department. In addition, this paper may lead to the implementation of such a program.

Historical, Legal Or Theoretical Context

Since the Civil Rights Act of 1964, police departments can no longer require certain height and weight standards of its applicants; however, many agencies have minimum physical fitness standards applicants must meet before hiring. Some have periodic reviews, but many departments require nothing after initial testing (Arters and Aaron 62). The Beaumont Police Department does little to enhance the physical condition of its officers once they are hired. Applicants to the police department must successfully complete a physical agility test, and by requiring this test, the police department has created a minimum acceptable level of physical fitness one must possess in order to be a Beaumont Police Officer. Many of the officers have failed to maintain the level of fitness that was required of them to be hired. According to one study of the nation's police officers, 56% of them are overweight and 86% of them do little or no exercise (Getz 45). Police officers that are physically fit, command respect. As soon as the officer exits his patrol vehicle, he has started to control the situation. "A dumpy, overweight officer with a uniform stretched to the max, may have to earn that respect" (Hoffman, 26). Appearance is not the only factor to consider in an officers physical condition. "As an occupation, law enforcement holds the distinction of having the highest rate of heart disease, diabetes, and suicide out of 149 professions," according to a U.S. Department

of health study (Getz 45).

Collingwood, of the Cooper Institute for Research, stated that u.s. police officers are behind in the area of physical fitness by around 10 years. Physical fitness programs are now being viewed as a necessity within the law enforcement community (Ness 74). Several studies have been conducted regarding police department physical fitness programs. One such study conducted in 1988 by Carl Wolf, a police chief in Hazlewood, Mo., showed that only 25% of the nation's police departments had fitness programs (Getz 45). In 1986, a study conducted by the FBI's Training Division Research and Development Unit indicated that maintaining an appropriate level of fitness and handling stress were the two most requested programs by police officers. The vast majority of the police officers, according to the survey, wanted a physical fitness program and have wanted one for some time (Ness 74). While some departments feel a physical fitness program should be mandatory others feel that a voluntary wellness program is the first and essential step in promoting health and fitness of law enforcement employees (Schofield 25).

Wellness programs and fitness standards are also getting the attention of law enforcement management and city governments for liability reasons. In 1985, the Supreme Court's ruling in *Tennessee v. Garner* restricted the use of deadly force in apprehending a fleeing non-dangerous felon. The practical effect of this ruling was "officers must be in adequate physical condition to pursue and subdue with out firearm dependence" (Ness 74). In *Parker vs District of Columbia*, an officer shot and seriously injured an unarmed suspect and the court stated that the officer's physical condition caused him to resort to a firearm as opposed to the application of physical force. The court stated "He resorted to use of his gun because he was unable physically to subdue Mr. Parker by less drastic means; his physical condition was deficient because the District was deliberately indifferent to his physical training program" (parker vs DC 714). The courts have said that

departments can be held liable for failure to train their officers and keep them in a degree of physical condition to effectively and safely do their job.

In choosing a physical fitness program, a department must be aware of the legal constraints placed upon them by the courts. The passage of the Americans with Disabilities Act (ADA) and the Civil Rights Act of 1991 (CRA 1991) make it imperative that law enforcement agencies carefully identify the essential functions of police work and develop physical fitness standards and tests based on those functions (Schofield 27). A department may not use any type of qualification standard, test or selection criteria if it can not be shown that it is job related. If the testing method used disqualifies a disabled worker, then the department must be able to show that all persons who fail to meet that standard cannot perform the essential functions of the job, even with reasonable accommodations (Postol 7). In *U.S. vs City of Wichita Falls, et al.*, the court held that the city could conduct physical assessment for persons seeking employment if the tasks performed were tasks (operational necessities) that a police officer would perform. These " operational necessities" bring up the issue of job relatedness. Job relatedness is an issue of justification for physical fitness as a necessary requirement of the job (Collingwood 1).

The Equal Employment Opportunity Commission (EEOC) has defined three acceptable validation strategies for determining job relatedness: content validity- the content of the test is the same as that specified by the job; criterion validity-predicts with some accuracy an officer's ability to perform a task and construct validity- measures the underlying factors that enable an officer to perform a task (Pilant 87). For example, upper body strength is an underlying factor in the ability to use force, lift, carry or subdue suspects. Currently, many departments are using the content validity method, primarily because task simulation is so obviously job related (87). However because of the legal requirements, many departments are implementing voluntary wellness program

which do not violate the Constitution of title VII because there is no mandatory fitness standards or agility test requiring a specific level of fitness.

Review of Literature

Several studies have been conducted regarding the physical fitness abilities of police officers. In one study, citizens were asked whether or not police officers should be held liable for harming someone with a weapon because they were physically unable to subdue an arrestee. Roughly 90 percent of the citizens that responded felt police officers should have a sufficiently high level of physical fitness and ability to be able to handle without a nightstick or other tool the average adult male who is resisting arrest. Thirty-eight percent said a police officer should be held liable if his use of excessive force resulted in critical injury because the officer was physically unfit (Peak 53). A study conducted by Penn State in 1992, suggested that officers were below average in aerobic fitness and body fat, but somewhat above average in strength and lower-back flexibility and officers over 35 years old scored worse than their civilian peers and they compare even less favorably the longer they were on the police force (Hoffman 8).

One study found that 20 percent of agencies surveyed had mandatory weight maintenance programs but offered no fitness training assistance. Police officers work in their unique environment with all of its special demands and have no physical fitness/health examination nor training to ensure they can continue to safely perform their duties year after year (Nichols 7). According to Swanson, studies have shown three fourths of the heart attacks suffered by police officers are job related. As a result, courts have ruled that a police officer who suffers a heart attack, while off duty, is entitled to workman's compensation. Thus, even a superficial review of the human, organizational, and legal impacts of stress-related health problems should sensitize every administrator toward the prevention, treatment, and solution of these problems (Swanson 256).

Wellness programs focus on the benefits to the employee, the organization and use some measurement of fitness to assist employees in assessing their own fitness and health. As employee attitudes and morale at work improve, turnover is reduced and there is a decrease of sick pay and company health insurance premiums. Since there is no employment actions based on the assessment results, wellness programs are less likely to experience legal challenge.

In the early 1980's, Coors Brewing Company implemented a preventive health program that included health screening, on site fitness centers, and dental and medical clinics. In 1990, the company spent over \$585,000 on its preventive program and in return saved an estimated \$1.9 million by lowering medical costs, reducing sick leave and increasing productivity (Johnson 6). In Kenneth Cooper's "The Aerobics Program for Total Well-Being", he spoke about another program instituted by Canadian Life Insurance Company reduced employee absentee rates by 42.9 percent, and saved the company \$ 175,000 in 1 year. Also employee turnover dropped by 13.5 percent, with savings estimated at \$510,000. Prudential started their wellness program and in 1 year reported declines in absenteeism by 59 percent, with estimated savings of\$ 284,744. New York Telephone analyzed the results of its health promotion program and found that smoking cessation programs were credited with savings of \$ 645,000, with additional savings from the program in lower costs of lung disease treatment of \$1.4 million. Also, reduction in cholesterol levels saved them \$250,000 in medical costs, and hypertension control programs meant another \$ 663,000 in savings. Forney Engineering in Dallas instituted a wide-ranging wellness program which encourages exercise, proper diet, and control of cigarette smoking. Because of their dramatically improved record of health claims, their insurance carrier recently gave them a \$92,000 refund on their hospitalization insurance (Cooper 214).

In 1991, Health Risk Management, Blue Cross and Blue Shield of New Hampshire

completed a survey of state police agencies. Forty-six agencies responded to the survey: 29 reported having physical fitness/ wellness programs; 9 were developing programs; 7 agencies did not have programs. Of the agencies having programs, 22 reported mandatory programs and 17 reported voluntary programs (Hoffman 25). Three successful fitness programs were Monrovia, Calif; Glendale Arizona and Waterville, Maine. In 1985, Monrovia implemented a physical performance test for sworn police employees with monetary incentives for successful completion. In the article by Susan Rizeman, the study showed after three years, approximately 85 percent of non-supervisory personnel were in good shape. Paced with an increasing number of workers' compensation injuries, growing health insurance costs, sick leave use, and seemingly-preventable cases of major health problems, the city of Waterville devised fitness standards that measured cardiovascular endurance, upper body strength, abdominal strength, trunk flexion, and percent of body fat. All members of the department were required to participate in the physical fitness program with the condition that failure of any member, presently on the police force, to achieve any particular level of performance would not be grounds for any form of discipline or censure. Officers joining the department after the program was introduced would be required to participate and would be subject to discipline for failing to participate as required. The city was rewarded with a 25 percent drop in its workers' compensation experience rating as well as a 15 percent discount on group health insurance. Glendale, Arizona with a population of over 136,000 in 1988, implemented wellness program and encouraged its police officers to participate in the city-paid program. The program proved so successful in assisting its employees, that there was a dramatic reduction in medical insurance claims, and the city received reimbursement of more than a half-million dollars in insurance premium refunds. (Rizenman 9-10)

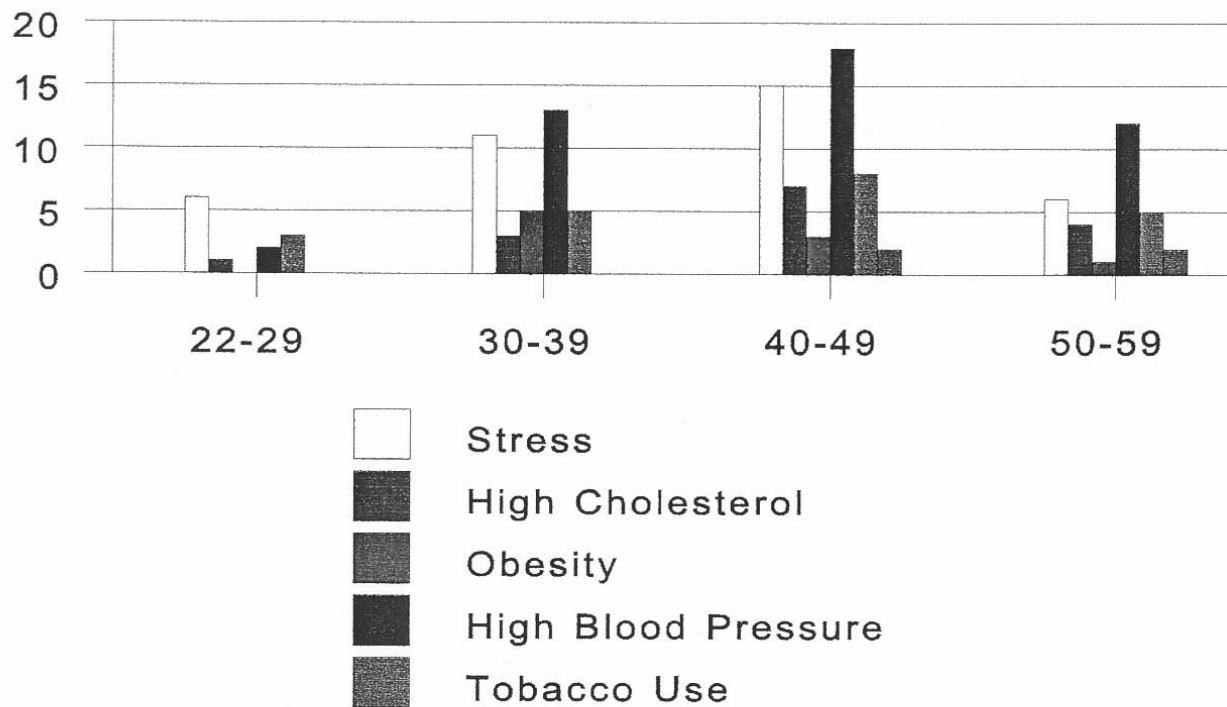
A survey involving the sworn officers of the Beaumont Police Department was conducted

and out of 265 forms sent out, 136 were returned. The results of the survey showed that 124 officers would be willing to participate in a wellness program, with 12 declining. The survey was broken down into the following age groups, 22-29, 30-39, 40-49, and 50-59 years of age. Questions regarding several health related issues concerning smoking, high cholesterol, obesity, high blood pressure, heart disease, fatigue, stress and use of other tobacco products were asked. (see chart) The results of the survey showed that the older age group of officers had a higher degree of health related problems, but stress and high blood pressure affected a high percentage of all age groups. The returns showed that a large percentage of the officers did some form of physical activity at least three times a week. The results of the survey indicated that not only do the officers need some type of wellness program, but also would be willing to participate. The officer who is in good physical condition will have fewer health related problems and will be better able to handle the situations that are stressful (More 296).

Mandatory programs are those which are based in evaluating officers for employment actions, such as pay raises, promotion, assignment and termination and are the most likely to face police association and legal challenge. Ohio State Police implemented a mandatory health and fitness program for all its officers. Incumbent officers who fail minimum fitness standards were subject to discipline after a certain length of time. New recruits were subject to the entire program after graduation from the academy. S1. Louis Missouri Police Department began a mandatory physical fitness testing and a voluntary wellness program for its officers in 1986. The fitness program requires that officers be tested annually for certain physical abilities to determine a fitness level. Any officer who failed to meet the minimum standards was placed on limited duty for 90 days. If no improvement was shown by the end of that period, the officer was considered a risk and removed from active duty (Ness 77). The Saint Charles, Mo. P.D. mandatory fitness policy, was

Health Related Problems

Beaumont Police Department



Total number of officers that participated in survey by age group:

22-29 year olds- 20

30-39 year olds- 53

40-49 year olds- 45

50-59 year olds- 18

based on job task relatedness. It applied to all commissioned personnel and it didn't have a separate discipline policy from other department policies. There was a grace period of one year for individual preparation time and the policy mandated that periodic physical examinations by the department medical professional be conducted and require a fit for duty rating on each officer (Simpson 16).

In comparing the types of programs that have been discussed, the civilian programs were voluntary and led to drastic cuts in the health related expenses. They also lowered the absenteeism rate and reduced sick leave. In the police related programs, they too reduced the health care premiums, lowered workers compensation claims as well as assisting the departments in receiving refunds on their insurance premiums. The wellness programs are also built on incentives for participation. The departments with mandatory programs are job task oriented, require periodic medical examinations to determine if the officer is fit for duty and are based on discipline when the objectives are not met.

Relevant Issues

Relevant issues concerning physical fitness! wellness programs are cost benefits, legal issues and, most important, the health and well-being of the police officers. The physical condition of the officer should be a concern for the police administrator and for city officials who fund the operations. Being physically fit diminishes stress, promotes self-esteem, improves firearms accuracy, increases officer's confidence in confrontations, makes the officers more effective with impact weapons and defensive tactics and generally improves the officers quality of life. From an agency's viewpoint, physically fit officers use less sick time, increase public respect for the agency, demonstrate improved attitude toward others, tend to prevent premature retirement and reductions in on the job injuries (Nichols 38).

As discussed earlier there is a legal requirement that police departments must have their officers maintain the level of fitness they had when they hired on. If they do not have a program in place to achieve this, then they could become liable for failure to train. According to Ness, fit officers are more productive and tend to be subject to fewer excessive force related lawsuits. 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).

There are several problems to consider on implementing a wellness program. Not only are there the legal issues that have been discussed, but also cost and collective bargaining issues. The lack of knowledge on how to begin, the absence of clearly articulated attainable goals and the intimidation factor involved can cause officers to remain aloof from physical fitness programs (Ness 75). Some police unions have acted negatively toward mandatory programs, but are more agreeable to the voluntary wellness programs. Before starting an exercise program, participants should go through a medical screening to assure their health and safety. "Fitness evaluation is the assessment of the functional capacity of the body through testing the cardiorespiratory system during exercise stress" (Rizenman 1).

In cost effectiveness, sick leave, training costs for replacement officers, and disability payments are just a few of the more obvious cost factors. A study of 130 public safety workers, completed in 1994 by PacifiCare Wellness Co., revealed that those who increased their scores on an ongoing physical performance test were much less likely to file workers' compensation claims than those with lower scores. (Standard and Associates 1) In the Beaumont Police Department, for the year October 1995 to September 1996, there was a total of 22,372 hours of sick leave used for 265 sworn officers. For the same period of time, there was a total of fifty two job related injuries which resulted in a loss of 166 work days at the cost to the department of \$ 217,107 (Hunan

Relations Department, City of Beaumont). According to a report in the July, 1993 New England Journal of Medicine, there were "substantial decreases in the number of sick days, outpatient costs, and hospitalization costs" as a result of health promotion programs. (Standard and Associates 1)38).

The cost of the fitness physical exams however could red line some departments. There is also the impending intervention by the federal government in regard to public safety employee standards; the outcome could result in additional budget stress. Failure to follow technical requirements of the A.D.A. (Americans Disabilities Act) could cost a department thousands in legal damages (Hoffman 27). However, as shown in the preceding information, the cost of the program can more than be paid for by the savings in the medical costs. We have seen major cost savings in the Coors Brewing Company and Canadian Life Insurance fitness programs. The Birmingham, Alabama Fire Department showed savings through their fitness program. The 71 firefighters who rated excellent, cost the city health plan an average of \$161 in 1992 while 59 firefighters who rated fair cost an average of \$436. The six who rated poor or very poor cost an average of \$884. The firefighters with the high fitness ratings were sick and injured less often than the firefighters in the poor and very poor category (Wellness Programs 24).

In some departments, the officers are compensated for working out on their own time, but as cited in the court case, *State Fraternal Order of Police v. State of Ohio*, 446 N.E. 2d 157 (Ohio 1983), "it is not unreasonable that the patrolmen be requested on their own time... and that the state is not obligated to compensate the officers for their time in maintaining such required physical fitness (Phillips 37). In departments where there are incentives for the officer's participation, the officers may be compensated by bonuses, extra days off, lower insurance premiums or prizes. Whatever the cost of the incentives, as shown in the past studies, it is more than made up for in healthier officers and lower medical costs.

Recommendations

Many officers of the Beaumont Police Department as well as police officers around this country suffer from the extremes of their job. The stress related to the every day situations they are placed in, the poor eating habits associated with the shift work which in turn contribute to heart disease, high cholesterol and other health related problems are taking their toll on the officers and the departmental medical systems. Not only are there health related problems but the increase in liability toward departments that "fail to train" their officers in the area of physical fitness, now have departments looking for answers. The answer to these problems may very well be in physical fitness/wellness programs.

Research has shown, both in the private sector and the law enforcement arena, those organizations with wellness programs have not only saved money associated with their health care costs, but have also seen decreases in their employee absenteeism, use of sick leave, employee turnover and an increase in productivity. In the law enforcement arena, departments have seen a decrease in job related injuries, disabilities, premature retirements and fewer excessive force related lawsuits. Departments have seen an increase in the officers physical condition, officers self-esteem, morale, respect by the public and increased rapport between the administration and other personnel.

The recommendation for the Beaumont Police Department is to implement a voluntary wellness program for its incumbent officers. The wellness program would not only include fitness programs, but also preventive and health related training. The program would include a yearly medical examination and bi-annual wellness tests to determine the officer's progress. The wellness tests should include cardiovascular endurance measurement, upper body strength, percent of body fat, and trunk flexion. All members of the department would be required to participate in the

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Ice would not be grounds for any form of discipline. Those officers that joined
ler a set date, would be required to participate in the wellness program. The
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days, at the rate of 1 1/4 days per quarter.

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increasing their physical condition and reduce the health related problems
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lSe in officer productivity and morale. The ultimate goal is to increase the health
)fficers and reduce health and liability related costs for the department.

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