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**The Need for Physical Fitness Training in Law Enforcement and the
Standards that Should be Implemented**

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ABSTRACT

The physical demands made on a law enforcement officer may not occur that often, but the inability to perform them can literally be the difference between life or death, a suspect escaping, or a less than professional response to a public need. This paper will examine if law enforcement fitness programs should be initiated and further consider at what level they should be implemented and what standard should be imposed. A review of literature and a survey of agencies were conducted. The consensus among officers, administrators, and other interested parties (academicians, professional organizations, collective bargaining/officer organizations) was that fitness standards are necessary for law enforcement officers. Most agree that it should be required at both the entry level and for incumbents. What that standard should be is where there is ambiguity. The findings indicate that about half of the agencies surveyed have some type of fitness standard. The majority of agencies use an agility test as part of their application phase, but have no incumbent requirement. Of those with a fitness program, many are voluntary with no sanctions for noncompliance. The data would suggest that an incumbent, voluntary program with rewards instead of sanctions (with input from employees) would have the greatest chance of success. Ideally, academies will implement a mandatory physical fitness program at the entry level using the academy advisory board to establish an appropriate exit (or passing) standard.

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INTRODUCTION

The physical demands made on a law enforcement officer may not occur that often, but the inability to perform them can literally be the difference between life or death, a suspect escaping, or a less than professional response to a public need. The difficulty associated with performing these physical activities is compounded by the fact that an officer will probably have to go from a state of relative inactivity to high performance with little or no warning. Whether a task is performed frequently or not, if it is an essential task (that is, one which the inability to perform even once can have catastrophic results) then peace officers must be physically able to perform them, competently, on demand.

For the purpose of this project, a review of the literature and a survey of agencies will be conducted to determine: if law enforcement fitness programs should be implemented and further consider at what level they should be implemented and what standard should be imposed.

Fitness programs and standards are a controversial topic for both law enforcement agencies and peace officers. Agencies are reluctant to require fitness standards, and even those that do can not agree on one particular standard. Many officers do not feel that they need to be told what their fitness level should be; many feel that they are able to perform the functions of their position at their current level of fitness. Other officers are lulled into a sense of safety either by their assignment or by the fact that they haven't been in a position requiring a certain level of physical fitness to perform their current job. Many officers simply do not think that they need to be fit. Agency administrators do not want to confront the potential challenges that arise with implementation of a mandatory program. Yet litigation has opened the door for

agencies to be held liable for the inability of their officers to perform physical tasks identified as basic police functions.

This review should determine that many agencies believe minimum, mandatory programs and standards are desirable. It will provide the justification needed to implement the programs, a strategy to reduce resistance to them, and what standard should be imposed.

REVIEW OF LITERATURE

A review of the literature reflected a positive answer to the questions posed by the paper. The consensus among officers, administrators, and other interested parties (academicians, professional organizations, collective bargaining/officer organizations) is that fitness standards are necessary for law enforcement officers. Most agree that it should be required at both the entry level and for incumbents. What that standard should be is where there is ambiguity. The results of a survey by the American Society of Law Enforcement Trainers (2004) documents the following; there should be a fitness standard for Law Enforcement Officers (LEO's) - YES (92%) NO (8%); that LEOs should be held to an annual fitness standard - YES (91%) NO (9%); and 35% identified their training department's weakest link as fitness. According to the Law Enforcement Wellness Association Website, law enforcement work has been compared to military experience as "hours of mind numbing boredom punctuated by brief periods of intense, unpredictable, life-threatening action." One doesn't "need physical fitness very often," but, "the absence of fitness can have dire consequences for the individual officer, his or her partner, and the public" officers "are sworn to protect."

Hoffman & Collingwood (1995) define fitness and identify the components of fitness necessary for providing an effective law enforcement response to public safety

needs, They identify the tasks officers are faced with, and how fitness is related to the ability to perform these “essential tasks” (3-9). Collingwood elaborates on the necessity of correlating fitness and its job relatedness. Collingwood conducted validation studies that established that fitness testing was a valid predictor of the ability to perform an essential task. His research identified each fitness test and the physical ability it measures; for example, how lower body strength (sit-ups) measures the ability to perform such essential tasks as defensive tactics (kicking, stable platform from which other maneuvers can be executed) and firearms (stable platform from which to fire). Collingwood’s research indicates that fitness testing was a better predictor of the ability to perform essential tasks than traditional physical agility courses. He emphasizes that the key to defending a fitness test is to conduct a job task analysis that identifies the essential tasks needed to perform a job, and from that analysis develop a valid job description. The Americans with Disabilities Act (ADA) does not prohibit discrimination against an individual that can not perform an essential task as long as that task can be shown to be job-related.

Also of concern for the agency contemplating implementing fitness standards is the prohibition of disparate treatment and disparate impact. Brooks (2001) discussed the impact of the Civil Rights Act of 1964 (specifically Title VII) and the Civil Rights Act of 1991. Both acts prohibit discrimination by policy or procedure that either effectively or expressly discriminates against protected classes. He cites a ruling by the United State Court of Appeals, 3rd Circuit, in December 2000 where the Southern Pennsylvania Transportation Authority 1.5 mile standard was recognized by the court as the measure of a minimally necessary skill to perform the job and consistent with a business necessity. Although this case did not consider the public safety nature of law

enforcement, it would seem to be a legitimate justification for fitness standards as a business necessity (pp. 26-30).

Brooks also raises the issue of using different standards for men and women to avoid disparate impact on women. This was the practice of many law enforcement agencies and academies before the Civil Rights Act of 1991. Many used the age and gender standards developed by the Cooper Institute simply because there was nothing else available, and it minimized the impact on women. However, the 1991 Act with its emphasis on job relatedness necessitated the identification of what was necessary to do the job, and at what (minimal) level; one job, one standard. The Civil Rights Act of 1991 clearly prohibited having different standards for a position. Ironically, the problem here would have been disparate impact on men who couldn't meet the standard for their age and gender group, but could for women of the same age (31).

According to The Cooper Institute (2004) website, the issues identified in establishing a fitness program and complying with the Civil Rights Act of 1964, the Civil Rights Act of 1991, and the American's with Disabilities Act (ADA) are addressed. They document the requirements for a test, the validity of the protocol they recommend and impose an absolute standard dependent upon the type agency involved (federal, state, or local). They also offer alternatives for fitness testing (mandatory, voluntary, applicant, recruit, incumbent, agility test vs. fitness test). Their recommendation is that using one absolute, job-related standard fitness test is both desirable and defensible. They can be predictive of one's ability to perform essential tasks, regardless of age or gender.

METHODOLOGY

A telephone survey of the agencies served by the regional police academy (Hardin, Jefferson, and Orange counties) found that six of the eighteen agencies

(municipal or county) use a physical agility test/course at the entry level. None use the Cooper Institute Fitness Battery for Law Enforcement, and none of the agencies have an incumbent fitness test or assessment. Once an individual is employed, there is no requirement to pass an annual physical fitness test. The exception is admittance to a special operations unit (SWAT or SRT). All of the agencies with special operations units had an agility test that exceeded the hiring level to be considered for assignment to the unit. The only use of the Cooper Fitness Battery is by the regional police academy in the basic training program. Of the six components identified by the Institute, only four are used as criteria for passing the fitness component of the academy; the one-and-one-half mile run, pushups, sit-ups, and the 300 meter sprint (the jump and reach, and bench press, are not used because of the limited time frame (12 weeks) and lack of access to facilities for the structured weight training program). The regional academy uses a mean of the range developed by the Institute as a minimum level a cadet must reach in order to pass the academy. One other regional academy contacted uses the Cooper protocol, but has no standard (or minimum) level that must be attained to pass. Cadets must show improvement over their initial assessment.

The predominant feeling among agency representatives contacted was that, although important, physical fitness beyond the entry level is left to the individual officer to maintain. Most feel that the officers in their agency can perform the tasks associated with their job, but concede that more could be done. Many feel that they lack the resources to implement a fitness standard as part of an annual assessment (such as firearms) and the action would be viewed as hostile by agency employees and bargaining units. Several have expressed concern at the emphasis placed on fitness at even the basic training level, and many are concerned at implementing standards given

the lack of emphasis placed on it by the Texas Commission on Law Enforcement Officer Standards & Education (TCLEOSE) and the lack of consensus on what the standard should be. TCLEOSE only provides 6 hours of training on fitness and wellness at the basic training level. Even the TCLEOSE requirement for a physical examination prior to being licensed is so ambiguous that it is open to interpretation by the agency as to what they desire. In determining a minimum standard for basic training, many academies have had to depend upon their on agency requirement (if an agency academy) or their advisory boards for guidance in determining what is appropriate given the lack of direction by the Commission

FINDINGS

The findings indicate that about half of the agencies surveyed have some type of fitness standard. The majority of agencies use an agility test as part of their application phase, but have no incumbent requirement. Of those with a fitness program, many are voluntary with no sanctions for noncompliance. Of these agencies most report a good participation level (60% or better). Several use an agility course instead of fitness standards. One agency was able to implement a mandatory agility course (with sanctions for noncompliance) with minimal resistance by involving their association at the beginning of the process. Only one agency uses the Cooper Institute Fitness Assessment for Law Enforcement, and that is only in their basic training academy (however, they have done their own validation study and use minimum standards established for their agency as Cooper suggests). Four of the local agencies have devoted space and equipment for a weight/workout room. The only academies the author has contacted so far have been agency academies. Most have fitness training as part of their curriculum but the standard for graduation varies quite a bit.

DISCUSSION/CONCLUSIONS

Based upon the responses obtained, there is considerable support of fitness and fitness testing in general, but a lack of commitment to implementing such programs whether voluntarily or with sanctions for not maintaining a minimal level of fitness. The two arguments against such implementation are lack of support and lack of resources. Many are concerned with the acceptance by bargaining units of a minimum standard, and that it would be viewed as a hostile move by management towards employees. Those that have successfully implemented mandatory programs have done so by including the employee or bargaining unit in the initial planning stages, and incorporating their suggestions in their program. Lack of resources can range from no funds for equipment or space, to overtime/on duty/off duty workout compensation.

Implementation of a physical fitness program at the entry level would seem to be suggested by it's inclusion in the basic training program established by the Texas Commission on Law Enforcement Standards & Education (TCLEOSE). Determining what standard to use as a requirement for completion of the academy would be left to each agency or academy advisory board to determine (as per the TCLEOSE rules on advisory boards establishing standards for entry in to and removal from an academy class). The best method would be for the agency or academy to conduct their own validation study for their department or academy service area and implement it. This would require a great deal of time and participation by the aforementioned groups, but would be the easiest to defend. Transportability of the standards identified by the Cooper Institute would be the next best solution, but not as easy to defend. It also lends itself to some subjectivity as to what standard to use (the lowest standard, highest standard, or mean of the standard) in each category of testing.

The data would suggest that an incumbent, voluntary program with rewards instead of sanctions with input from employees would have the greatest chance of success. Due to the lack of consensus on what standard should be implemented, it would fall to each agency to develop standards that comply with the legal requirements for task-related functions performed by sworn personnel by taking a cross-section of officers with a variety of variables considered (age, gender, assignment). Once implemented, employees would recognize the need to be “fit for duty” physically and no longer feel threatened by the assessment. The law enforcement community recognizes the need to be able to use firearms effectively (even though most peace officers will never have to do so) and be able to physically respond effectively to the demands of the job; something peace officers do every day.

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