

The Bill Blackwood
Law Enforcement Institute of Texas

An Analysis of the Adoption of Mandatory Continual
Physical Fitness Requirements for Texas Police Agencies

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ABSTRACT

Is mandatory continuing physical fitness for law enforcement officers necessary and legally possible? What would be necessary elements and expected benefits of a successful program?

Professional journals, position papers, newsletters, newspapers, books, pamphlets and an existing program complete with departmental directives was examined and resulted in the determination that not only is fitness in the law enforcement community necessary, there are methods in place that can be implemented in short notice which have been proven defensible in court and in public perception.

The popularity of the system is dependant, in part, upon the availability of on-site physical training facilities, on-duty time to work out, incentives, time to phase in the program, and how well each officer is educated in sports physiology, nutrition, and the benefits of exercise. Trained personnel must administer the program in order to be safe, effective, and valid.

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INTRODUCTION

The need for testing physical fitness of law enforcement applicants has been recognized and practiced for quite some time. Police academy training has placed emphasis on physical training in the expectation that it will be continued after graduation. However, in practice, a continuing program of physical fitness has been largely avoided after the hiring process, or upon expiration of the probationary period. Many factors can be considered for the cause, such as the officer's physical attributes, attitudes, genetic disposition, lifestyle, age, outside interests, marital status, children and other obligations including the intensity of field training programs and subsequent job related incursions on personal time. The absence of clearly defined and defensible parameters for mandatory continuing physical fitness programs has prevented a widespread adoption of this most desirable policy. The focus of this inquiry is how to bring about the desired changes without violating laws, creating unnecessary intrusion upon the officer's personal rights, real or perceived, and do so in a manner equally satisfactory to the officer and the department.

Physical fitness and the exercise process have a profound positive effect on the recipient and this research is intended to investigate all aspects of the benefits. Adoption of a program then, should result not only in the participant's attaining an acceptable level of physical fitness, but the necessary attendant changes in lifestyle, attitude, and determination to maintain that level throughout the individual's career. It is expected that the research will reveal both physiological and psychological benefits including increases in overall wellness, self confidence in both personal and job related matters, increased mental alertness, energy, and the ability to perform physically demanding tasks without

undue risk of injury or resorting to a higher level of force than otherwise ordinarily necessary.

Inquiry methods will include inspection of handwritten documents, commercially printed documents, and electronic sources, as well as verbal data. The collection of that material will be performed in person, through telephone interviews, detailed review and analysis of pertinent books, trade and professional journals, other departments' existing general orders, newspaper articles, and magazines. Material to be inspected and analyzed for usefulness will include information from the fields of sports fitness, holistic fitness, psychology, physiology, law enforcement, business, and personal development. Resources will include public and private libraries, electronic sources such as the Internet, current events articles, newsstands, and telephone and mail surveys and will include the business sector as well as law enforcement. Interviews and or surveys with or by professional health care providers and personal trainers will also be conducted including topics of overall wellness and physical fitness relating to mental health.

It is expected that this research will provide a basis for a legally defensible mandatory continuing physical fitness program to be integrated into law enforcement agencies' General Orders. Since opinions of a law enforcement agency should reflect the opinions of the citizens that are served, only casual observation will determine that citizens expect public servants, especially in the area of law enforcement, to be trained, intelligent, and to present a professional image. The ultimate benefit of an agency with a mandatory physical fitness program will be the citizens. Individual officers and the entire department can expect immediate beneficial results.

REVIEW OF LITERATURE

Research literature on the subject of mandatory physical fitness programs for law enforcement is far more proliferate than I anticipated. Magazines, professional journals and quarterlies, as well as books and newspapers all contain direct references to the subject. Indirect references are found in sports and health related material as well as electronic sources such as the Internet. One person made a rather strong statement via Internet on the subject without any validation other than it is his apparent opinion. Previous students at the Bill Blackwood Institute have also conducted studies on the subject. Material presented by each of these sources has been reviewed.

A study to validate the Police Officer's Physical Abilities Tests used in the police recruit selection process suggested that it is valid and is representative of a core of genuine occupational requirements. However, it went further to explain that task analysis demonstrated that the physical nature of police work does not change at a given rank or with years of service. It concludes that if the tests are valid for hiring new recruits, all law enforcement officers should be required to maintain the same levels of fitness (Anderson; plecas; segger, 2001).

Increased physical effort by law enforcement officers immediately prior to encountering a suspect was discovered to effect the officer's perception of a criminal. This study found that physical arousal stemming from effort causes a tendency to underestimate criminal aggression, experience less aggressive feelings toward the criminal, and decreased willingness to shoot the criminal. The recommendation is to educate officers of this tendency and for the officers to maintain high standards of physical fitness, which mitigates the amount of physical arousal caused by physical effort (Vrij and Dingemans, 1996).

Independence, Missouri Fire and Police Departments instituted a mandatory physical fitness program on July 1, 2000 for officers hired after that time. However, Incumbent officers were allowed until July 1, 2003 to get in shape at which time it will become mandatory for them as well. According to The Examiner newspaper of Independence, Missouri, the program focus is on four components, including medical, fitness, rehabilitation and behavioral health. Objections to the program centered on the requirement to take physical exams thought to discover disabilities and a provision requiring those over 40 years old to receive physical examinations annually. This objection was countered by stating it gives officers an opportunity to plan ahead and prevent early medical retirement (Odgaard, 1999).

Investigation into the death of a 44-year old male firefighter who died in his sleep from heart failure following fighting two minor fires brought recommendations to phase in a mandatory physical fitness program. To reduce the risk of cardiovascular disease the National Fire Protection Association recommended to NIOSH that firefighters should have mandatory annual medical evaluations and should be offered a wellness/fitness program to be phased in as mandatory. No decision had been made at the time of publication of this investigation compiled by a panel on Dec. 11, 2000 (NIOSH, 2000).

Wellington, New Zealand Police Department has substituted mandatory retirement at 55 for remedial physical training to improve fitness and performance. The Evening Post (Wellington) newspaper reported that when introduced, mandatory retirement was a way of avoiding giving unfit officers sedentary duties that could be more cheaply done by civilians (Berry, 2001).

Corpus Christi, Texas. Police Department and Nueces County Sheriffs Office were compared in a Sept. 05, 2001 news article in the Corpus Christi Caller-Times. The

article reports that Corpus Christi Police Chief, Pete Alvarez, requires testing the physical ability of applicants but resists implementing a mandatory continuing physical fitness program. However, Nueces County Sheriff, Larry Olivarez not require testing applicants but he wants to make continuing physical fitness mandatory for his officers. Tom Collingwood, a fitness expert who has been associated with the Dallas based Cooper Institute of Aerobic Research, was quoted in the same news article that "a fitness program meets resistance because of union attitudes, misunderstanding of fitness importance, and because changing personal habits is not easy". A standardized fitness battery was developed and issued in May 1998 by the Cooper Institute for Aerobic Research. Included in the research were suggestions for implementation, answers to legal issue questions, and exact protocol. Collingwood also reported to the Corpus Christi, Caller Times that of the 2,000 officers he has tested around the country using the standards, 10 to 20 percent did not have the endurance to do the job. A majority had more upper body strength than the general population but less cardiovascular endurance. The Caller-Times also reported that leaders of local law enforcement associations agreed that a mandatory program would not be resisted if the departments provided a place to work out; set standards graduated on a scale based on age, and gave officers time to get in shape. Chris Heaton of Texas Municipal Police Association responded that most officers want their back-up (assisting officer) to be in shape and that fitness is a growing trend in Texas. He considers the main concern of the effected officers is that the standards could be used against officers injured on the job and unable to perform at the required level (Mareno, 2001).

The Bedford, Texas Police Department promulgated a mandatory physical fitness program when Chief of Police David Flory signed general order 99-04 on December

1999. That program was based upon the recommendations of the Cooper Institute for Aerobic Research in Dallas. The standard test battery was used for new hires and allowed incumbent officers three years to attain satisfactory physical fitness. A standardized fitness test battery was used that was not age or sex specific. Various regulations were stipulated for the use of on-site facilities and additionally questions concerning worker's compensation were addressed. (Bedford Police Department, 1999)

Master Sgt. Merrie Schilter Lowe, writing for the Air Force News in the Dec. 1995 issue, reported that the U.S. Air Force was implementing an improved fitness program. It is designed to help airmen "maximize their personal fitness level, not just meet an Air Force Standard", according to Lt. Col. (Dr.) Michael Parkinson chief of preventative medicine with the surgeon general's office at Bolling AFB. Additionally, service members were to be able to compare themselves to others of the same age and sex. A trained exercise physiologist was to be hired for each base to administer the program and each airman would be able to choose the aerobic activity enjoyed most. Evaluations would be on a pass or fail basis and subsequent failure would result in automatic enrollment in a mandatory fitness program (Lowe, 1995).

Reduction of absenteeism, turnover rates, and police officer survival is dependant, to a large extent, on physical fitness levels. As a result, mandatory physical fitness is necessary in law enforcement. Heart disease, the leading cause of police officer death, is directly related to job stress, improper diet, and not enough physical exercise. Fitness programs should be established to reinforce and motivate officers in pursuing physical fitness (Brown, 1994).

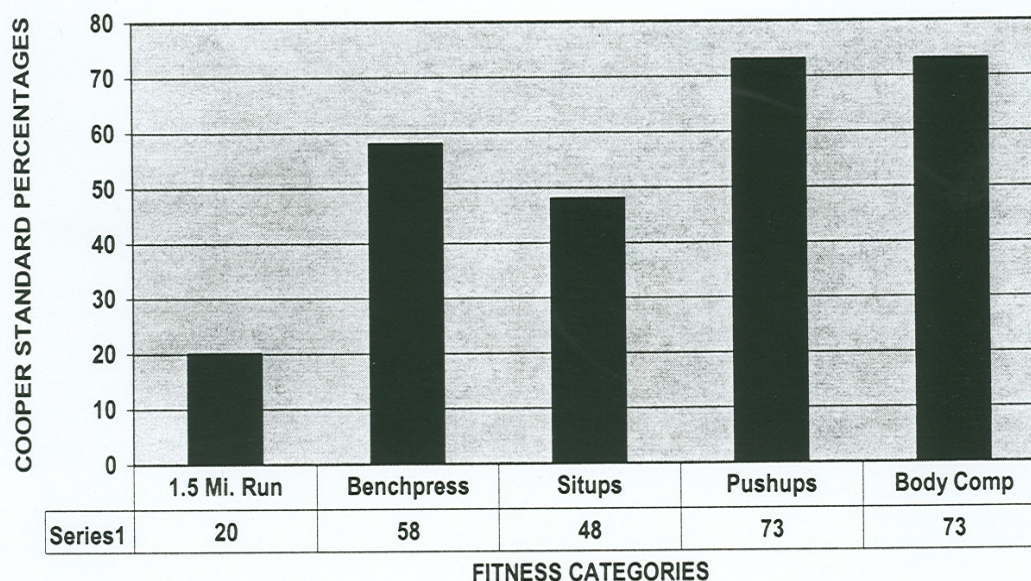
METHODOLOGY

Is there a need for mandatory physical fitness programs in law enforcement agencies? Is it possible to successfully implement and maintain a program that would, in all probability, be unpopular at its inception and would the rank and file accept it? Can such a program be defended in court and finally, should there be additional incentives for physical fitness apart from health, well being, and ability to occupy a position as a law enforcement officer? It is expected that each of these questions will be answered in the affirmative.

Research revealed the overwhelming necessity for physical fitness in law enforcement. Sources of research included student's papers, newsletters, newspapers, professional journals, and magazines as well as information obtained by attending The Cooper Institute for Aerobic Research in 1998. Students in the Bill Blackwood Law Enforcement Management Institute of Texas Module II were kind enough to complete a fairly lengthy written survey of their department's and their own opinions concerning mandatory physical fitness in law enforcement. Seventeen questions comprised the survey and it was distributed to twenty two students. Seventeen students completed the survey and returned them, some of which included handwritten notes and comments about experiences both desirable and otherwise. Departments represented are located in all regions of the state of Texas and the sizes ranged from a department with one officer to more than two thousand certified officers. Opinion varied and the results are summarized in table I.

Findings

In September, 2002, the Weatherford Police Department implemented a mandatory continuing physical fitness program. The average of all fitness levels are in chart form demonstrating fitness levels in a 1.5 mile run/walk, maximum one rep bench press, maximum number of pushups in one minute, and maximum number of sit-ups in one minute and body composition. However, body fat composition is not considered by The Cooper Institute for Aerobic Research as a factor in job related ability. The assessments were administered using strict protocols to ensure validity and impartiality. The overwhelming majority of officers received the assessment and program with good will. Additionally, six civilian employees volunteered to enter the program with four actually completing the assessment. All participants received individually personalized counseling and training programs to improve performance. Table II, represents an average of fitness level for fifty certified officers of the Weatherford Police Department.



Physical fitness of law enforcement officers impact most aspects of society, the first of which is the individual officer. Physically fit police officers benefit from improved cardiovascular health, which is protection against heart disease, the number one killer of officers. Medical tests have shown that in the process of becoming fit and maintaining a level of fitness, trainees experience decreased stress but more ability to cope with remaining stress. They are able to perform their duties with less physical and emotional effort, experience heightened self confidence, are less likely to be required to engage in a struggle with an offender, less likely to resort to deadly force when required to engage in a struggle, and are able to enjoy on duty as well as off duty time to a fuller extent. A correlating fact is that a fit officer gets along better with other officers and they have more confidence in each other.

The community served by a physically fit police department is the ultimate recipient of those benefits. That community includes the law enforcement agency, the city or county, and the individual citizens it serves. Public perception of a fit police officer engenders more confidence in the individual officer and pride in the department. New patrol vehicles and a sharp uniform are shallow images if not utilized by fit officers. An officer in good physical shape can perform acts of service by carrying, dragging, rescuing, lifting an invalid who has fallen, or pushing a stalled vehicle from a dangerous lane of traffic. Citizen taxpayers enjoy tax benefits in a decrease in loss of production time from sick and injured officers or worker's compensation claims. Physically fit and happy officers can perform duties more efficiently therefore, requiring fewer officers on the payroll (Brown, 1994).

Lawsuits, once feared by departments considering implementing a mandatory physical fitness program, have now been directed at departments for failure to implement a program. One alleges negligence for allowing an officer to work while physically unfit causing his death (Parker, 1988). Another instance involved the death of a suspect and resulted in legal action against a department that retained a physically unfit officer who resorted to deadly force because he could not control the suspect with the expected degree of physical skill (Simon vs. St. Louis County, 1984). It appears law suits filed by officers or their associations have been more unsuccessful than those against departments found at fault for not implementing a program. Discrimination suits have also been ineffectual against departments who have implemented mandatory physical fitness programs that give careful consideration to the rights and concerns of the individuals involved (American with Disabilities Act & Civil Rights Act, 1991). Fire departments have also found themselves the subject of mandatory physical fitness testing issues (Fire Fighter Fatality Investigation Report, 2000).

A standardized, equitable, verifiable mandatory physical fitness program is possible as formulated by the Cooper Institute for Aerobic Research. This program has been verified to be job related, physiologically sound, non-discriminatory, and if implemented with the exact protocols and standard test battery, it is defensible in court. One example of a successful program is the one Bedford Police Department has implemented since Jan. 2000 which relies upon the Cooper norms for the standards. Bedford Police Department Deputy Chief, Les Hawkins, reported in a personal interview that it is a relatively popular and successful program (Personal communication, July 16, 2002).

In September, 2002, preparatory to implementing a mandatory physical fitness program, a physical fitness assessment was conducted of fifty officers of the Weatherford Police Dept. The results echoed the opinion of Tom Collingwood in his interview in the Corpus Christi Caller-Times in which he asserted that most of the officers he has tested have greater upper body strength than other citizens but are lacking in cardiovascular fitness (Mareno, 2001).

Results from a survey of students at the Bill Blackwood Law Enforcement Management Institute of Texas Module IT determined that although individual officers regard physical fitness as a desirable trait in law enforcement, the vast majority of departments do not have a mandatory fitness program. Interestingly enough, one officer who responded said that he did not support a mandatory physical fitness program but thought TCLEOSE should mandate continuing physical fitness.

DISCUSSION/CONCLUSION

Many law enforcement agencies in Texas mandate minimum physical ability standards for applicants. Those physical standards are designed to be predictors of performance, indicators of health, and measures of fitness that are desirable in any industry but absolutely necessary for the service demanded of public service agents. These entry-level physical fitness standards are expected, universally accepted, and the research demands that they must be applied to public service agents at all times during their career.

Employee assistance programs offered as a perquisite focus upon guidance and counseling for the employee and many times the employee's family as well. Since police officers are called upon to cope with the personal crises and stresses of the community on a daily basis, the officer is left a diminished reserve of emotional resources to apply to

their own conflicts. These types of programs are available to help reduce pressure and tension by referring various community resources that offer assistance in child and elder care, legal issues such as divorce, criminal cases, and property disputes. The services are free, confidential, and available by phoning a toll free number at any time of the day. The crises addressed by this program are serious and in some cases can be life threatening. However, physical health and fitness is equally, if not more, important to the officer but form no part of this valuable service. As a result, a separate comprehensive plan must be implemented.

Research supported the expected supposition that a mandatory physical fitness program requiring a minimum standard of fitness for a peace officer is necessary but must be shown to be job related and scientifically valid. Both criteria are readily proven if established guidelines are followed such as those developed by the Cooper Institute for Aerobic Research in Dallas.

Data collected during research into this topic demonstrates that a mandatory fitness program can be implemented successfully with minimum resistance by the affected officers if it contains certain essential elements. One element is a clearly defined minimum acceptable fitness level. Another is a qualified trainer to ensure positive results and prevent injury to administer the training program. Also included should be a series of reasonable and attainable goals leading to the minimum fitness level for each individual officer. The results must be monitored and recorded to afford a series of fitness profiles for the participant as well as the agency. It must be equally and consistently applied giving time, usually three years, for incumbent officers to comply. On-duty physical training time at an on-site facility dramatically increases the expectation of success. Finally, some additional motivation such as an additional reward system including

incentive pay, paid time off, or a badge or insignia to be worn on the uniform signifying superior physical fitness.

However, when considering additional motivation, a review of the data collected from the survey of fellow students at the Law Enforcement Management Institute of Texas in August 2002, revealed that agencies which include physical fitness levels into pay raises and promotions have encountered more conflict and resistance to the program than those that did not. It appears that officers perceive the pay raise or promotion as punishing the unfit officer as opposed to rewarding the fit.

An additional element, education, forms an important function in a fitness program. Instruction, even of a rudimentary nature, in training physiology must accompany any mandated exercise program. A reasonable explanation of the expected benefits including better health, increased energy, improved human relations, heightened self confidence, longer life, decreased health bills, and an overall improvement in quality of life will help to persuade the disgruntled and reluctant participant.

The use of physical training as punishment should be avoided. High school coaches, police academy instructors, and military boot camp instructors have traditionally demanded poor performers to endure grueling and humiliating physical training such as running laps and pushups. The resistance to any form of exercise for several generations may possibly be traced back to this disreputable practice. It is no wonder most people view running and working out not as fun or play, but punishment. As a result, exposure to physical training at this time must be mandatory.

September 11, 2001 served as a wakeup call to law enforcement agencies. They have long tried to live down a paramilitary status implementing community oriented policing and the use of colored tabs on epaulettes rather than chevrons on sleeves.

Recently police and sheriffs departments began gathering surplus military uniforms and supplies for regular street officers not just the elite S.W.A.T. and high-risk groups. Many agencies, regardless of size, are preparing their officers to assume a military stance instantly. Backpacks with equipment enabling officers to stay on extended duty in a paramilitary status are now found in many officers' lockers. No one would argue that military personnel should not be subject to continuing mandatory physical fitness. In a like manner, the peace officers who are expected to maintain readiness to assume combat like status should be physically fit and able to withstand extended duty hours, carry unfamiliar bulky equipment, eat, and sleep erratically. Since physically unfit officers are at a greater risk of cardiovascular event, they would be exposed to an even greater degree. The events of 911 and the fact that our country now faces the threat of terrorism demand extreme measures. Mandatory continuing physical fitness in law enforcement is one of them.

The data collected by this research is intended for leaders of law enforcement agencies who are examining the desirability, legality, and feasibility of instituting a continuing mandatory physical fitness program that produces employees who maintain minimum acceptable standards. Additionally, it offers guidelines and offers the optimistic opinion that the program can be successful and can impact every peace officer, agency, community, and ultimately, every citizen enjoying their service.

REFERENCES

Anderson, G.S., Plecas, D., & Segger, T. (2001) Police officer physical ability testing: re-validating a selection criterion. Policing: An International Journal of Police Strategies and Management. Vol. 82 issue (24).8-13.

Bedford Police Department General Orders. (1999). General order 99-04 physical fitness. Bedford, Texas.

Berry, R. (2001, November 25). Police face fitness-age quandary. Wellington, New Zealand Evening Post, pp. 13-14.

Brown, W.C. (1994). Human Resources in Criminal Justice: Managerial Perspectives in the Development of a Physical Fitness Program [Technical assistance report]. Rockville, Maryland: National Institute of Justice.

Cooper Institute for Aerobic Research. (1998) A positional paper. Dallas, Texas

Fire Fighter Fatality Investigation Report F2000-21 (2000, December 11).

Available: <http://www.cdc.gov/niosh/summ200021.html>. [2002, June 2].

Lowe, M.S. (1995). Air force improves fitness program. Air Force News.

[Http://www.af.mil/news/Dec1995/n19951226-1453.html](http://www.af.mil/news/Dec1995/n19951226-1453.html). [2002.June 2].

Moreno, M. (2001, September 5). The thick blue line. Corpus Christi Caller Times. pp. C1-C2

Odgaard, N. (1999, November 13). Fitness program at issue. Jackson County Mo. Examiner. ppB2.

Parker vs. Washington D.C. 850 F.2d 708 (D.C. Cir. 1988).

Simon vs. St. Louis County 735 F.2d 1082 (8th Cir. 1984)

The American with Disabilities Act. 42 V.S.C. Section 12101.

The Civil Rights Act of 1991. 42 US.C. Section 2000e.

Vrij, A. & Dingemans, L. (2001) Physical effort of police officers as a determinant of their behavior toward criminals. The Journal of social Psychology. vol. (136) 461-468.