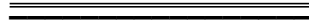


**The Bill Blackwood
Law Enforcement Management Institute of Texas**



**Mandating Biannual Physical Readiness Testing in Law Enforcement
Agencies**



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

The mortality rate for law enforcement officers increases annually, whether it is at the hands of a violent attack or being struck by a vehicle while conducting a traffic stop or crash investigation. However, there are ways that law enforcement agencies can assist in the prevention of an untimely death of an officer, and that is to implement a mandated physical readiness program throughout the agency. Since the decade spanning years 2009 through 2019, it has become more common that officers are having fatal cardiovascular events on duty, and those events could have been prevented with regular exercise, better eating habits, and better food choices. Physical readiness testing for law enforcement officers should be mandated by the agency. Requirements of this nature would produce a more physically fit-for-duty law enforcement officer. When responding to calls for service, being physically fit would assist the officers' capability of carrying out the strenuous activities that are connected with the profession. With many variations of physical fitness testing for law enforcement recruits, law enforcement agencies could explore more ways of conducting a more effective way of testing; possibly following the lead of the Texas Department of Public Safety. Along with Texas D.P.S. and other smaller agencies throughout the state of Texas, a rowing test, which is conducted on the Concept 2 rower, has emerged. This testing can be done in a controlled environment, and is timed based upon the age, sex, and weight of the person being tested.

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INTRODUCTION

For as long as the profession of law enforcement has been around, there has always been the possibility of a peace officer being injured in the line of duty as well as the possibility of losing their life in the line of duty. There are many factors that could cause a law enforcement officer to lose his/her life in the line of duty, such as a violent attack by someone that the officer encounters, being struck by a vehicle while out on a traffic stop, or conducting a traffic accident investigation. While officers may not always see the attack coming or the vehicle that is about to strike them, they can take measures to keep the poor habits that are adopted throughout the career of the officer from becoming the cause of his/her death, which would be to engage in an exercise regimen. When new law enforcement recruits leave the police academy for their duty stations, most of them are probably in the best shape of their life. Often times, this is the last time they exercise on a regular basis, whether it is from the rigors of shift work, or working numerous extra employment assignments, it just does not happen. Therefore, by implementing an exercise program within the law enforcement agency, it would assist in the continuance of creating a healthier environment. Implementation of testing could help in reducing the risks of issues that are associated with a somewhat sedentary lifestyle often associated with the law enforcement profession. To assist in accomplishing this program, law enforcement agencies should mandate biannual physical readiness testing for law enforcement officers.

There are many reasons why law enforcement officers discontinue an exercise regimen, but many of them do not realize that “duty-related heart attacks took the lives of 16 officers during the first nine months of 2015, and were responsible for the deaths

of 18 officers during 2014” (Stockton, 2015, p.8). These numbers “dwarf the losses to ambush killings” (Stockton, 2015, p.8). These are line of duty deaths that could have been avoided if the law enforcement profession understood the values of an exercise program, and, when paired with a nutrition plan, many causes of heart disease can be often times reversed; thus, lowering the risk for cardiac issues.

As of 2019, the Texas Department of Public Safety, along with a handful of other law enforcement agencies throughout Texas, has implemented a rowing test for a physical readiness test (Texas Department of Public Safety, 2019). The rowing machines are Concept 2 brand, both model “D” and “E”, with the only difference being the height of the machine (Texas Department of Public Safety, 2019). There are currently three different tests that can be conducted, such as the 500m row, the 2000m row, and the 4-minute row (Texas Department of Public Safety, 2019). Each of these tests is designed with different body types and styles in mind. The 500m row is designed for a short distance in a short time, the 2000m is designed for people with distance and endurance, and the 4-minute row is designed for people that can pace themselves (Texas Department of Public Safety, 2019). All are set up by age, sex, and or weight having a bearing on the time to cover the distance (Texas Department of Public Safety, 2019). The tests were designed to check the ability of the officer to be in a fight by taxing the cardiovascular system of the officer for an extended period of time, and “maintaining adequate physical fitness also reduces injury, medical leave, and minimizes liability lawsuits” (Thompson, 2013, p.28). Thompson (2013) goes on to say that “This is beneficial for the public safety officer and his/her association” (p.28). The test is used for both hiring and biannual testing, and the standards are the same for

recruits and tenured officers, and are not like the traditional testing, where recruits are required to run a mile and a half in an allotted amount of time, and climb over fences and drag “dummies.” The rowing test involves less impact on the person’s joints than that of the traditional combat readiness test, as described above, and will prove to reduce injuries often associated with traditional law enforcement recruit testing (Texas Department of Public Safety, 2019).

POSITION

In order to carry out many of the duties of a law enforcement officer, a person must be in satisfactory physical condition, as one never knows when he/she may be in for the fight for his/her weapon, and, ultimately, their life. Many law enforcement officers with tenure within the profession can attest to this, as it has probably happened to them at least once in their career. In the event that it does not occur, an officer should be physically ready to defend him/herself in the event of a violent attack. Collingwood, Hoffman and Smith (2003) state “There has always been a general consensus that law enforcement officers require some level of physical fitness to meet the infrequent but perhaps critical demands of their job” (p.45). The public maintains a persona of a member of the fire department to be this picture of physical fitness with bulging muscles and an extremely fit body. The image is almost the polar opposite for law enforcement officers. The persona for law enforcement officers is often associated with an overweight person with a large stomach protruding over his/her duty belt, and a donut in one hand and a cup of coffee in the other. This stereotype has been around for decades, and will continue to be, unless law enforcement agencies begin to change the culture through mandated physical readiness programs. The purpose of mandatory bi-

annual physical fitness tests is to certify that officers are able to perform job related tasks. Thompson mentions that “Mandatory bi-annual physical fitness tests are administered twice annually and measure the officer's ability to perform job-related tasks” (p.29). The mandated testing will receive opposition from many line officers, due to the mentality of the “us” versus “them” way of thinking.

There are numerous reasons that law enforcement officers become somewhat sedentary and overweight, which can be a leading cause for cardiovascular issues within the profession. Shift work is never easy on a body, as it can drastically throw off the circadian rhythm. This lifestyle can cause a person’s metabolic rate to change and make it very difficult to get the proper rest that a body needs in order to properly metabolize what they ate during the time they were at work. Another side effect of shift work is sleep apnea, which can also cause problems with the metabolic rate of a person’s body, and cause cardiovascular issues. Most officers, after working an overnight shift, generally go directly home and go to bed, and attempt to do so before the sun rises so they can get to sleep easier. Officers also go to an extra employment assignment, where they are awake even longer, thus placing a great deal of stress on the body. According to Strandberg (2014), “In public safety, we have this practice that a basic physical ability is so basic you have to pass and then once you are hired you are never tested again” (p.26). The number of law enforcement officers that actually get off of work and participate in an exercise program has been historically low, as the number of deaths from cardiovascular issues has continued to increase. During the night time hours, while the night shift officers are on duty, there are a very limited number of options available for officers to eat a healthy meal. One option is if an officer decides to

bring their own lunch, which can be a healthy option. Stockton (2015) suggests that “Departments can help address the issue by having a meaningful fitness and wellness program” (p.8). Stockton (2015) also states “The key is to develop a program that includes and engages everyone, not just those already inclined to maintain their fitness” (p.8). If agencies include an allotted amount of time to exercise on duty, officers will be more inclined to participate with their co-workers in becoming more fit. As these types of behaviors change, so will the culture, and it will not occur overnight, but with continuous changes in habits and rituals. The culture of health and wellness will change from the stereotypical overweight, donut eating cop, to that of a physically fit officer. This builds an officer who is capable of surviving their career and being able to enjoy their retirement benefits. The alternative is having their career cut short because they were not physically able to stave off a violent attack or encounter. An unhealthy officer will simply succumb to the many years of poor eating habits and lack of exercise or physical readiness training.

According to the Texas Government Code 614.172, each and every law enforcement agency within the state of Texas, shall create and maintain a physical fitness test. The standards that are set forth shall be completed by any and all applicants, for the position of peace officer. In the 79th session of the State of Texas Legislature, it stated that “a peace officer employed by the Texas Department of Public Safety, will have to successfully pass a physical fitness test that was developed by the agency, in order to receive any increase in pay or be eligible for any promotional process” (Texas Government Code, Sec.614.172). While these requirements were set out by the Texas Government Code, there are several interpretations of what a physical

fitness program should be, and they differ greatly throughout the many different law enforcement agencies throughout the state of Texas. The programs come in a variety of forms, such as a mile and a half run, with different callisthenic exercises involved such as push up and sit ups. The requirements are to be a certain amount of each in a certain amount of time, with no consistent base line from agency to agency. As stated by Smith and Spottswood (2015), "There is neither rational nor legal support for the premise that basic (physical) abilities, i.e., muscular strength/endurance, mobility, and work capacity are singularly important to those seeking a law enforcement position but not to those already in the law enforcement position" (p.16). Therefore, conducting these different types of testing, with different scoring requirements, it will be difficult to give law enforcement agencies a baseline for continuing any physical readiness testing.

While exercise alone will not completely make an officer healthier, it is a good place to start a healthier lifestyle, and, when paired with a healthier diet and better nutritional habits, it can create a healthier workforce. In turn, this can assist the governmental agency that the officers are employed by to benefit from lower health insurance rates as well as a reduction in medical visits and health issues incurred by the officer. There are other costs that can be incurred by the officer him/herself, such as an extra expense when purchasing equipment and/or uniforms. Many law enforcement agencies issue an officer one duty belt, body armor, and a limited number of uniforms, unless those things become old or damaged in the course of his/her shift and duties. The cost of gaining weight can create an issue where extra equipment that will fit will have to be purchased, and, often, at the expense of the officer. Conversely, "Savvy police executives aren't going simply for the hard body that looks good in a uniform, but

for physical training that accurately reflects the work officers do daily on their beats and in the streets” (Moore, 2006). With different body types in the profession, it is about whether or not they are physically fit to do the job.

When officers have a general idea of when the physical readiness test is going to be administered, they will begin working out a few weeks prior to the examination date. In order to be able to complete and pass the test, “Some law enforcement agencies already maintain varying types of physical fitness programs” (Kasper, 2013, p.25), which would give officers the ability to get ahead of the requirements of having to complete their physical readiness test in order to be in compliance. While most agencies try to determine a test that would be best suited for their agency, there is a chance that the course of testing will change many times before it is settled on. According to Oldham (2001), “While strength is good, cardiovascular fitness is crucial” (p.77). Oldham then says “If the heart can't pump blood to the body in sufficient quantities to oxygenate the muscles, officers will not be able to exercise all of that strength they just spent time building” (p.77). The exercise program should focus on working the heart, since it is a muscle, and should be exercised like any other muscle in the body.

As some of the law enforcement agencies are beginning to implement fitness standards that are comparable to the Texas Department of Public Safety, which were gradually attained through the implementation of the program, it should be done in the same gradual process that Texas D.P.S. implemented their program. The agency should start out by creating a baseline standard throughout the law enforcement agency, and then work up to a greater percentage rate over a desired time span. By

doing it this way, it gives members of the agency the ability to get accustomed to the new processes that they are required to complete. After a baseline is established, smaller agencies should strive for a 100% success rate before changing the minimum passing percentage. Also, when moving the passing percentage, it should be moved in 20% increments until reaching a minimal passing rate of 70%. Upon reaching the maximum passing rate of 70%, the agency can then make a decision to offer paid time off for successfully passing the physical readiness test with the 70-84% passing range, earning 4 hours of paid time off, and passing rates in the 85-100% passing range would earn eight hours of paid time off. With the test being mandated biannually, it gives the officer the opportunity to earn up to 16 extra hours of paid time off a year. There are also sanctions for not being able to complete and/or pass the biannual physical readiness test, which are that the officer would not be eligible to work extra employment, would not be eligible for promotional opportunities, and would not receive his/her annual merit increase in salary. Each officer is given three opportunities to complete/pass the test, and if not passed within the three opportunities, he/she will be suspended from the opportunities listed. Upon creating a healthy organization, the rising cost of health insurance could be decreased. Through continuous exercise, it should decrease the amount of medical issues that are caused by poor lifestyle choices, which would in turn, decrease the amount of medications taken by officers. These changes in lifestyle will assist in controlling medical conditions such as diabetes, high cholesterol, high blood pressure, and other cardiovascular conditions that are associated with the lack of physical activity.

Another positive occurrence that could arise out of instituting a mandated physical readiness program is that of team building, morale, and comradery. This could happen when officers get together as a team or unit in order to exercise in preparation for the examination. Officers can push and encourage each other to get into better physical condition as a group, and, not to mention, aside from the physical benefits that come from exercise, it is also a healthy way to reduce stress. People who work in law enforcement need to be able to release tension, and in the process of participation in an exercise group of co-workers and officers, there can also be a time for a healthy decompression discussion of the past shift events.

COUNTER ARGUMENTS

As with any process or program that is implemented into any governmental entity, there are always going to be the naysayers that will look negatively because the belief is that the city, county, or state is just creating more work for the officers and implementing another process that they have to keep up with. There will be many arguments as to whether or not the officers are going to be given paid time to exercise and prepare for the testing, and, if they are going to be compensated for their time. Many may wonder what budget the funding will come from. There is also the issue of what to do if an officer continually fails the testing, or just refuses to comply. According to Tipton, Milligan & Reilly (2013) "Depending on the nature of the task, individuals in the "fail" category have been immediately stood down from duties; others have been given three months to improve relevant fitness while still working, and then been re-tested" (p.2438). By holding firm in these standards, an agency could be at the risk of

depleting services to the public by taking an officer out of service for an extended period.

When implementing a mandatory physical readiness program, a policy can be written and examined through the legal department of the organization that is implementing the program. This should be done in order to prepare for any situation that could occur, such as an officer to be continually out of compliance. Most people do not want to lose their means of income as there are usually other casualties that suffer when someone does lose their job. There should be other demerits written into the physical testing policy that would keep the officer from being suspended or terminated from employment. Such punishment would be the inability to be eligible for any over time assignments, or to be ineligible for any special assignments or promotional opportunities that he/she may be eligible for.

Another issue that could arise out of implementing the physical readiness testing program is that of making a decision as to what type of test is going to be administered. Other issues that could arise is where the testing is going to be administered, and in the event of adverse weather, if the testing area is outdoors, locating an alternate location. There are many variations of testing available, all the way from a mile and a half run in an allotted amount of time, which is mostly done outdoors, along with numerous quantitative exercises to go along with it. Therefore, making an attempt to move the testing into a controlled environment so workouts can continue beyond testing, "there is a movement towards functional fitness that can follow an officer throughout his career" (Weinblatt, 2000 p.61). As Weinblatt (2000) states, "Departments have added more cardio-vascular stations such as treadmills" (p.61). A solution to this would be to move

in the direction of the Concept 2 Rower. The rower has already moved into the law enforcement realm by becoming the standard of fitness testing and training for the Texas Department of Public Safety (Texas Department of Public Safety, 2019). These machines are able to be kept indoors and can be used in any situation, and, when not in use, they are able to be stored by standing them up against the wall and out of the way; therefore, the room where they are stored can be used for other purposes.

There are different types of tests associated with the Concept 2 Rower, and those tests are designed to be administered based upon the wants of the person being tested, with all of the testing being based upon age, sex, weight, or a combination of all of the above (Texas Department of Public Safety, 2019). It is not a one size fits all process where someone who is shorter has to go over a six-foot wall, where it would be much easier for a taller person to scale. The Concept 2 Rower is adaptive to all body shapes and styles. In order for these types of testing to be effective in changing the culture to a healthier culture, the participants will have to keep exercising throughout the life of the officer, and not just a few weeks before the required test date. This would be done so the participant can pass the test and then go directly back to the poor health choices and exercises that they had before implementation of the program.

RECOMMENDATION

Law Enforcement agencies should implement biannual physical readiness testing for all officers employed by their agency. This should be done in order to cut down on the excessive use of sick time that is used by the officers, due to the lack of cardiovascular fitness and wellness. This would provide the citizenry with the professionally trained and well-conditioned officer that they expect to see when they are

in need of law enforcement services. For many years, law enforcement officers have fought the stereotype of the overweight cop with a donut in his/her hand and are often teased by friends and family alike. By implementing a physical readiness program, it is possible to change the culture and image into something that has eluded the law enforcement profession for many years. These types of programs, no matter what type of testing, can do nothing but assist in creating a healthier environment. This behavior, in turn, could possibly create a reduction in insurance premiums throughout the agency, due to the adopted health program, and these costs can then be passed on to the officers when paying for their agency sponsored health insurance programs.

If a law enforcement agency decides to put a mandated physical readiness test in effect, it should be done as with any major changes within any organization. This means that it should be carefully implemented over a period of time, and not rushed into place. Most agencies, like the Texas Department of Public Safety, have implemented the testing in increments. A baseline for the passing score was established by testing all the members of the agency, and then created a baseline average that was attainable by the members, and then gradually increasing the passing rate, until reaching the 70 percent minimum passing score. After reaching the final minimum passing requirements, an agency should place a reward for the officer's participation in the program, and that would be to reward paid time off for scoring at least 70 percent up to 84 percent, with the total being 4 hours, or a half of a day off. A full day of paid time off can be rewarded for scoring percentages over 85 percent. The agency would need to draft a policy, and have it passed through the legal department of the city, county, or

state agency they are governed by, and place sanctions for not completing and/or failing the mandated testing.

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