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LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

Mandatory Physical Fitness Testing in Modern Law Enforcement

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ABSTRACT

Policing is a high-risk and dangerous profession. Historically, law enforcement agencies fail to place adequate emphasis on the fitness and health of their officers. Education and testing in the area of physical fitness provide benefits to the officer, and the agency. Several different sources including books, magazines, journal articles and research papers were utilized in researching the topic of mandatory physical fitness testing in law enforcement. By examining the available research, it is evident that police agencies must implement some type of physical fitness program for officers. A policy implementing a mandatory physical fitness program should be established within our department. This program should include a health screening, medical testing, mandatory fitness tests, and an ongoing fitness program which helps officers maintain health standards.

TABLE OF CONTENTS

Section	Page
Abstract	
Introduction	1
Historical And Legal Context	2
Review Of Literature Or Practice	5
Discussion Of Relevant Issues	7
Conclusion/Recommendations	10
Bibliography	12

Introduction

The purpose of this research project is to recommend the implementation of a mandatory physical fitness testing policy. Mandatory physical fitness testing for law enforcement officers has been widely debated in recent years. Among the issues raised are: what criteria to use, job relatedness, legal issues, and concerns about which officers or employees should be tested. These types of questions and concerns have often been a roadblock for administrators wishing to implement a physical fitness testing policy within their department. These are however, the issues and concerns which must be answered prior to a department implementing a policy of this type.

In one form or another, physical fitness training and testing has existed in law enforcement for many years. It is now commonplace for departments to have physical agility tests for those wishing to enter the of the police department. It is also common for police academies, whether public or private, to implement some type of physical fitness training and testing in their curriculum. Very few agencies however, continue to monitor the health and fitness of their officers once they begin a field training program and beyond (Ness 74; Nichols 17). If implemented properly, and after careful research, a mandatory physical fitness program can be extremely beneficial to the department as well as the individual officer.

The intended audience for this project includes several groups. The importance of physical fitness must first be explained to those police officers directly effected by a policy of this type. Often, the word "mandatory" carries with it a negative connotation which can lead to possible morale issues, and in some cases lawsuits. Secondly, police and city administrators, who have a vested interest in the health and safety of their employees, must be shown that a mandatory

physical fitness program is both beneficial to all those involved, and cost effective to the organization. Police administrators must be able to show relevant research in the area of physical fitness testing in order to convince city administrators of the importance and feasibility of implementing a policy of this type to be effective, these three groups must work together and be committed to a successful outcome.

The purpose of this paper is to provide a firm foundation based on substantive and relevant research, concerning physical fitness and its importance in modern law enforcement. There is a great deal of research in the form of journal articles, periodicals, books and research papers concerning physical fitness and mandatory testing as it pertains to law enforcement. This foundation should help administrators to write and implement a mandatory physical fitness policy. The intended outcome of this paper is to show through the examination of research in this area, that a policy addressing mandatory physical fitness is necessary, and can easily be implemented.

Historical and Legal Context

Mandatory physical fitness testing has been widely researched and debated in the law enforcement community. Considering the results of research in the area of physical fitness and how it relates to police officers, this issue should no longer be debated. What was a fad in the 1970's and a trend in the 1980's, has become a necessity in the 1990's (Harpole 4). Heart disease is the leading killer of American men and women, and by far the leading killer of police officers (Tracy 20). A U.S. Department of Health Study states, "As an occupation, law enforcement holds the distinction of having the highest rate of heart disease, diabetes, and suicide out of 149 professions" (Getz 45). There are however, ways to decrease the risk to police officers and make them more aware of the importance of physical fitness as it relates to their profession.

Police departments have traditionally lost interest in the wellness and physical fitness of an officer once he or she has been released from a Field Training Program (Harpole 1; Nichols 17). In the last ten years, research has indicated that a low-fat, high -complex carbohydrate diet is the best way to improve health and increase life span (Heiskell 32).

In 1986, the F.B.I. surveyed, 2,497 police agencies across the United States. The survey results indicated that handling personal stress and maintaining an appropriate level of physical fitness ranked one and two in training programs most requested by police officers (Ness 74). While in the past police officers have been unaware and uninformed as to the importance of physical fitness to job performance, research and surveys such as this show their willingness within the past ten years to incorporate physical fitness training into their career. A recent lecturer at the Cooper Institute for Research, T. R Collingwood, stated that police officers in the U.S. are about ten years behind in the area of physical fitness (Ness 74). Collingwood has more recently stated that physical fitness programs in law enforcement are now being viewed as a necessity and that mandatory physical fitness standards are becoming more institutionalized (Collingwood 20). Agencies, such as the California Highway Patrol, who has been administering annual mandatory physical fitness tests to its officers, have recently changed or modified their programs to fit these institutionalized standards (Ness 77).

There still exists however certain legal issues and concerns which are linked to physical fitness testing. In some cities, fitness programs have become an issue of contention between unions (or employees) and management (Getz 45). Some chiefs are reluctant to institute a mandatory physical fitness program because of the possible litigation they may face from officers who have not met the standards, and decide to sue the department (Getz 45). The landmark cases in this area have upheld and in some cases compelled the importance of physical

fitness standards in law enforcement. The fact is, that cities are caught in the unenviable position of facing litigation whether they do or don't institute a fitness program (Getz 45). In Parker v. the District of Columbia(1987), a jury reasoned that had an officer been physically fit, he might have overpowered a suspect instead of reaching for his gun and using deadly force. In this case the court ruled that the officer's conduct "was the result of deliberate indifference on the part of the District with respect to the physical training of its police officers." (Getz 45). In 1985, the Supreme Court ruled in Tennessee v. Garner, restricting the use of deadly force in apprehending a fleeing non-dangerous felon. The practical effect of this ruling is that officers must be in adequate physical condition to pursue and subdue without "firearm dependence" (Ness 74) Another issue to be considered is the impact of the Americans with Disabilities Act will have on mandatory physical fitness testing and standards in law enforcement, an agency which develops a job-related test based on appropriate research that shows certain assessment tests accurately reflect the types of duties an officer must accomplish, would have no problems with litigation (Peak 56). Under Title VII of the Civil Rights Act of 1964, the legality of a specific standard depends upon its impact against members of certain identifiable groups (Harpole 8-9). However, in Albermarle Paper Co. v. Moody(1975), the U.S. Supreme Court stated, "Discriminatory tests are impermissible unless shown, by professionally accepted methods, to be 'predictive of or significantly correlated with important elements of work behavior which compromise or are relevant to the job or jobs for which those tested are being evaluated.'" (Sauls 28). In 1988, in U.S. v. City of Wichita Falls, et al., the court held that the city could conduct physical assessment tests for persons seeking employment with the department. The court found that the tasks performed during physical testing were tasks that a police officer should be able to perform. The Court concluded that the tests conducted by the

Wichita Falls Police Department were valid tests and stated that officers are daily confronted in situations where "they move rapidly, use physical force and stress their cardiovascular system." (Ness 75-76). Guidelines, which have been defined and implemented in many agencies over the past ten years, seem to reflect the generic attributes for successful implementation and as a consequence, can be applied in most law enforcement settings (Collingwood 24).

Review of Literature Or Practice

There has been an overwhelming amount of research conducted in the area of physical fitness and health in the last 25 years. The results of this massive amount of research has shown the importance of physical fitness to Americans in general, and police officers in particular. Heart disease is the leading killer of American men and women, and by far the leading killer of police officers (Tracy 20). It is essential for police agencies to include training and testing in the area of physical fitness and wellness, to supplement the already existing training on officer survival. A police officer in the 1990's is 25 times more likely to die from heart disease than from a criminal's bullet (Tracy 20). Research has shown that an emphasis on diet and aerobic exercise is crucial in preventing heart disease and other causes of premature death. The average officer gains about one and one-half pounds of fat tissue each year between the ages of 25 and 55, while losing about one-half pound of muscle each year (Tracy 21). Advantages of aerobic exercise include decreased risk of cardiovascular disease and increased ability to keep on the go during the entire shift without physical fatigue (Heiskell 33-34).

A benefit of this massive amount of research has been the development of set standards and recommendations in the area of fitness and health. The National Research Council recommends a total fat intake of no more than 30 percent of total calories consumed, saturated fat of less than ten percent of calories and a total daily cholesterol level of less than 200

milligrams (Heiskell 74; Violanti 58). Standards to control diet and assure adequate nutrient intake have been developed and are constantly under revision by both the U.S. Department of Agriculture and the U.S. Department of Health and Human Services (Tracy 32). Studies conducted by Dr. Kenneth Cooper at the Aerobics Research Center in Dallas, TX. Have also led to the development of standards and guidelines relating to aerobic fitness (Cooper 55).

Modification and monitoring of diet, and the establishment of an aerobic exercise program in police departments will lead to a more physically conditioned police officer. Health and fitness studies show that physically conditioned officers perform their duties on a higher level than lesser conditioned officers (Sweeney 36).

The results of research have caused many police agencies across the U.S. to adopt standards for the physical fitness of their officers. Although the content of these physical fitness programs differ from agency to agency, their purpose if the same, to monitor and increase their officer's level of physical fitness. For example, the Minneapolis Police Department requires all sworn members to submit to an annual physical fitness test, measuring strength, flexibility, endurance and cardiopulmonary condition. Those officers meeting the standards are given the option to work out on their own time or on duty, when workload permits, at precinct stations. Those failing to meet standards are required to work out on a regular basis in an attempt to meet department-set age bracket goals (Rice 20). The police department in Hazelwood, Missouri has implemented a four-step fitness plan consisting of health screening, medical testing, mandatory fitness tests, and finally, an ongoing fitness program which enables officers to maintain health standards. The Hazelwood Police Department enlisted the aid of Dr. Bess Maxwell at the DePaul Health Center to help develop and monitor their program (Getz 46). Dr. David Nichols, Director of Public Safety at Jacksonville State University, recently published an article which

outlines how and why his agency implemented a mandatory fitness program for his department. Nichols conducted extensive research prior to implementing his department's program, and found that those programs developed after research and consideration of legal issues, physical fitness standards and trends, had extremely positive results (Nichols 38). Other notable agencies who currently have successful mandatory health and fitness programs are the Ohio State Patrol, St. Louis, Missouri Police Department, the California Highway Patrol, the State of Illinois and the Great Bend, Kansas Police Department (Ness 77-78).

There is also research comparing and contrasting mandatory and voluntary physical fitness programs within law enforcement agencies. Although it sounds both workable and desirable to have a voluntary fitness program, such programs do not have lasting success. This type of research shows that while ten to fifteen percent of officers become involved in the program, those officers who really need a program will not participate voluntarily (Ness 75; Superko 108).

Discussion of Relevant Issues

Life expectancy for a police officer in the United States is about eight years less than that of the general population. This lower life expectancy is not the result of our risk of being killed on duty. It is however, due to factors and characteristics such as stress and coronary heart disease, which have become all too common among police officers today (Tracy 21), Police officers spend countless hours and dollars training to avoid physical harm from a human attacker. These same officers receive little or no training on how to avoid this killer of police officers; coronary heart disease (Tracy 20). According to UCR statistics, the level of physical violence confronting police officers on a daily basis is steadily on the rise in the 1990's (Lloyd 9). Endurance, strength, and physical conditioning are often critical factors in determining the

outcome of an encounter between officers and suspects (Harpole 1). Cardiovascular and aerobic fitness training such as running, jogging, cycling, swimming or walking prepares one for the physical challenge of police work, while reducing the stress that comes with the job (Hallinan 30).

It is incumbent upon police administrators to acknowledge the importance of physical fitness among their officers.. A mandatory physical fitness program which includes fitness and wellness as well as continual monitoring of officer's health and progress, is now a necessity within police agencies. There is now a growing understanding that the overwhelming benefits of health and fitness programs for law enforcement agencies are tangible and broad based (Harpole 2).

When implementing a mandatory physical fitness program within a police department, there are several issues which must be addressed prior to implementation It has been the view of police administrators that such programs would be met with apprehension and negativity by the officers, In 1976 however, the Law Enforcement Assistance Administration conducted a survey regarding police department sponsored physical fitness programs. Of the over 1,900 officers surveyed, 90 percent were in favor of a department sponsored physical fitness program (Ness 74). Not only are they killing themselves through pro lifestyle choices such as smoking, poor diet, alcohol use and lack of exercise, but unfit officers make it easier for others to do them harm (Ness 75). After hours of sitting in patrol cars, officers may be called upon to exert physical strength, to run, to lift, to subdue, to control, to rescue, and to respond under a variety of stressful conditions (Nichols 17). Being physically fit diminishes stress, promotes self-esteem, improves firearms accuracy, increases an officer's confidence in confrontations, makes him more effective with impact weapons and defensive tactics, and generally improves his quality of

life (Ness 75). Officers must recognize the importance of proper nutrition, diet, exercise, sufficient sleep, communication and healthy relationships in achieving personal fitness and a satisfying career in law enforcement (Heiskell 74). Police officers in the 1990's are more educated in the area of physical fitness and its importance within law enforcement. Mandatory physical fitness programs should be looked upon by police officers as a benefit rather than an administrative tool to terminate officers. Two officers with the Hazelwood, Missouri Police Department credit their department's mandatory physical fitness program with detecting serious heart problems that were previously undiagnosed (Getz 45).

The key for implementing a mandatory physical fitness program within a law enforcement agency is to ensure program validity (Collingwood 20; Lloyd 41). Agencies must thoroughly research, plan, define, and design a physical fitness program which can be easily implemented within the department and supported by adequate documentation. In cases such as Griggs v. Duke Power Co.(1971), Robinson v. Lorillard Corp.(1972), Albermarle Paper Co. v. Moody(1975), and U.S. v. City of Wichita Falls, et al.(1988), the courts have repeatedly supported the validity of job related tests and their implementation by administrators (Harpole 9; Ness 75; Sauls 28). A police department which develops a job-related physical abilities test based on appropriate research showing the test accurately reflects the types of job duties performed by an officer; should have no problems with litigation (Harpole 11; Peak 56). Physical fitness and wellness programs have helped businesses and industries decrease health problems and expenses within their organizations. Law enforcement agencies such as the California Highway Patrol have seen significant reductions in job related injuries (Getz 50; Harpole 6; Hoffman 104; Nichols 40). When comparing the economic costs and benefits of a physical fitness program, each agency must look at long term benefits to the employee as well as

The mandatory testing portion of the program will consist of a health screening, medical testing, fitness tests, and an ongoing fitness program which enables officers to achieve and maintain health standards. The results of these tests will be evaluated by a trained fitness consultant, and programs for individual officers will be developed. The fitness test our department will utilize was developed at the Aerobics Research Center of Dallas (see Fig. 5). These tests allow for gender and age differences among officers. Those officers not meeting standards will be tested twice yearly until they meet the existing fitness requirements. Officers meeting those standards will be tested on an annual basis. The department will provide a workout area including weightlifting equipment (already purchased and in place), and two cardiovascular stations such as a treadmill and/or stationary bicycle. Participation in the physical fitness program will be mandatory, and all disciplinary action relating to failure to meet standards will be at the discretion of the Chief of Police.

This program will stress the importance of physical fitness in both the lives and careers of officers by educating them on the benefits, and assisting with the development of a personal fitness and wellness program. Officers will improve their personal level of fitness and wellness after being provided with information and opportunity by mandatory participation in the department's physical fitness program. The police department as well as the city will benefit by decreased liability and sick time usage, as well as improved work performance of officers.

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Police Fitness Chart Ages 20-29 Years

Table 5

Fitness Category	1.5mile run	Body fat	Flexi- bility	Pushups	Situps	Agility Run
Excellent	Below	Below	Above	Above 43	Above	Below
	10:15	6.7	25.9		51	16.1
Good	10:16	6.8	25.8	42	50	16.2
	12:00	17.3	19.7	28	40	17.7
Average	12:01	17.4	19.6	27	39	17.8
	14:30	22.6	16.6	20	35	18.6
Below Average	14:31	22.7	16.5	19	34	18.7
	16:30	33.2	10.5	5	24	20.2

Police Fitness Chart Ages 30-39 Years

Fitness Category	1.5mile run	Body fat	Flexi- bility	Pushups	Situps	Agility Run
Excellent	Below	Below	Above	Above	Above	Below
	-11:00	13.8	26.4	37	45	16.2
Good	11 :01	13.9	26.3	36	44	16.3
	13:00	21.5	19.2	23	34	18.1
Average	13:01	21.6	19.1	22	33	19.2
	15:30	25.4	15.6	17	29	19.1
Below Average	15:31	25.5	15.5	16	28	19.2
	17:30	33.0	8.4	3	18	21.0

Police Fitness Chart Ages 40-52 Years

Fitness Category	1.5mile run	Body fat	Flexi- bility	Pushups	Situps	Agility Run
Excellent	Below	Below	Above	Above	Above	Below
	11;30	16.8	23.3	28	39	N.A.
Good	11:31	16.9	23.2	27	38	N.A.
	14:00	22.9	16.3	18	26	
Average	14:01	23.0	16.2	17	25	N.A.
	16:30	26.0	12.8	13	19	
Below Average	16;31	26.1	12.7	12	18	N.A.
	18:30	32.2	5.7	2	6	