

**The Bill Blackwood
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Improving Fitness in Policing

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ABSTRACT

Law enforcement is recognized as a physically and mentally demanding profession. Most police officers start their careers in relatively good physical condition, having been required to exercise to some standard, while in the academy. Although most officers seem to agree fitness is an important factor of the job and this does not seem to carry over the course of a career in many cases. Time coupled by the stresses of the job, lack of exercise, and poor eating habits have resulted in police officers being at higher risk for cardiovascular disease than members of the general public, unfortunately also resulting in higher mortality rates for law enforcement officers. Additionally, there is evidence showing poor fitness increases risk of injury, absenteeism, lower productivity and in some cases results in improper uses of force, all of which are detrimental to the entire police organization. There is a need for physical fitness in policing and police administrators should implement voluntary physical fitness programs within their organizations to combat the issue. These programs should be targeted at improving the overall health of their officers which in turn will have a positive impact on the employee, the department and the members of the community being served. To ensure success the program must be supported by organizational leaders. Education, goal setting, and incentives along with support of different options will help enlist participation.

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INTRODUCTION

The very first step in becoming a law enforcement officer involves successful completion of the police academy. Anyone who has experienced this will likely tell stories of the miles they ran and all the push-ups, sit-ups and jumping jacks they did. Then comes graduation day with all recruits looking their best shined up in their new uniform and likely in the best physical condition of their life. It is likely the cadet was taught about good eating habits, the importance of exercise and how to manage the stress of the job. As the years go by and the overtime and the nightshifts pile up many seem to lose track of these humble beginnings. Then there's the eating habits that seem to follow shift work as there just doesn't seem to be many healthy options when officers work the night shift, nor when they need a fast meal because they have to catch up on paperwork. Another compounding factor is the sedentary nature of police work which often involves riding in a patrol car for hours on end or being stuck behind a computer writing reports. Although officers can spend up to 90% of their duty time on limited physical activities they must also be prepared to engage in physical activities on a moment's notice (Bissett et al., 2012).

Police officers deal with high amounts of stress and shift work. Some pick up bad habits along the way such as drinking and smoking and as already mentioned fall out of the routine of regular exercise. These things have resulted in police officers spending careers helping others only to experience higher cardiovascular disease and death at earlier ages than the general population. In fact, there is research suggesting police officers only live two to five years on average after they retire (Smith & Tooker, 2005).

Then there are other issues that come with unhealthy officers such as fatigue, low productivity, and improper uses of force, none of which are good for any department.

Police administrators should implement voluntary physical fitness programs to improve officer wellness within their organizations. They have a responsibility to their officers to not only ensure their safety at work but also off duty and into retirement. Voluntary fitness programs provide a path to improved health. They encourage participation while also reducing legal concerns that can come with mandated testing. Law enforcement leaders must consider incentives and other fitness options to motivate officers to become involved. The need to build cultures encouraging better overall health and wellness for police officers can no longer be overlooked.

POSITION

Employees are every organization's greatest asset, and it is reasonable to assert leaders want productive people who consistently show up ready to carry out the day-to-day operations. Employee wellbeing should be a priority for organizational leaders. According to Rayson (2000) "Ensuring fitness for work can lead to increased quality and quantity of production, decreased absenteeism and turnover, lowered medical costs, improved personal lifestyle and reduced incidence of injury" (p.1). When it comes to law enforcement there is an abundance of information available pertaining to physical fitness in the profession. Bissett et al. (2012) highlights some important points. The authors cite research stating, "It has been suggested that physically fit officers also exhibit better job performance, are more committed to the job, use less sick time off due to illness or injury enjoy greater job satisfaction, are less stressed, and have greater psychological well-being than those who are less physically fit" (Bissett, 2012, p. 211).

The traits mentioned are things to be desired by any solid police leader not only for on duty performance but for the quality of life their personnel can enjoy off duty as well. Another study backs the benefits of fitness for officers again confirming “more fit and active officers have 40-70% less absenteeism than less fit officers” (Smith & Tooker, 2005).

Police officers surveyed also agree how important this topic is. In 2003, a study with a sample of 360 agencies of 100 officers or more found “100% of state agencies, 95% of city and 76% of county agencies use some type of agility test” during their hiring process (Bissett et al., 2012, p. 209). This demonstrated law enforcement acknowledges there are physical tasks associated with policing, agencies are committed to fitness at the beginning of an officers’ career, and also seek to hire officers with some level of physical fitness. Another study of police officers in the Houston, Texas and surrounding area included incumbent officers from agencies of all different sizes. 428 agencies were included with the researchers reporting they received 250 completed surveys, 80% of which came from patrol-level officers (Bissett et al., 2012). The survey found officers enthusiastically supported some type of physical agility testing. 47% supported mandatory testing for incumbent officers and 41% supported voluntary testing for incumbent officers while only 12% of officers surveyed did not support some type of fitness testing for incumbent officers (Bissett et al., 2012). These results, back in 2012, are useful in showing administrators the percentage of officers who recognize the physical aspect of their jobs and support establishment of some type of standards in their departments. Of those who did not support testing for incumbent officers, 27% admitted they could not pass physical standards (Bissett et al., 2012),

therefore a voluntary program which provides incentives to participate, and choices of activities may provide the reassurance necessary for those that fear they would not meet the mark.

The F.B.I. National Academy is a prestigious training program for aspiring law enforcement leaders where attendees travel to Quantico for the experience and will learn physical fitness is one of the topics on the agenda. Ebling (2002) describes experiences of those attending the FBI National Academy and the history of the FBI's support of physical fitness in law enforcement. The author, Patti Ebling, was at the time of the publication, a physical training instructor at the FBI Academy. She quotes Thomas Jefferson as saying, "Exercise and recreation are as necessary as reading; I will say, rather, more necessary because health is worth more than learning" (Ebling, 2002, p. 1). Ebling highlights a few reasons the F.B.I. holds physical fitness in high regard as: the need of being physically capable to perform and its ability to reduce stress. She too identifies the health problems associated with the profession of law enforcement listing as having "The highest rate of heart disease, diabetes and suicide out of 149 professions" (p.2). She also states most agencies recognize the value of physical fitness but find it difficult to institute a fitness program. She contends those who remain fit are better prepared to deal with stress and critical incidents. While explaining student experiences at the F.B.I. National Academy, Ebling spoke on how students experienced individual successes in accomplishing physical feats they felt uncertain of initially. She describes the environment created on the fitness course as one of teamwork and encouragement explaining the faster students would usually go back and run with those behind or wait at the finish and cheer for the others still on the course.

Ebling recommends creating fitness programs with the goal of bringing out each officers' individual best. The programs should inspire improvement and teamwork leaving no one behind, which would seem to motivate those who participate (Ebling, 2002).

Randy Means holds an impressive background advising law enforcement, which includes several years as a legal instructor for the International Association of Chiefs of Police (IACP) and specializes in police physical fitness issues. His publication, *Physical Performance Standards and Public Safety* (Means & Thomas 2001) is a wealth of legal information which is a good reference for police departments wishing to implement fitness programs. It is yet another source detailing the health concerns in law enforcement that should be of serious concern for police leaders. Officer mortality rates were said to be greater than the general population in several categories including: all causes, cardiovascular disease, colon cancer, diabetes, and suicide (Means & Thomas, 2001). The most common medical problems of officers are listed as obesity and heart disease (Means & Thomas, 2001). At the time of publication, officers ages 21-35 years were said to be at equal or greater fitness levels comparatively to the general population whereas officers 35 years old and up were at lower fitness levels than the general population (Means & Thomas, 2001). This information is consistent with the pattern of officers' health deteriorating through the course of their career and ultimately leading to shorter life spans after retirement. An important point is the fact that physical tasks are a part of the job. Specific job-related tasks performed by officers in the line of duty were listed as: climbing, lifting and carrying, dragging and pulling, pushing and use of force confrontations (Means & Thomas, 2001).

Human Factors in Law Enforcement Leadership points to the importance of leadership to understand human factors in order to enhance employee well-being and organizational performance (Bone et al., 2015). A point of significance found in this article is the duty of law enforcement leaders to keep their employees as safe as possible and the relationship between safety and officer well-being (Bone et al., 2015). A main goal of any officer is to make it home safe every day and physical fitness plays a role in this. Stress is identified as a condition impacting officer health and well-being. Fatigue also comes into play because it negatively impacts the capacity for work, reduces efficiency and slows reaction times (Bone et al., 2015). Whether alone or in combination, these factors not only affect productivity but more importantly are of major concern regarding officer safety. To combat these issues, departments should have “A strong commitment to physical fitness” and the combination of physical fitness, job related confidence, and command presence will help officers avoid potential harm from criminal suspects (Bone et al., 2015).

The benefits of an exercise program should not be overlooked and include improved capability to perform physical tasks, reduced fatigue, better psychological preparation, and reduced stress (Smith & Tooker 2005). Mandatory standards appear too difficult to implement on veteran officers for a variety of reasons. For example, although a mandatory fitness program would in fact promote fitness, there is risk of potentially losing veteran officers unable to meet standards as well as the risk of injuries resulting in worker’s compensation claims. If mandatory fitness programs are not properly validated or administered there is a potential of legal liability for the departments involved. A voluntary physical fitness program presents an appealing

option for police administrators who want to begin to change the culture within their departments, improve wellness and performance while limiting risks and liabilities.

COUNTER ARGUMENTS

When considering physical fitness programs, police administrators must be astute to legal liabilities that come with such programs. The American with Disabilities Act and Title VII of the Civil Rights Act of 1964 are employment laws every administrator must consider when implementing employment standards. Although voluntary programs don't mandate participation, it is recommended they hold incumbent officers to the same standards as applicants. Departments who hold their applicants to higher standards may open themselves up to complaints of discrimination with the likely argument being although the applicant is not able to obtain the hiring standard, they were able to obtain the standard of an employed officer therefore can meet the requirements to be hired.

The American with Disabilities act (ADA) requires employers to hire, retain and promote persons with disabilities if they can perform essential job functions either with or without reasonable accommodations. Essential job function is the criteria which establishes minimum standards and those who meet minimum standards must be hired. If minimum standards are varied dependent on gender or age, discrimination occurs and thus fitness standards should be the same for male and female and no distinctions for age should be made either (Means & Thomas, 2001). Furthermore, business necessity is not met if someone meets a lower standard based on age or gender categories but is not eligible for a job because they could not meet the standard within their specific age or gender category. In other words, it isn't fair to hold a younger

person to a higher standard, while applying for the same job, and competing with others whose standards the subject could meet. This could also violate Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on gender and although there are obvious differences between men and women the critical issues officers confront in the field do not account for these (Means & Thomas, 2001).

Disparate impact occurs when a standard is shown to disproportionately affect one class more than another. The case of Lanning v. Southeastern Pennsylvania Transportation Authority, 181 F. 3d 478 (3rd Cir.1999) is an example where disparate impact was determined to have occurred. In this case many female employees were unable to achieve the standard and filed suit. This court found a physical standard, specifically a 1.5 mile run in 12 minutes, resulted in disparate impact on the female workers who could not achieve the standard (Means & Thomas, 2001). Although the run itself was determined to be job related the time restriction was not defensible as a business necessity (Means & Thomas 2001). Disparate impact can be lawful if the standard is shown to be job related, and a business necessity, hence a valid standard. Ultimately performance is the key and scientifically valid single standards that are job related help assure fairness in hiring processes and effective performance from officers in the field (Means & Thomas 2001).

The Cooper Institute is an educational research facility founded by Dr. Kenneth Cooper in 1970. Dr. Cooper has helped establish fitness tests that are in use by military and law enforcement agencies globally. The institute holds the position that fitness relates to officers' abilities to perform essential functions of their job; minimizing the risk of an officer using excessive force; reducing known health risks connected to the law

enforcement profession; and meeting legal requirements which help avoid lawsuits and provide defenses if challenged in court. Again, for a fitness test to be defensible it must be shown it is job related, a business necessity and scientifically valid (Cooper 2007).

Those who are concerned with liability associated with fitness programs should be aware of the other end of the spectrum. The Cooper Institute contends law enforcement agencies are at risk of liability for not having fitness standards citing: negligent hiring by failing to hire someone fit to do the job, negligent training by failing to train officers so they are physically able to perform their duties, negligent supervision for failure to observe and ensure officers are physically capable and negligent retention for failing to reassign an officer who is unable to meet the physical demands of the job (Cooper Institute, 2007.) The case of *Parker v. District of Columbia* (1988) is an example of liability for departments retaining unfit police officers. The 1982 case involved a jury awarding a large settlement to a plaintiff who was shot by a D.C. Metropolitan police officer who was unable to physically subdue him after the suspect ran away (DeBlock, 2015). The court had concern for the officer's inability to use defensive tactics due to poor physical conditioning and the department was found deliberately indifferent to the physical training needs of its officers (DeBlock, 2015). There was also a similar result in *Hutton v. City of Martinez* (2003). In this case an officer with a history of neck and back problems was allowed to stay on the job. When the suspect ran the officer shot him (DeBlock, 2015). The plaintiff argued he was shot because the officer could not use defensive tactics due to poor health and presented the officer's medical records as evidence to the civil court resulting in a settlement for the plaintiff (DeBlock 2015).

Another concern for police administrators is the possibility of injuries received during exercise. It is true people can and sometime do get hurt while exercising and in rare cases some suffer heart attacks during or after physical training. A review of the Officer Down Memorial Page (www.odmp.org) as of August 2021 sadly listed 8 deaths due to heart attack out of 199 in line of duty deaths. While an actual link between these specific deaths and physical exercise is unknown it is reasonable to assume some of these are related to physical exertion. A 2014 study done by the Harvard School of Public Health and Cambridge Health Alliance found police officers are 30 to 70 times higher risk of sudden cardiac arrest (SDC) when involved in stressful situations (Kulbarsh, 2018). The researchers also determined police officers to be 20-25 times higher risks of SDC when participating in physical training (Kulbarsh, 2018). Schuler (2003) provides some statistics on people “dying from exercise”. Dr. Paul Thompson of Hartford Hospital in Connecticut conducted a study correlating sudden death and exercise and determined 10% of heart attacks treated at his hospital were in fact exercise related (Schuler, 2003). His additional research found the chances of someone suddenly dying after exercise were “about one in every 15,000-18,000 people per year” (p. 3).

The American Heart Association reports heart disease is the leading cause of death in America with approximately 805,000 people suffering a heart attack per year (Centers for Disease Control and Prevention, 2021). If all 8 of the line of duty heart attack deaths to date were results of physical activity, they represent roughly 4% of the line of duty deaths. While any line of duty death is too many, 4% is a minuscule number in the overall heart disease picture, but still something to be improved on. The actual

chances of someone dying or suffering a heart attack as a result of exercise are very low. As a matter of fact, the highest risk seems to be in people who exercise vigorously for 140 or more minutes per week, but even that risk is at one per 13,000 men (Schuler, 2003). The lowest range appears to be for those who exercise 20- 139 minutes per week (Schuler, 2003). This is important to understand because one of the goals in a voluntary program is simply to get officers active and exercising to improve overall wellbeing. Such programs are not intended to be training regimens for marathons. In fact, the scientifically validated standard used for distance running in law enforcement fitness testing is 1.5 miles which is intended to measure aerobic capacity (Cooper Institute, 2007). The Harvard School of Public Health and Cambridge Health Alliance Study further justifies the need for fitness for police officers based on its finding because the risk of officers having a heart attack can be lowered through fitness (Kulbarsh, 2018). It is estimated when an officer suffers a heart attack it costs an agency between \$400,000 and \$750,000 (Smith & Tooker, 2005). Additionally, heart disease could account for 20-50% of officers who retire earlier than expected. Back problems can also account for up to 35% of early retirements, thus administrators must also consider costs associated with disability payments and the expense of rehiring and retraining replacements (Smith & Tooker, 2005). According to Blair et al. (1995) becoming fit is estimated to reduce all causes of death by 44% and cardiovascular disease by 52% (as cited in Means & Thomas, 2001). Law Enforcement fitness programs have also been estimated at reducing sick time use due to injuries by approximately 80% (p.12).

RECOMMENDATION

The decline of physical fitness post-employment seems to be a cultural problem in law enforcement. Organizational change is dependent on leadership which in turn requires doing the right thing even when it's not easy or popular. Police administrators have a duty to ensure the health and wellbeing of their officers and should implement voluntary fitness programs in their organizations. There is a definite correlation between poor fitness and increased cardiovascular disease and other health issues for police officers. Physical fitness not only improves overall wellbeing but also reduces absenteeism improved performance. Any concerns with costs of a fitness program pale in comparison to the benefits a fitness program can provide.

A voluntary fitness program for incumbent officers provides them peace of mind in knowing their job is not in jeopardy if they are unable to meet standards. This can serve as a motivator for improvement. It also gives officers a choice to participate reducing legal liability or potential worker's compensation claims should an injury occur. When implementing a fitness program, it is recommended to require the same standards of all officers (same job-same standard) as gender and age-based norms can open up possible discrimination claims (Cooper, 2007.) Departmental training on wellness is an important component of implementing a program and a program coordinator should be selected and properly trained on the topic. Before beginning participants should undergo a health screening to ensure they can safely participate. Leaders must provide ongoing support for the program to thrive (Smith & Tooker, 2005).

Voluntary programs should focus on individual improvement and involvement (Ebling, 2002). A lack of time and motivation has been cited as primary reasons officers

do not participate in fitness programs (Means & Thomas, 2001). The proper incentives are an essential component to motivate participation as they serve to both encourage and reward participation. Types of incentives include financial bonuses, time off with pay, uniform awards, certificates, or other forms of departmental recognition. Once an agency establishes a program, supervisors should set an example and participate. They can also provide guidance to their officers on the importance of being fit and set performance goals of annual reviews recommending participation in the program. Organizations should allow on duty time for exercise as much as possible. This can be motivating for the officers and also take away the excuse of not having time to exercise. Other options to promote exercise include employers paying for offsite gym memberships and sponsorships of various running events (1 mile, 5k, 10k etc.), bike rides or other exercise related activities.

Finally, fitness is not all about exercise but is a totality of choices and discipline. Other factors such as poor nutrition, smoking, obesity, and stress have an impact on health and fitness (Smith & Tooker, 2005). Weight loss is an important element in promoting cardiovascular health and a proper education on diet can be very helpful in educating personnel on good choices. Bringing in experts to teach employees dieting techniques is a proactive way to facilitate improvement. The Los Angeles Police Department set this example when it hired a dietician to help officers learn healthy eating habits. She provided one on one counseling for recruits and taught methods to several hundred officers leading to weight loss and healthier eating habits (Mohajer, 2008). When correctly implemented a voluntary fitness program can yield healthier departments who better serve their communities and improve officer wellbeing.

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