



Fitness Testing for Law Enforcement Benefits Everyone

Bill Analysis — House Bill 603

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Key Points

- There is no current statewide fitness test requirement for police officers.
- Fit officers miss less work due to illness and injury.
- Fit officers are more confident in their interactions with the public.

House Bill 603 requires the adoption of a physical fitness standard by the Texas Commission on Law Enforcement (TCOLE) requirement for licensure of certified police officers. There is no current requirement for a police officer to pass a physical fitness test in order to obtain a peace officer license in the state of Texas, simply a physical exam by a doctor ([TCOLE, 37-38](#)). Police departments and police academies are able to set fitness standards if they choose to and/or at the recommendation of the advisory board governing their operation as a training facility ([TCOLE, 31](#)). Additionally, HB 603 requires the passing of regular fitness testing as a requirement to maintain the peace officer license with intervals set by TCOLE.

The public has a vested interest in ensuring that its officers are in reasonable, physically fit condition, not just at the time of hiring but also throughout the duration of their professional career. As protectors of our communities, the public should be able to have confidence that a police officer is up to the physical demands of their profession and can serve and protect their interests as intended. That an officer not be a medical liability is another worthy expectation of the public in that public funds are used to pay for our law enforcement officers. A physically fit officer is able to accommodate physical stress at higher levels than an unfit officer and uses less time off for illness or injury (Bisset, et al., 211).

There is another public interest in having physically fit police officers relating to the potential use of force by an officer. A police officer who is exhausted or physically overwhelmed can lawfully escalate force to overcome the resistance or attack presented by a resisting suspect. Physically fit officers have a higher capacity for physical activity by definition, potentially allowing an officer to remain at lower levels of force for a longer period of time, or to overcome resistance by superior physical fitness rather than rely on the escalation of force options. While these situations and the need for exceptional levels of fitness are rare occurrences, there is no discounting the critical nature they represent (Bisset, et al, 221).

The Supreme Court decision in *Graham v. Connor* allows officers to use objectively reasonable force, taking into account what a reasonable officer in similar circumstances would do ([Graham v. Connor](#)). When an officer becomes exhausted, an escalation in force is reasonable. In certain circumstances this includes the escalation to deadly force. This exhaustion threshold is unique to each individual, but more physically fit officers can be expected to have a higher threshold for exhaustion. The delay in exhaustion can have a corresponding delay in an escalation of force barring other factors that would necessitate an escalation.

With the objective reasonableness standard in place, it is prudent for the state to require a minimum level of fitness to increase the “reasonable officer” standard. Studies have shown that fit officers are more confident in themselves and in their feeling of safety in their interactions with the public (Lagestad, 59, 69).

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While the above are substantive reasons for a fitness test for initial licensing, the case for in-service fitness testing at intervals required to maintain a license is perhaps even more compelling. A recruit in the police academy will have various levels of physical fitness training as part of the basic peace officer training program, ensuring at least some physical preparation for the beginning of their policing career. Upon graduation, a recruit will have no such expectations for physical training and maintenance of physical fitness will be wholly a personal decision. The job of a police officer does not involve a frequency of physical activity that would be considered adequate for fitness maintenance, but rather infrequent events that are critical in nature ([Bonneau and Brown, 158](#)). For these reasons, requiring regular fitness testing intervals for current police officers is a sound proposal. The current requirement for a physical exam is subjective and reliant upon a physician's understanding of the requirements of a police officer's job. It is too low of a bar for such a position of such importance to our communities.

Recommendations

- Adoption of HB 603's requirement for passage of a fitness test for initial peace officer licensing as determined by TCOLE
- Adoption of HB 603's requirement for in-service fitness testing at intervals established by TCOLE for maintaining peace officer licensing.

References

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- Lagestad, P. 2012. "Police Work; Physical Skills; Performance." *International Journal of Police Science & Management* 14(1): 58-70.
- TCOLE (Texas Commission on Law Enforcement). 2016. [Statutes and Rules Handbook](#). Texas Commission on Law Enforcement.

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