COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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COMMAND COLLEGE CLASS V

What Will Be the Future of Police Fitness Programs by the Year 2000?

Independent Study Project

by

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EXECUTIVE SUMMARY

Over the past decade, the law enforcement industry has been inundated with an unprecedented rash of injuries, disability claims, and retirements, the cause of which appear to be attributed to the inability of the officer to endure the mental and physical stress of the police environment. The costs of these injuries, real or perceived, have had a devastating impact upon both monetary and operational concerns.

Many futuristic police managers developed employee assistance and physical fitness programs in an effort to protect their most valuable resource, the employee. Literary scans revealed a myriad of different programs directed towards this end. The most significant similarity of these articles was the commonly accepted fact that the demands of the job promote an extremely caustic environment for both body and mind to the police officer. This literary research was, however, limited in breadth and suggested little insight into the future of police fitness programs.

Consequently, interviews were completed with many of the most renowned authors of said literary briefs to hone in on their personal perspectives of the future of the police officer fitness programs. This talent search included key officials from the FBI Academy in Quantico, Virginia and the California Highway Patrol in Sacramento, California. Other interviews were conducted with recognized leaders in the field of physical fitness and mental health. The culmination of these interviews was extremely enlightening and a valuable information base for group analysis.

Special consideration was given for the selection of constituents to participate in the group exercises. Not only was my concern to seek out professionals in the industry, but also those people who might be critical mass in defining the future, developing the future scenarios, policy statements, and the transition process. This endeavor ensured a forecast with a ring of authenticity.

Trends in critical incident evaluations suggested the national interest in holistic fitness has been steadily building momentum since the mid-70's. However, an almost inverse impact is realized by the police officer injury statistics. It seems the police officer's health is deteriorating. Citizens should expect their police officers to maintain at least the same caliber of fitness as the general public. It is apparent the option of good or poor health no longer is a decision for the police officer himself.

Three scenarios were developed that suggested a range of possible futures. The most desirable scenario suggested a bright future with sound body and mind in the police work force. It appears mandated fitness standards shall be designed as a condition of employment for the police officer.

The scope of forecasting the future state centered around the Visalia Police Department as the proto-site. The City was capable of implementing change with the mindset towards being on the cutting edge. The enthusiastic support from the critical mass represented in this exercise, in itself, was sufficient to "make change happen."

The management of the transition team shall be a diagonal slice of the critical mass. Specific incentives protecting job security for the on-board employees and a contractual embracement for new-hires shall guide the implementation of the mandated fitness standards. Fitness programs will best promote law enforcement personnel to meet the challenge of the future police fitness standards.

INTRODUCTION

Prologue

This report and its supporting data was created to relay to the reader a scenario of a police department facing a specific "internal" problem in the year 2000 - a problem not unheard of today in many departments - fitness of the line officer.

Where reference is made to a "fitness program" and "fitness" in its generic sense, this report does not imply a workable program will be introduced within these pages that a department could follow. Nor should anything in this report be construed as criticism or disparaging beliefs in any given fitness program in effect within the law enforcement profession today. For the purpose of this report, physical and mental fitness is defined as the achievement of a state of well-being which permits one to enjoy life to the fullest.

The writer (and his advisors) do not wish to give any casual reader the mistaken impression that this is a "catch-all" solution to a physical and mental fitness problem.

While the implication should <u>not</u> be made that this report is offered as a suggested "fitness" program, we have offered what we feel may be viable alternatives in the development and planning processes and implementation involved in a "fitness" program.

The reader's attention is invited to those areas of this report that address specific problems that might have been encountered before or may be addressed in the future.

If the reader is able to glean from these pages any measure of problematic solution, then, perhaps, this report will have accomplished an additional purpose.

CONTENTS

Project Background 1

Objective One 3

Literary Scan 7

Brainstorming 14

Futures Wheel 15

Interviews 16

Defining the Future 24

Nominal Group 24

Emerging Trends 27

Significant Event Identification 36

Event Evaluation 38

Cross Impact Evaluation 41

Scenarios 42

Objective Two 48

Strategic Planning 49

Policy Delphi 50

Environment 55

Capability Analysis 55

Organizational Philosophy 57

Mission Statement 58

Project Mission Statement 59

Stakeholders Assumptions 59

SAST Mapping 61

Stakeholder Negotiation Position 69

Negotiating Strategy 77

The Negotiations 79
The Mandated Fitness Program 85
Objective Three 87
Value Clarification 88
Critical Mass Commitment 91
Management Structure and Control 95
Supporting Technologies 96
Conclusion 101
Appendix 1 - Trend Evaluation Form 104
Appendix 2 - Event Forecast 105
Appendix 3 - Capability Analysis 106
Appendix 4 - Topical Search 107
Appendix 5 - End Notes 109

Project Background

Over the past ten years, the law enforcement industry has been plagued with an increasing volume of worker compensation claims and disability retirements. This phenomena has become a significant concern for the police managers throughout the nation. Questions exist such as "Why is the trend escalating?", "What portions of these injuries are avoidable?", "What volume of the claims are abusive?", and "What significant events or conditions will promote the desired state of mental and physical well-being of our officers?" The answers to these questions are typically subjective comments based upon a few personal experiences. It is, however, agreed upon that the consequences of the increasing claims are costly both in terms of operational efficiency and the economics of the department.

It is also a general consensus that the elements of the police officer's environment are not conducive to the maintenance of sound physical and mental health. The vacillation from sedentary to invigorating and from boredom to hypertense creates an extreme emotional and physical stress on the police officer. Numerous studies suggest that heart disease, cancer, and suicide are substantially higher in the police industry.[1]

The complexity of identifying the cause, effect, and legitimacy of injuries has created a difficult relationship for both manager and line. It has been estimated that as high as 95% of the stress claims are fraudulent. The process of analysis typically results in litigation which has a concerning impact upon the organizational morale. The challenge for the police manager is to reduce the injury

rate and disability retirements through pro-active programs addressing the urgency and sensitivity of officer well-being.

Police departments with the foresight and capability have implemented fitness programs that attempt to improve the officer's chance of enduring his career unscathed. Approximately thirty of the police departments in California have some form of fitness program. To date, few have mandated fitness requirements as a stipulation of employment, and those that do, such as the California Highway Patrol, have not terminated employees who do not meet their criteria. As an alternative to termination, officers have been offered retirement -an even more expensive adventure. The employee fitness issue is held close to the bosom of employee unions and the courts.

OBJECTIVE ONE

The first object is to factor and study the general issue utilizing futures research methodologies. The outcome will be three future scenarios. The general issue is stated as follows: "What will be the future of health fitness programs for law enforcement in the year 2000?"

Three related issues have been identified from the past. These issues were the product of brainstorming by my colleagues and myself in the Command College Class Five:

1. Is the police industry in need of officer wellness programs?
2. Why were officers reporting more worker compensation claims?
3. What has been the extent of abuse in worker compensation

All three of these questions present issues which have viable concern to the present. Related issues emerging in the present were identified by a brainstorm of colleagues and myself at the Visalia Police Department. The issues were then subjected to a preliminary screening as an approach to structuring the general issue for research. The criterium was a judgment concerning the degree of relatedness. The result was a list of five issues that, when considered together, essentially define the parameters of the general issue being studied.

1. What is being done to address the current rate of injuries in the law enforcement industry?
2. To what degree is the law enforcement industry committed to resolution of the health hazards in the industry?
3. Are the current efforts by law enforcement effective or do

they contribute to the problems of the officers?

4. Is the attitude of the current recruits more conducive to health development and maintenance than in the past?
5. What are the actual costs of worker compensation injuries and retirement problems?

Consideration was given to the related issues that might emerge by the year 2000. Future issues were judged to be relevant on the basis of potential impact upon possible future scenarios. The initial selection was:

1. What might happen if we neglect to address worker wellness?
2. Will the general trend towards individual fitness offset the need for special fitness programs?
3. Can we afford to continue to provide the same level of law enforcement if the volume of injuries increase?

Methods: Identification:

The following methods were used to obtain and evaluate the information related to the issue:

1. Scanning available literature
2. Brainstorming
3. Futures wheel
4. Nominal Group Technique
5. Interviews
6. Event and trend forecasting
7. Cross matrix of trends and events
8. Future scenarios

Methods: Implementation:

The first step in this research project was scanning available literature. The knowledge found in publications is typically the work of an expert with a high level of credibility. This information was extremely valuable in providing a base data for people who were involved in such groups as brainstorming and Nominal Group Technique.

The brainstorming technique is ideally used by stakeholders in the process to assess empirical information as well as the learnings of those close to the topic. I contacted individuals who are typically involved in the worker compensation claim process to help identify the events and trends. This list of individuals included a police chief, an attorney, a risk manager, a city council member, as well as a director of police science. The selection of constituents for this exercise was specifically centered around the critical mass of the Visalia Police Department, the intent being to allow exposure to a real critical mass for an authentic problem/solution identification and implementation.

My futures wheel was completed by myself and colleagues from the Command College to provide an overall mapping of the general topic area. This process will provide some order and direction for the various thoughts around the issues.

The Nominal Group Technique was used to determine trends and events that have developed to date, as well as those that are yet to occur.

Interviews with the most highly acclaimed individuals in the field were extremely valuable in providing information for the subsequent methodologies.

Event and trend forecasting was an integral part of the previously noted steps. Each step shall hold value in forecasting the future.

The cross matrix process was completed by myself after close analysis of the information that has been made available through previous methodologies.

Future scenarios summarized the most likely futures for the wellness of officers in the future. Policy statements were developed for placing significant events to shape the desired trends.

LITERARY SCAN

In the course of research for this project, there was, as can be imagined, voluminous material made available. Some dealt with specific areas of interest, such as the mental and physical limitations of police officer candidates, etc., while others dealt with absenteeism and the financial impact to any organized department. Still others drew specific conclusions as to what programs worked well for certain areas and why others did not. Much of the noted material was digested and filed away as reference, while some was rejected outright as either wholly unusable in text by time limitations or specifically by theory that was not applicable to our use.

With that in mind, our research and "literary scan" then focused on specific needs and questions.

1. When (if a specific date could be established) did the subject of disability become the pre-eminent subject among police management?
2. What were the effects, financial and moral, on a department faced with a "disability" claim that had not been addressed before?
3. How, over the years, has the subject of "disability" been addressed by departments of varying size and stature?
4. Where is that "disability" program in the 1980's? Is it addressing specific, inherent mental and physical problems of department employees?
5. Is it (the assumed program) in the best interest of the affected employee, the department, and the general populace

as a whole?

6. Where is "disability" headed into the 21st century? Is there a solution or a "cause-and-effect" application of accepted policy and theory?

Research into the first notions of disability retirement for the police officer surfaced in research through archives of the P.O.S.T. Library and S.J.V.I.S. Local libraries' periodical guides were of assistance as well. A disappointing common thread throughout the literary review was the death grip illustrated in the mortality facts for the police officer. It appears police officers have a higher rate of divorce, suicide, heart attacks, and cancer than the general public.[2]

One underlying stream of conscience surfaced in research; the disability retirement as a generic form of retirement as opposed to the true-to-form seniority retirement did not appear nor was there reference to it before 1974.

The influx of titles and peripheral written material that occurred in 1974 and thereafter lends credence to the assumption that perhaps prior to 1970, at least, the word "disability" was restricted to its "normal" application, i.e., the police officer meeting with catastrophic accident in the line of duty and thus, unable to work. It applied, no doubt, to a "welfare" mentality - "The department should take care of the man and his family, since his injury was job incurred." It was a noble experiment and, no doubt, over the years, countless officers and their immediate families were well taken care of under such dire circumstances, and rightfully so.

It was, after all, the public conception that a police officer risked life and limb to protect them and thus should be entitled to recompense if injured severely on the job. This same thinking led to the creation and perpetuation of many "widow and orphan funds" ... many still utilized today! But, by the late 1960's and meandering into the mid-seventies, a cynical public, too jaded with the sights and sounds of a war in a faraway country called Vietnam, too angered by nightly news broadcasts showing turmoil not only in distant lands, but within the boundaries of the once-hallowed and revered U.S.A., saw police officers, their stalwart men in blue, suddenly looking more like combat troops entrenched to meet a deadly enemy instead of wartime dissidents.

Americans, upset not only by those particularly horrifying news stories like Kent State, ad nauseam, but angered and increasingly more bitter with a government that seemed to specialize in inventing new ways of stretching the truth and distorting it into oblique shapes, became distrustful of government and began openly scorning and ridiculing <u>any</u> government agency or operation. And once again, in the front line trenches was the police officer - that man who had, just a scant few years before, been the object of respect and awe - who was suddenly, by the mid-seventies, the object of scorn, ridicule, and, often, physical and mental abuse.

Where did it start? How did such trivial matters become important and so awesomely overwhelming as to catapult a country into a headlong race into seeming demise? Could it be blamed solely on a war? Or was it an attitude, a manifestation that perhaps every ideal America had stood for, for nearly 200 years, should be questioned. It

became "in" to question authority! It was the panache thing to do. And once again, the "in" thing to do took its toll on our front-line soldier - that man in the trenches - the police officer.

In reviewing literature, is it any wonder then, that by 1974, as our research has indicated, the police officer should begin wondering about himself? I think so. Officers familiar with the occupation and the environmental situations at that time felt an obvious alienation.

Why, after years of respect, should his own life be the subject of intense and sometimes cruel debate? Why, for such low wages, should he be held to answer for every crack-pot who screamed "police brutality!"? Why should he suddenly find himself the object of intense dissection every night on the news when other, better paying, professions seemed to escape unscathed? Was he really sane for wanting to be a policeman? Was this really the job he wanted? He began to wonder - and to worry. He stopped looking at himself as others had in the past as well. The police officer had come of age and lost his innocence.

The financial and managerial burdens inherent in an effective disability program seemed to have been of foremost concern from the very inception of research.[3] As the problem of the multitude of real (and sometimes imagined) disabilities began surfacing, a resistance among top departmental management appears to have risen in concordance.

The financial and managerial burdens inherent in an effective disability program seemed to have been of foremost concern from the very inception of research.[4] As the problem of the multitude of

real (and sometimes imagined) disabilities began surfacing, a resistance among top departmental management appears to have risen in concordance. It is not surprising that this should have occurred early on. It was as if the threat of a labor dispute had suddenly been replaced with a strike, and management had to react to that problematic situation. Disability, it appears, became the classic textbook example of the action-reaction syndrome.

As employees began applying for and were granted, either through systems established within their own department or through legal intervention, disability retirements, management, almost as a whole, rose up in righteous indignation that such a thing was possible.

However, to the credit of a few departments with management blessed (or cursed) with acutely accurate foresight, it was apparent the cornucopia of disabilities reported by employees were going to escalate in the coming years. Rather than taking a "hunched back" approach and lashing out bitterly, aggressive management addressed itself to the ongoing development of programs that, over the long haul, would accomplish two specific goals: A) Physical and mental fitness of employees and encouragement through incentive for employees to help themselves; and B) To groom young applicants and newer employees into the ways of gaining and maintaining good physical and mental health throughout their careers to stem the tide in later years of the occurrence of disability retirements and claims.

There is seldom a police department that has realized substantial monetary savings with any form of disability avoidance program. It might be said that the comparison of the cold, hard,

inflexible subject of money is slight when addressing oneself or others as a group to better mental and physical health. How better is it to treat a man and be the better for it yourself, than to count the cost?

As lofty and as noble an experiment as that might be, we come back to the logical fact that every department operates on money, whether it is the chief and his deputy in the sleepy hollow or a multi-tiered police force comprised of thousands of men and women. And money not being paid out in disability retirement is money applied to more beneficial uses - the betterment and perpetuation of a top-line police force serving the taxpayer.

With that in mind, the comparative figures between those departments actively pursuing a disability avoidance program with ones that do not, or, for whatever reason, cannot, is a staggering comparison when dealing with the larger issue - where does it all end? To what end do you go to pay off on disability claims before the funds are dry? Where is that magical line stepped over that puts the department on the teetering brink of bankruptcy just in settlement of claims?

A telling point can be made in the citing of an example as to how benefits of an active disability program can be realized, not only by a department, but by its employees and the public as well. The city of Glendale, Arizona embarked upon an ambitious program to recognize and address accident and disability producing situations. The result was that not only were claims decreased dramatically, but their insurance carrier reimbursed the city $226,000 in earned premiums due to their outstanding record.[5]

An active, aggressive management, as we have stated, can and does make a difference, both in a monetary sense and one of employee safety and well-being.

Another case comes to mind. The Ohio State Highway Patrol initiated a semi-annual fitness program. Within months, a 16% decrease in sick leave and a staggering 20% drop in the number of overweight officers was recorded. The point to be made is that very little need be initiated to start a disability avoidance program in order to enjoy almost immediate benefits, both financial and physical.[6]

Finally, a dramatic decrease in workers' compensation claims was recorded by the Visalia Police Department after initiating a very basic disability avoidance program that addressed physical <u>and</u> psychological problems of officers. Within twelve months of its inception, the program had reduced city paid claims by $60,000!

Thus, our "literature scan" not only indicated for us the basic thinking and reservations of disabilities in the mid-seventies, it brought us to the forefront of modern application of disability programs, both where claims are paid and where potential claims are avoided by the judicious application of avoidance programs.

How it works, this phenomenon of disability, and the greater subject, how it can be avoided, is what propels us toward 1990 and the eve of the 21st century.

BRAINSTORMING

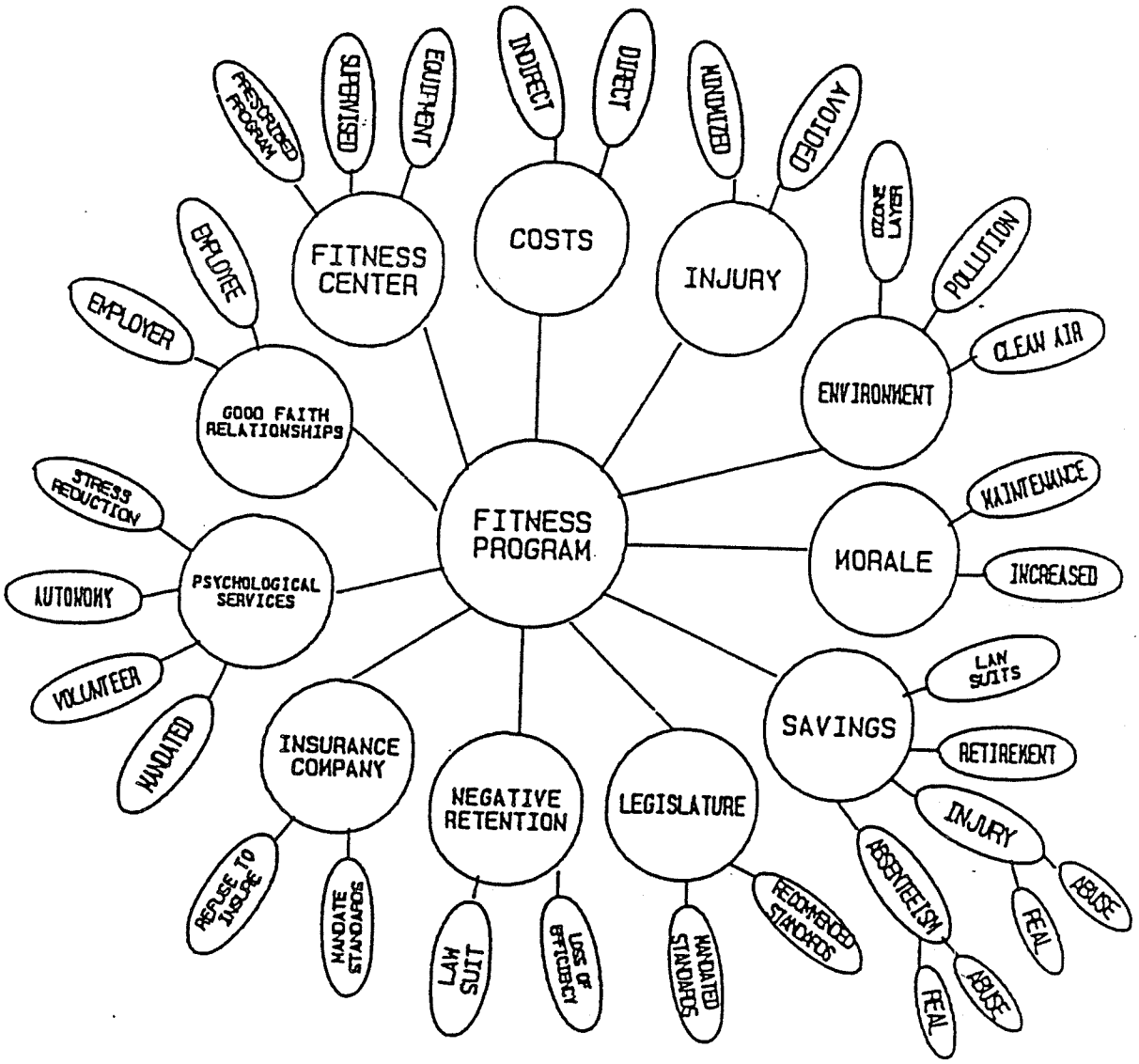
The process of "brainstorming" was used by the Visalia Police Department staff to identify concerns that might impact the officers' health programs of the future.

Participants in the brainstorm process were Captain Ken Marvin (20 years), Lieutenant Terry Ommen (14 years), Lieutenant Bruce McDermott (13 years), and Sergeant Jim Nelson (13 years).

The rules for the brainstorming process were consistent with the Command College instructions.

FUTURES WHEEL

The following futures wheel was designed to give organization and direction to various topics that might be instrumental in exploration of this project. This exercise was extremely useful in conducting the interviews. A quick glance at the futures wheel refreshed my memory of the topic area, allowing a higher level of control.



FUTURES WHEEL

THE INTERVIEWS

While literary scan played an important and informative role in the formation of thoughts on disability, it fell short of the specific "quality" requirements managers would need now and in the future to address the imposing problems of disability avoidance.

For this particular subject, it was felt that by seeking out those men considered so far advanced in their own realms of authority and knowledge of the subject of disability, a greater understanding of exactly how a viable program is developed, implemented, and driven to success could be achieved. Thus it was that research took place in Washington, D.C. in the company of three men, each renowned with careers in the Federal Bureau of Investigation and each respected for their thoughts on varying spheres of disability and its multi-faceted ramifications.

JAMES REESE, PH.D. - A sixteen year veteran of the FBI, Dr. Reese has published several books on the psychological influences in police work. He is a world-renowned speaker and lecturer and is recognized as the organizer of the first United States symposium on police fitness.. He currently heads the Behavioral Sciences Unit of the FBI.

GERALD M. SMITH, M. Ed. - Physical Education Specialist and author of numerous articles.

WILLIAM TAFOYA - Supervisorial Special Agent - Author of numerous articles and periodicals on the future of police services in the United States. He is the leading "futurist" for the FBI.

The topic/subject of the interviews, considering the stature of the men who had agreed to participate, had been provided to them several weeks in advance of the actual interview.

Each of the men was given the opportunity and encouraged to speak as frankly and forthrightly as he wished. The interviews were not done one-on-one, but rather in a group setting with all three men present at the same time.

The result was an interview of extraordinary insight, topical subject matter, and the highlighting of the nuances of each man and his particular area of expertise.

To begin, an explanation was offered on the Command College. All three were well-versed on the College prior to the interview.

It was Dr. Reese's opinion that for perhaps too many years, the family unit of the police officer has been delegated a "back seat" to the man's career as a policeman. He countered with the observation that through design and, perhaps, necessity, the future may bring about a greater awareness of family bonds with the police officer and with that, a greater understanding of a spiritual need in his life. Dr. Reese, although optimistic about law enforcement in the 21st century, tempered his enthusiasm with the pointed forecast that the stress and everyday turmoil of police work will not lessen, but might very well increase within the next few years. Consequently, he seemed to embrace the idea that with this increased stress and its related symptomatic problems will come not only better understanding of the psychological make-up of the police officer, but more complete and comprehensive ways with which to deal with a police officer's specific problems as they arise.

An emphasis on the future points out possible shortcomings of the past according to interviewee Gerald Smith. Mr. Smith contends that today's youth (tomorrow's police officers) are being reared in an atmosphere where physical fitness is the norm, far from the exception of just a decade ago. Long gone, according to Smith who seemed to delight in the telling, are the days of the police officer as compared to John Wayne, James Bond, and other stars of movies and television. Today's young officer, just as tomorrow's will be, is just as apt, says Mr. Smith, to be jogging to work, lifting weights, and pursuing a personal physical fitness course that would have his predecessors wheezing and gasping in the shadows. Today's officer does not shun psychological help as unnecessary and unmanly, but rather welcomes it as he does his other attributes. Mr. Smith recognizes this not only as a step in the direction of future police officers, but quantum leaps and light years ahead of his current co-workers. Mr. Smith, an avid supporter of holistic well-being, blends his ideas for the "future" officer with what has been accomplished in just the last five years with the sage observation that it takes at least a decade before <u>any</u> physical and psychological disability avoidance program will reach maturity and will make its presence known and felt throughout any department.

Dismally, however, Mr. Smith finds fault with a forced program of exercise. Of a group's participants in such a program, Mr. Smith contends 20% will suffer injuries while exercising. And of those, 10% will find injuries to purposely escape the system. Mr. Smith agreed to the sad commentary on a physical fitness program where even when a man is to be helped, there is always one who will abuse the program.

The age of the computer in police work has not only not reached its zenith yet, according to our third interviewee, William Taylor, futurist for the F.B.I., but that mountain of computer-related science has yet to be scaled. Mr. Tafoya, addressing use of the computer in today's modern police department, cited examples where in the future, today's law enforcement computer systems will pale in comparison. Job stress, he cited, will be reduced in the future police profession because of the use of "user-friendly" computers that will carry a great deal of the day-to-day rush of paperwork and other functions more efficiently.

To augment use of better and more sophisticated computers in police work, Mr. Tafoya believes high schools will begin to play an instrumental role in the development of "officer candidates" - young people who, through specialized courses, may be "tracked" for police professions and thus, better able to cope with law enforcement in the 21st century.

Mr. Tafoya sees a "futuristic" world of law enforcement that is stronger, more flexible, more viable, and more agile because of the use of computers and its peripheral influence on the profession.

Stress, he reported, will be an ever-present threat to <u>any one</u> in law enforcement, but with the aid of computers and vast technology waiting in the wings now, the future police officer will come into the profession with a greater ability to cope with his work and understand the stresses and pressures he will no doubt feel on the job, not unlike his predecessor in the 1980's.

Where once employers were happy to accept mediocrity and slovenly employees on the job so long as the work got done, according

to Russ Coile, president of personally owned and operated futures medical research group of Oakland, California, the future employee, particularly the police officer, will not be allowed the luxury of haphazard physical conditioning. No longer, said Mr. Coile, will obesity, alcoholism, casual drug abuse, and the myriad other "past-times" that have wreaked havoc in the workplace be tolerated, particularly in law enforcement.

Battling a constant rise in abuse of physical and psychological disability claims will be insurance companies, legislators, and law enforcement agencies.

Mr. Coile, a firm believer that the future of law enforcement is instrinsically bound to good physical and mental health, foresees the abuse of drugs and alcohol continuing in law enforcement, but not to the extent, perhaps, as it is today. He reported that no longer will "having a few for the road" be the thing to do after a tour of duty. Instead, with the future, he predicts, will come a lessening of the quasi-military aura of police work and, consequently, the stress inherent in such a "closed" society.

But, on the other hand, Mr. Coile spoke of the growing need for physical fitness; relaxation of a military posture should not be construed as a "free ride" to abuse of mind and body.

Everything, he reported, will work in tandem to produce the optimum benefit for the future police officer - Regimentation to some lesser degree, a continuation and encouragement of a strong physical and psychological fitness program, and a firm belief that the job of a police officer as an ever-vigilant trustee of the public welfare can never be transgressed.

A critical eye toward law enforcement and a wary attitude toward a police officer doing anything "right" for him or herself was expressed by Covert Bailey, author of the best-selling book, "FIT OR FAT."

Interviewed for this project, Mr. Bailey expressed a deep reluctance to credit police departments with any physical fitness program that was not thrust upon them. Left to their own devices, he said, police officers would be the last to physically care for themselves, the last to participate in any voluntary fitness program, and probably the first to indulge in the consumption of junk food!

Mr. Bailey, whose caustic opinions spread to other facets of society, including the medical profession ("A third of all doctors smoke while they tell you not to!"), is no less harsh on law enforcement in the future. In his opinion, the era of the police officer as a knight in shining armor is drawing to a close because, simply, that armor does not fit well anymore. He reported that of all the groups he has studied in his long career as a physical fitness expert, police officers as a group are reluctant to indulge in any activity that smacks of physical exertion. This is unfortunate, he claims, in view of the sedentary nature of the job. Without exception, he said, most police officers - who should be among the top physically and mentally fit people in the country - would probably rate among the very lowest.

He countered with the proposition that should someone develop a system where police officers could engage in physical exercise, it could never be one of "regimented" activity. If it is, he says, it's long in coming; the classic case, he feels, of too little, too late.

The future? About the same, Mr. Bailey retorts. The police officer has no motivation to do better because the public lacks that same motivation.

The need for physical fitness is the quintessence of successful police work is the theory advanced by Kenneth Krueger, Personnel Selection Consultant for P.O.S.T.

According to Mr. Krueger, physical fitness is the center by which all else may extend, up to and including mental well-being. The need, therefore, according to him, for a physical fitness program that includes every "front line" officer in a police department is the key to success. Without it, he maintains, every disability case is a win/lose situation with the respective department on the latter end. He maintains that the lack of physical exercise and a daily physical fitness routine can be traced one way or another to every disability, regardless of first appearances.

Mr. Krueger, an avowed fitness enthusiast, supports the idea that the future of law enforcement may well be left to those who are physically the best for the job.

Where does a department turn after a well organized physical fitness or disability avoidance program fails to draw the required enthusiasm from the troops? According to Lieutenant Ted Burgnon of the California Highway Patrol, it might be time to open the checkbook!

Lieutenant Burgnon, the final interviewee for this report, reported that a state-mandated physical fitness program adopted in 1979 met with strong resistance - the harshest critic, the California Highway Patrol Officers Union. Their complaint joined a litany of others following the same basic tract - there was little, if any,

incentive for officers to participate. They knew they could not be fired if they refused; thus, the Highway Patrol's hands were effectively tied.

A break came and the tide turned for the Highway Patrol when purse strings were loosened and each officer was offered $130 per month to participate - nearly $2,000 a year! With a promise of ready cash at the beck-and-call, criticism lessened and the program, now in its second phase, became a success.

Agreeing that money incentives may not work for everyone or every department, Lieutenant Burgnon was quick to point out that in its final analysis, the cash incentive was actually saving the California Highway Patrol millions of dollars a year being lost in heretofore unsuccessful lawsuits, workers' compensation claims, and dismissals that landed the patrol in court battles that ended, usually with unhappy circumstances.

To add another "lollipop" to the plan, the Highway Patrol has offered attractive financial retirement packages to officers forced through disability to retire.

An expensive proposition from the outset, but a money-saving departure from extraordinary legal fees and unhappy and restless police officers and patrolmen still not benefiting from any type of physical fitness program!

The proceeding interview suggested a constantly changing environment for the law enforcement officer in the future. This change will naturally result in stress. Stress which may be harmful or may be a motivator for the police officer. It's important that the police officer address this stress with appropriate diet, exercise and

perhaps spiritual assistance. The future will not provide the luxury of an officer deciding personally whether or not to be fit or unfit, but rather will mandate specific fitness criteria. This criteria will be a stipulation of employment.

DEFINING THE FUTURE

What is the future of police fitness programs? The information gathered in the literary scan and interviews establishes a very unclear picture of the current state of fitness programs. The process utilized to define the future shall be based upon a series of steps utilizing individuals who are key players in the evolution of the topic.

NOMINAL GROUP

Following the literary scan process and a complete compilation of all interviews conducted, it was then time, as preparation for this report demanded, to gather together a group of qualified individuals to play participatory roles in the first "brainstorming" session.

The participants in this first session came from varied backgrounds and careers, educations, and experiences as we have indicated with their respective credentials.

Selection of the initial "core" group came about through a screening process developed and conducted by Chief Raymond Forsyth and myself. This selection process, we felt, provided us with a myriad of differing and exciting personalities that would lend input and exchange in the course of the first session. In mind at the time of selection was the constituency of critical mass for an authentic

review of the topic with reference to defining the future, developing future policy statements, and their implementation. Our first session group included:

- Mary Louise Vivier, Visalia City Council member, clinical nurse specialist
- Raymond Forsyth, Chief of Police, PH.D., M.A., B.A., (28 years experience in law enforcement)
- Dr. Tim Hart, PH.D., M.A. (24 years experience in law)
- Vivian Hurley, Librarian, M.A. Librarianship (16 years experience)
- Ken Marvin, Police Captain, B.A. (20 years experience)
- Dr. Richard Blak, PH.D. (15 years experience in police psychology)
- Mike Correia, Police Officer, B.A. (9 years experience)
- Jim Nelson, Police Sergeant, M.A., B.A. (11 years experience)
- Bruce McDermott, Police Lieutenant, B.A., (13 years experience)
- Jim Lewis, Police Lieutenant, M.P.A., B.S. (13 years experience)

The first "brainstorming" session consisting of our panel of experts was conducted in a single day-long meeting at a local restaurant to facilitate meal periods and breaks without unnecessary interruption.

The session was conducted as a "round table" discussion with no chairperson or leader. Each participant had, through written and oral mediums, been advised and made cognizant of the interviews that had been conducted and the results of the literary scan. This indoctrination, it might be noted, was done in the weeks preceding the first session in order that no time be utilized for instruction during the actual session. Each member came to the session fully versed on

our areas of interest and each was mentally prepared for the proceedings that followed.

EMERGING TRENDS

The end result of this session produced some expected and several unexpected trends to monitor for this report. Those trends that resulted included:

1) Increasing conservative political climate
2) Increasing population
3) Increasing medical expenses
4) Aging population
5) Aging police officers
6) Difficulty recruiting officers
7) More fitness programs
8) Fitness as an employee responsibility
9) Fitness standards - a term of employment
10) Affirmative Action mandates
11) Unrealistic court mandates
12) Liability of employers for unfit employees
13) Private sector encourages fitness
14) Less human resources for the department
15) Increasing number of multi-careered individuals
16) Decreasing career commitments
17) Impatient employees
18) Increasing civilianization
19) Increasing community consciousness
20) Increasing spiritual concerns
21) Inundation of information
22) Appreciation for global concepts
23) System continues to victimize victims

24) Individuals loss of basic knowledge

25) Strong caste system developing

In order to effectively address the report to several topical issues in scenario form, it became necessary to reduce our list of 25 subjects to a more manageable number. The task of reducing the list was turned back to the session group with instructions that from the 25, only 5 could be considered. Group consensus played a pivotal role and created the following, in order of their assumed importance to our report.

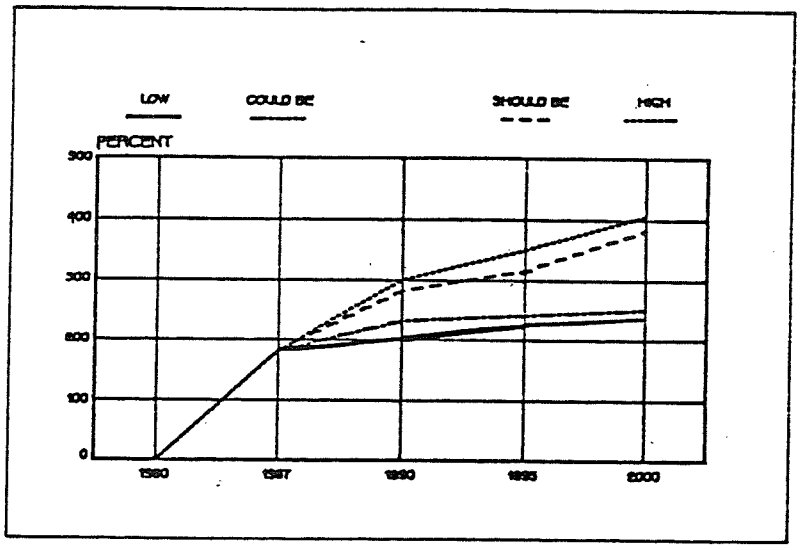
A trend evaluation form was completed by the Nominal Group of the following five trends. The result of the ratings were used to complete the following graph. Refer to Appendix 1 for trend evaluation form tabulation.

The most significant trends were:

1) Difficulty in recruiting officers
2) More fitness programs
3) Liability of employers for unfit employees
4) Fitness as an employee responsibility
5) Fitness standards - a term of employment

The data for trend evaluation was collected with categories for development of trends five years ago, what it will be in ten years, and what it should be in ten years.

1. Difficulty in Recruiting Officers



The difficulty in recruiting officers, according to the group input, seemed to focus on an unspoken competition for capable applicants with private industry. The question was broached as to how public service could hope to compete with the private sector. A young person seeking a career in law enforcement has inducements from industry and business to fulfill a multitude of professional positions in security and investigations with a rate of pay and a host of benefits that a municipal police force would find an insurmountable task. Thus, the best of those interested in a police career are spirited away to private positions, leaving police forces facing the not altogether enviable task of selecting candidates from a field nearly picked clean of the caliber of person who used to compete fiercely for the very job they now offer.

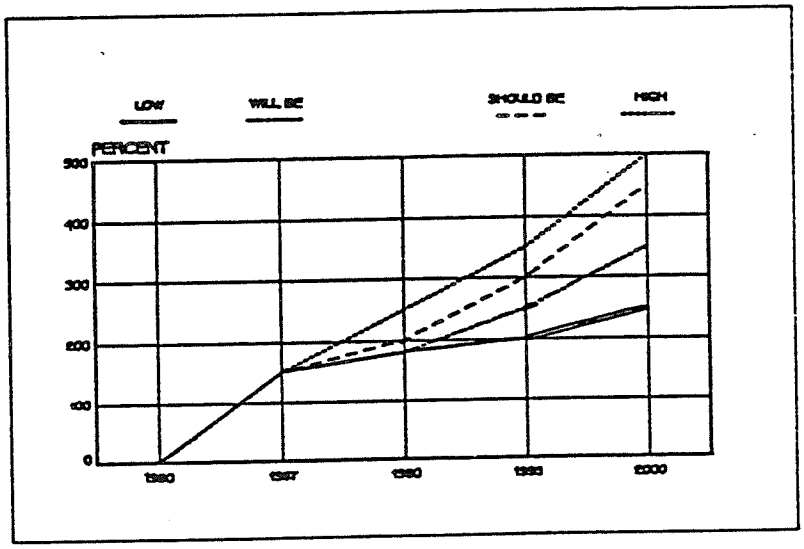
From this "core" group, it might be expected, only 5% would ever qualify for police work with the remainder effectively eliminated

during physical, psychological, or intelligence screenings. Again, the field narrows precariously.

Finally, as if the situation were not deteriorating quickly enough, that now dwindling list of candidates will become police officers only to fail somewhere in their probationary period in numbers so high that it is a surprise that young people ever make it past the initial interviews!

In analysis then, the difficulty in recruiting officers into law enforcement is created from within and without. What private industry, with all of its financial and employee benefit packages, does not erode from the ranks of available police officer candidates, the public employee hiring system with its endless maze of bureaucratic orders and commands matched in severity only by some hiring practices existing in several departments that have not been brought into the 20th century, effectively wipe nearly clean that work force desiring a job in law enforcement.

2. More Police Fitness Programs



Within the past decade, Americans have embraced, nearly to a person, the idea of physical fitness. Thought at one time in the not-too-distant past to be an exercise thought to be a pastime only by school children, high school and college athletes, and men paid very good money to see how much beating the human body could withstand, physical fitness today has become the rallying cry of most Americans. In the past ten years, thriving industries have flexed their own corporate muscle by appealing to and selling the "health conscious" American everything he or she could possibly wish to own to assist on the road to good health.

Television commercials and newspaper and magazine advertisements focus lenses on "the beautiful people" - muscular young men and glowing, healthy young women in blazing sunlight sipping their favorite soft drink, munching their favorite candy, or discussing the merits of figures and dress.

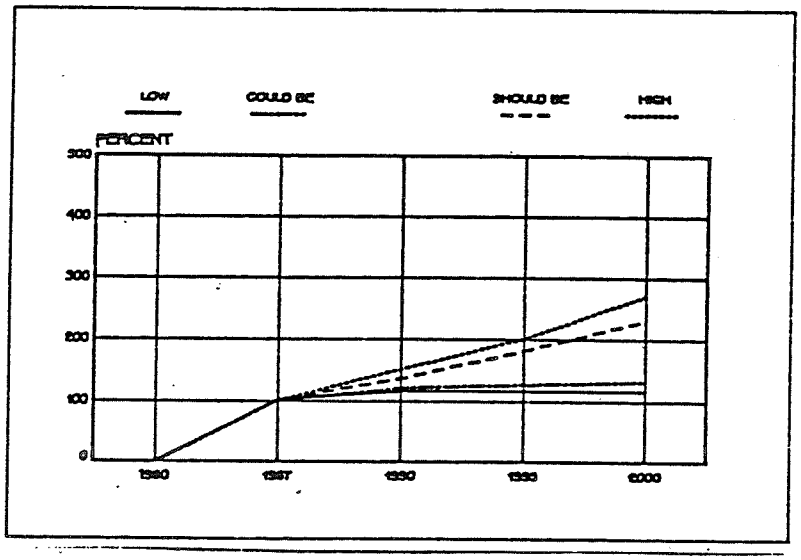
It is this advertising blitz, where every American who is not physically fit should feel ashamed of himself as he sits, a couch potato, in the grandstand of obese life, watching the game of life being played out before him.

It is hip to be fit! Our upward mobility has taken to jogging, bicycling, and swimming with the driving force being a country-wide pressure.

We've become a health-conscious, appearance-spirited society. And as this self-examination and self-regimentation has enveloped the land, it has now become the norm, no longer the exception. And with that ideal in mind, Americans rightfully expect their trusted servants, police officers and firemen, should be no less fit. The

"fat" cop is reserved for situation comedies on television. Today, the police officer is expected to be fit, lean, athletic, and strong, just like his counterparts, the rest of America.

3. Liability of Employers for Unfit Employees



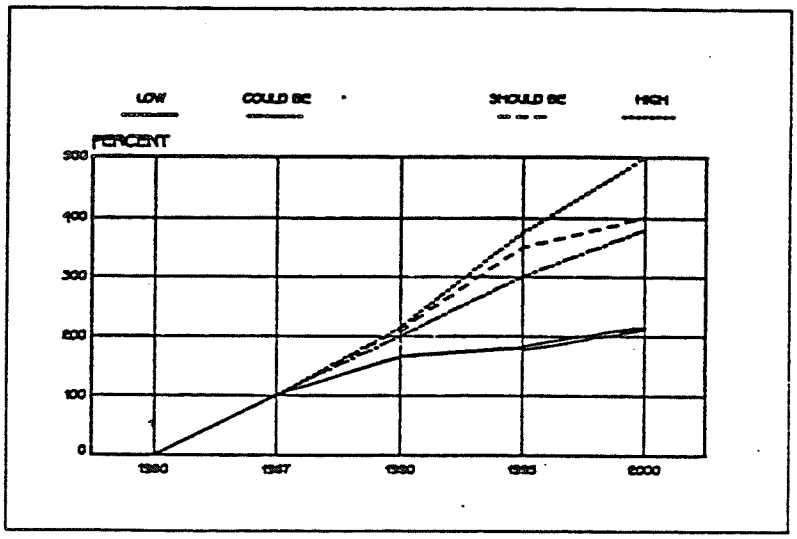
In a suit-inclined society, any employer, regardless of the business he conducts, is a moving target for a lawsuit, real or imagined. Add employees to the business and that threat becomes tripled. Nothing is easier for an employee to claim and more difficult for an employer to defend than a suit brought about by disability. In a country where the foundations of justice are "innocent until proven guilty," in employee vs. employer suits and judgments, it seems the hapless employer is "guilty and keeps getting guiltier!"

More often, in more suits and court-ordered judgments, employers, large and small, are being made to account for the disabling injuries suffered by employees. In many cases, the employer and his attorneys have full knowledge of a particular employee's

propensity toward careless acts, but ignore it because the man or woman is productive. Let that employee have an accident or concoct one, and the employer is left out to dry, with federal and state health and safety agencies hot on his trail. He is on the perilous one-way road to court with little or no defense.

Unfit and unhealthy employees are a burden on a company or organization, no less a burden than outdated machinery, dwindling accounts receivable, or a city department budget lopsided and facing bankruptcy. It only takes a single mistake or slip anywhere in any area and the employer's house of cards can end up crashing down around him. The employer's only defense against unfit employees is: A) Not to hire them at the outset; B) Ignore the problem until he becomes dwarfed by the immensity of the legal entanglement he will imminently become involved in; or C) Begin an aggressive physical and mental fitness program suited to all employees and make it pay. Without it, an employer, any employer, has one other option: He can do it all himself. For most, the latter is impossible.

4. Employee Responsibility for Fitness



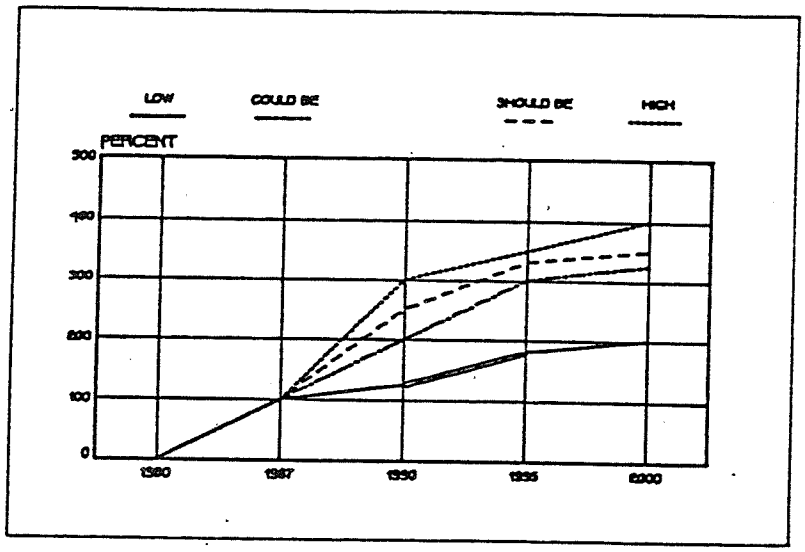
While the employer may ultimately be called to answer for the activities that lead to an employee's disabling injury, the employer, through several fields of pursuit, may be able to put the ones on the employee's shoulders to maintain a certain, pre-determined level of physical and mental fitness.

Threats, in any form or substance, seldom are successful in achieving a long-term goal or solution. Thus, for an employer to take the posture with employees of "You will get in shape, you will stay in shape, or you will lose your job!" will not produce the desired effect, except possibly to breed such low morale and agitation that a rash of disabling accidents shower the employer like snowflakes.

Faced with this era of lawsuits, disability retirements, and workers' compensation claims, many employers, both in the public and private sectors, are developing programs of fitness addressing the specific needs of the group in mind. By offering incentives, bonuses, and rewards for better health, the employer who will take an active, participatory role in the fitness of his or her employees reaches the ultimate goal with far less antagonism and cynicism. Thus, the employee is made to feel part of the program.

It is necessary to instill in the employee the idea that not only is physical and mental fitness expected of him or her, but it is their own responsibility for personal well-being. The mention of incentives may bring about this desired result temporarily. More often than not, an employee tires soon and reverts to the path of least resistance. When he or she is made to feel responsible for self and others, that feeling produces the desired result, happier, healthier employees from the outset.

5. Fitness Standards - A Term of Employment



New employees will find themselves suspect of a multitude of physical and emotional disorders. The underlying reason for this intense screening of new applicants is simply that where once employer-enforced health fitness edicts have been struck down in court in favor of existing employees, nothing can stop an employer from demanding, and receiving, new employees in the best physical and mental shape.

The employer can set his standards for hiring as stringent or lax as he feels the job will demand and can demand new employees to conform. The employer is now within his right to demand that new employees sign agreements stating specific probationary periods, during which the employee will be terminated for the slightest transgression of the rules, including those of fitness.

Responsibility can be placed squarely on the shoulders of the new employee; he will come into the job knowing precisely what is expected of him from his hours at work to his deportment, to his clothing, to his physical condition.

The employer will offer the programs to maintain the employee, but henceforth, the responsibility of taking advantage of those programs, including physical fitness, will lie with the employee. No longer will it be necessary for an employer to grovel and beg employees to take better care of themselves in order to avoid disabling situations. From new employees, he can demand and expect it. The new employee knows the price he will ultimately pay for his own negligence.

Physical and mental fitness to the new employee is a demand - as much of a demand as clean clothing, a smiling personality with the customers, and a willingness to perform the job as expected.

Now there can be one more expectation - the new employee will take care of him or herself or will be out seeking other employment. It is just part of the job!

SIGNIFICANT EVENT IDENTIFICATION

Next, the brainstorming group was asked to consider a number of events called "critical events" that might or might not have an effect, either adversely or positively on the trends that had been developed earlier.

The criteria for this portion of the session was simply the creation of fictional accounts of "critical events" that would impact the earlier established trends. And, as before, there were no rules,

no guidelines. It was to be an open, imaginative, creative session.

The result? As before, the number of events created far exceeded the first expectations. Everyone participated, and the results indicate that input.

The "critical events" as the group perceived them were:

1) Insurance companies set standards for police fitness
2) Federal courts rule against P.O.S.T. fitness standards
3) Specific mandates from P.O.S.T. for fitness achievement
4) Local ordinances set minimum fitness standards
5) Fitness diagnostic equipment computerized
6) Bio-feedback equipment installed in work environment
7) Class action suit won by employer against employee for inadequate training
8) Financial bankruptcy of government
9) Retirement systems go bankrupt
10) Legislation strikes officers rights
11) Police union strikes

As before, the group was now asked to reduce their "workload" from 11 to 5. The group was told of the 5, each was to be rated by percentages of the chance of each event occurring in actuality before the year 2000. A nominal figure was also required of each individual for a rating of the net impact on the issue area. The rating could run negative to a -10 or positive to a +10. For each of the events, the percentage of probability continues to escalate as we approach our target year, 2000.

EVENT EVALUATION FORM

EVENT STATEMENT	PROBABILITY			NET IMPACT ON THE ISSUE AREA (-10 TO +10)	NET IMPACT ON LAW ENFORCEMENT (-10 TO +10)
	YEAR THAT PROBABILITY FIRST EXCEEDS ZERO	BY 1988 (0-100)	BY 2000 (0-100)		
INSURANCE COMPANY CONTROL OF POLICE FITNESS STANDARDS	1987	25	50	+10	+3
FEDERAL COURT DECISION AGAINST P.O.S.T. FITNESS STANDARDS	1987	15	30	+8	+2
SPECIFIC MANDATES FROM P.O.S.T. FOR FITNESS ACHIEVEMENTS	1988	5	15	0	-5
LOCAL ORDINANCE SETTING MINIMUM FITNESS STANDARDS	1987	20	60	+5	+2
POLICE UNION STRIKE ON ISSUE OF MANDATED FITNESS STANDARDS	1987	5	30	+9	+7

A charting of event probability was completed by the Nominal Group. Refer to Appendix 2.

That assignment produced prodigious results, to wit:

1) Insurance companies set standards for police fitness
2) Federal courts rule against P.O.S.T. fitness standards
3) Specific mandates from P.O.S.T. for fitness achievement
4) Local ordinances set minimum fitness standards
5) Police union strikes

Each event was discussed, and from those discussions, the probability of the event occurring between 1987 and 2000 was reduced to a percentage. Refer to Appendix 2. for graphs of events.

1. Insurance is one of the most powerful lobbying bodies in government. By that fact alone and their inherent nature, it seems only obvious that more pressure, direct or indirect, will be placed on employers by insurance companies. [50%]
2. Since courts have historically set a pattern of ruling in favor of the employee vs. the employer, it was the consensus that this pattern would not change significantly in the future. [30%]
3. Based upon past experience with P.O.S.T., it appears highly unlikely that it would ever take a strong-arm position in issuing mandates. Satisfied to play a role of advisor, it appears P.O.S.T. might continue that role, offering suggestions, few orders. [15%]
4. The highest "at risk" group, the local city, attempting as best it can to cope with an ever increasing number of lawsuits and disability claims, will act aggressively to set, at the very least, minimum standards. The

"better to do something than nothing at all" syndrome will apply. [60%]

5. Feeling the threats of job insecurity, unreasonable mandates, increasing danger with little financial gain, and, finally, the government-ordered and implemented fitness programs will have left unions with no choice but to take their membership out on strike at least once, perhaps in conjunction with others. [30%]

A cross-impact analysis was completed to determine the relationship of events-on-events and trends-on-events. This practice was useful to bring meaning to the complex process of analyzing the future scenarios. It is apparent that events restricting the authority to set fitness standards can have a tremendous impact on Trend #5, setting of fitness standards. Close attention needs to be paid to the involvement of police unions and the courts.

CROSS IMPACT EVALUATION

EVENTS	PERCENT PROBA-BILITY	EVENTS					TRENDS				
		E-1	E-2	E-3	E-4	E-5	T-1	T-2	T-3	T-4	T-5
E-1	50	X	-50	+10	+20	+50	-15	+30	-10	+30	+70
E-2	30	-75	X	-50	-50	+75	+10	-15	+60	-30	-75
E-3	15	-10	+10	X	+20	-50	-20	+20	+10	—	+70
E-4	60	-25	-50	—	X	-25	-15	+15	-20	-25	+75
E-5	30	-25	+80	-10	-20	X	-15	-20	-20	+20	-70

KEY: EVENTS

E-1 INSURANCE CONTROL OF POLICE FITNESS STANDARDS
E-2 FEDERAL COURT DECISION AGAINST FITNESS STANDARDS
E-3 SPECIFIC MANDATES FROM P.O.S.T. FOR FITNESS ACHIEVEMENTS
E-4 LOCAL ORDINANCES SETTING MINIMUM FITNESS STANDARDS
E-5 POLICE UNIONS STRIKE ON THE ISSUE OF FITNESS STANDARDS

TRENDS

T-1 DIFFICULTY IN RECRUITING OFFICERS
T-2 MORE FITNESS PROGRAMS
T-3 LIABILITY OF EMPLOYERS FOR UNFIT EMPLOYEES
T-4 FITNESS IS AN EMPLOYEE RESPONSIBILITY
T-5 FITNESS STANDARDS - A TERM OF EMPLOYMENT

SCENARIO #1

Normative, Feared but Possible

NEW YORK, FRIDAY, AUGUST 15, (AP) - - - For the third time in as many weeks, the Federal District Court of New York has rejected a $7 billion lawsuit against Bio-Time Corporation brought by the National Police Officers Union (NPOU).

In rejecting the class action suit once again, District Court Judges told union attorneys that further action may result in legal proceedings against the attorneys themselves!

Officials of Bio-Time Corporation, fraught with loss of revenue from the adverse publicity generated by the series of suits, were excited with the prospect of an end to the lengthy court battle - one they say has now cost the corporation over $1 billion to defend.

Claiming the suit was unjustified from the start, builders of the bio-feedback machine in question contend the machine works well under all circumstances.

However, the chief legal counsel for the NPOU was quick to disagree, stating in part that because of uncorrected defects in the machines, many of the union membership had been subjected to harassment by officials of a number of police departments, and some members, they say, after seemingly failing the bio-feedback test from a faulty machine, had actually been suspended from duty, and in two officer cases, fired outright by police officials.

A spokesman for Bio-Time reportedly laughed when told of the union charges, claiming the bio-feedback machines in use across the country, nearly 775 machines in all, have worked perfectly from the start of the operation nearly ten years ago.

The same Bio-Time officer, who asked not to be identified, told reporters that as late as last Thursday, his corporation had been told that most bio-feedback machine customers, mostly metropolitan police departments across the country, were still utilizing the Bio-Time product in not only monitoring of on-duty personnel, but as a screening tool for new applicants. Citing this as an example of their claim that the machines were fault-proof, Bio-Time today announced after the third suit had been rejected, plans will now proceed as scheduled to place bio-feedback machines with every police force in the United States within three years.

Union officials refused comment on that plan of Bio-Time, stating that it emphatically rejected any claim by Bio-Time as trivial witch-hunting that had now permeated every level of the rank-and-file union.

Attorneys refused to comment on further litigation in the case until a meeting with union officials later next week.

SCENARIO #2

Exploratory, Play-out

WASHINGTON, D.C. - APRIL 18, 2000 (AP) -- An angry president of the National Police Officers Union stormed from the Justice Courts Building in Washington, D.C. this morning, just moments after learning that the Federal District Court had struck down as unconstitutional a three-year old statute that set minimum physical fitness standards for police officers across the country.

That law, The "Ima Krook" Amendment, named for its author, Congresswoman Ima Krook of West Virginia, effectively set policy by which police officers were hired throughout the United States.

But an inflamed union chief, Will B. Goode, has vowed to take his three million member police officers union out on strike, saying this act by Federal Court Judge Dunn Badd has opened the doors to what Goode claimed was "... every fat, dumb, lazy creep who ever wanted to be a police officer."

On the winning side was the American Chiefs of Police Association (ACPA) who has, for the past three years, fought a long and often barely distinguishable campaign to abolish the fitness law.

Commented and elated ACPA Executive Director Quen Kop, "It was a ridiculous law from the start. Every police department in this country knew how to set standards that applied to themselves. There was no reason for the law and now its gone . . . with our blessing, I might add!"

When told of union leader Goode's assertion that it would invite only the most unfit applicants for the job of police officers, Kop retorted, "He must think we've got no sense at all. Does he think

that by rejecting a law, we'd open the doors to every Tom, Dick, or Harry. Our hiring practices won't change."

It was well known around the capitol that the chiefs' association was fighting a winning battle in view of the fact that for the past decade, police applicants have taken a dramatic decrease to the point today where 77% of all police departments in the United States, according to FBI statistics, are so understaffed that many depend on local citizens at night to patrol city streets, armed with privately owned firearms.

Many in Washington, including FBI Director Jay Snoopington, welcomed the fall of the Krook Law. "At last, police departments can start hiring again without going through those inane measures just to see if somebody's heart beats."

Union President Goode has said he will call for a referendum vote of his membership tomorrow and will call for a strike by next Tuesday at midnight.

SCENARIO #3

SAN DIEGO, CALIFORNIA - MARCH 10, 2000 (AP) -- More than 66,000 police officers have gathered here for the 30th Annual Police Olympics where the games of this unusual olympiad will be played out before an audience estimated to be in excess of 300,000.

The Police Olympics, formed in the early 1960's, before many of its participants today were born, was begun in the central San Joaquin Valley to promote health and general fitness of a small group of police officers.

Nearly extinct five years ago for the lack of interest, police officers throughout the country rallied to revive the Olympics where, as they contend, they can compete in the truest, highest form of police work, physical endurance, and mental competency.

Many of those participating in the Olympics credit their predecessors of the 1980's with instilling and encouraging a feeling of physical and mental fitness among police officers that has now spread throughout the world.

Included in the events will be swimming, jogging, a track meet, basketball, tennis, and baseball.

Officials say the Olympics are returning to the "old fashioned games of the 1980's where police officers had to be strong, agile, and psychologically fit just to do his job. We're bringing back many of the games played when the Olympics began in a dusty town called Bakersfield."

Unlike the police officer of the 1980's, today's police officer works a normal tour of duty of 4 1/2 hours per day, four days a week. It is a departure, officials say, from the grueling 40 hour, five day

weeks of just thirteen years ago that played such havoc upon the emotional stability of the officer. The two hour a day holistic fitness programs have reduced negative bio-feedback to an acceptable level.

So the Olympics have changed until this year, when many of the traditional games have been revived as a salute to the end of the 20th century.

As one Olympic official said, "We look on this year's Olympics as a salute to the police officer of 1987. He was strong and totally fit. We look to him with pride. Even though we have all the modern conveniences, we look at him, and it reminds each of us just how fortunate we are that he set an example of health, both physical and mental, for us to follow today. These 2000 Olympics are not only a salute to the 20th century, but to the 20th century police officer, the healthy officer of 1987 to date.

OBJECTIVE TWO

The second objective of my independent study was to develop a strategic management process. This process resulted in strategic decision making, planning, and policy considerations. The outcome was a plan bridging the gap from an analysis defined present state to a scenario defined future.

Methods: Identification

1. Brainstorm to identify stakeholders
2. Strategic Assumption Surfacing Techniques (SAST)
3. Situation, Mission, Execution, Administration, and Control (SMEAC)
4. Negotiate strategies

Methods: Implementation

The scanning of resources provided a basis of information to assist colleagues on my research project. This brainstorm yielded a list of stakeholder positions which were valuable in the process, i.e., a list of people who are going to have direct influence on the topic or may be directly affected by the topic in either identification of the problem or policy decisions.

Utilization of the SAST resulted in the assignment of certainty and importance on each stakeholder. Force field analysis was completed to show the direction of influence that needs to be applied for each stakeholder.

The SMEAC gave clear definition of direction for the policy decisions.

The negotiating strategies needed to be developed as a result of the assessment of the previous data that has been made available.

Much of this information in Objective Two was already covered in Objective One. These operations were considered linearal as opposed to consecutively.

STRATEGIC PLANNING

The "Nominal Group," for the sake of this report, determined that in order to effectively reach the plateau where our Scenario #3 was not only workable, but adaptable to Visalia's police Department in the year 2000, the following policy statements were designed.

Once again, the numerical listing of these policy statements should not be construed to indicate an order of any particular or relevant importance to others.

After the group had decided these policy statements were workable, one was adopted as the "official" policy statement to move us toward our ultimate goal of Scenario #3.

The policy statements as established by the group were:

1) Mandated physical and mental training annually
2) Voluntary access to fitness facilities
3) Voluntary access to fitness facilities with cash incentives for high achievers
4) All new employees shall have contract employment with ongoing fitness testing
5) No change in current policy
6) Development of an employee assistance program (EAP) with focus on mental and physical health

7) P.O.S.T. adopts training mandates on fitness and stress management

8) The city to build a fitness facility to accommodate on-duty exercise

9) Mandated fitness standards with incentives and career development programs.

(Also for consideration was a combination of two or more of the above policies.)

POLICY DELPHI

A Policy Delphi rating was completed on the nine policy statements. The process was completed by the group with a great deal of enthusiasm. At this point of the process, the participants had a good working knowledge of the situation and anxiously awaited the opportunity to note policy. The definition of feasibility and desirability are as follows:

Possibly Unfeasible	some indication unworkable significant unanswered questions
Definitely Unfeasible	all indications are negative unworkable cannot be implemented

Desirability:

Very Desirable	will have positive effect and little or no negative effect extremely beneficial justifiable on its own merits
Desirable	will have positive effect, negative effects minor beneficial justifiable as a by-product or in conjunction with other items

Undesirable	will have a negative effect harmful may be justified only as a by-product of a very desirable item
Very Undesirable	will have a major negative effect extremely harmful

Rating Sheet for Policy Delphi

Alternative 1: Mandated physical and mental fitness training annually

Feasibility = 2

Desirability = 2

SCORE = 4

Alternative 2: Voluntary access to fitness facilities

Feasibility = 2

Desirability = 1

SCORE = 3

Alternative 3: Voluntary access to a fitness facility with cash incentive for high achievers

Feasibility = 3

Desirability = 1

SCORE = 4

Alternative 4: All new employees shall have contract employment with ongoing fitness testing

Feasibility = 2

Desirability = 2

SCORE = 4

Alternative 5: No change

Feasibility = 1

Desirability = 1

SCORE = 2

Alternative 6: Development of an E.A.P. with a focus on mental and physical health

Feasibility = 2

Desirability = 3

SCORE = 5

The "Nominal Group" at this point had more than just participatory interest in the selection of the "final" policy statement.

Each member of the group was a stakeholder in the outcome of similar situations and thus could call upon a kaleidoscopic range of backgrounds and experiences, therefore, when making the ultimate decision. Appropriate weight should be given to the group's ultimate selection as it was based upon cases of actuality in "real" employee/employer situations such as the one we have theorized in this report.

The time had come for the group to make the decision as to the most practical method of implementing a plan and then assuring that, through that selection and their own beliefs in it, the policy selected would achieve our ultimate goal ... Scenario #3.

By unanimous choice, the group voted to select Policy Statement #9, "Mandated fitness standards with incentives and career development programs" as the statement that would see us achieve our goal.

The second most desirable and feasible selection by the nominal group was Policy Statement #6, "Development of an EAP with focus on physical and mental health."

The two most popular selections of the group indicate a general consensus among those polled and indicate further that the policy direction is consistent with our goals for this report.

The second choice (#6) interestingly could be integrated with the first selection (#9) to become an all-encompassing fitness program.

The continuing question of incentives seems to evolve around the popular theory that the incentive, whether money or compensated time off or other benefits, should be in direct proportion to the amount or degree of participation in the program under discussion.

The subject, however, of exactly what incentive may or may not be offered is one that, for the purpose of this report, is left to the reader. It is such a wide topic, consisting of such varied opinions, that it could be contained in a report of itself. Thus, there has been no attempt made here to make the distinction between varying types of incentives. The word "incentive" within the context of this report, is considered generic in nature.

Reference to "mandated fitness program" should not be construed to imply that this report is offering any suggested fitness program to anyone. The topic of "mandated fitness programs" was discussed in generalities by our group without reference to what the program should contain. It is not the intention of the writer to imply or suggest that there is any actual plan of fitness to be shared outside its use in this report as a topic.

The most controversial of the nine selections or combinations thereof, the one that attracted the most prolonged discussion of the nominal group, was the "hands-off, do nothing" approach.

This approach to many problems in government today is the one that hopes everything will "... just work itself out in the end."

Luck may have a great role to play in this approach if things are to turn out as the person is hoping it will.

Unfortunately, it is no solution at all. The problems that must be addressed by such action are suddenly found wanting for attention and if, in the case of financial considerations, money is supposed to be saved, it generally is not, and, in fact, more is wasted in that interim waiting period as one and all stand around, blithely hoping something good might come out of disaster.

Then, the selection having been made and "policy" thus adopted, it was time to turn back to our "players," the city, the department, and the union to plot the course that our now "official" mandated fitness program would ultimately take.

ENVIRONMENT

The fact the police officer undergoes both physical and mental stress in the course of his job is undisputed. It is only natural that his physical and mental abilities are called upon often without notice and without limitation. The rate of injury, real or fraudulent, is continuing to increase and having a detrimental impact upon police operations and finances. Assuming the officer's typical environment is not, nor will it ever be, conducive to the ideal setting for nurturing a healthy body and mind, the community owes the industry and itself preventative measures to address the officer's fitness issue.

Attempts for intervention into this caustic environment have been made by the more innovative and aggressive organizations. Many have employed EAP programs to address this concern. Approximately 40% of the California departments have implemented some form of a fitness program, but each program is slightly different. Should the fitness program be mandated, voluntary, voluntary with incentive, or a combination of all the above? What criterium needs to be included in the program? Can we afford to direct already scarce resources into a costly, long-range program? Will the officers accept implementation without resistance? These questions and many more need to be answered, but is the department really willing and capable to address the issue?

CAPABILITY ANALYSIS

The focus of the strategic plan was limited to the environment of a small to medium size police department. To maximize the value of

this report and to fill the needs of the Visalia Police Department, it was agreed to by the City Staff that actual application of this study be applied to our department. This type of staff adventure speaks highly to the adaptability and capability expressed in the following surveys.

Two surveys were given to key staff personnel of the department to find out its present capabilities as well as the future adaptabilities. A total of five people, sworn and civilian, were asked to complete the two surveys. The sworn personnel were from the rank of police officer through captain. The non-sworn were basically supervisorial personnel from the technical services division of the department. These individuals had not participated in earlier proceedings of this report, so a briefing of my project included the process development to date to help them develop the proper perspective of the project. An average of the response taken was plotted on the master copies of the survey sheets. Refer to Appendix 3 for survey evaluation.

Present Capability

Strengths	Weaknesses
Technology	Manpower
Equipment	Pay Scale
Management Skills	Benefits
Supervisory Skills	Turnover
Training	
City Council	
Mayor Support	
Management Flexibility	

1. <u>The Police Officers Association (Union)</u>

The Police Officers Association, as would any organized labor union, would have significant interest in the implementation of a mandated fitness program within the department. However, they would hold a double-edged sword in any negotiations over implementation. They would obviously have more than just passing interest in the health and welfare of their rank-and-file membership. A disability retirement could cost the union pension fund as much as it might cost the city ... an expensive proposition.

Conversely, their main concern (objection) to implementation of a fitness program would be job security of the current membership. Would failure to comply with the program expose any member to disciplinary action by supervisors? Could the errant member be suspended or terminated for failure to comply, or worse, failure to meet the standards set forth in the fitness program outline? And, what of the new employees? Will new personnel be recruited, personnel whom it may have already been determined are capable of passing the fitness standards, to force, either directly or indirectly, current members to quit the department? Will new employees be used by the department as pawns in this game to achieve implementation of a mandated program?

Our Police Officers Association might possibly be laying in the groundwork to force a "showdown" between the union and the city.

Certainly, the welfare, both physical and intrinsic, of the membership is the most pressing demand on the Association. They are prepared, as they might have indicated in past negotiations, to "go

the distance" to discern for themselves exactly what this mandated fitness program means.

2. The Chief of Police

Wearing two hats in departmental affairs is nothing new to our Chief. He's all too aware of the precarious role he plays as "Commander-in-Chief." At once he is the father-confessor figure to his subordinates, offering encouragement, leadership, guidance, and, hopefully, direction of the department.

However, the man is not a simp. He knows he owes a strong, unyielding allegiance to the men at whose pleasure he serves, the City Manager and the City Council. He knows he rose to his position because he was the best qualified for the job and not because his shoes were shinier, his collar brass brighter, or that he was the fairest one of all. He reached his position through hard work and often, diplomacy. The mandated fitness program will test his diplomacy skills to the maximum.

Having been a card-carrying union member, strong and true, as he rose through the ranks, he feels a certain affinity toward the plight of the Police Officers Association. He realizes somewhat too keenly that the union might be forced, however delicately, into a corner and will, naturally, come out fighting. He, being in charge when that time comes, will duck the blows as best he can, if it should come to that.

Breathing hard down his neck is the City Manager who expects, perhaps rightfully, that he (the Chief) is paid a great deal of money each year to keep just such matters, unions and mandated programs,

under control. The Chief feels loyalty to the City Manager and the Council. But, if he is forced to take a stand, will it be to alienate his work force from his domain? Or will he attempt to gently reach a compromise between department and association and hope the cease fire remains intact?

3. The City Council

Watching over the activities of every city department are the five elected City Council persons. Serving their constituencies as vigilant watchdogs, they claim more than just passing interest in the activities of the police department. It is with pride that they point to their police officers as the "finest anywhere."

That sterling quality is easily tarnished when council members are faced with the topic of budget allocations. Facing a certain appropriation for a mandated fitness program, three of our five erstwhile council members, with some mixed emotion, will vote to fund it. But, two of the junior council members are facing re-election and want nothing more than the endorsement of the powerful Police Officers Association. For years, the Association has lobbied for and curried the attention of political hopefuls throughout the inner-government structure. Our council members will listen to the pleas and presentations of the Association, the officers presenting the fitness program to the Council, an address by the Chief of Police, and encouraging words from the City Manager.

Then, as politics will to most citizens, our youthful council members will listen to the quiet pressurings of the union and be tempted by the promise of an endorsement and the sweet imaginings of

4,500 more votes on election day if they will vote in favor of the officers and their specific interests.

The older council members, perhaps aware of the "cloak room" maneuverings of the Police Association, perhaps having warmed to that maneuvering themselves once or twice, will be content to watch as the star players gather on stage for Act I of the battle about to commence over health and fitness in the police department.

4. The City Manager

If ever there were a "heavy" in our unfolding saga of fitness in the police department, it surely must be our City Manager. Here is a man attempting to control the functions of city government, from street cleaning to tax collecting and pothole repairs to the elite force of police officers that make up the department. He is an executive charged, like many other executives, with the smooth, consistent operation of an organization, in this case the inner-workings of a government.

But, he is increasingly concerned that a mandated fitness program being touted by police officers may well be eroding his somewhat lofty position in the "inner" circle of government.

The City Manager is certainly for better fit, healthier officers. It is in his best interests to be a flag-waving proponent of the proposition of good health, so long as that flag is not too big or too obvious. He also must answer to a city council now on the verge of turmoil since two of the five council members are seeking re-election.

Our City Manager cannot be content to sit idly by while this power struggle within the Council, a fire being eagerly fed volatile fuel by the Police Officers Association, threatens to explode at any moment. He should be cautious about remarks that appear to be disparaging in reference to the police department, as they might easily be construed as slinging mud at a favorite and vocal department. On the other hand, he cannot ignore the fight about to bubble over in the council chambers where his job's life expectancy of 2.8 years is looking grimmer with every passing day this fitness mandate is not settled.

5. The Risk Manager

The Risk Manager acts as if every dollar the City has saved now, has saved in the past, and ever hopes to save in the future is a direct result of his or her own hard work. Disliked from every angle, suspected by every City employee, mistrusted by a consensus of government workers with few exceptions, the Risk Manager has the altogether enviable task of performing a function for the City and not having to care whether one is liked doing it.

The Risk Manager is not elected by popular vote, is not subject to discharge or dismissal if others happen to despise him, including his supervisors, just as long as each year the City government ends the fiscal period money ahead and claims are reduced in the interim.

Into the mandated fitness program walks the Risk Manager to the almost now forgotten odor of tar and feathers. The Risk Manager, as is his want, is highly suspicious of a fitness program that will require officers already employed to engage in activities that smack of being dangerous. Dangerous activities create accidents. Accidents

create claims. Claims create work for the Risk Manager and lose the City money. Losing money creates havoc with the Risk Manager and he is sworn that nary a dollar will be spent on "suspicious" claims. So, lurking in his calculating heart, the Risk Manager's ever-increasing list of enemies grows by 4,500 police officers, assorted union officials, and more than just a few citizens when he makes the bold and somewhat incongruous statement that he avidly supports the position that the police department should hire new officers who are capable of passing the fitness mandate and replace the current officers who fail to make the grade on their own. Great for the City's coffers.

6. <u>The Personnel Director</u>

The Personnel Director, regardless of his rate of pay or the fringe benefits the City may offer him, can never forget that when it comes to attracting top caliber people to fill City positions, he remains at the forefront. The likelihood of the Personnel Director keeping his job is in direct proposition to how many people he can hire to fill vacancies in the City's operation.

Anything that threatens to upset this delicate operation that his department has so carefully nurtured over the years, ever vigilant to make hiring as fair and as equitable as possible to everyone, is a direct threat to him and he treats it as such.

Faced with the awesome task of rewriting all the City's personnel recruiting manuals to adopt the new fitness mandate just presented within the police department cannot be regarded as a threat

by the Personnel Director - this is an all-out call to battle stations!

Wishing to avoid the preposterous position of having to issue new hiring guidelines, not to mention attempting to find the qualified applicants, the Personnel Director staunchly supports the position that no program such as the one offered by police officers be adopted. He justifies his position to those who will listen with the quaint observation that if the fitness mandate is adopted and new applicants cannot meet them, how will one ever find any more police officers? He convinces himself his argument is based on sound logic and judgment. Only time will tell whether or not the Personnel Director will successfully convince others of his argument.

7. The Judges and Juries

The last place the mandated fitness program should end up is in court. Unfortunately as our scenario of the year 2000 is about to unfold, it appears on the outset that with so many varying opinions, some strong, others nonchalant temperance, for and against the mandated fitness program, it may be the inherent powers of the court system that will be called upon to mediate the differences.

The understanding should be assumed at this point that court rulings have not changed a great deal since 1987. Thus, many court judgments are being made on behalf of the employee/plaintiff.

However, a trend may be developing that, if presented with sufficient background and precedents, some courts are beginning to sympathize with the employer. Perhaps it will be such with our case if it reaches this point.

Within the structure of these negotiations, he will act simply as an insurance risk manager might act - what is the best, safest, most economical recourse for the customer - in this case, his employer, the City?

The only compromise that might be reached with the Risk Manager in the case of the fitness mandate is that he feels when employees come to work each day, they should be in top physical form. How they arrive at that summit, or stay there, means nothing to him. The only fitness program he envisions would be either officers will stay in shape or they should be called in and their heads summarily handed to them. Let them stay fit on their own time, at their own expense, and, especially, at their own risk!

6. The Personnel Director

Sought by City Council and the City Manager, perhaps even the Police Chief to cite policy with respect to the adoption of a fitness program is the Personnel Director. He is the man largely responsible for not only recruiting new people into the City work force, but to administer City employee guidelines in such a manner so that all employees are treated equally.

The Personnel Director will be sought out during negotiations to conduct research into the legal ramifications of a mandated fitness program and then to determine just how the new program will fit into current City policy.

While he may have little to contribute directly to the negotiations, it will be within his scope of duties to adapt the mandated fitness program to meet future hiring criteria.

All of this work by the Personnel Director must be effected at the earliest time possible in order to avoid litigation or fines for non-compliance, but at the same time, the threat of litigation to test the legality of a fitness program, should it occur, could effectively stop any progress he and his staff may be making.

The Personnel Director has, with the exception of the police officers who will necessarily become involved in the fitness program, the most to lose should the program ultimately be implemented. His loss can only be calculated in terms of time and money expended in pursuit of the proper course of action to take to make the fitness program adaptable to every City department, under every conceivable condition.

7. The Judge and the Courts

Whenever our mandated fitness program reaches the courtroom, most of the alternative solutions have been exhausted. Either the City, the Police Department, and the union have reached such an abyss in negotiations that there is no alternative other than binding decisions from a judge to make the final determinations OR the program has been implemented and subsequent suit brought to test its legality.

Under either conditions, it should not be surprising that the judge on whose docket this case appears is not going to be gleefully overjoyed at the prospects. For a judge, this is a no-win situation. On one hand, he knows there are numerous precedents he can set simply by making his arbitrary decision, but he is all too keenly aware that no doubt they will be challenged at a higher lever, possibly one that would overturn his decision.

On the other hand, he can listen to attorneys from both sides of the dispute, read over the legal ramifications, set precedents for the case he is to settle, issue a ruling based on that, and let the legal challenges fall where they might.

In either event, he is the last arbiter of the proper course the mandated fitness program can take. He will base his opinions and rulings on not only cases similar, but on his own gut-level reaction. He may not particularly care whether the Police Department ever has a fitness program, but state law dictates that he must do the job to which he has been appointed. Regardless of what he does now, he will inevitably make staunch friends and even stauncher enemies.

8. The Media

When a delicate or nearly-unspoken problem faces a city, such as the proposed mandated fitness program, the last thing anyone wants is the blinding white light of publicity to suddenly bathe them in the warm glow of TV news cameras and the popping of newspaper photographers' cameras.

As the days and hours before negotiations begin in earnest and, hopefully, in secret, to conclude the matter of fitness programs as quickly as possible, the appearance of the news media instantly creates an adversarial atmosphere.

Immediately, the Police Chief is afraid to talk for fear he will be misquoted and anger the union or the City Council. The City Manager is afraid to talk because he knows he will irritate the union, but more serious than that, he may irritate the City Council who are closely watching him. The union negotiator is afraid to talk for fear he will annoy everyone within five hundred miles of his office. And,

the Personnel Director is totally incommunicado, afraid to talk to anyone for fear of his job.

But, at this point, the press have a peculiar affinity for ferreting out a story with or without cooperation. If one person, or two or three, won't talk, they know from experience there will surely be someone in the wings who will.

In this case of the phantom fitness program, the most likely to talk eagerly to the press are first, the two Council members running for re-election. This story is perfect grist for their campaign press mills. What better way to attract free advertising than a good, juicy scandal? Second would be the dissident union members, upset with their leadership for not fighting against the fitness program. Either party could easily play into the hands of an eager and subservient press.

If, in the slim chance no one will talk to the press, the cause of the fifth Amendment has not died yet. Press people have one other course, and it is worth relating here because it has happened, all too often, when no one who should have had something to say refuses to say it to the press.

The press will not be dissuaded when they hear, smell, or feel a good story about to happen. When all else fails, they can slant the news so that those who refused to talk the first time will have little choice but to talk after the first evening newscast on television or the first edition of the local paper hits the streets. There is an old journalistic parable still used in college journalism classes today that illustrates how the press will manipulate someone into making, finally, a comment publicly.

It seems that one day a reporter showed up at police headquarters and casually said to the chief, "I understand you hit your wife last night!" The chief, a decent, family man vehemently denied ever striking his wife and the reporter left, seemingly satisfied. That night, across the front page of the evening paper, screamed a banner headline, "CITY POLICE CHIEF DENIES BEATING WIFE!" Well, that's exactly what he'd done, in essence, but the way the story was worded and the tone of the headline, convinced 50,000 readers that the venerable chief was not only a wife beater, but probably a step or two below Jack the Ripper. The chief then had no alternative but to talk to all kinds of press the following day!

NEGOTIATING STRATEGY

There are four types of negotiating strategy commonly used in today's world of business, industry, and government. The four are:

1. Compromise
2. Collaboration
3. Accommodation
4. Avoidance

The first, compromise, can only be reached when every party at the bargaining table has a differing set of views, but all are workable within a prescribed system. Compromise is that where one or more parties to the ultimate agreement will change course or drop a demand to bring themselves (and their respective groups) into the general flow of agreement. Compromise is nearly impossible to achieve as negotiations begin. Usually, at that point, parties are so far

apart on all matters that the only compromise that might be made will be which seats will be taken at the table by which individuals.

Collaboration is the easiest to achieve and must certainly rank among the top five desires in every negotiator's heart. Collaboration is a collective effort where everyone at the bargaining table is in general agreement and only a few details remain to be settled, usually amiably.

When there is accommodation, one or a group at the table are enormously dissatisfied with the proceedings and instead of arguing, will agree to almost anything just to have the negotiations end. These same people will leave the room and complain the loudest and longest that their particular points were never addressed. Accommodation is an easy way out, but hardly a workable or equitable solution to any problem, particularly labor negotiations.

Avoidance is where there remains at the bargaining table the single person or persons who, for reasons known only to themselves, refuse to become involved in active negotiations. In spite of the fact their opinions, positions, or knowledge are supposed to be of particular significance to the negotiating process underway, they sit idly by, pleased to allow others to carry the ball for them. Pushed into a verbal corner, this same person will go so far as to leave the room, if he showed up in the first place. They are something akin to passengers aboard the Titanic, deciding to sit in a deck chair, satisfied to watch the excitement around them.

For the purpose of this report, negotiation through collaboration would be the best suited, although due to the nature of these negotiations, each of the four will be touched upon.

The collaboration will occur between the factions representing the city: 1) The City Manager; 2) The Risk Manager; 3) The Police Chief; and 4) The City Council Representative. The collaboration will be a general agreement between these four individuals as to what exactly they will ask for from the Association, what they are prepared to offer, on what points they will remain immovable, and what points are negotiable.

It should be pointed out that in the section that follows, entitled "THE NEGOTIATIONS," a certain latitude was taken by the writer in order to best illustrate a point, to wit: That the subject matter (labor negotiations), while fictionally set within the pages that follow, are, in every actuality, what might occur as a city and a union sit down together in an atmosphere of labor strife.

While the words and "participant" actions are drawn along the lines of a scenario, the overall theme, the intent, and the result are from actual experiences of the writer and his advisors. Thus, there is nothing fictional that will result from our "staged" negotiations. The "set" was simply used as the mode by which an example was best delineated.

THE NEGOTIATIONS

The assumption should be made that each negotiating "team" (the "city" and the "union" as they will hereafter be referred) is represented by an equal number of individuals, four to a team. Each team has selected their individual negotiating positions so far as demands and expectations of the outcome. Each team is fully cognizant of the other's strengths and weaknesses. In fact, the eight

participants are more than casual acquaintances. They know each other well, not only through union/city relationships, but through working together, career parallels, and general reputation. There are, in other words, no strangers walking into the negotiating room at a downtown hotel as our negotiations open.

The First Meeting

The environment in the room is one of casual and open friendliness. There is no "jockeying" for position at this point. The Chief opens the discussion by inferring, if not saying outright, that these are not negotiations at all; rather, he wanted to get all the interested parties together to see if some solution to the ever-increasing problem of disability claims might be worked out, to the mutual benefit of all concerned.

There is certainly no objection to one attempting to avoid dangerous or injurious situations. That, it is agreed, is worth talking about. The atmosphere remains cordial.

The union negotiator recommends at this point that if the City Manager might care to relate the latest monetary loss figures, perhaps everyone might appreciate the Chief's dilemma somewhat more poignantly. The City Manager hesitates, and the Chief gets the distinct impression from his view of those across the table that a ploy is about to be attempted by the union. The Chief's attitude up to this point has been accommodating and he is hoping it remains that way.

When the City Manager explains pointedly that he does not have the figures before him, but that the same figures, he happens to know,

were made available to the union preparatory to this meeting, the union negotiator suggests that if the City were of the opinion that this disability dilemma was of such grave importance as to call a meeting, one would think the City would have come better prepared. The City Manager bristles under the verbal sparring of the union leader, but, at this point, is willing to let the matter slide.

The Chief, taking up a growing pause in conversation, counters with the observation that whatever solution is ultimately agreed upon, it will always be with the union's membership in mind; their interest and good health the main concern.

The cordiality of the meeting slips another rung or two, and the meeting and all further negotiations settle into an atmosphere of implied, if not clearly directed, strengths on both sides. From this point onward, meetings between the City and the union become the verbal battleground over whose ultimate right it is to establish, implement, and enforce a mandated fitness program.

Also, from this point on, the future meetings take on an air of adversarial relationships. However, first and foremost in the minds of primarily the Chief and the union representative is one significant fact: Both would like to see the program implemented, with variances, as quickly as possible.

The first meeting adjourns with the union team agreeing to poll their members to discover what, if any, interest they might have in a disability avoidance program. The City Manager agrees to provide the union in this same interim period with all the necessary facts and figures to qualify the Chief's growing concern over disability claims. The meeting adjourns on a cool, but cooperative note.

The Second Meeting

One week later, to the mild shock of the City team, the union leader announces, through a poll of his members in the Department, he has learned there is little concern among his constituency regarding disability. It appears, he gently suggests, either the City has put a greater emphasis on this situation than was necessary or the chief is simply wanting to better the working conditions of the force. The Chief gracefully accepts the left-handed compliment and opens the second meeting for the City by asking if the union might be harboring any ideas they would like to put forth as to a possible solution to whatever problem might exist. The Chief has not compromised his position of collaboration yet and notes, with amused silence, that the union leader seems to warm to the idea of making a suggestion or that union suggestions are welcome.

However, the union team waves off any invitation from the chief and queries the City team as to what plan they have already developed. When the word "already" is used with such vermilitude, the Chief realizes his position of strength has been weakened. The union has known, evidently, that the Department had a plan in preparation. He wonders if they knew it began before these negotiations were scheduled.

The meeting at this point takes on an obviously adversarial atmosphere when the City Manager accuses the union of purposely creating a subterfuge to blur the real fact at hand, that an agreement must be reached to control the ever-increasing number of disability claims. The union leader angrily suggests that if anyone is attempting a legal smoke screen, it is the City in trying to force an

issue that evidently is no issue at all, at least according to the union rank-and-file.

The two still nearest agreement are the Police Chief and the union leader. They seem to sense a growing need to reach some sort of settlement to whatever problem it is that appears pressing.

A meeting is scheduled between the Police Chief and the union leader for the following week.

The Final Meeting

By now, it can be assumed, the Police Chief has made his accommodation of these negotiations well known to the City Manager and the Council. However, much as the Risk Manager may dislike the probability of dealing with an unknown quotient factor, the City Manager and the Chief agree to make the union of last and final offer. Having balked at the idea of an implemented fitness program before, the union leader is naturally leery of the Chief's offer at the final meeting.

The City has obviously compromised some demands and has been fortunate that the Chief's own ability to make accommodations has seen the negotiations reach a point where the City's last and final offer is made during a one-on-one meeting between the Chief and the union leader.

It is obviously not the "ultimate" outcome either man had been hoping for, but it is an agreement that both can return to their respective camps and offer with no shame or disgrace. Neither the chief nor the union leader can be criticized for the tentative agreement they have been able to accomplish, and most importantly, each has not compromised his own followers or his own position.

A week after the City's last and final offer is put to a vote by the union membership, it is overwhelmingly accepted. The agreement-in-principal is signed and the mandated fitness program is scheduled to be effective thirty days later.

The Final Agreement

Here is a list of the points agreed upon and later accepted by both parties to the negotiations:

1) The mandated fitness program will be implemented at once, effective for all officers.
2) An incentive program will be adopted to compensate officers for their participation.
3) Incentive pay will not be offered to employees with less than one year tenure, but new employees will be required to comply with the same fitness program as other officers.
4) A "diagonal slice" of the critical mass will be established to monitor the development and continued compliance with the fitness program. The "monitor group" will have authority to list recommended changes and present them to the city/union negotiating committee.
5) The fitness program will be reviewed annually by a combination of the "monitor group" and the negotiating committee who will effect all necessary changes.
6) All references in the media referring to implementation of the fitness program and its subsequent operation will refer to its creation and continued development as a collaboration between the City and the Police Association, working in tandem.

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5) The fitness program will be reviewed annually by a combination of the "monitor group" and the negotiating committee who will effect all necessary changes.
6) All references in the media referring to implementation of the fitness program and its subsequent operation will refer to its creation and continued development as a collaboration between the City and the Police Association, working in tandem.

7) An employee development plan is to be designed and implemented to assist those officers unable to pass the qualifying tests inherent in the fitness program in preparing for a move out of patrol duties that will be beneficial to the employee and the Department.

8) A letter will be drafted, bearing the signatures of both the Chief of Police and the union president, outlining the above agreement and the date upon which the program will become effective. The letter is to be sent (U.S. Mail) to each affected union member, the media, and all other interested persons and/or organizations.

THE MANDATED FITNESS PROGRAM

With the successful conclusion of a working agreement between the City and the Police Association, the mandated fitness program was made effective thirty days later. Concerns of both the Department and the union came to the forefront as the program commenced.

The union was concerned with the smooth transition from no program to a full, compensated program of compliance. Such stringent requests placed upon officers was cause of particular concern to the union. They wanted some assurances that job security for their membership remained as strong and viable as before. Thus, the union was satisfied with "diagonal slice" monitoring group watching the day-to-day activities of the program. Fears that members might be disciplined or discharged were alleviated by this monitoring system.

Some officers' fears that new employees were hired to replace them dissipated when they learned that new employees were facing stronger rules than themselves and would not be compensated for the first year of duty.

Finally, the City had within their grasp a fitness program that produced the results intended. It was a workable project to bring the City Police Department into top physical and mental form; it established a criteria by which all employees were to be judged in the future; its design, to lessen disability claims, could obviously not be measured for a great deal of time; it became widely accepted within the Department; and, finally, it served as a police/community relations tool of inestimatable value.

Personally, the Chief of Police had fought for one more unspoken goal, one that was to be seen accomplished five years later - his officers competing and finally winning at the annual Police Olympics!

OBJECTIVE THREE

The third objective was the development of a transition process to put the strategic plan in action. The practical application of this plan was a set of physical performance standards and a policy statement specifically designed for law enforcement.

Methods: Identification

1. Value clarification
2. Critical mass commitment
3. Management structure
4. Technologies

Methods: Implementation

Regardless of the policy adopted, consensus of all stakeholders will best facilitate a smooth transition. Since the stakes may range from termination of the employee to a cash reward, it is essential that a high level of planning is required. Value clarification is the most likely place to start. A shared team building would then promote the team effort and commitment towards a common goal. It is essential we identify and share values in this process.

Establishment of the critical mass commitment and desired direction of influence is extremely beneficial. This process helps each critical mass player appreciate the vantages of the other players in an environment where there isn't necessarily an umpire to control the shots. This was established by review of the data generated in this report by staff members of the police department.

The management structure was the product of the negotiating parties. With representatives of management and union, both interests are satisfied with the control process.

The technologies necessary for proper implementation, monitoring, and review are basic meetings and exposure to physicians and psychologists who are an integral cog of the process of mental and physical health.

VALUE CLARIFICATION

In attempting the implementation of a fitness program, as has been pointed out elsewhere in this report, there will be two distinct "camps" of thought - one that will heartily endorse a mandated fitness program in any form so long as the attempt is made to initiate something, and the other who will find fault at every juncture to the point that it might appear that fault-finding is done for no other reason than to see how many direct hits the battleship can suffer without sinking.

However, the common goal, the central meeting ground for all concerned parties, would be, setting aside the financial aspects for a moment, the ultimate overall fitness of the police officer. It would be difficult, nearly impossible, to find any sane individual who would harbor resentment against a program that would make police officers healthy and active.

With that common ground established then, it might be assumed that this spirit of cooperation might then extend to the successful implementation of the program itself and the overall benefits to be achieved. These "end product" results might be listed in this order:

1) The officer is healthy, alert, active, and now better able to cope with his/her job.

2) Such ability to cope and perform well on duty makes the officer more alert and thus less at risk of accidents, stress-producing situations, and better able to perceive and handle tense, high risk problems.

3) Disability claims, as a result, are lessened.

4) The department saves money heretofore invested in disability and can spend that same money elsewhere.

5) The city is no longer financially burdened by a lopsided budget because of an inordinate amount of monthly disability payments.

6) The citizen (taxpayer) benefits now. His tax dollars are better utilized, and his police officers are healthier and better able to protect and serve him.

The perfect existential situation for one and all.

With those six ultimate variables in mind, the "diagonal slice" meeting, one in which a representative of every affected group and organization would come together to hopefully form a consensual opinion in total agreement, would be the optimum course of action.

Like links in a chain, each member of the diagonal slice would contribute the strengths and weaknesses to form a strong bond of whole cooperation necessary to see successful implementation and continued operation of the program.

Since the benefits, both short <u>and</u> long term, can now be realized or at the very least addressed, reaching the opinion that

every one of our goals will be eventually achieved, the group emerges in the spirit of cooperation and dedication.

Every issue has been addressed, every question sufficiently answered to each member's total satisfaction. Those worried about the officer are convinced there will be nothing but the best circumstances to develop. Those whose primary concern is money can now see the ultimate savings as a result of the program and the almost ridiculously slight sum of funding required to implement it.

Finally, those whose interests lie with the benefit taxpayers will eventually enjoy can see where a healthy police department directly equates to a healthy community.

THE CRITICAL MASS COMMITMENT

The critical mass consists of those individuals or groups who might be most influential and concerned with the general topic. The critical mass individuals are:

- The Police Association
- The Police Chief
- The City Manager
- The City Council
- The Risk Manager
- The Personnel Director
- The Judges

CRITICAL MASS	BLOCK CHANGE	LET CHANGE HAPPEN	HELP CHANGE HAPPEN	MAKE CHANGE HAPPEN
POLICE ASSOCIATION	X →	O		
CHIEF OF POLICE		O	← X	
CITY COUNCIL		X →	→	O
CITY MANAGER			O ←	← X
RISK MANAGER	X →	→	O	
PERSONNEL DIRECTOR		X →	O	
JUDGES	X →	O		

COMMITMENT PLANNING

The commitment planning chart gives an overall picture of the general positions currently held by the critical mass for the greater majority of its constituents. The arrows suggest the desired path of the modified position. The present state is symbolized with an "X." The future state most desirable is symbolized with an "O."

The identity of the critical mass is, for the most part, restricted to the actual players for the City of Visalia.

Before and during negotiations between the Police Association and the City over implementation of the fitness program, a certain criteria is established early on by every participant. This criteria is the stand each will take at first; what, if any, points to be presented are negotiable, and how much strength each participant feels, at the outset, it can muster for its own cause.

This criteria is identified as "commitment planning." Together with the expectations in this "planning" process is, naturally, the assumed position each must take to see that these negotiations are successful. This involves a gradual changing from one negotiating posture to another over the course of bargaining talks and those changes, as applies to each negotiator, would be as follows:

1. The Police Officers Association: At the beginning, the union resists change to protect the rank-and-file. Treading on to unknown turf, the union is expectedly uncomfortable in unfamiliar terrain and, thus, builds a wall of resistance. Optimum negotiating strategy would see the union move to a position of allowing change for the direct

benefit of the membership as a whole. The union must either be shown the program does work or be forced by edict to make a move.

2. The Police Chief: Entering from the beginning as hoping to please both sides, the employees and the City, the Chief's opening ploy is one of realizing he has the power to force change. However, playing into his role as attempting to please as many people as possible, the Chief can gradually move from a position of strength to one of being allowed to merely watch from the sidelines and then heartily adopt the outcome, at no risk to himself or his reputation as a strong-willed leader.

3. City Manager: By virtue of his nearly unlimited power to make change happen to benefit the City Council and, therefore the City, the City Manager, in the course of these bargaining talks, quietly takes the "wait-and-see" attitude. While he possesses the administrative strength to deal head-on with the situation, his bargaining posture slowly will bend toward one of "spirited cooperation." The "let's buddy up" philosophy eventually shines through his stance as he takes on the classic "let's do it for the good of the organization" position. He is finally willing to see change made because he sees instinctively the direct benefit to his career and career longevity.

4. The City Council: From the altogether enviable position of orchestrating the negotiating proceedings a chair removed from center stage, the Council, as a body, can now play the "heavy." Like the puppeteer juggling the dolls on the stage from the relative safe darkness behind the curtains, the Council has the latitude to make change come swiftly, albeit indirectly, at the bargaining table.

Through the eyes of the City Manager, the Council can perceive a win-win situation and quickly change course and direction to "temper the winds to the shoren land." They work for the taxpayers, and, as such, will orchestrate these proceedings to a successful conclusion with the constituency foremost in their group mind.

5. The Risk Manager: Eternally the pessimist, the Risk Manager will only budge from a strong defiance against the fitness program to a half-hearted endorsement (the best we can hope for from him) once he has been shown, in those numerical figures he treasures in his heart, that the program will not be a liability to the City, but rather a sterling asset, the ultimate feather in his hat. After reluctantly being convinced of the merits of the "fitness program," the Risk Manager will give his blessing. But not until after a long, protracted battle!

6. The Personnel Director: At these negotiations, the Personnel Director may be forced to change his stance from letting change happen to being of far greater assistance than first thought plausible. Convinced finally of long-range benefits to be derived in luring new employees to the City, the Personnel Director will see the ultimate goal to be achieved. His job will be made considerably easier, and he's happier.

7. The Judge: Following that course nearly prescribed for him by law, the judge, before the litigation begins in his courtroom, will have decided to let past precedents stand. The judge will not want to be cast in any other role than that of the arbiter in the middle of

battling parties. To the end, and to avoid unhappy consequences, he may gently suggest that the union change its defiant stance to one of polite disagreement and, finally, acquiescence with a program everyone knows will work.

MANAGEMENT STRUCTURE AND CONTROL SYSTEMS

With the city having won a huge concession from the Police officers association, a monthly review of the success or lack of success of the fitness program, it is now imperative that the City develop a "management structure" to administrate the program. The authority to manage this program must rest in the hands of mutually trusted representatives.

The inherent problem that has now subsequently developed as a result of the pending fitness program is that of the legal ramifications that are almost sure to arise before the operation is off the ground.

For the sake of brevity, this report assumes that prior to the first Union/City negotiations, a fitness program was awaiting acceptance; thus, committee input into this area is foregone. The nearly insurmountable task facing the committee as it begins is attempting to have the fitness program heartily endorsed by those, the line officers, who hearts, never mind enthusiasm, are already not into this "new deal."

The committee will be made up of the Chief, a lieutenant (both effectively representing "management"), an assistant business agent from the union, and a duty officer to represent those of the rank-and-file.

In addition to the obvious force-and-effect of such a committee, members with such diversified backgrounds will remain as impartial to the outcome. This stipulation met the demands of the union.

SUPPORTING TECHNOLOGIES

The committee having been formed, the first group task is the establishment of an "in-house" education system, a program whereby affected employees of the department can see for themselves the benefits, not only financial, but in their own well-being, that the new fitness program will offer.

Fortunately, with such attention being paid to physical fitness across the wide spectrum of the United States, there is available to the committee a variety of video tapes, guest lecturers, professional counselors, and private-sector organizations specializing in the implementation and education that evolves around the fitness program the committee envisions for the department.

To augment this effort at not only education, but badly needed human relations, the adoption of the fitness program (here, the report assumes that education went fairly smoothly and there has been no discord aside from the usual gnashing of teeth by the troops) now turns to the physical and psychological needs the program will eventually address.

A physician well known to all parties concerned (possibly on retainer to the City) becomes the "team doctor." He will become the player in this scenario whose judgment will be relied upon so far as

the physical requirements of the fitness program are concerned. He will administer physical examinations for every officer, with attention paid to weight, blood pressure, heart rate, and the respiratory system. From his examinations and subsequent recommendations, each officer will then be set to begin the fitness program, at a level adjusted to his or her health and particular needs.

Since the fitness program is suspect with many, how the activity of exercise, weight loss, and general health maintenance is achieved will be slow to start, but once the natural adjustment period is over, the program can begin to take form and substance - our ultimate goal.

Working in tandem with the physician, but to some lesser degree, will be a psychologist, brought on board due to his or expertise in the field of psychology and the law enforcement officer.

Since the human tendency might be to shy away from anyone whose only lot in life is apparently attempting to analyze everyone within shouting distance, there is an assumed wall between this doctor and the officer. Once again, a human relations action by the committee might be advised to convince the doubters in the audience that this professional is not around to find out whose acting peculiar or why, but rather to assist the officers in the daily administration of their duties.

Once the psychologist becomes accepted by the duty officers and his presence is no longer an imagined threat, he is free to ride along on patrol duties, talk freely with employees at the station, and generally become an identified "friend" to everyone.

At the same time his portion of the fitness program is being accomplished, he is able to form some rather pointed and accurate "pictures" of the officers around him. These mental sketches of his "subjects" may form an important part of the fitness program and necessarily lead to better, more effective use of the many areas available to all officers through the program.

With the advent of professional help in the form of doctors joining the fitness program team, there will arise the next two problems that will require immediate attention if this operation is to lead to a mutually fructifying end - the health, both mental and physical, of every police officer in the city.

The first problem to occur will be that of men and women tested by the doctors who, for one reason or another, fail to pass "inspection." What is to eventually happen to these people? A disability avoidance program is of little value if you eliminate your candidates all on disability retirements!

The crux of the problem is reached when one understands that in any given group of individuals, some will pass and others will fail. To imagine that everyone tested will pass, certainly negates the need for a disability avoidance program from the start. Assuming then there will be those who fail, the committee must decide as to how to address the problem. Since resistance will be running at fever pitch by any individual informed that he has just failed a physical examination, the solution to the problem will first be to make all employees aware of what options are available to them <u>IF</u> they should fail.

Remedial training, corrective training, prescription training, or regimented diets may be courses of action. To feel he has options other than the most obvious and terrifying, the loss of his job, may allay the fears of those who may be superb employees in all other areas, but may not be physically or emotionally fit to continue until such time, care, and treatment is spent. To offer this to a man renews his faith in the system, thus in the fitness program.

Failure, as it will to all men, brings about distrust of the system and rejection of the person with himself. He feels spurned and then feels hatred toward those whom he perceives as his "enemies" - the committee, the department, ad infinitum.

When the hapless officer reaches this point, he will naturally turn to whom he feels is most protective - the union. Into this state of affairs, the committee reaches the second problem it must face; how to deal with a disgruntled employee who feels put upon by the system.

At this point, despite arguments to the contrary, the best remedy to the immediate problem is an established grievance procedure. By early formation of a grievance system dealing strictly with matters arising from and/or pertaining to the fitness program, many problems, real or imagined, can be aired and settled before the disharmony spreads throughout the field. A grievance procedure can quash complaints and misgivings early on, thus avoiding an infinitesimal complaint from mushrooming into a general cry to arms to rise against established authority. A grievance procedure that is fair and sympathetic to all sides can accomplish a great deal in human relations, particularly when the aggrieved officer feels his complaint

has been handled effectively. He may still harbor some misgivings, but he is assured throughout that <u>everyone</u> has his best interests at heart in the fitness program and that it really is not a harassment tactic aimed at him because the chief thinks his ears stick out!

CONCLUSION

The purpose and thrust of this report was the step-by-step process any law enforcement agency might encounter if implementing (or attempting to implement) a fitness program, addressing both the physical and mental stability of its officers.

The author has attempted to envision and address the many areas in which department administrators would encounter problems from the outset through inception of the plan.

We have forecasted into the year 2000 as police officers gather for the games of an Olympiad. While we do not possess the talent to forecast with much authenticity, we know for a fact, and trust our report reflects, that the police officer of the 21st century will be just as vulnerable to stress as today's police officer. How he adjusts to it is the purpose of this report.

The burden of physical and mental fitness, the demand that one keep oneself fit and able to perform expected duties is an overwhelming responsibility. Typically, the threat of loss of income is the policy for enforcement of fitness standards.

Physical and mental fitness, the work it takes to reach that plateau and the self-discipline it demands to stay that way, cannot be shouldered by one person. More often, in many cases, both outside and inside courtrooms across the land, it has become evident that the employer must share an equal portion of the task. The employer, be it government agency or private industry, must stand behind the employee who is making his or her best effort to comply with new standards, rules, or edicts. It is no longer enough to expect an employee, a

human being, to read a cold, impersonal bulletin demanding physical fitness and expect immediate, 100% compliance.

The human element enters into this as an outstanding, if not pre-eminent, factor. The employer, fearing the enormous costs of disability claims and early retirements, balks at anything which might appear to cost more. The employee, conversely, loses faith in the employer for a casual, if not diffident, attitude toward him as a person. The familiar litany, "I'm nothing but a number around here," has its roots deeply embedded in a system that cares more about production than it cares about the producer. When production ceases, for whatever reason, even unfitness, the system reaches to punish the producer by threats, intimidation, and, often, by stress-causing work place activities.

Throughout the research, interviews, group meetings, and literary scans, there is one fact which becomes clearly evident. By the year 2000, there will be, if for no other reason than necessity, a viable job-related fitness program in law enforcement agencies throughout the country. It will be the rule - no longer the exception.

As this country's general populace turns toward better health via better eating habits, better exercise, and better fitness, it will become almost mandatory that police officers adopt that self-same attitude. Perhaps it is not outside the realm of possibility that the future police officer will, himself, come to the profession and endure his career with a well-developed physical and mental fitness. However we arrive at that precipitous moment, it will be the greatest advancement in employee-employer relations and service to the public

in many years.

By every measure, it appears as this report was prepared, that a change is occurring in law enforcement. That change is to become stronger, more active, and healthier and thus more responsive to the needs of those we ultimately serve.

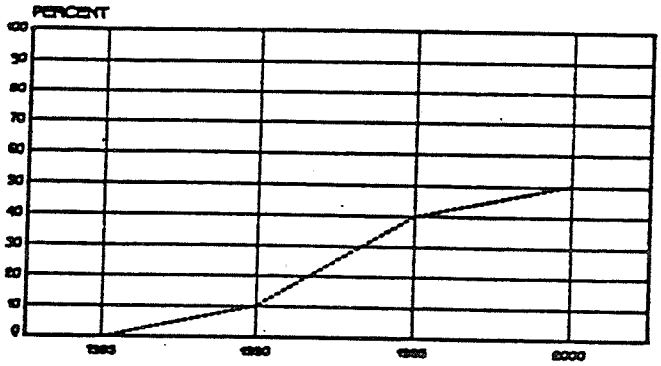
On a greater scale, it will be to the benefit of the officer. He is healthier, physically and mentally, than his predecessors and less inclined to accident-producing situations. Consequently, he enjoys a better standard of living, a standard which is naturally passed on to his family, his employer, the agency, and, finally, that greatest of all judges of our work and appearance - that hardest and demanding of all bosses - the taxpaying citizen.

APPENDIX 1

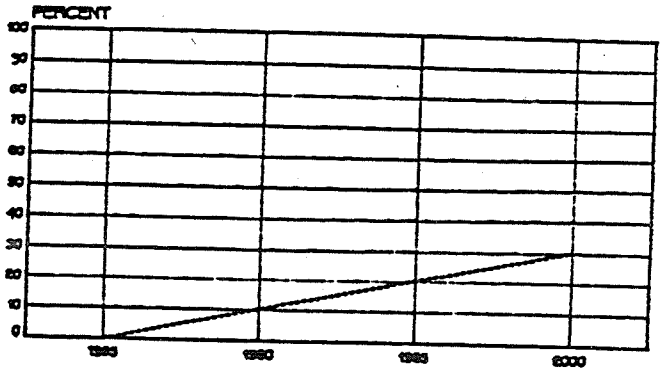
TREND EVALUATION FORM

TREND STATEMENT	FIVE YEARS AGO	TODAY	WILL BE IN TEN YEARS	SHOULD BE IN TEN YEARS
DIFFICULTY IN RECRUITING OFFICERS	50	100	150	80
MORE WELLNESS PROGRAMS IN LAW ENFORCEMENT	10	100	200	500
EMPLOYEE RESPONSIBILITY FOR SELF-FITNESS	25	100	125	200
EMPLOYERS' LIABILITY FOR OFFICER NOT FIT	80	100	150	200
CONTRACTED STANDARDS FOR EMPLOYEE FITNESS	70	100	175	350

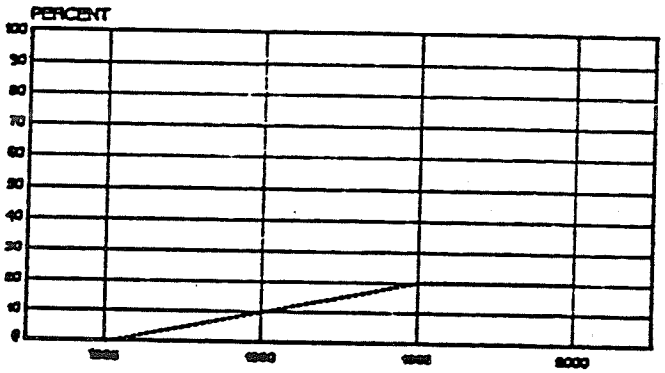
APPENDIX 2



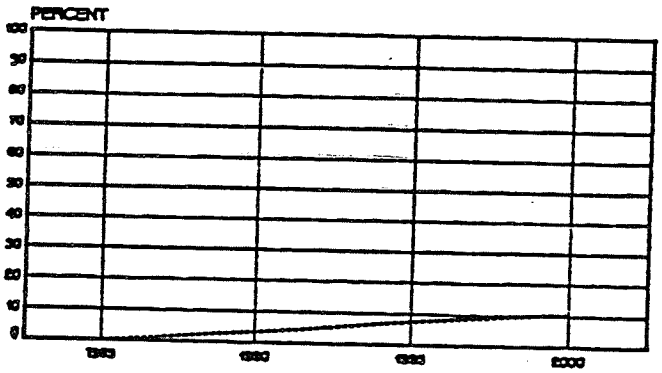
INSURANCE CONTROL OF FITNESS STANDARDS



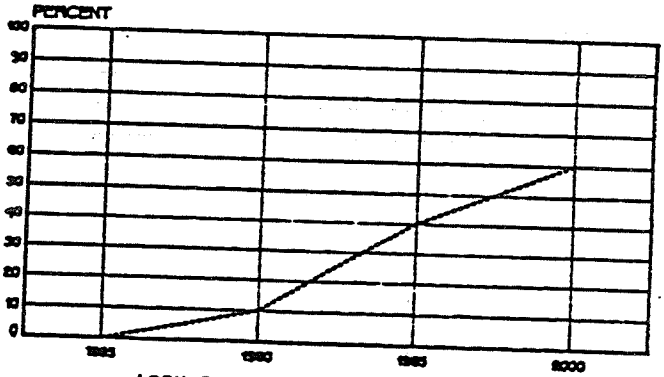
COURT DECISIONS AGAINST STANDARDS



POLICE STRIKE ON FITNESS STANDARDS



P.O.S.T. MANDATES FOR FITNESS



LOCAL ORDINANCES FOR MINIMUM STANDARDS

APPENDIX 3

CAPABILITY ANALYSIS: Visalia Police Department

Present Capability

Instructions:

Evaluate for each item, as appropriate, one of the basis of the following criteria.

I	Superior. Better than anyone else. Beyond present need.
II	Better than average. Suitable performance. No problems.
III	Average. Acceptable. Equal to competition. Not good-not bad.
IV	Problems here. Not as good as it should be. Deteriorating. Must be improved.
V	Real cause for concern. Situation bad. Crisis. Must take action to improve.

CATEGORY	I	II	III	IV	V
manpower				X	
technology		X			
equipment		X			
facilities			X		
money			X		
supplies			X		
management skills	X				
officer skills			X		
supervisory skills		X			
training		X			
attitudes			X		
image			X		
city council support		X			
city manager support		X			
growth potential			X		
specialties			X		
mgmt. flexibility		X			
sworn/non-sworn ratio			X		
pay scale				X	
benefits				X	
turnover				X	
community support			X		
complaints received			X		
enforcement index			X		
sick leave rates			X		
morale			X		

APPENDIX 4

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APPENDIX 5

END NOTES:

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2. Violanti, John M. and Vena, "Disease, Risk, and Mortality Among Police Officers," Journal of Police Science and Administration, 14 (1), pp. 17 - 23, March, 1986

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