

AN EVALUATION OF PHYSICAL STANDARDS FOR POLICE OFFICERS

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INTRODUCTION

In recent years, the pressure has been steadily mounting on police departments to re-evaluate their physical standards and the role of women in policing. This paper represents an initial attempt to look at the Columbus Division of Police to see if the present standards and assignment policies are justified and what might be done if they are not. It was researched and written by two civilian employees not subject to the standards being studied.

Several techniques were used to accomplish the evaluation. The researchers rode with policemen to observe first-hand what the men actually did. Questionnaires were devised to survey Columbus male and female officers, and to survey several police departments throughout the nation. Assault and use of force reports were analyzed in relation to the heights of the officers involved. The literature on legal constraints was searched both to evaluate present policies and any new ones which might be recommended. A second literature search was conducted regarding the role of women, but yielded few books or articles concerning the current trend of expanding the use of women. The results of these various procedures are summarized, followed by comments regarding feasible alternatives in light of the study.

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CRUISER OBSERVATION

Three weeks of cruiser observation were employed by the researchers for the purpose of experiencing first-hand the variety of jobs that a policeman encounters. The researchers were supervised and aided by a patrol sergeant assigned to special duty as a liaison between the observers and the patrolmen. While on special duty, the sergeant was able to respond to any radio calls that might be of special help to the research project. Whenever possible, one observer rode with the sergeant and the other rode with patrolmen on their regular assignments.

Observations were conducted for three days on the first watch, four days on the third watch, and four days from six p.m. until two a.m. The observers worked primarily in precincts six, twelve, and thirteen because of the higher crime rates in these areas. In addition to riding in the patrol cars, two hours were spent by each of the two observers with a walking patrol unit. As police employees, the observers were allowed to go with the officers on any type of call; however, neither felt that this included actually assisting the officers in their duties.

Neither observer witnessed many instances in which an officer's height and weight or strength was an important factor. Most instances involved report taking, answering questions, and similar kinds of non-physical activity. Arrests also required only a minimal amount of effort, as there were no resistors. Occasionally, an intoxication arrest did require considerable strength, but there was no way to estimate the height and weight necessary to lift or support a drunk person. Other types of

activities, such as climbing a fence, were observed very rarely and were more a matter of physical conditioning than a matter of height and weight. These observations indicated that a policeman's presence (not necessarily his physical stature or capabilities) was the main factor in handling most situations.

Conversations with patrolmen indicated that the periods of observation coincided with unusually quiet days. As neither observer witnessed a disturbance situation, assaults against officers, incidences of resisting arrest, or other types of "physical" activities occasionally required of policemen, it may well be that observations were biased toward underestimating the physical activities of police work. Yet the situations observed, as previously discussed, indicate that a substantial amount of police work is not related to the height, weight, or strength of the patrolman.

While unable to observe the more physically demanding aspects of police work, there was an opportunity to talk with patrolmen, supervisors, suspects, bar owners, and others about height and weight standards and women on patrol. All but a few felt that a shorter officer (less than 5'8" tall) would be involved in more fights than taller officers (viewing height as a deterrent) and would have a more difficult time gaining respect. Many simply didn't feel that a shorter officer could handle large drunks or resisters. With regard to women, most felt that there were aspects of patrol work that they could do, basically in the areas of report taking and investigation, and possibly in handling family disputes. But car patrol and walking patrol were areas in which women were viewed as unable to do the job because most women are smaller and weaker than men. Several patrolmen

felt that a woman partner would be unable to assist a man in a fight and, as such, would leave him essentially alone. Most of the officers didn't mention their feelings about being supervised by a woman, but those who did comment felt that it would be difficult to accept or that women should supervise women but not men. A few persons were concerned about the possibility of marital problems for officers assigned to male-female cars, but others were not sure that there would be any problems.

While the cruiser observation was interesting, it yielded very little information on physical standards. Most of the information was second-hand and the thoughts regarding women on patrol were speculative.

QUESTIONNAIRES

As a means of gathering data from Columbus police officers and other police departments, three questionnaires were developed. Each questionnaire emphasized the physical standards for police work but differed in approach and in other areas of concern.

Seventy-eight police departments were surveyed regarding physical standards, education requirements, use of women, and research on these concerns. The list of cities included all cities of over 250,000 population and a number of smaller cities selected to give a more complete geographical representation. Also included were six county sheriff departments which had responded to previous questionnaires. The list of cities and counties contacted and a copy of the standards questionnaire are included in Appendices A and B.

A different type of questionnaire was given to the policemen in the Uniform Subdivision. It was concerned with patrol activities and the amount of physical exertion required to perform these activities. The 610 men currently on active patrol duty each received a questionnaire. Appendix C contains a copy of the patrolman questionnaire.

Because women are not assigned to patrol duty, the 20 policewomen received a special questionnaire regarding their feelings about women being assigned to patrol work. Included in it were questions on physical standards. This questionnaire is contained in Appendix D.

Police Standards Questionnaire. Sixty-five questionnaires (83.3 per cent) were returned from various police departments. Only one was not sufficiently completed to include in the analysis.

Most departments have at least minimum height requirements for men and women and about one-half of these departments have a maximum limit. The average height range for men is 5'7-1/4" to 6'5" and for women is 5'4" to 6'0-1/2", a range of about ten inches and eight inches respectively. Tables 1 through 4 show these height standards as well as the ranges of minimum or maximum weights given for each height standard. Columbus has minimum standards of 5'8", and 145 pounds for men and 5'4", and 110 pounds for women. Its maximum standards are 6'6", 230 pounds and 6'4", 210 pounds for men and women respectively. These standards differ slightly from the average. The minimum and maximum weight requirements shown in the tables tend to rise with height, but there is considerable overlapping. Weight specifications do not seem to be greatly related to the individual's height. Several departments require that weight be proportional to height and about as many other departments have no weight requirements at all.

TABLE 1

Minimum Height and Weight Requirements for Men

<u>Number of Departments</u>	<u>Minimum Height</u>	<u>Range of Minimum Weights</u>
1	5'0"	proportional
1	5'2"	140
3	5'6"	130 (none: 1)
2	5'6-1/2"	140 (prop.: 1)
20	5'7"	133-145 (prop.: 5)
2	5'7-1/2"	140-142
17	5'8"	134-154
1	5'8-1/2"	proportional
5	5'9"	145-150 (prop.: 1)
6	no standard	proportional
5	no standard	no standard
1	changing	changing

Average Minimum Height = 5'7-1/4" (N=52)

TABLE 2

Maximum Height and Weight Requirements for Men

<u>Number of Departments</u>	<u>Maximum Height</u>	<u>Range of Maximum Weights</u>
1	6'3"	226
7	6'4"	204-240 (prop.: 1)
10	6'5"	220-243 (prop.: 4)
6	6'6"	228-250 (prop.: 2)
3	6'7"	272 (prop.: 2)
23	no standard	proportional
13	no standard	no standard
1	changing	changing

Average Maximum Height = 6'5" (N=27)

TABLE 3

Minimum Height and Weight Requirements for Women

<u>Number of Departments</u>	<u>Minimum Height</u>	<u>Range of Minimum Weights</u>
1	4'11"	140
3	5'0"	99-105 (prop.: 1)
1	5'1-1/2"	95
8	5'2"	102-110 (prop.: 3; none: 1)
6	5'3"	110-112 (prop.: 3)
8	5'4"	110-115 (prop.: 4)
2	5'5"	120 (prop.: 1)
1	5'6"	130
8	5'7"	120-135 (prop.: 1)
1	5'8"	135
1	5'9"	150
11	no standard	proportional
12	no standard	no standard
1	changing	changing

Average Minimum Height = 5'4" (N=40)

TABLE 4

Maximum Height and Weight Requirements for Women

<u>Number of Departments</u>	<u>Maximum Height</u>	<u>Range of Maximum Weights</u>
2	5'8"	165 (prop.: 1)
1	5'10"	181
2	5'11"	162-171
7	6'0"	145-185
2	6'1"	173 (prop.: 1)
1	6'2"	proportional
2	6'4"	230 (none : 1)
1	6'5"	proportional
1	6'7"	proportional
21	no standard	proportional
23	no standard	no standard
1	changing	changing

Average Maximum Height = 6'0-1/2" (N=19)

The data on physical fitness standards is given in Table 5. Again, most of the departments have some standards during their training program, but only 12.5 percent maintain these standards after training. The standards described concern weight control, calisthenics self-defense tactics, and agility tests. Physical standards are maintained during training in Columbus in the areas of physical fitness and agility. But these standards are not maintained beyond training. King County, Washington, is attempting to develop a job related set of physical standards instead of using tests of exercise performance and agility tests. They contend that since most departments do not maintain their standards after training (including King County), the standards apparently have little to do with the job police officers perform. In addition, they contend that exercise tests do not simulate the physical activity found in police work, making such tests invalid as indicators of a person's ability to do that work. The standards King County is developing will attempt to simulate actual job activities which are important in police work and replace the more traditional selection standards.

 TABLE 5

Physical Fitness Standards for Men and Women

<u>Men:</u>	<u>Maintained During Training</u>	<u>Maintained After Training</u>
Yes :	42	8
No :	19	48
Changing:	2	0
No Ans. :	1	8
<u>Women:</u>	<u>Maintained During Training</u>	<u>Maintained After Training</u>
Yes :	35	8
No :	23	44
Changing:	1	0
No Ans. :	5	12

The Memphis Police Department has used another approach, maintaining the more traditional exercise tests. Working with a Health and Physical Education professor at Memphis State University, they outlined the similar and different physical characteristics of men and women. On this basis, their exercise tests for women were either made more stringent or less stringent than for the men, depending upon the exercise and which sex would physically have the advantage. The various exercises used by Memphis test such things as strength, speed, agility, and flexibility, with the intent of also testing the major muscle groups. These test are probably valid tests of physical conditioning, but they are not maintained beyond the training period.

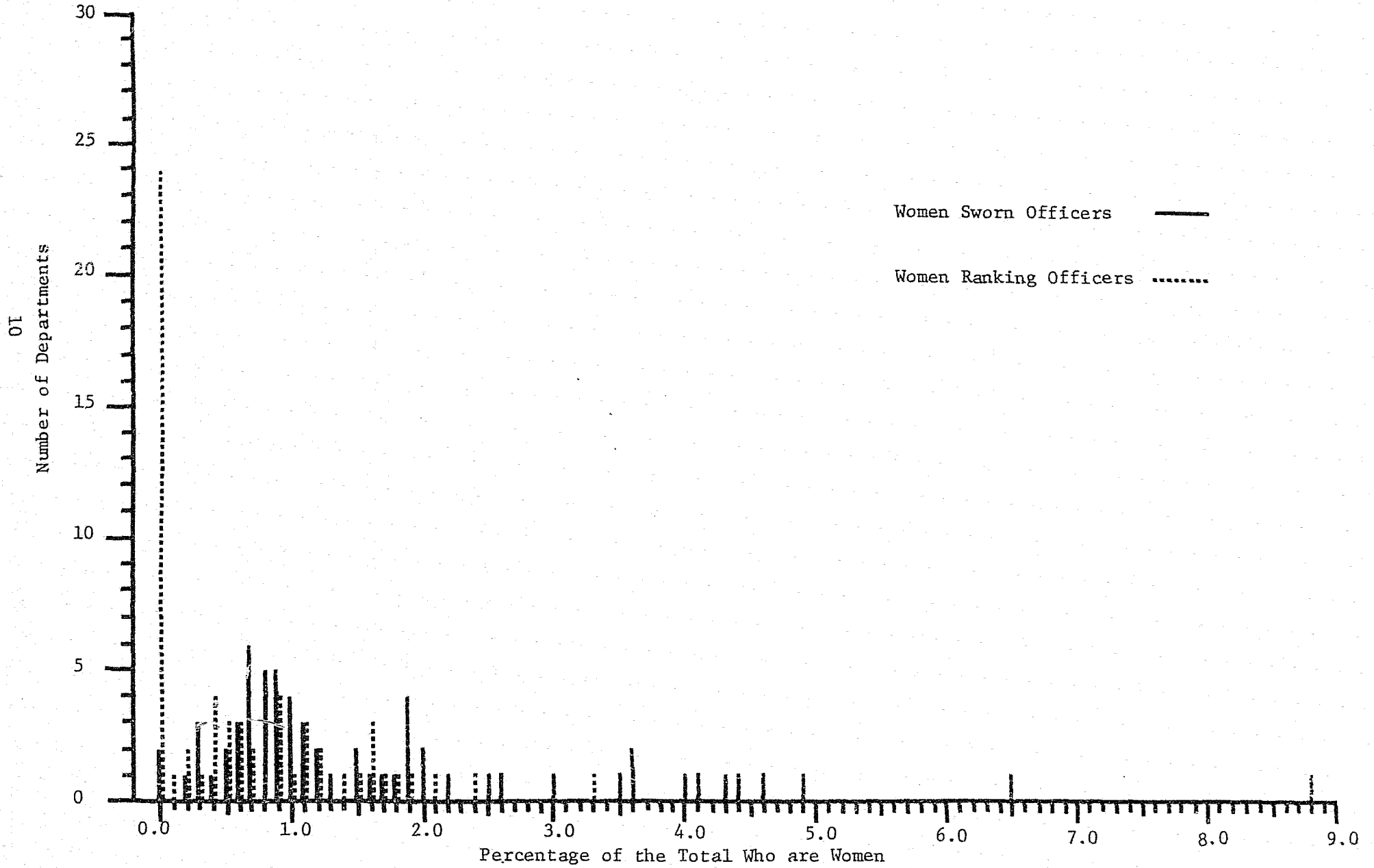
Educational standards data require little comment. They are basically the same for men and women with most departments requiring a G.E.D. or completion of high school. Columbus requires a high school education. Departmental responses are given in Table 6.

TABLE 6

Educational Requirements for Men and Women

<u>Requirement</u>	<u>Men</u>	<u>Women</u>
Below G.E.D.	1	1
G.E.D. or High School	53	46
Technical School	0	0
1-2 Yrs. College	9	10
3-4 Yrs. College	0	2
No Requirement	1	1
No Answer	0	4

Figure 1
PERCENTAGE OF SWORN OFFICERS AND RANKING OFFICERS WHO ARE WOMEN



At present, there are very few women police officers, but their role is expanding. Women make up an average of 1.39 percent of the sworn officers on the departments surveyed (1.8 percent in Columbus), ranging from zero to 8.8 percent. Of the ranking officers (sergeant or above), only 0.61 percent of them are women, less than half the percentage of women on the total force. There are no women ranking officers in Columbus or in twenty-four of the departments surveyed. Figure 1 shows the number of departments for each percentage level of women sworn officers and women ranking officers.

Table 7 shows the activities performed by men and women officers. Men dominate the areas of traffic, car patrol, narcotics, walking patrol, crime scene investigation, searching male suspects, and riot control. But excluding walking patrol, at least 26.5 percent of the departments allow or have women performing all of the duties indicated in the table. Police-women in Columbus are not used in these areas, except for occasional work in narcotics, such as being a decoy. Their main work is in the Juvenile Bureau.

TABLE 7

Duties of Men and Women Police Officers

<u>Activity</u>	<u>Only Men</u>	<u>Only Women</u>	<u>Either</u>	<u>No Answer</u>
Traffic Control	41	0	23	0
Crime Preventative Car Patrol	39	0	25	0
Settling Family Disputes	35	0	28	1
Gambling, Drug, Vice Raids	34	0	30	0
Narcotics Squad	38	0	26	0
Juvenile Squad	9	0	54	1
Walking Patrol	42	0	12	10
Report Taking	16	0	48	0
Crime Scene Investigation	38	0	26	0

Table 7 Continued

<u>Activity</u>	<u>Only Men</u>	<u>Only Women</u>	<u>Either</u>	<u>No Answer</u>
Detective Squad	23	0	41	0
Arrest and Apprehension	23	0	41	0
Public Relations	22	0	40	2
Transporting Female Prisoners	19	1	43	1
Transporting Male Prisoners	35	0	28	1
Searching Female Suspects	3	40	20	1
Searching Male Suspects	47	0	17	0
Riot Control	45	0	19	0
City Jail Attendant	18	0	32	14
Parking Regulation	17	3	38	6

Some departments sent reports concerning the use of women in patrol activities. These will be considered later along with other material on this subject.

THE PATROLMAN QUESTIONNAIRE

In July of 1973, the 610 sworn members of the Patrol Subdivision were sent questionnaires from the Planning and Research Bureau to find out how much physical exertion was required to perform the job of a policeman. 374 questionnaires (61.3%) were returned. A copy of the questionnaire, and the results, is enclosed in Appendices C and E. There were two basic types of questions that were asked: The first type dealt with the physical requirements of the job and the second type dealt with the height and weight standards.

What does a policeman do? In a study done by the Associate Professor John A. Webster of the University of Illinois, a city of 400,000 in population (which he did not identify) was studied to see what assignments were dispatched and how much time each assignment consumed. It was found that 50% of the patrolmen's time was spent on administrative tasks, 47% of their time was spent on traffic, police initiated events, social service, and crimes against property, and the remaining 3% was spent on dispatches concerning crimes against persons. In Columbus, when one of the researchers asked a sergeant what a policeman should be expected to do, he replied, "A policeman should always be expected to do the unexpected." The questionnaires should now be examined to see what tasks the average policeman is called on to perform in a month, remembering that the high degree of uncertainty might require some policemen to perform certain strenuous tasks very frequently, while others might not do anything strenuous at all.

The first question was concerned with lifting. The men were asked how many times per month they were required to lift certain weights. For the part of the patrol division, who responded, there were at least 4,804 incidents that required lifting less than 25 pounds (or 15 incidents per man). There were at least 2,680 situations that required lifting objects weighing between 25-75 pounds (or 4.4 per man per month). And there were at least 1,392 incidents that required officers to lift objects weighing more than 75 pounds (or 2.2 per man per month). All of the numbers are absolute minimums. (For example, most of the officers reported that they lifted objects in each category between 0-5 times per month. Since the totals involve absolute minimums, the number zero was used as the number of incidents. Similarly, six was used as the number of incidents for the 6-15 category, etc. Using this technique, it is expected that a large number of incidents were not included in the totals.)

Running (while involved in chasing) does not take up a major part of the strenuous activities of a policeman. Less than 12% reported being in chases more than 5 times per month. 84% said that they were only involved in running chases between 0-5 times per month.

Question 3 dealt with a number of physical activities that a policeman might be required to participate in while on duty. Jumping over 2 ft. barriers took place at least 704 times (2 per officer) but not more than 2813 times (8 per officer). Stooping under 3 ft. barriers took place at least 592 times (1.6 per officer) but not more than 2618 times (7 per officer). Climbing over at least 5 ft. barriers took place at least 226 times (.6 per officer) but not more than 1750 times (5 per officer). Only 2% of the officers reported

crawling at least 10 ft. or throwing an object of 10 lbs. 50 ft. or more. One can imagine situations that would require these activities (crawling in a ditch to avoid being seen or throwing a floatable object to a drowning person), but such activities seldom occur. And strenuous pushing incidents (such as against a barricaded door) occurred at least 641 times (2 per officer) but not more than 2742 times (8 per officer).

Reaching and grasping an object at least 6-1/2 ft. high was of particular concern to our height study. A short officer (less than 5'4") would have a great deal of trouble reaching an object that high. It was found that although 506 "reaching" incidents were reported, only 14% of the patrol officers reported having done it. At a maximum, there could have been 2473 incidents, or 7 per man per month.

The next question asked the men how frequently they had to stand (or walk) for certain periods of time. Over half of the men reported that they had to stand for about an hour at a time more than six times per month. The average policeman stood for at least a two-hour period three times per month. The amount of standing done by the average police officer cannot be considered to be too strenuous an activity. Nor can the amount of standing done by the average officer be considered an important factor in maintaining proper physical fitness.

The activities mentioned in the preceding questions involve the type of physical exertion that has always been considered to be dependent upon proper physical fitness habits (with the exception of reaching for an object that is higher than 6-1/2 feet). Due to very rigorous physical fitness program,

the graduates of the Training Academy are in excellent condition. The men exercise every day in order to prepare for the Agility Test, which all men must pass before they graduate. A copy of this test is enclosed in Appendix F. The test includes the mile run, a zig-zag run, pull-ups, a balance walk, a rope climb, a wall climb and a tire run. Although physical fitness is encouraged after leaving the academy, there is no punishment for those who are in poor physical condition. So even though they may have been in excellent shape when they graduated, many men have no incentive to stay in shape. In a study done on 200 men in 1972, it was found that 14% of the men had health problems requiring a physicians care due to being over weight.

The next few questions on the questionnaire were concerned with the amount of strength required to make arrests. The men reported at least 656 incidents that involved physical struggles with a suspect. This is almost two incidents per person. By the same token, the men also said that they had to use physical force to arrest a suspect at least 1021 times. This is an average of three times per month. The difference between using force to arrest a suspect and being involved in a struggle is that many men (50% more) felt that some arrests involved "physically" apprehending and holding a suspect even though the suspect did not overtly "struggle."

The King County and Seattle law enforcement agencies did a study on physical fitness standards and their relationship to job requirements. As mentioned previously, they found that certain tasks that policemen performed were not related to their exercise tests or agility tests. For one year, 27 patrolmen and sergeants kept a record of the physical activities they performed in the course of their work. From these records, they noted the frequency of various activities and then tried to develop tests which would

simulate them. The most frequent activities were short chases, climbing fences or other barriers, dragging or lifting bodies, lifting stretchers, pushing cars out of traffic, aiming or shooting a shotgun over the top of a car (breaking and entry procedure), and dealing with resisters. Appendix G contains the rough draft proposals for performance tests to simulate these activities. They were unable to devise a test to simulate handling a resister. A note on the report sent by King County indicated that some of these tests are already being given, replacing their more traditional exercise and agility tests. Though the data from the patrolman's questionnaire is inadequate, tests which simulate the most frequent job activities could be devised for Columbus.

When asked how much force (physical strength) is required to make an arrest when force is used, the vast majority (86%) said that "very little" or a "fair amount" was necessary. Only 7% said that a "considerable" amount of strength was required to make the arrest. It appears that many arrests that involve the use of physical strength are situations when the officer feels that a small amount of force on his part will prevent a suspect from struggling.

While at the Training Academy, the cadet receives twelve hours of boxing lessons and six hours of self-defense training. Boxing is an exercise in both courage and self-defense. The self-defense training is used to develop skills in holding, breaking holds, blocking punches, and general self-defense. It is felt that proper self-defense training will prevent situations that require the use of unnecessary force or a serious injury to an officer.

Table 8 illustrates how the men feel about the use of boxing, wrestling and self-defense skills. It should be noted that most of the men who used physical force to make an arrest at least six times per month felt that self-defense skills were of "Great Importance," while almost all of the men who felt that these skills were of "No Importance" seldom were involved in situations that required the use of physical force.

 TABLE 8

Have the following skills been important in the performance of your partol work?

	No Answer	No Importance	Some Importance	Great Importance
Boxing skills	14	99	191	70
Wrestling skills	12	142	120	100
Self-defense skills	7	40	177	150

There was a series of questions concerned with endurance to see if over-time would play a major role in the development of standards. In Columbus, fewer than 20% worked five 12-hour days in the last year. Less than half of that 20% worked more than two consecutive 12-hour days. The only times that officers seem to work 12-hour days are in emergency situations (riots, natural disasters) that are obviously unplanned. Most of the men felt that they could work between 10-14 hours per day without impairing job performance if a situation demanded it. Overtime should not be considered a major factor in the development of physical standards.

The final section of the questionnaire was particularly interested in the way the police officers perceived height, both as a deterrent to fights and as a job requirement. The average height of the policemen who responded to the questionnaire was 71.2 inches, almost exactly the same as the average height of all sworn personnel. Table 9 shows the breakdown of individual heights between the total sworn personnel and those who responded.

 TABLE 9

<u>Height</u>	<u>No. of Patrolmen</u>	<u>%</u>	<u>Total Sworn %</u>	<u>% Difference</u>
68"	26	6.9%	5.0%	+1.9%
69"	64	17.1%	17.5%	- .4%
70"	59	15.8%	18.1%	-2.3%
71"	61	16.3%	18.4%	-2.1%
72"	78	20.9%	20.0%	+ .9%
73"	39	10.4%	8.9%	+1.5%
74"	25	6.7%	6.5%	+ .2%
75"	15	4.0%	3.6%	+ .4%
76"	6	1.6%	1.8%	- .2%
77"	2	.5%	0%	+ .5%
78"	1	.3%	.2%	+ .1%

Because of Table 9, it can be concluded that the height distribution of the responders does not vary significantly with the height distribution of sworn personnel. The answers on the questionnaire can be considered valid in so much as no one category of height over-influenced the total results.

The patrolmen were asked if their height had been a deterrent to fights. Almost half of the men (49%) felt that their height had been a deterrent to fights. 45% felt that their height had not been a factor in starting fights. The remaining 6% felt that their size had contributed to starting fights. Of the 6% who felt that their size contributed to starting fights, 90% were six feet tall or shorter. Of the 49% who felt that their

height had been a deterrent to fights, a much higher percentage of taller men felt that their height was a deterrent. 75% of the men who were 6'3" or taller felt that their height was a deterrent compared to only 39% of the men 6'0" or shorter.

Experience seemed to be a major factor in whether or not a patrolman felt that his height had been a deterrent. 68% of the men who have been on the department at least five years feel that their height is a deterrent to fights, compared to only 35% of the men who have been police officers less than five years.

The height factor was also compared to the amount of times an officer uses physical strength while making an arrest to see if height was a significant factor in the number of arrests an officer had to make using physical force. It was found that the number of force-arrests was proportional to the number of men in each height category. Therefore, the height of an officer does not appear to be a factor in the number of times an officer has to use force. It appears that while many men view height as a deterrent, height may not be a significant deterrent.

Experience does not seem to be a factor in determining the frequency of using physical force while making arrests. The situations that call for a police officer to use his physical strength to apprehend a suspect appear to be totally independent of the number of years experience the arresting officer had. This information was obtained by comparing the percentage of force arrests by level of experience to the percentage of patrolmen at each level of experience. The percentages remained proportional throughout.

What would the policemen on patrol do if they could create standards? First of all, the minimum height and weight standards would be raised. Presently, the standards are 5'8" and 145 pounds. The average minimum standard for a policemen would be changed to 5'8-1/2" and 160 pounds. Secondly, 25% of the men felt that our physical standards (including physical fitness) should be made more stringent. Many of the men commented that too many policemen are overweight, creating a hazard to their health and safety. Many men also commented that the department should not only enforce physical fitness standards, but it should provide the facilities necessary for a department wide physical fitness program. Only 22 men felt that the height and weight standards should be lowered. Of these 22, one half felt that the height requirements should only be dropped one inch. Finally, most of the men asserted that larger men (taller and heavier) and stronger men have an advantage over smaller, weaker men in the proper performance of their job.

Many of the activities performed by policemen require that they be in excellent shape, physically and mentally, but such activities are not performed frequently. While physical training is certainly important, the work done in Seattle and King County indicate a potentially better way to test a person's capabilities in police activities than the traditional exercise and agility tests offer. The men's own responses indicate that height is not as great a deterrent as many of them believe. Neither height nor years of service seem to be critical factors in whether a person is involved in many fights or whether he uses force frequently during arrests.

POLICEWOMAN'S QUESTIONNAIRE

There are twenty policewomen in the Columbus Division of Police. Thirteen are in the Juvenile Bureau, two are in the Narcotics Bureau, two are in the Detective Bureau, and one each in the Public Affairs Bureau, the Intelligence Bureau, and the Personnel and Business Bureau. Of the twenty questionnaires that were sent out, sixteen (80%) were returned. Because of the jobs that policewomen are assigned, the policewomen received a different type of questionnaire than the men. It was not concerned with the physical requirements of their work, but rather it was concerned with their feelings toward a possible change in Division policy that would place women in the Patrol Bureau.

The first area that was covered in the questionnaire involved the policewomen's conceptions of what the minimum height and weight requirements should be. The sixteen women were evenly divided on whether or not there should be height and weight requirements at all, and of those who felt that there should be requirements, all felt that the present standards for men and women were satisfactory. When asked if men's and women's requirements should be the same (provided that the Division maintain some requirements), fourteen out of sixteen (87%) felt that men's and women's height and weight requirements should not be the same. The main reason given by the policewoman was the fact that a primary physical difference between males and females is size. Therefore, women should have a smaller height requirement than men.

It is interesting to note that of the women who felt that there should be no height and weight requirements, most were concerned with the fact that height requirements force the Division to reject some applicants who might make excellent policemen. There was no mention of the fact that the absence of height requirements might force the Division to accept applicants who, because of their smaller size, might make poor policemen.

A second part of the questionnaire was concerned with the necessity of special training for women in courses that are currently taught at the academy. Table 10 illustrates how the sixteen women responded. The section "Self-Protection Skills From Sexual Assault" was added to see if women felt that a special course in rape defense was necessary for police-women. Fifty percent felt that such a course would be necessary. It is evident from this table that most of the policewomen feel that the self-defense training currently given to the men at the academy would not be adequate for the average woman recruit.

TABLE 10

What areas (if any) do you feel that women will need special training in (more than the average man)?

<u>4</u>	Physical Fitness
<u>12</u>	Self-Defense Tactics
<u>12</u>	Resisting Arrest Procedures
<u>4</u>	Search and Seizure
<u>4</u>	Handling of Mentally Disturbed
<u>4</u>	Apprehension of Sex Offenders
<u>4</u>	Boxing (an exercise in courage and self-defense)
<u>8</u>	Self-Protection skills from sexual assault
<u>1</u>	Other An exercise in courage and self-defense other than boxing

Just as the policewomen felt that women's height and weight requirements should not be the same as men's, the women also felt that policewomen should not be required to maintain the same physical fitness standards. The reason most often mentioned was that physical fitness standards tend to be arbitrary and are not necessarily job-related. The policewomen felt that women should be given a set of physical fitness standards that were especially applicable to women and all policewomen should be required to meet those. They also felt that job-related physical fitness requirements should be met by both sexes.

The use of policewomen on patrol was the next area considered. Of the sixteen who responded, ten (62%) felt that women could be as effective as men on patrol duty. The same ten also felt that women should be required to spend a certain amount of time on patrol duty, above and beyond the normal six weeks of on-the-job training. However, most policewomen (56%) felt that women should not be assigned jobs on an equal basis with men. The chief reason for this was that women should not be forced into a permanent patrol assignment as long as there are so few women in the other bureaus.

The women were also asked to list some of the special problems that they foresaw when women would be added to the patrol bureau. The problem most frequently listed was overprotectiveness on the part of the male officers. They felt that the men would be unwilling to treat them as an equal partner. The policewomen also felt that the policemen's wives might present another problem. The incredibly high divorce rate among policemen suggests that the wives would not be too supportive of their husbands riding around with a woman, especially on the night shift. The policewomen were also

concerned with the level of public acceptance that women on patrol would have. These problems that the policewomen listed are not unlike those that are covered in greater depth in another section of this research paper.

Another area of concern that the questionnaire dealt with was women's uniforms. In New York City, the problem of choosing between a uniform that is practical and a uniform that is "feminine" has caused morale problems that have not been solved yet. The policewomen on the Ohio State University Police Department wear uniforms identical to the men's and this uniform has been met with mixed reactions from both the community and other police officers.

Five of the Columbus policewomen felt that women in the Uniform Sub-division should be required to wear the same type of uniform as the men. Eleven felt that a man's uniform would be inappropriate for policewomen for a number of reasons. First, men's clothes seldom flatter a woman's femininity. Secondly, the average woman's physique would not be complimented by such parts of the men's uniform as military shoes or the gun belt. Thirdly, some women felt that women in men's clothes are as ridiculous looking as men in women's clothes. The general feeling is that the women's patrol uniform should be practical enough to perform her job and feminine enough to maintain her individuality.

Finally, since the questionnaire hinted at a possible change in Division policy, an experimental question was asked of the women:

If you were required (by a major policy change) to go through a physical fitness program, wear a uniform similar to the standard police officer's uniform, and spend three months on each shift as a regular patrol officer, what would you do?

Fourteen of the women (88%) said that they would do it (although 8 of that fourteen would be quite unhappy). One policewoman would resign and one would be "totally upset." Most of the women remarked that it would be an unfair assignment since they were hired under the pretext that they would not be used for patrol assignment.

As a whole, the questionnaires were answered with a great deal of frankness and honesty. Most were typed and had to be completed on extra paper (or on the back of the questionnaire) which represents a great deal of thinking and concern on the part of the policewomen.

USE OF FORCE LETTERS

The use of force letters for 1972 and the first six months of 1973 were examined to see if there was any relationship between the officers involved and their height. Also considered was the relationship between the number of incidents and the height of officers. The number of incidents indicated in the tables included in this section are higher than normally reported. This is due to counting each officer's actions as a separate incident when one use of force letter may have covered the actions of more than one man.

To determine if there were any relationships, the number of officers at each height level who wrote letters were compared with the number of officers of that height who would have written letters if height were not a factor. These expected numbers of officers were found by calculating the percentage of all sworn officers at each height (minus women) and, from these figures and the total number of persons who wrote letters, calculating the corresponding number of persons who would have written use of force letters. The same percentages were used to compute the expected number of incidents for each height level. In addition, the proportions of officers involved in incidents for each height were calculated. These percentages were used to make a second set of expected values for the distribution of incidents. This process is called a goodness of fit test and employs the Chi Square statistic. It indicates whether or not a relationship exists but does not indicate what causes the relationship.

Data on the heights of officers were gathered from personnel files in July, 1973. Change-overs in personnel had occurred during 1972 and early 1973, but it was assumed that the overall height distribution remained the same. Initial calculations were based on the total force distribution. Later, a revised distribution was compiled which included only sworn personnel in the Uniform and Investigative Subdivisions not assigned to essentially administrative positions. As the figures were very similar, the original calculations were not revised. Both of these distributions and the distributions by height of officers involved in incidents for 1972 and 1973 are included in Table 11.

 TABLE 11

Percentage of Officers by Height

<u>Height</u>	<u>Total Sworn</u>	<u>Uniform and Investigative</u>	<u>1972 Officers In Incidents</u>	<u>1973 Officers In Incidents</u>
5'8"	5.0	5.3	5.8	5.6
5'9"	17.5	18.3	19.9	20.0
5'10"	18.1	18.1	17.8	18.1
5'11"	18.4	18.4	17.5	14.4
6'0"	20.0	19.5	20.9	23.7
6'1"	8.9	9.0	8.2	7.4
6'2"	6.5	6.1	5.8	7.4
6'3"	3.6	3.3	3.1	2.8
6'4"	1.8	1.4	0.7	0.5
6'5"	--	--	--	--
6'6"	<u>0.2</u>	<u>0.1</u>	<u>0.3</u>	<u>0.0</u>
	100.0%	99.5%*	100.0%	99.9%*

*Rounding causes totals to be less than 100%

The statistical analysis discussed earlier indicated that height was not a significant factor in either the number of persons involved in incidents or the number of use of force letters written by a person. A significant relationship was found in comparing the observed incidents with the expected number of incidents in 1972, based on the total distribution of sworn officers. Significance in this case meant only that the distribution of observed incidents did not happen by chance (using a 1% level of significance). But as shown by Table 13, there is no consistent pattern between height and the number of incidents. Using the distribution of officers involved in incidents, during 1972, significance is not found. Tables 12 through 17 give the Chi Square calculations. It can be seen in each of these tables that there is no consistent relationship between height and the persons involved, or the number of incidents.

 TABLE 12

Officers Involved in Use of Force Incidents During 1972 by Height
 Compared with the Height Distribution of All Sworn Officers

<u>Height</u>	<u>Obs.</u>	<u>Exp.</u>	<u>O - E</u>	<u>(O - E)²</u>	<u>(O - E)²/E</u>
5'8"	17	14.62	2.38	5.66	.387
5'9"	58	51.22	6.78	45.97	.898
5'10"	52	52.89	-.89	.79	.015
5'11"	51	54.03	-3.03	9.18	.170
6'0"	61	58.54	2.46	6.05	.103
6'1"	24	26.16	-2.16	4.67	.179
6'2"	17	19.13	-2.13	4.54	.237
6'3"+	12	16.29	-4.29	18.40	<u>1.129</u>

Chi. Squ. = 3.118
 not significant

TABLE 13

Distribution of Use of Force Incidents During 1972 by Height of Officer
Compared with the Height Distribution of all Sworn Officers

<u>Height</u>	<u>Obs.</u>	<u>Exp.</u>	<u>O - E</u>	<u>(O - E)²</u>	<u>(O - E)²/E</u>
5'8"	29	27.25	1.75	3.06	.112
5'9"	113	95.44	17.56	308.35	3.231
5'10"	105	98.55	6.45	41.60	.422
5'11"	76	100.68	-24.68	609.10	6.050
6'0"	127	109.09	17.91	320.77	2.940
6'1"	51	48.76	2.24	5.02	.103
6'2"	25	35.65	-10.65	113.42	3.181
6'3"+	20	30.36	-10.36	107.33	3.535

Chi Sq. = 19.574
significant at the 1% level

TABLE 14

Distribution of Use of Force Incidents During 1972 by Height of Officer
Compared with the Height Distribution of Officers Involved in the Incidents

<u>Height</u>	<u>Obs.</u>	<u>Exp.</u>	<u>O - E</u>	<u>(O - E)²</u>	<u>(O - E)²/E</u>
5'8"	29	31.78	- 2.78	7.73	.243
5'9"	113	108.44	4.56	20.79	.192
5'10"	105	97.19	7.81	61.00	.628
5'11"	76	95.38	-19.38	375.58	3.938
6'0"	127	114.06	12.94	167.44	1.468
6'1"	51	44.88	6.12	37.45	.834
6'2"	25	31.78	- 6.78	45.97	1.447
6'3"+	20	22.44	- 2.44	5.95	.265

Chi Sq. = 9.015
not significant

TABLE 15

Officers Involved in Use of Force Incidents During 1973 by Height
Compared with the Height Distribution of All Sworn Officers

<u>Height</u>	<u>Obs.</u>	<u>Exp.</u>	<u>O - E</u>	<u>(O - E)²</u>	<u>(O - E)²/E</u>
5'8"	12	10.73	1.27	1.61	.150
5'9"	43	37.58	5.42	29.38	.782
5'10"	39	38.80	.20	.04	.001
5'11"	31	39.65	-8.65	74.82	1.887
6'0"	51	42.96	8.04	64.80	1.508
6'1"	16	19.20	-3.20	10.24	.533
6'2"	16	14.04	1.96	3.84	.274
6'3"+	7	11.95	-4.95	24.50	2.050

Chi Sq.= 7.185
not significant

TABLE 16

Distribution of Use of Force Incidents During 1973 by Height of Officer
Compared with the Height Distribution of All Sworn Officers

<u>Height</u>	<u>Obs.</u>	<u>Exp.</u>	<u>O - E</u>	<u>(O - E)²</u>	<u>(O - E)²/E</u>
5'8"	19	16.87	2.13	4.54	.269
5'9"	66	59.08	6.92	47.87	.810
5'10"	53	61.01	-8.01	64.16	1.052
5'11"	48	62.33	-12.33	152.02	2.439
6'0"	83	67.53	15.47	239.32	3.544
6'1"	25	30.18	-5.18	26.83	.889
6'2"	29	22.07	6.93	48.02	2.176
6'3"+	15	18.79	-3.79	14.36	.764

Chi Sq.= 11.943
not significant

TABLE 17

Distribution of Use of Force Incidents During 1973 by Height of Officer
Compared with the Height Distribution of Officers Involved in the Incidents

<u>Height</u>	<u>Obs.</u>	<u>Exp.</u>	<u>O - E</u>	<u>(O - E)²</u>	<u>(O - E)²/E</u>
5'8"	19	18.92	.08	.01	.001
5'9"	66	67.60	-1.60	2.56	.038
5'10"	53	61.18	-8.18	66.91	1.094
5'11"	48	48.67	-.67	.45	.009
6'0"	83	80.10	2.90	8.41	.105
6'1"	25	25.01	-.01	.00	.000
6'2"	29	25.01	3.99	15.92	.637
6'3"+	15	11.15	3.85	18.82	1.329

Chi Sq. = 3.213
not significant

ASSAULTS AGAINST POLICE OFFICERS

When evaluating the present height standard and the consequences of a possible change in this standard, one of the most relevant topics to discuss is the number of assaults against police officers and whether or not height is a determining factor in the frequency of such assaults. The data was obtained from the "Assaults Against Officers" report files during the period January - June, 1973. There were no files available prior to January 1973. Each time an officer is assaulted on duty, he is required to report this assault and have another patrol officer fill out the report form.

Table 18 illustrates the number of assaults at each height category, the percentage of total assaults at the category, the expected percentage of total assaults at the category (for both non-administrative police officers and total sworn personnel), and the percentage differences between the actual and the expected.

TABLE 18

Height (Inches)	Number of Assaults	Percentage of Total Assaults	Expected % of Non-Administrative Police Officers	Dif	Expected % of Total Sworn	Dif
68"	10	7.4%	5.3%	+2.1%	5.0%	+2.4%
69"	22	16.4%	18.3%	-1.9%	17.5%	-1.1%
70"	24	18.6%	18.1%	+ .5%	18.1%	+ .5%
71"	20	14.1%	18.4%	-4.3%	18.4%	-4.3%
72"	28	20.8%	19.5%	+1.3%	20.0%	+ .8%
73"	12	8.9%	9.0%	- .1%	8.9%	0.0%
74"	16	11.1%	6.1%	+5.0%	6.5%	+4.6%
75"	2	1.4%	3.3%	-1.9%	3.6%	-2.0%
76"	1	.7%	1.4%	- .7%	1.8%	-1.1%
77"	0	0	0	0	0	0
78"	1	.7%	.1%	+ .6%	.2%	+ .5%

From these figures, it is apparent that there is no direct relationship between the height of an officer and the frequency of assaults against him. Although there was a higher frequency of assaults in the 68" category, there was an even higher frequency in the 74" category. Since there is no trend at all in the frequencies, the only conclusion that can be drawn is that height is not a primary factor in the number of assaults on police officers.

The next table (Table 19) illustrates the frequency of officers assaulted in each height category. This table differs from the previous table in that it only includes each officer once. The previous table included all assaults, even if an officer was assaulted more than once.

Table 19						
Height (Inches)	Number of Officers Assaulted	Percentage of Total Assaults	Expected % of Non-Administrative Police Officers	Dif	Expected % of Total Sworn	Dif
68"	8	7.2	5.3%	+1.9%	5.0%	+2.2%
69"	18	16.2	18.3%	-2.1%	17.5%	-1.3%
70"	19	17.1	18.1%	-1.0%	18.1%	-1.0%
71"	15	13.5	18.4%	-4.9%	18.4%	-5.1%
72"	25	22.5	19.5%	+3.0%	20.0%	+2.5%
73"	12	10.8	9.0%	+1.8%	8.9%	+1.9%
74"	10	9.0	6.1%	+2.9%	6.5%	+2.5%
75"	2	1.8	3.3%	-1.5%	3.6%	-1.8%
76"	1	.9	1.4%	-.5%	1.8%	-.9%
77"	0	0	0			
78"	1	.9	.1%	+.8%	.2%	+.7%

These figures are not too unlike the figures in the first table. Officers in the 68" category seem to be assaulted more frequently than most categories, but the most frequent assaults are on fairly tall officers, 72" and 74". This would reemphasize the conclusion that assaults are not dependent on height, but are dependent on other factors such as personality, experience, time, location, and the mental condition of the assaulter. It is interesting to note

that the average height of the assaulted officer (71.28") is higher than the average height of all the officers (71.14) and the non-administrative officers (71.07).

Table 20 illustrates the number of assaults on officers that resulted in an injury to the officer. Like Tables 18 and 19, it compares the actual to the expected.

Table 20

Height (Inches)	Number of "Injury Assaults"	Percentage of Total "Injury Assaults"	Expected % of Non-Administrative Police Officers	Dif	Expected % of Total Sworn	Dif
68"	6	10.3%	5.3%	+5.0%	5.0%	+5.3%
69"	11	18.9%	18.3%	+ .6%	17.5%	+1.4%
70"	7	12.0%	18.1%	-5.9%	18.1%	-6.1%
71"	4	6.8%	18.4%	-11.6%	18.4%	-11.6%
72"	12	20.6%	19.5%	+1.1%	20.0%	+ .6%
73"	6	10.3%	9.0%	+1.3%	8.9%	+1.4%
74"	10	17.2%	6.1%	+11.1%	6.5%	+10.7%
75"	1	1.7%	3.3%	-1.6%	3.6%	-1.9%
76"	1	1.7%	1.4%	+ .3%	1.8%	- .1%
77"	0	0	0	0	0	0
78"	0	0	.1%	- .1%	.2%	- .2%

Again, it can be seen that neither shorter officers nor taller officers tend to be assaulted and injured more frequently than the others. The 74" category seemed to be the most dangerous category to be in and the 71" category seemed to be the least dangerous. But since the percentage differences fluctuated as much as they did, it does not appear to be height that makes a category more or less dangerous. Like the average height of the assaulted officer, the average height of an officer who was assaulted and injured (71.28) is higher than the height of the average police officer.

During the analysis of the Use of Force incidents, a Chi Square test was used to determine whether or not a mathematical significance could be observed that would show if height was a major factor in determining the frequency of Use of Force incidents. This test was not employed to discuss the frequency of assaults because the fluctuating percentages indicated that although the height distribution was not random, it was not a continuous trend either.

THE PORTLAND STUDY

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In February of 1973, the Portland Oregon Police Department released a study called "Analysis of Assaulted and Non-Assaulted Officers by Height, Weight, Tenure and Assignment." In this study, some of the conclusions found were:

- 1) The average height of an assaulted officer is slightly less than the average height of a non-assaulted officer. (This is just the opposite of the Columbus findings.)
- 2) There is a slight tendency, not statistically significant, for taller officers to be assaulted by a more dangerous weapon. (Columbus did not study this aspect of assaults.)
- 3) If the officer is 5'9" - 5'10-1/2" tall, he is assaulted much more often than he should be. He is also assaulted more than would normally be expected if he is over 6'5". (In Columbus, this statement would read: "If the officer is 6'0" or 6'2" tall, he is assaulted much more often than he should be. He is also assaulted more than would normally be expected if he is 5'8" tall.)

The Portland study also offered some statistics similar to Table 20 for the cities of Washington, D. C., Seattle/King County, Los Angeles, and Portland. These statistics are presented in Tables 21, 22, and 23.

Los Angeles was omitted because the statistics deal only with injured officers and they are also over twelve years old. Figure 2 illustrates the assault figures graphically for the three cities and Columbus. The significance in reading the graph should not be obtained by deciding whether the lines slope up or down, but by measuring distances between the two lines. If the distance between the two lines is constant (either in decreasing, staying the same, or increasing), then certain conclusions can be drawn regarding height as a factor in assaults against officers. But since the graphs tend to criss-cross (especially the Columbus graph), then no positive conclusions may be drawn relating the height of a police officer and the frequency of assaults.

TABLE 21

Portland Oregon
 COMPARISON OF PROPORTION OF ASSAULTED OFFICERS
 WITHIN HEIGHT RANGES WITH PROPORTION OF
 THE NUMBER OF OFFICERS IN TOTAL GROUP

Ht. Inches	I % Assaulted <u>Offenses</u> <small>Officers</small>	II % of <u>All Offenses</u> <small>Officers</small>	III Difference (I-II)
69-69-1/2	19	12.9	+6.1
70-70-1/2	21	16.4	+4.6
71-71-1/2	22	23.8	-1.8
72-72-1/2	17	20.3	-3.3
73-73-1/2	9	10.6	-1.6
74-74-1/2	9	10.4	-1.4
75-75-1/2	1	2.7	-1.7
76-76-1/2	0	1.6	-1.6
77-77-1/2	2	1.4	+ 6

TABLE 22

MPDC (DISTRICT OF COLUMBIA) 1971

From Mary Abrecht, Height of Police Officers and Related Issues, MPDC Training Division, Oct. 1972

Male Officers

<u>Ht. (in.)</u>	<u>% Assaulted Off. (236)</u>	<u>% All (4671) Officers</u>	<u>Difference</u>
67	5.1	2.9	+2.2
68	14.8	9.7	+5.1
69	20.8	14.6	+6.2
70	18.6	15.8	+2.8
71	12.3	17.6	-5.3
72	11.9	17.3	-5.4
73	9.7	9.2	+ .5
74	4.2	6.7	-2.5
75	1.3	3.6	-2.3
76	.8	1.8	-1.0
77	.4	.5	- .1
78	0	.1	- .1

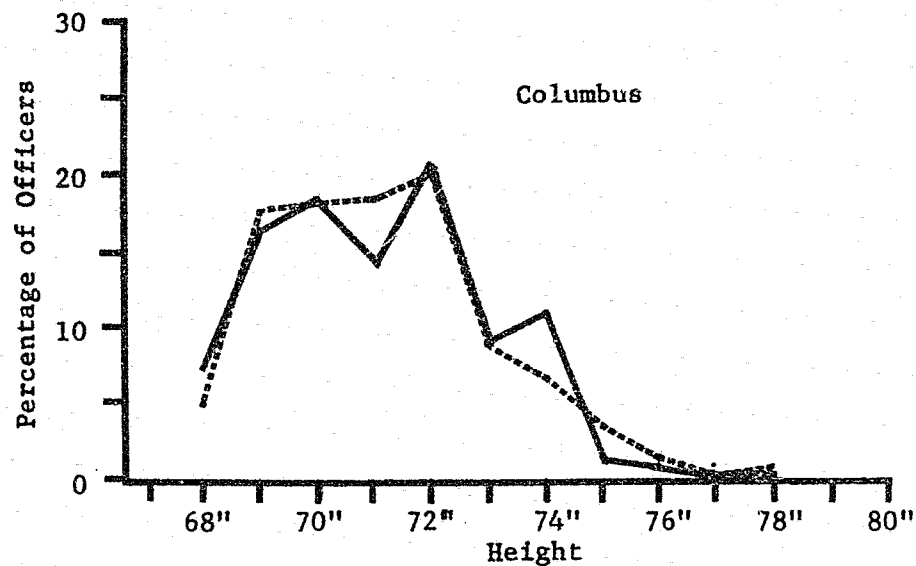
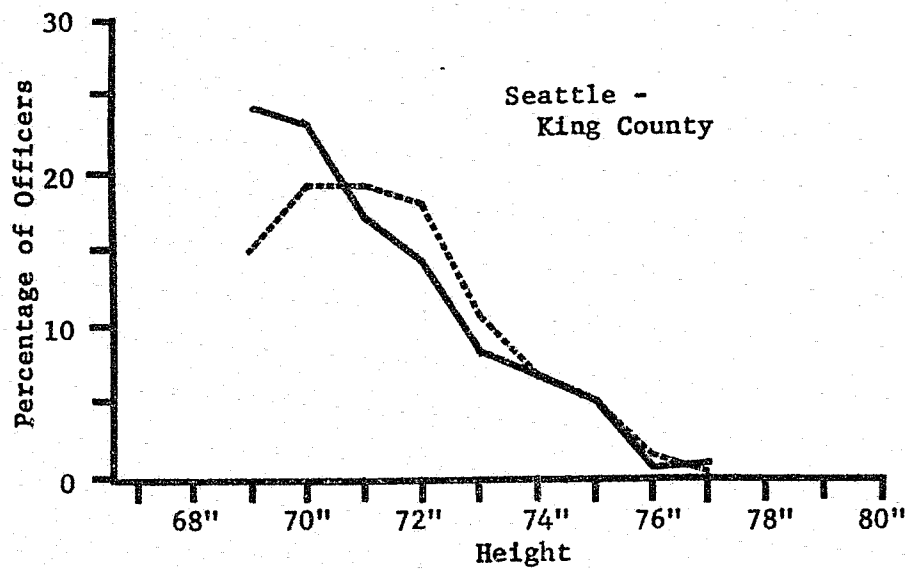
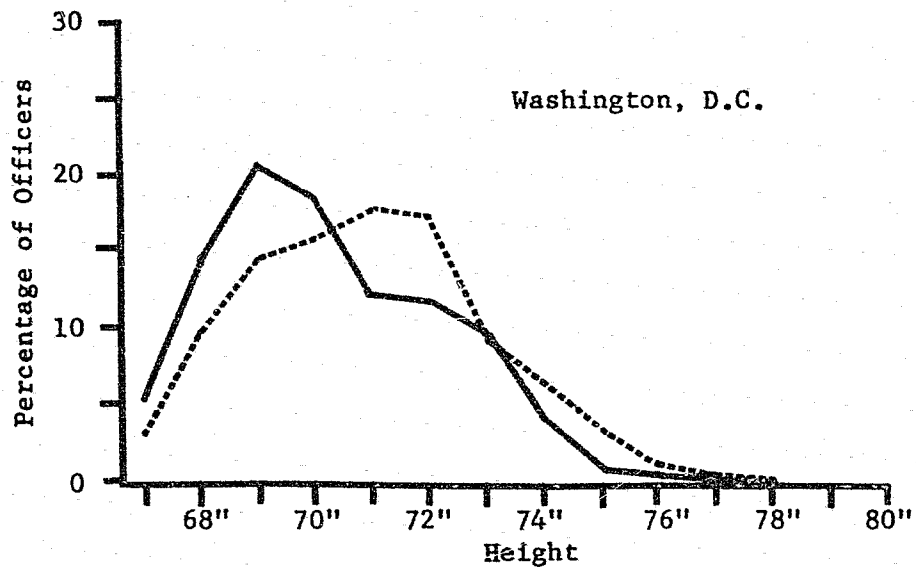
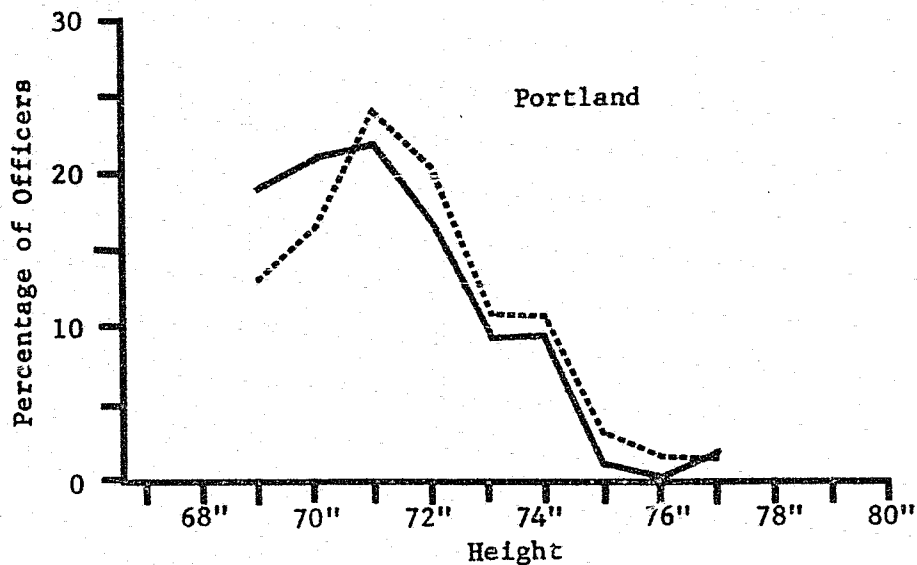
Table 23

SEATTLE/KING CO. (4/1/71-3/31/72)

<u>Ht. (in.)</u>	<u>% Assaulted Off. (479)</u>	<u>% All Officers</u>	<u>Differences</u>
69	24.0	15.0	+9.0%
70	23.0	19.0	+4.0%
71	17.0	19.0	-2.0%
72	14.0	18.0	-4.0%
73	8.0	11.0	-3.0%
	7.0	7.0	0.0%
75	5.0	5.0	0.0%
76	0.6	1.7	-1.1%
77	1.0	0.2	+0.8%

Figure 2
 Assaults Against Officers by Height of Officer
 Officers Assaulted — Total Sworn Officers - - - - -

07



WOMEN IN PATROL ASSIGNMENTS

The use of women in police work has been usually limited to work with women and children and secretarial types of work. A few women have been used in narcotics, vice, and detective assignments. Not until recently have women been assigned to regular patrol duty on an equal basis with men.

Women in Policing, by Catherine Milton, examined the uses of police-women, concentrating on seven cities. The book was published early in 1972 when policewomen were just beginning to assume expanded duties including patrol. As such, no studies had been completed which evaluated the effectiveness of women versus the effectiveness of men. Indianapolis, Miami, New York, Peoria, and Washington, D. C. made at least some use of women on patrol. No major incidents were cited that indicated women could not do the work, though examples were given of women who were successfully handling patrol duties. In general, little evidence was given to indicate what women could or could not do.

In early 1973, another book, Policewomen on Patrol by Peter Block, Deborah Anderson, and Pamela Gervais, presented an initial study of women on patrol in Washington, D. C. All policewomen previously employed (27) were reassigned to uniformed patrol duty along with 80 new women. The new women were matched with men who entered the training academy at the same time to provide a fair comparison group for the study. The study's findings indicate that women have tended to perform slightly less well than the men, but the authors qualified this with the following:

"Because these policewomen were rookies, they usually were assigned (pursuant to standard Departmental policy) to patrol with more experienced officers, who are almost invariably males. It is not possible to determine whether any difference between policewomen and comparison men are the responsibility of the women, of their partners or of some combination of the two ... In April 1972, before women were assigned to street patrol, policemen believed that women would be considerably less competent as patrol officers and that the addition of women would make their jobs substantially more difficult. These expectations may have made it relatively more difficult for the women than for men." (Policewomen on Patrol, p. 7)

Considering that the study covered only the first four months of patrol assignment for women, its conclusions are at best tentative. Appendix H contains the summary of the findings regarding Washington, D. C.'s experience with women on patrol.

Two police departments, Dallas and New York, sent information regarding women on patrol. Dallas began a pilot program in July 1972, with two women placed on regular, non-temporary patrol duty. They were to be rated on their performance on the same basis as the men. After a six month period of monthly evaluations which found that the women's performance was comparable to the men's, the program was expanded to include 17 women on patrol duty.

The Urban Institute has been evaluating the New York Police Department. A copy of an interim report (the fourth report) evaluating policemen was made available by the department. A constant problem has been the complaints by the women about the design of their uniforms and the material used, and the delay in receiving some of their equipment. At least prior to March 9, 1973, women were not allowed to have a steady male partner. About half of the women preferred a steady female partner to rotating male partners, and several others who preferred to work with males would also have liked to have steady

partners. Women are restricted from working the midnight to 8 a.m. tour of duty. Apart from the women who objected to this, some of the men felt that it was special treatment. Women in New York's sixth precinct have had serious morale problems. These women are assigned almost exclusively to foot patrol. They have felt that their assignment does not allow them to be involved in as wide a range of duties as would car patrol. They also object to patrolling alone. Apparently, from an August 12, 1973, article in the New York Times (p. 53), women are now patrolling in pairs and the 25 who have been on walking patrol have done a good enough job that the department plans to assign more women to walking beats. There have been some other minor problems, such as screening the dispatches given to women, but generally the women have performed similarly to men.

Other cities, including some major cities, are allowing women to be assigned to patrol work. The only exception to the trend so far has been San Francisco. A newspaper article (Columbus Dispatch, on or about June 15, 1973) reported that an experimental program using women would be discontinued because the Chief and the three policewomen agreed that they could not adequately perform the physical aspects of the job. San Francisco, returned a standards questionnaire but made no reference to its experimental program or studies, so the newspaper report was neither refuted nor verified.

The small amount of material available makes it difficult to draw firm conclusions. But without verification and information from San Francisco, there is no evidence that women cannot do police work of comparable quality to that of men. In fact, the available evidence shows that women can and are doing patrol work both in cruisers and on foot.

While women seem to be capable of doing good work, there are still some special problems. Many male officers are convinced that women cannot be good police officers. They believe that women cannot handle drunks, resisters, or dead bodies. They doubt that a woman will be able to hold up her end of a stretcher or be able to function well in emergency situations. In dangerous situations, they feel that a woman would not be able to back up her partner. Some feel that the men would be over protective of the women and this would contribute to making situations more dangerous than need be. It was doubted that women could command respect because of their small size and weakness.

These reactions were found quite often in talking with several Columbus policemen and are similar to attitudes found in other police departments. Though such feelings cannot be proven and are basically speculative, they have been a problem women have had to overcome elsewhere. Even where women have begun to show that they can be effective, such prejudices have continued to persist.

Another concern is deciding how to use policewomen previously employed. Some departments have excluded the women from change in women's assignments, while others have reassigned all of their women to uniform patrol. The argument for the first case is that the women were hired to work with juveniles or for other work, but not hired to work patrol. It would be unfair to now assign them to work patrol after hiring them to do something else. An argument often given for reassignment is "equal pay for equal work," and is a real consideration in Columbus because women receive the same pay as the men even though they do different work.

In some cities, policeman's wives and occasionally a policewoman's husband have objected to placing women on patrol and in teams with men. It is both a matter of not wanting one's husband spending 40 hours a week with another woman (or one's wife with another man) and a recognition that the police divorce rate is already very high, and feeling that the change might push it higher. At least two ways have been tried to avoid such opposition, one using only men in male-female teams whose wives didn't object and the other rotating the men so there were no permanent teams. Neither of these methods meets the problem adequately.

There are some additional concerns such as the design of women's uniforms which would be feminine, yet be suitable for all aspect of patrol work and the matter of screening radio calls so women are not sent on the more dangerous runs. Public reaction may not be a problem, but certainly could be a factor in how difficult it is for women to gain respect on patrol.

The special concerns mentioned are not exhaustive but they are some of the major problems encountered elsewhere. Any consideration of assigning women on patrol must anticipate and include means of dealing with the side effects of the change.

LEGAL ANALYSIS

On March 9, 1973, the Law Enforcement Assistance Administration issued equal rights guidelines (Appendix I) regarding the effect of minimum height requirements on minority groups and women. These guidelines were greeted by many state and local law enforcement agencies with a great deal of apprehension and consternation. Height requirements have long been a part of most American law enforcement agencies' employment practices. The traditional argument defending height standards has been that shorter policemen neither act as a deterrent to crime nor can they defend themselves as well as taller officers. These new guidelines, if enforced, open up two areas of concern for most police departments: the hiring of shorter policemen and the hiring of women.

Can police departments legally refuse to hire women for certain jobs? The Civil Rights Act of 1964 (Appendix J) prohibits discrimination in hiring on the basis of race, color, religion, sex or national origin. The only time any type of sexual discrimination is legal is "in those certain instances where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." (Title VII, Civil Rights Act of 1964, Section 703.e) "By an act of Congress effective March 21, 1972, the Equal Employment Opportunity Commission, which administers Title VII, was empowered to enforce that law in court against any state or local agency or department that discriminates against a protected class, including women."¹

¹Milton, Catherine, Women in Policing, Washington, D. C. The Police Foundation, 1972, p. 46.

"The following are some examples of preferences, limitations, specifications and restrictions that the EEOC has considered legitimate under Title VII and those that they have indicated are not:

Jobs may be restricted to members of one sex:

1. For reasons of authenticity (actress, actor, model).
2. Because of community standards of morality or propriety (restroom attendant, lingerie sales clerk).
3. In jobs in the entertainment industry for which sex appeal is an essential qualification.

Jobs may not be restricted to members of one sex for any of the following reasons:

1. Assumption related to the applicant's sex - for example, that some or most of the members of one sex are unable or unwilling to do the job.
2. Preferences of co-workers, employers, clients or customers.
3. The job was traditionally restricted to members of the opposite sex.
4. The job involves heavy physical labor, manual dexterity, late night hours, overtime, work in isolated locations or unpleasant surroundings.
5. The job involves travel, or travel with members of the opposite sex.
6. Physical facilities are not available for both sexes.

Only in cases where the expense of providing additional facilities is prohibitive can this be used as an excuse.

7. The job requires personal characteristics not exclusive to either sex such as tact, charm or aggressiveness.²

It should be pointed out that quota systems, or systems, that limit either minority groups or women to a certain numerical limit, are considered prima facie evidence of discrimination and are in conflict with Title VII of the Civil Rights Act of 1964.

Certain jobs that have been restricted to men only because of Ohio Statutes have been opened up to women because they are in conflict with Title VII. Section 4107.43 of the Ohio Revised Code prohibits hiring women for jobs that require frequent lifting of weights over 25 lbs. and was found to be in conflict with Title VII. Certain statutes regarding standing (for females) were also found to be in conflict. The Ohio Supreme Court Decision that removed such statutes from force are enclosed in Appendix K.

Up until the LEAA issued the equal rights guidelines, most women were kept off police rosters because they were too short to meet the minimum height standards. Because of the new guidelines, some departments, as well as the International Association of Chiefs of Police (Appendix L) have questioned the right of the LEAA to make such guidelines. When the LEAA was established by the "Omnibus Crime Control and Safe Streets Act of 1968," Section 518 (Appendix L) of that law prohibited "any department, agency, officer, or employee of the United States from exercising any direction supervision, or control over any police force . . . of any state or any political subdivision thereof" (PL 90-351 Section 518 (a)). This had led many people to feel that the LEAA has violated the original intent of the

² Ibid. p. 46.

"Omnibus Crime Control and Safe Streets Act of 1968." Such is not the case. The LEAA guidelines are a direct result of following the employment practices regulations of the United States Department of Justice, of which the LEAA is a part. A copy of Title 28 of the Federal Code of Regulations, Part 42, Subpart D that the LEAA used to establish its guidelines is enclosed in Appendix M.

The Iowa Civil Rights Commission recently ordered the Des Moines Police Department to abolish its height and weight requirements because the height requirement represented a "prima-facie case of discrimination" against a police applicant (female). Unless a minimum height standard can be shown to be an "operational necessity" for designated job categories, such a standard will be considered discriminatory.

SUMMARY OF FINDINGS

The following is a brief statement of major findings, broken down by height and weight standards, physical fitness standards, and the role of women in police work.

Height and Weight Standards:

1. Columbus compares similarly to other police departments with its present standards. This is true in terms of both having standards and having separate standards for men and women.
2. The great majority of the patrolmen do not feel that the men's standards should be changed. The majority of the policewomen felt that there should be separate standards for men and women.
3. Several officers feel that a shorter man will have difficulty gaining respect. This could not be tested as there were no officers shorter than 5'8".
4. The variety minimum weights required by different police departments for the same height levels casts considerable doubt upon the validity of a rigid minimum weight.

5. Many policemen view height as a deterrent, but the information gathered showed no consistent decrease in incidents as height increased for use of force letters, assaults against officers, struggles with suspects, or using force during arrests. Rather, the data indicate that some shorter and some taller heights were unusually high in incidents for the number of officers at those heights.
6. Federal regulations, as well as legislation, prohibit arbitrary discrimination. At least one court has struck down a police department's minimum standards as being discriminatory. The burden is on the police department to prove that its standards are an operational necessity rather than an arbitrary standard.
7. The height and weight standard used by the Columbus Municipal Civil Service Commission is in direct violation of the LEAA guidelines, as is no empirical evidence to show that the height standard is an operational necessity for all police jobs.

Physical Fitness:

1. Columbus is similar to other departments in that it maintains physical fitness standards during the training period, but does not enforce these standards afterwards.
2. The results of the Patrolman Questionnaire show that a number of men feel that there should be more stringent enforcement of weight requirements and general physical fitness.

3. There are no departmental or city facilities available on a year-round basis suitable for physical conditioning. However, the Royal Canadian Air Force Conditioning Program (5 BX) currently used by the Training Academy does not require such facilities.
4. The physical agility test that is used as a selection standard in the Training Academy, but is not maintained as an employment standard afterwards, could conceivably be challenged in a court of law. It leaves open the possibility that present officers may be in as bad or worse shape than the cadets that are rejected for failing the test.
5. The physical agility test consisting of a set of exercises has been eliminated by King County, Washington, on the grounds that the test is not representative of the physical activity of police officers. In its place, King County has instituted a job-related agility test, which simulates actual job activities. Potentially, such tests offer a better means of selecting qualified personnel.

Role of Women:

1. Most of the patrolmen and supervisors questioned feel that women are incapable of doing patrol work. They also wouldn't want to have a woman as a supervisor.
2. Only two policewomen want to work patrol. Of the others, all but one would do so, but most would not want to do it. Several feel that it would be unfair to tell them to do so since they were hired under the pretense that they would not be working patrol.

3. Though they do different jobs, men and women receive the same salary.

4. An increasing number of police departments are assigning women to all aspects of police work including cruiser patrol and foot patrol. The initial findings of these departments indicate that women are capable of police work of comparable quality to the men. There are, however, side effects which have created some problems, such as opposition of male officers and their wives. These have made the transition more difficult.

5. The Ohio Statutes that have previously restricted women from certain jobs because of lifting or standing have been found to be in conflict with Title VII of the Civil Rights Act of 1964. Furthermore, women may only be prohibited from jobs that represent a "bona-fide occupational qualification due to sex." Most facets of police work do not meet this qualification.

6. The quota system used by the Columbus Municipal Civil Service Commission and the separate hiring list, are in direct violation of Title VII of the Civil Rights Act of 1964.

ALTERNATIVE COURSES OF ACTION

What changes, if any, should the Columbus, Ohio Division of Police make in its employment standards regarding women and height requirements? There are two extreme courses of action that can be taken and a very wide range of combinations of the two extremes.

The first course of action that can be taken is for the Division of Police to take a "wait-and-see" approach. This approach is being taken by many departments across the country who have indicated that they have no immediate plans for a policy change. An advantage to this course of action is that it allows the department to refrain from making a long term change with short term evidence. Since women and short people have only been put on patrol assignments quite recently, the evidence only shows the initial results. No immediate action on the part of the department also saves the division a great deal of time and effort that a major policy change would require. The chief disadvantage to this course of action is that height standards are in violation of the LEAA equal rights guidelines and may result in a loss of Federal aid and that restricting the number of women that can be hired by the division is in violation of the Civil Rights Act of 1964. A "wait-and-see" approach also removes the privilege of making a decision from the division and places the privilege in the courts. A law suit could result in a court order requiring a change that the division might not be prepared to institute.

The other extreme that the Division of Police can take is to abolish its quota system for women to assign women on an equal basis with men, and to remove the minimum height requirement. Such a decision would follow Federal guidelines and Federal laws. As such, it insures the availability of Federal funds. Removing employment standards of this type will offer the division a much wider recruiting base, thus allowing the division to be more selective in the hiring of police officers. Adding women to the division could also add skills to the division that women have traditionally excelled in. The disadvantage to this course of action would be a possible morale problem (most of the men have indicated they are against it), a possible problem with husbands and wives of police officers, and the added costs of providing certain facilities (locker rooms, toilets, etc.) for the policewomen. Even though it may be illegal to restrict the employment of women and restricting job assignments after they are hired, a major policy change of this type might prove to be hasty due to the lack of long-term, large scale evidence.

There are other types of decisions that can be made by the division that fall between the two extremes. The department could maintain its height requirement (and at the same time, refuse Federal aid) and open the ranks to women. Due to the recent court decision in Des Moines, Iowa, this plan might only be temporary. The division could drop the height standard sufficiently enough to avoid law suits without removing the height standard altogether. Some cities have dropped their height requirement down to five feet instead of removing it entirely.

The division could drop the rigid weight standards in favor of a medically proportional height-weight standard that is established on an individual basis by the city physician. The large number of minimum weights for any particular height that other police departments gave us in our survey indicate that there is no "healthiest" minimum weight that can be used as standard.

In the area of physical fitness, the division could maintain its agility test. There is a possible, though not necessarily immediate, risk of a law suit challenging the test as non-job related. Since the standard is not enforced later, a good case can be made for physical fitness as job related, but the absence of enforcement negates it. The division may want to maintain the Agility Test as a physical fitness exercise and create a more job-related physical fitness test that cadets must pass. Such a test could legally be used as a standard for employment (as long as it can be shown to be job related), eliminating the weaker applicants that could not be good policemen. A test of this nature would indicate how effective a cadet would be and would eliminate less capable cadets much more accurately than the Agility Test and a height requirement.

There are also alternate ways of placing women on patrol. New women can be assigned to patrol while not changing the assignments of previously hired women. The reasoning is that they were not hired to do patrol work. But since they received similar training to men (except on the job training for patrol) and receive the same pay as men, previously hired women could justifiably be reassigned to patrol along with the new women. It may also

be possible to reassign previously hired women on a voluntary basis, eliminating morale problems and possible court actions by policewomen. It is not yet clear how the courts will rule regarding the use of existing policewomen. In any case, women assigned to patrol must be treated the same as male officers.

While new developments and further thoughts about the findings of this report may suggest more alternatives, the present legal and social environment suggests that the Division of Police will have to make some changes in the relatively near future.

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APPENDIX A
CITIES RESPONDING TO STANDARDS QUESTIONNAIRE

Cities Responding to Standards Questionnaire

Akron, Oh.	Kansas City, Mo.	Portland, Or.
Albuquerque, N. M.	King County, Wa.	Richmond, Va.
Anchorage, Ak.	Little Rock, Ark.	Rochester, N. Y.
Atlantic City, N. J.	Long Beach, Ca.	Sacramento, Ca.
Birmingham, Ala.	Los Angeles, Ca.*	St. Louis, Mo.
Boise, Id.	Louisville, Ky.	St. Louis County, Mo.
Buffalo, N.Y.	Memphis, Tn.	St. Paul, Mn.
Charleston, S. C.	Miami, Fla.	Salt Lake City, Ut.
Chicago, Ill.	Minneapolis, Mn.	San Antonio, Tx.
Cincinnati, Oh.	Nashville, Tn.	San Diego, Ca.
Cleveland, Oh.	Nassau County, N. Y.	San Francisco, Ca.
Cook County, Ill.	New Orleans, La.	San Jose, Ca.
Dade County, Fla.	New York, N. Y.	Seattle, Wa.
Dallas, Tx.	Newark, N. J.	Tampa, Fla.
Denver, Co.	Norfolk, Va.	Toledo, Oh.
El Paso, Tx.	Oakland, Ca.	Tuscon, Ar.
Hartford, Conn.	Oklahoma City, Ok.	Tulsa, Ok.
Honolulu, Hi.	Omaha, Nb.	Washington, D.C.
Houston, Tx.	Peoria, Ill.	Wilmington, De.
Indiannapolis, Ind.	Philadelphia, Pa.	Wichita, Ks.
Jacksonville, Fla.	Phoenix, Az.	Youngstown, Oh.
Jersey City, N.J.	Pittsburg, Pa.	

*Not complete enough to analyze

Cities Not Responding to Standards Questionnaire

Atlanta, Ga.	Cheyenne, Wy.**	Detroit, Mi.**
Baltimore, Md.	Dayton, Oh.**	Fort Worth, Tx.
Boston, Ma.	Des Moines, La.	Harrisburg, Pa.
Los Angeles County, Ca.	Montgomery, Ala.	Springfield, Oh.
Milwaukee, Wi.		

**Cities responding too late to analyze.

APPENDIX B
POLICE STANDARDS QUESTIONNAIRE



CITY OF COLUMBUS
OHIO

EARL BURDEN
CHIEF OF POLICE

TOM MOODY
MAYOR

BERNARD T. CHUPKA
SAFETY DIRECTOR

DIVISION OF POLICE

The Columbus, Ohio Division of Police is undertaking an evaluation of its standards for selection and assignments of police officers. We are aware that other police departments have considered or are currently considering similar projects. As an aid to our evaluation, we are seeking input from your department, as well as several other departments across the country.

If your department has made any studies in the areas covered by our questionnaire, we would appreciate any copies that you can make available. We would also appreciate any comments about innovations you have made and their results, successes, or problems.

Please complete the enclosed questionnaire as completely as possible. Realizing the many demands upon your time, we hope you will still be able to respond quickly. We hope to begin evaluation of the data by mid-July. If we can be of service to your department in related endeavors, please let us know. Thank you for your time and effort.

Sincerely,

LT. HERMAN STOFLE
Planning and Research Bureau
for
MAJOR WAYNE D. RUGH
Administrative Subdivision

WDR:HS:st

Enclosure



Police Standards Questionnaire

1) What are your minimum and maximum height and weight requirements?

		<u>Height</u>	<u>Weight</u>
For Men	Min.....	_____	_____
	Max.....	_____	_____
For Women	Min.....	_____	_____
	Max.....	_____	_____

2) Do you maintain physical fitness standards during your training program?
 For Men (yes no) For Women (yes no)

3) If so, what are these standards? (For example, level of 5BX or other exercise program, components of your skill or agility test, etc.)

4) Are these standards maintained or enforced after the training period is over?

For Men (yes no) For Women (yes no)

5) What are your minimum educational requirements?

	Men	Women
Below G.E.D.....	_____	_____
G.E.D. or High School.....	_____	_____
Technical School.....	_____	_____
1-2 years College.....	_____	_____
3-4 years College.....	_____	_____
No Educational Requirement.....	_____	_____
Other _____	_____	_____
_____	_____	_____

6) Have you done any studies relating height, weight, physical fitness, or educational standards to job performance? If so, please describe briefly or enclose a copy of your report.

- 7) How many sworn officers are on your force?
 Policemen _____ Policewomen _____
- 8) How many officers are above the rank of patrolman? (Sergeant or higher)
 Policemen _____ Policewomen _____
- 9) Please indicate the duties of policemen and policewomen in your department.

<u>Duties</u>	<u>Only Men</u>	<u>Only Women</u>	<u>Either Men or Women</u>
Traffic Control.....	_____	_____	_____
Crime Preventitive Car Patrol.....	_____	_____	_____
Settling Family Disputes.....	_____	_____	_____
Gambling, Drug, Vice Raids.....	_____	_____	_____
Narcotics Squad.....	_____	_____	_____
Juvenile Squad.....	_____	_____	_____
Walking Patrol.....	_____	_____	_____
Report Taking (missing person, incident, accident).....	_____	_____	_____
Crime Scene Investigation.....	_____	_____	_____
Detective Squad.....	_____	_____	_____
Arrest and Apprehension.....	_____	_____	_____
Public Relations.....	_____	_____	_____
Transporting Female Prisoners.....	_____	_____	_____
Transporting Male Prisoners.....	_____	_____	_____
Searching Female Suspects.....	_____	_____	_____
Searching Male Suspects.....	_____	_____	_____
Riot Control.....	_____	_____	_____
City Jail Attendent.....	_____	_____	_____
Parking Regulation Enforcement.....	_____	_____	_____
Other _____.....	_____	_____	_____

- 10) Have you done any studies regarding the use of policewomen in the same jobs as men? (especially concerning patrol duty) If yes, please describe briefly or enclose a copy of your report.

- 11) Do you have any additional comments that might be helpful to our study?

APPENDIX C
PATROLMAN QUESTIONNAIRE

Department of Public Safety
Division of Police
July 13, 1973

TO: All Patrolmen Assigned to the Uniform Sub-Division

The Division of Police is attempting to evaluate those physical standards required of a patrolman to complete his job each day. An important part of this performance appraisal is your completion of the attached questionnaire.


Police agencies across the nation are presently re-evaluating standards for employment. No one department has found an answer applicable to all agencies.

What are the minimum standards necessary to effective police performance? Valid personnel decisions are needed based upon realistic answers by you concerning job requirements. Defaulting in this respect through passivity or lack of interest can have serious consequences for the quality of law enforcement and the developing professionalization of police.

First five questions have multiple parts which require you to select a block of numbers best describing the number of times you perform a particular activity. The officer is further cautioned to read each question carefully before selecting an answer.

The data you supply will serve as an important part of a study being done by Planning and Research in the physical standards field.

APPROVED BY:



EARL BURDEN
Chief of Police

BY ORDER OF:



FRANCIS B. SMITH
Major
Uniform Sub-Division

PATROLMAN QUESTIONNAIRE

Directions: Please check or write in your answers to the following questions:

All questions apply to work while on active duty only.

	0-5	6-15	16-25	26-35	36+
1. How many times per month do you lift objects or persons?					
less than 25 pounds?	_____	_____	_____	_____	_____
25-50 pounds?	_____	_____	_____	_____	_____
51-75 pounds?	_____	_____	_____	_____	_____
76-100 pounds?	_____	_____	_____	_____	_____
greater than 100 pounds	_____	_____	_____	_____	_____
2. How many times per month are you involved in chases, vehicle or foot?	0-5	6-15	16-25	26-35	36+
Short chases (less than 10 seconds)	_____	_____	_____	_____	_____
Long chases (more than 10 seconds)	_____	_____	_____	_____	_____
3. How many times per month are you involved in the following activities?	0-5	6-15	16-25	26-35	36+
Jumping over at least 2 ft. barriers	_____	_____	_____	_____	_____
Stooping under at least 3 ft. barriers	_____	_____	_____	_____	_____
Climbing over at least 5 ft. barriers	_____	_____	_____	_____	_____
Crawling at least 10 ft.	_____	_____	_____	_____	_____
Reaching and grasping an object at least 6-1/2 ft. high	_____	_____	_____	_____	_____
Throwing an object of at least 10 pounds 50 ft. or more	_____	_____	_____	_____	_____
Strenuous pushing (such as against a barricaded door)	_____	_____	_____	_____	_____
4. How many times per month are you engaged in prolonged standing or walking duties of	0-5	6-15	16-25	26-35	36+
30-60 minutes duration	_____	_____	_____	_____	_____
1-2 hours duration	_____	_____	_____	_____	_____
2-4 hours duration	_____	_____	_____	_____	_____
4-6 hours duration	_____	_____	_____	_____	_____
6-8 hours duration	_____	_____	_____	_____	_____
5. How many times per month have you been involved in physical struggles with a suspect?	0-5	6-15	16-25	26-35	36+
Not involving weapons?	_____	_____	_____	_____	_____
Involving weapons?	_____	_____	_____	_____	_____

6. Do you feel that your height and weight

has been deterrent to fights? _____
has contributed to starting fights? _____
has not been a factor? _____

7. Have the following skills been important in the performance of your patrol work?

No Importance Some Importance Great Importance

Boxing skills _____ _____ _____
Wrestling skills _____ _____ _____
Self-defense skills _____ _____ _____

8. How many times per month do arrests involve physical force?

0-5 6-10 11-15 16-20 21-25

_____ _____ _____ _____ _____
26-30 31-35 35+
_____ _____ _____

How much force (indicate the numbers of arrest for each category)?

Very little strength needed _____
Fair amount of strength required _____
Considerable amount of strength required _____
Over-powered by suspect _____

9. What do you consider to be the minimum height and weight necessary to do your job?

Min. Height _____ Min. Weight _____

10. How many times have you been on active duty more than 12 continuous hours in the last

month? _____
six months? _____
year? _____

11. What was your longest period of consecutive days duty of at least 12 hours active duty per day? _____

12. What do you feel is the maximum hours of continuous duty per day which can be sustained indefinitely without impairing job performance? _____

13. Please list your own height and weight?

Height _____ Weight _____

14. How many years of patrol duty have you had? _____
15. Have there been any times when your height, weight, or physical strength has been a definite advantage to you in the performance of your duties? A definite disadvantage? Please describe briefly.

16. REMARKS.

Having answered the questions in this inquiry, do you feel that our physical standards in the Division of Police should:

- A. Be changed to become MORE stringent.
- B. Be changed to become LESS stringent.
- C. Not be changed from our present standards.

If you have indicated a change to the above, please explain why.

APPENDIX D
POLICEWOMEN'S QUESTIONNAIRE



TOM MOODY
MAYOR

BERNARD T. CHUPKA
SAFETY DIRECTOR

CITY OF COLUMBUS OHIO

EARL BURDEN
CHIEF OF POLICE

DIVISION OF POLICE

July 20, 1973

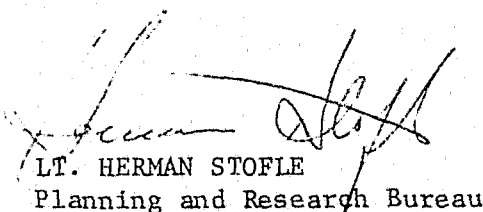
TO: ALL POLICEWOMEN

The Planning and Research Bureau is currently studying the height and weight requirements of the Columbus Division of Police for both male and female personnel. We are evaluating both the present standards and possible changes in this standard. As part of our survey, we are seeking some comments and information from the female members of this department on our attached questionnaire.

Another important part of our survey is the investigation of the different facets of police work that may at some future time include female members. We feel that the twenty policewomen in this department may provide us with the most frank and helpful responses.

Many of the questions require only a simple yes or no answer (that should be circled) but are followed by some not-so-simple why or why not questions. We hope you will answer these questions honestly and as completely as possible. Please return the questionnaire in the envelope we have provided. Please do not put your name on it.

Thank you for your time and effort; the data you supply will serve as an important part of our study.


LT. HERMAN STOFLE
Planning and Research Bureau
for
MAJOR WAYNE D. RUGH
Administrative Subdivision

WDR:HS:sp



POLICEWOMAN'S QUESTIONNAIRE

1. a) What should the minimum height and weight requirements be? They are presently 5'8", 145 lbs. for men and 5'4", 110 lbs. for women.

<u>Men</u>	Ht. _____	Wt. _____	<u>Women</u>	Ht. _____	Wt. _____
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- b) Should men's and women's height and weight requirements be the same?

(yes no) Why or why not?

- c) Should there be any height and weight requirements at all?

(yes no) Why or why not?

2. a) What areas (if any) do you feel that women will need special training in (more than the average man)?

_____ Physical Fitness
_____ Self-Defense Tactics
_____ Resisting Arrest Procedures
_____ Search and Seizure
_____ Handling of Mentally Disturbed
_____ Apprehension of Sex Offenders
_____ Boxing (an exercise in courage and self-defense)
_____ Self-Protection skills from sexual assault
_____ Other _____

- b) Do you feel that women should be expected to maintain the same physical fitness standards?

(yes no) Why or why not?

3. a) Do you feel that women can be as effective as men on patrol duty?
(yes no)
- b) Do you feel that women should be required to spend a certain amount of time on patrol duty, above and beyond the normal six weeks of on-the-job training?
(yes no)
- c) What special problems do you foresee in the area of policewomen on patrol?
- d) Should women police officers be assigned jobs on an equal basis with men?
(yes no) Why or why not?
4. a) Do you feel that women in the uniform subdivision should be required to wear the same type of uniform as the men?
(yes no) Why or why not?
5. a) If you were required (by a major policy change) to go through a physical fitness program, wear a uniform similar to the standard police officer's uniform, and spend three months on each shift as a regular patrol officer,
What would you do?

APPENDIX E

PATROLMAN QUESTIONNAIRE WITH PATROLMEN'S RESPONSES

PATROLMAN QUESTIONNAIRE

Directions: Please check or write in your answers to the following questions:

All questions apply to work while on active duty only.

	0-5	6-15	16-25	26-35	36+	N.A.
1. How many times per month do you lift objects or persons?						
less than 25 pounds?	<u>114</u>	<u>65</u>	<u>37</u>	<u>21</u>	<u>91</u>	<u>46</u>
25-50 pounds?	<u>179</u>	<u>72</u>	<u>31</u>	<u>24</u>	<u>7</u>	<u>61</u>
51-75 pounds?	<u>214</u>	<u>52</u>	<u>21</u>	<u>6</u>	<u>2</u>	<u>79</u>
76-100 pounds?	<u>238</u>	<u>54</u>	<u>8</u>	<u>3</u>	<u>2</u>	<u>69</u>
greater than 100 pounds	<u>245</u>	<u>67</u>	<u>11</u>	<u>4</u>	<u>3</u>	<u>44</u>
2. How many times per month are you involved in chases, or foot?						
Short chases (less than 10 seconds)	<u>305</u>	<u>36</u>	<u>6</u>	<u>2</u>	<u>2</u>	<u>23</u>
Long chases (more than 10 seconds)	<u>320</u>	<u>22</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>30</u>
3. How many times per month are you involved in the following activities?						
Jumping over at least 2 ft. barriers	<u>276</u>	<u>72</u>	<u>7</u>	<u>2</u>	<u>3</u>	<u>14</u>
Stooping under at least 3 ft. barriers	<u>290</u>	<u>57</u>	<u>4</u>	<u>3</u>	<u>3</u>	<u>17</u>
Climbing over at least 5 ft. barriers	<u>329</u>	<u>29</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>14</u>
Crawling at least 10 ft.	<u>342</u>	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>25</u>
Reaching and grasping an object at least 6-1/2 ft. high	<u>307</u>	<u>38</u>	<u>9</u>	<u>1</u>	<u>3</u>	<u>16</u>
Throwing an object of at least 10 pounds 50 ft. or more	<u>344</u>	<u>7</u>	<u>4</u>	<u>0</u>	<u>1</u>	<u>18</u>
Strenuous pushing (such as against a barricaded door)	<u>288</u>	<u>58</u>	<u>13</u>	<u>1</u>	<u>2</u>	<u>12</u>
4. How many times per month are you engaged in prolonged standing or walking duties of						
30-60 minutes duration	<u>184</u>	<u>105</u>	<u>30</u>	<u>15</u>	<u>18</u>	<u>22</u>
1-2 hours duration	<u>233</u>	<u>62</u>	<u>16</u>	<u>9</u>	<u>4</u>	<u>50</u>
2-4 hours duration	<u>277</u>	<u>25</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>56</u>
4-6 hours duration	<u>290</u>	<u>17</u>	<u>1</u>	<u>2</u>	<u>4</u>	<u>60</u>
6-8 hours duration	<u>300</u>	<u>9</u>	<u>4</u>	<u>2</u>	<u>5</u>	<u>54</u>
5. How many times per month have you been involved in physical struggles with a suspect?						
Not involving weapons?	<u>297</u>	<u>62</u>	<u>10</u>	<u>2</u>	<u>2</u>	<u>1</u>
Involving weapons?	<u>329</u>	<u>13</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>32</u>

6. Do you feel that your height and weight

has been deterrent to fights? 182
 has contributed to starting fights? 20 N.A. 2
 has not been a factor? 170

7. Have the following skills been important in the performance of your patrol work?

	N.A.	No Importance	Some Importance	Great Importance
Boxing skills	<u>14</u>	<u>99</u>	<u>191</u>	<u>70</u>
Wrestling skills	<u>12</u>	<u>142</u>	<u>120</u>	<u>100</u>
Self-defense skills	<u>7</u>	<u>40</u>	<u>177</u>	<u>150</u>

8. How many times per month do arrests involve physical force?

	0-5	6-10	11-15	16-20	21-25
	<u>259</u>	<u>76</u>	<u>22</u>	<u>7</u>	<u>3</u>
	26-30	31-35	35+	N.A.	
	<u>3</u>	<u>0</u>	<u>2</u>	<u>2</u>	

How much force (indicate the numbers of arrest for each category)?

1. Very little strength needed	<u>141</u>	1&2 <u>85</u>
2. Fair amount of strength required	<u>65</u>	2&3 <u>18</u>
3. Considerable amount of strength required	<u>23</u>	All <u>5</u>
4. Over-powered by suspect	<u>0</u>	N.A. <u>37</u>

9. What do you consider to be the minimum height and weight necessary to do your job?

Min. Height 5'8-1/2" (Ave.) Min. Weight 160 lbs. (Ave.)

10. How many times have you been on active duty more than 12 continuous hours in the last

	0	1	2	3	4	5	6+	N.A.
month?	<u>263</u>	<u>20</u>	<u>8</u>	<u>3</u>	<u>2</u>	<u>3</u>	<u>3</u>	<u>72</u>
six months?	<u>212</u>	<u>29</u>	<u>25</u>	<u>3</u>	<u>5</u>	<u>11</u>	<u>9</u>	<u>80</u>
year?	<u>123</u>	<u>41</u>	<u>47</u>	<u>22</u>	<u>22</u>	<u>16</u>	<u>51</u>	<u>52</u>

11. What was your longest period of consecutive days duty of at least 12 hours active duty per day? _____

0: 66 1: 62 2: 31 3: 30 4: 19 5: 30
 6+: 96 N.A.: 40

12. What do you feel is the maximum hours of continuous duty per day which can be sustained indefinitely without impairing job performance? 10 - 12 hours

13. Please list your own height and weight?

Height 71.20" (ave.) Weight ----

14. How many years of patrol duty have you had? 5.7 years (Approximation)
15. Have there been any times when your height, weight, or physical strength has been a definite advantage to you in the performance of your duties? A definite disadvantage? Please describe briefly.

16. REMARKS.

Having answered the questions in this inquiry, do you feel that our physical standards in the Division of Police should:

- | | | | |
|--------------------------|---|------------|----------------|
| <input type="checkbox"/> | A. Be changed to become MORE stringent. | <u>91</u> | |
| <input type="checkbox"/> | B. Be changed to become LESS stringent. | <u>22</u> | N.A. <u>16</u> |
| <input type="checkbox"/> | C. Not be changed from our present standards. | <u>245</u> | |

If you have indicated a change to the above, please explain why.

APPENDIX F
COLUMBUS' AGILITY TEST

APPENDIX G

JOB RELATED PHYSICAL TEST

Job Related Physical Agility Test

These materials are taken from Job Related Physical Agility Test, King County Department of Public Safety, p.p. 5,7,9,11,14,16,19.

TEST: QUARTER MILE RUN

Patrol officers are required to run when chasing a fleeing felon or misdemeanor and other times when it is important for officers to be in a certain place within a short period of time.

TEST EQUIPMENT:

- a. A fairly level grass or hard surfaced area marked off with a starting line and a half-way point 1/8 mile distant.
- b. Stop Watch.

TEST PROCEDURE:

Conveniently sized groups will be instructed to run the quarter mile in 80 seconds or less by running to the half-way point, turn around, and run back to the starting line. A signal will be given when 40 seconds has elapsed.

SCORE Pass/Fail.

TEST: FENCE SURMOUNT

A common obstacle found in the suburban areas of King County is the six foot high backyard fence. These fences, as provided for in the County Zoning Code 21.48.160, generally enclose the backyards of dwellings. Although gates may be provided, officers on occasion will of necessity be required to surmount these fences when gates are locked, inappropriately located, or non-existent.

Many Commercial establishments maintain perimeter fences around storage and parking yards. Patrol officers will need to surmount these fences, which are on occasion in excess of six feet high, when they respond to burglar alarms.

A variety of similar obstacles are surmounted during the course of a patrolman's work.

TEST:

A six foot high barrier.

TEST PROCEDURE:

Applicants will be advised to surmount the barrier in any manner without the aid of any device within 15 seconds of a starting signal.

SCORE: Pass/Fail.

TEST: BODY DRAG

Patrol officers come upon situations where they are required to move people away from hazards and to move people passively resisting arrest.

TEST EQUIPMENT:

A 175 pound person dressed in protective clothing. A 50 ft. level course on grass.

TEST PROCEDURE:

The applicant will be instructed to drag the 175 pound man over the course in 20 seconds by holding the man underneath his arms, lifting him upright from the waist up, and then dragging him backward.

TEST: STRETCHER CARRY

Patrol officers encounter situations where bodies, injured persons and otherwise non-mobile persons must be moved by stretcher to a vehicle for transportation or from a hazard. This situation may arise in remote areas where hikers, hunters, etc. become lost or injured, as well as in urban areas where the majority of injury accidents occur.

TEST EQUIPMENT:

- a. Stretcher and 200 lbs. of weight.
- b. 100 ft. course on flat ground.

TEST PROCEDURE:

Applicants will pair up and each will carry one-half of the 200 lbs. stretcher, 100 ft. in 30 seconds in one continuous effort.

SCORE: Pass/Fail. (If one applicant fails his partner will attempt the test again after a reasonable rest period.)

TEST: PUSHING AUTOMOBILES

Patrol officers encounter stalled or disabled vehicles that are blocking traffic. Traffic flow can be restored by pushing the vehicle off the road or to some near safe place.

Snow and ice on roads cause a variety of conditions where an officer may be required to push an automobile by hand.

TEST EQUIPMENT:

Patrol vehicle.

Level paved surface, 100 ft. course.

TEST PROCEDURE.

Applicant will push a patrol vehicle 100 ft. with shift in neutral.

A driver will be in the car. Test to be completed within 30 seconds.

Applicant may push vehicle from any convenient position.

SCORE: Pass/Fail.

TEST: AIM SHOTGUN OVER PATROL CAR

When responding to burglar alarms, bank alarms, and to other situations where it is important to maintain a visual perimeter around a building and at the same time stay protected, officers will position their cars on the corners of such buildings in such a manner that they can see down two sides of the building and use the car as a shield between them and the building. The driver's door will, in most cases, be away from the building. The officers will stand outside the car, with shotgun in hand and the radio microphone and speaker available. Usually the officers are standing next to the driver's door maintaining their visual perimeter from over the roof of the car. This positions them so that they can hear the radio and use the microphone from outside the car. If there is a need to shoot a weapon, the officer will shoot over the roof of the car.

TEST EQUIPMENT:

One deactivated shotgun, a patrol car. Parked on level ground, and a marker the same height as the patrol car located 50 feet opposite the driver's door.

TEST PROCEDURE:

Instruct applicant to hold the shotgun in a normal position, with heels on the ground, gun butt properly against the shoulder, and aim the shotgun over the roof of the car at the marker or under the marker. The proctor will then sight down the barrel to determine if the applicant can aim low enough to hit the marker.

SCORE: Pass/Fail.

TEST: RESISTING ARREST

No test was found that could adequately test individuals for situations in which there was some type of person to person struggles, e.g. assault on officer, resisting arrest, breaking up fights. There were more incidents reported in the physical activity survey concerning this kind of activity than any other kind.

APPENDIX II

FINDINGS OF AN EVALUATION OF WOMEN ON PATROL IN WASHINGTON, D. C.

Findings of an Evaluation of Women on Patrol in Washington, D. C.
These findings are taken from Policewomen on Patrol, Police Foundation,
1973, pp. 7-11.

SUMMARY OF FINDINGS

It is still early in the policewomen program. At the conclusion of data collection for this report, the newly hired policewomen had only four months average experience on patrol. At this stage, the following findings stand out:

Equal Treatment

1. Policewomen had substantially the same assignments (scout car and foot beat) as policemen, and vehicles to which they have been assigned appear to be receiving assignments to approximately the same types of calls as are the comparison men.

2. Because these policewomen were rookies, they usually were assigned (pursuant to standard Department policy) to patrol with more experienced officers, who are almost invariably males. It is not possible to determine whether any differences between policewomen and comparison men are the responsibility of the women, of their partners or of some combination of the two.

3. In April 1972, before the women were assigned to street patrol, policemen believed that women would be considerably less competent as patrol officers and that the addition of women would make their jobs substantially more difficult. These expectations may have made it relatively more difficult for the women than for men.

Police Measures of Performance

4. The number of felony arrests made by new policewomen was about the same as those made by comparison men but the new policewoman was more likely to have made no felony arrests. The new policewoman made fewer misdemeanor

arrests and gave fewer moving traffic violations. Reassigned women made felony and misdemeanor arrests at about the same rate as the comparison men, but they gave fewer moving traffic violations.

5. A substantial number of new women compare favorably to the typical (median) recently hired man. Thirty-seven percent of the new women made arrests at the same or a greater rate than the typical (median) comparison man. Twenty percent of the new women gave moving traffic violations at the same or a greater rate than the typical (median) comparison man.

6. Observers found that male-female teams are less likely than male-male teams to initiate traffic or non-traffic incidents, such as questioning suspicious persons, stopping vehicles for traffic problems, spot checks for stolen autos, and business or bank checks.

7. Observers found that new women were more likely than comparison men to be given instructions by their partner, and they are less likely to "take charge" at an incident in which their partner is present.

8. The number of new women and comparison men who have resigned is small and roughly equal. All women still in the Department are expected to be recommended for retention at the conclusion of their probationary year.

9. New women and comparison men tended to be rated about the same in general patrol skills on Chief Wilson's survey. On an anonymous survey of captains, lieutenants and sergeants, women tend to be rated as less competent than on the departmental survey.

10. So far, policewomen and comparison men have been involved in few situations involving violence or potential violence. There appears to be no difference in the performance of new women and comparison men in these few situations.

11. In Chief Wilson's survey and on an anonymous survey of officials, new women received somewhat lower ratings than comparison men on their ability to handle violent situations.

Community Measures of Performance

12. Police service given by policewomen and policemen is equally acceptable to citizens, judging both from a citizen survey and from ratings made by observers hired for this study.

13. Regardless of sex, police officers are highly rated for their attitudes, respect for citizens and their ability to handle a variety of situations.

Attitudes

14. Citizens tend to believe that policewomen should be given an equal opportunity to become patrol officers. They think that hiring policewomen will not affect crime rates or arrest rates. They tend to think policewomen would be advantageous in handling domestic disputes but disadvantageous in handling street fights or riots.

15. Policemen had roughly the same negative attitudes toward policewomen before they were assigned to patrol as they do now. The formation of those attitudes can not be attributed to the women's performance. Work experience with policewomen has not had much effect on the pre-existing attitudes.

16. Policemen and officials tend to feel that having a large number of policewomen on the patrol force may make their jobs somewhat more difficult. Policemen and policewomen both prefer to have a male patrol partner, but the women's preference is less pronounced than is the men's.

17. Policemen, policewomen and officials agree that fewer women than men can handle violent or potentially violent situations satisfactorily. The women think there is less difference between women and men than do the men.

CONTINUED

1 OF 2

18. Policemen, policewomen and officials agree that women are more likely than men to be satisfactory at handling rape victims and that men and women are equal in "report writing" and "arresting a prostitute." Policemen and policewomen (but not officials) agree that men and women are equally likely to be satisfactory in "cruising around and observing."

19. Policemen and officials have negative opinions about policewomen. They think that men are more likely to be "calm and cool," "courageous," "persuasive," "strong," "decisive," "aggressive," "observant" and "emotionally stable." Women are thought more likely to be "understanding, compassionate" and "intelligent."

20. Policewomen have a more positive opinion about themselves. They think women are more likely to be "persuasive," "decisive," "observant," "emotionally stable," "intelligent," and "understanding, compassionate." Men are thought more likely to be "strong" and "aggressive."

21. Black patrolmen are more favorable towards policewomen than are white patrolmen.

22. Younger patrol officers are more favorable to women than older patrol officers.

APPENDIX I

I.E.A.A. EQUAL RIGHTS GUIDELINES

DEPARTMENT OF JUSTICE

Law Enforcement Assistance
Administration

EQUAL RIGHTS GUIDELINES

Effect on Minorities and Women of Minimum Height Requirements for Employment
of Law Enforcement Officers

1. PURPOSE. This guideline is issued to assist in the elimination of discrimination based on national origin, sex, and race caused by the use of restrictive minimum height requirements criteria where such requirements are unrelated to the employment performance of law enforcement personnel.
2. SCOPE. The provisions of the guideline apply to all recipients of LEAA funds. This guideline is of concern to all State Agencies.
3. BACKGROUND. The use of minimum height requirements as criteria for employee selection, assignment, or similar personnel action may tend to disqualify disproportionately women and persons of certain national origins and races. Discrimination on the ground of race, color, creed, or sex, or national origin is prohibited by the Department of Justice Regulations concerning employment practices of State agencies or offices receiving financial assistance extended by the Department (28 CFR Part 42, Subpart D).
4. REQUIREMENT. The use of minimum height requirements, which disqualifies disproportionately women and persons of certain national origins and races, such as persons of Mexican and Puerto Rican ancestry, or oriental descent, will be considered violative to the Department's regulations prohibiting employment discrimination.
5. EXCEPTIONS. In those instances where the recipient of Federal assistance is able to demonstrate convincingly through the use of supportive factual data such as professionally validated studies that such minimum height requirements used by the recipient is an operational necessity for designated job categories, the minimum height requirement will not be considered discriminating.
6. DEFINITION. a. The term operational necessity as used in this guideline shall refer to an employment practice for where there exist an overriding legitimate operational purpose such that the practice is necessary to the safe and efficient exercise of law enforcement duties; is sufficiently compelling to override any discriminatory impact; is effectively carrying out the operational purpose it is alleged to serve; and for which there are available no acceptable alternate policies or practices which would better accomplish the operational purpose advanced, or accomplish it equally well with a lesser discriminatory impact.

GUIDELINES--CONT.

- b. The term law enforcement as used in this guideline is defined at section 601(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

EFFECTIVE DATE, This Guideline shall become effective on March 9, 1973.

Dated: March 6, 1973.

Jerris Leonard,
Administrator, Law Enforcement Assistance
Administration

Clarence M. Coster,
Associate Administrator

March 5, 1973.

Richard W. Velde
Associate Administrator.

March 6, 1973.

[FR Doc. 73-4553 Filed 3-8-73; 8:45 am]

APPENDIX J

EXCERPTS FROM TITLE 42. - THE PUBLIC HEALTH AND
WELFARE

EXCERPTS FROM TITLE 42.-THE PUBLIC HEALTH AND WELFARE

Sec. 2000e-1. Subchapter not applicable to employment of aliens outside State and individuals for performance of religious and educational activities of religious corporations, associations, or societies and educational institutions.

This subchapter shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution. (Pub. L. 88-352, title VII, Sec. 702, July 2, 1964, 78 Stat. 255.)

Effective Date

Section effective July 2, 1964, see section 716(b) of Pub. L. 88-352, set out as a note under section 2000e of this title.

Sec. 2000e-2. Unlawful employment practices.

(a) Employer practices.

It shall be an unlawful employment practice for an employer --

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

(b) Employment agency practices.

It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) Labor organization practices.

It shall be an unlawful employment practice for a labor organization-

(1) to exclude or to expel from its membership, or otherwise to discriminate against any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) Training programs.

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Businesses or enterprises with personnel qualified on basis of religion sex, or national origin; educational institutions with personnel of particular religion.

Notwithstanding any other provision of this sub-chapter, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) Members of Communist Party or Communist-action or Communist-front organizations.

As used in this subchapter, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) National security.

Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if-

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Seniority or merit system; quantity or quality of production; ability tests; compensation based on sex and authorized by minimum wage provisions.

Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this subchapter for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of Title 29.

(i) Businesses or enterprises extending preferential treatment to Indians.

Nothing contained in this subchapter shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

- (j) Preferential treatment not to be granted on account of existing number or percentage imbalance.

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area. (Pub. L. 88-352, title VII, Sec. 703, July 2, 1964, 78 Stat. 255.)

References in Text

The Subversive Activities Control Act of 1950, referred to in subsec. (f), is classified principally to subchapter I of chapter 23 of Title 50, War and National Defense.

Effective Date

Section effective one year after July 2, 1964, see section 716(a) of Pub. L. 88-352, set out as a note under section 2000e of this title.

Sec. 2000e-3. Other unlawful employment practices.

- (a) Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings.

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual; or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

- (b) Printing or publication of notices or advertisements indicating prohibited preference, limitation, specification, or discrimination; occupational qualification exception.

It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment. (Pub. L. 88-352, title VII, Sec. 704, July 2, 1964, 78 Stat. 257.)

Effective Date

Section effective one year after July 2, 1964, see section 716(a) of Pub. L. 88-352, set out as a note under section 2000e of this title.

Section Referred to in Other Sections

This section is referred to in section 2000e-5 of this title.

Sec. 20003-4. Equal Employment Opportunity Commission.

- (a) Creation; political representation; appointment; term; vacancies; Chairman, duties; Vice Chairman, Acting Chairman; personnel.

There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from July 2, 1964, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with chapter 51 and subchapter III of chapter 53 of Title 5. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

- (b) Exercise of powers during vacancy; quorum.

A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

APPENDIX K

OHIO SUPREME COURT DECISION ON SEX DISCRIMINATION

NORTH EASTERN REPORTER

VOLUME 281, SECOND SERIES

29 Ohio St.23 173

JONES METAL PRODUCTS CO. et al.,
Appellants,

v.

WALKER, Dir., Dept. of Industrial
Relations, et al., Appellees.

No. 71-317

Supreme Court of Ohio

March 15, 1972

Action by employers against officers of various state agencies seeking declaration that statutes pertaining to working conditions for females were inconsistent with sex discrimination provisions of the Civil Rights Act of 1964 and thus preempted by virtue of the supremacy clause of the United States Constitution. The Franklin County Court of Common Pleas found that such statutes were preempted and permanently enjoined defendants from enforcing them, and defendants appealed. The Court of Appeals, Whiteside, J., 25 Ohio app.23 141, 267 N.E. 23 814, reversed and dissolved injunction, and cause came before the Supreme Court pursuant to allowance of a motion to certify the record and on appeal as of right. The Supreme Court, C. William O'Neill, C.J., held that enforcement of statutes requiring employers to provide seats, lunchroom facilities and meal periods for female employees and compelling employers to refuse to employ a female at specified occupations or in excess of specified number of years against an employer engaged in industry affecting interstate commerce who employs 25 or more employees for each working day in each of 20 or more calendar weeks is inconsistent with principle of nondiscrimination contained in sex discrimination provisions of the Civil Rights Act of 1964; thus, such statutes are preempted by virtue of the supremacy clause in United States Constitution, and implementing and penalty statutes are of no further force and effect.

Judgment reversed.

Schneider, J., concurred and filed opinion.

1. Declaratory Judgment[Key 99,292]

Where plaintiff-employers stated in their complaint that they would be in violation of state law if they eliminated employment practices with respect to female employees but would be in violation of sex discrimination provisions of Civil Rights Act of 1964 if they did not eliminate such practices and thus could be subjected either to multiplicity of damage suits by their employees or to suits by officers of state agencies, justiciable controversy existed, and requisite standing to seek declaratory judgment was present. Civil Rights Act of 1964, Subsec. 701 et seq., 703(a), 42 U.S.C.A. Subsec. 2000c et seq., 2000c-2(a).

2. Civil Rights[Key 9.14]

Provision of Civil Rights Act of 1964 specifying that nothing contained in any title of the Act shall be construed as indicating intent on part of Congress to occupy the field in which any such title operates to the exclusion of state laws on same subject matter and that no provision be construed as invalidating any provision of state law unless such provision is inconsistent with any of purposes of the Act or any provision thereof does not indicate congressional intent to preserve female protective statutes. Civil Rights Act of 1964, Sec. 1104, 42 U.S.C.A. Sec 2000h-4.

3. States[Key 4.13]

A federal law enacted to regulate a subject regulated by state law is not, ipso facto, deemed to be preemptive of the state law.

4. States[Key 4.11]

Test to determine if a state law must yield to a federal law is whether both laws can be enforced without impairing federal superintendence of the field, not whether they are aimed at similar or different objectives.

5. Civil Rights[Key 9.14]

Federal policy underlying sex discrimination provisions of Civil Rights Act of 1964, is that persons of like qualifications be given employment opportunities irrespective of their sex, and such policy can only be implemented if each individual, otherwise entitled to the position, is afforded opportunity to demonstrate that he has capacity to perform the work. Civil Rights Act of 1964, Sec 701 et seq., U.S.C.A. Sec 2000e et seq.

6. States[Key 4.13]

Fact that purpose of female protective statutes was beneficent could not be made basis for upholding such statutes if state mandated policy of different treatment of male and female employees conflicted with command of sex discrimination provisions of the Civil Rights Act of 1964. Civil Rights Act of 1964, Subsec. 701 et seq., 703(a), 42 U.S.C.A. Subsec. 2000e et seq., 2000e-2(a).

7. Civil Rights[Key 9.14]

Sex discrimination provisions of the Civil Rights Act of 1964 apply equally to males as well as females. Civil Rights Act of 1964, Subsec. 701 et seq., 703(a), 42 U.S.C.A. Subsec. 2000e et seq., 2000e-2(a).

8. States[Key 4.14]

Enforcement of statutes requiring employers to provide seats, lunchroom facilities and meal periods for female employees and compelling employers to refuse to employ a female at specified occupations or in excess of specified number of hours against an employer engaged in industry affecting interstate commerce who employs 25 or more employees for each working day in each of 20 or more calendar weeks is inconsistent with principle of nondiscrimination contained in sex discrimination provisions of the Civil Rights Act of 1964; thus,

such statutes are preempted by virtue of the supremacy clause in United States Constitution, and implementing and penalty statutes are of no further force and effect. Civil Rights Act of 1964, Subsecs. 701 et seq., 703(a), 1104, 42 U.S.C.A. SubSec. 2000e et seq., 2000e-2(a), 2000h-4 R.C. Subsec. 4107.42, 4107.43, 4107.46 (,B,E), 4107.48, 4107.49, 4107.99 (M,N).

9. Civil Rights[Key 2]

Section of Civil Rights Act of 1964 specifying that nothing in subchapter governing equal employment opportunities shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by state law other than a law purporting to require or permit the doing of any act which would be an unlawful employment practice under the subchapter was designed to preserve female protective laws. Civil Rights Act of 1964, Subsec. 701 et seq. 708, 42 U.S.C.A. sub sec. 2000e et seq., 2000e-7.

10. States[Key 4.14]

Although section of Civil Rights Act of 1964 governing equal employment opportunities does not preempt all state labor laws, it specifically preempts laws which compel unlawful employment practices as defined in such section. Civil Rights Act of 1964, Sec. 701 et seq., 42 U.S.C.A. Sec. 2000e et seq.

11. Statutes[Key 219]

Courts, when interpreting statutes, are required to give due deference to an administrative interpretation formulated by an agency which has accumulated substantial expertise and to which Congress has delegated responsibility of implementing the congressional command.

12. Civil Rights[Key 9.14]

For purposes of section of Civil Rights Act of 1964 specifying that it should not be an unlawful employment practice for an employer to hire employees on basis of sex in instances where sex is a bona fide occupational qualification, a legislatively determined "bona fide occupational qualifications" exception is inconsistent with principle of nondiscrimination, and thus a legislatively determined classification, even if reasonable, may not be basis for an occupational qualifications exception. Civil Rights Act of 1964, SubSec. 701 et seq., 703(e), 42 U.S.C.A. Sub Sec. 2000e et seq., 2000e-2(c).

13. Civil Rights[Key 31]

Equal Employment Opportunity Commission guidelines, interpreting "bona fide occupational qualifications" exception, in section of Civil Rights Act of 1964 governing equal employment opportunities, and stating that state laws which prohibit or limit employment of females in jobs that require lifting of weights exceeding prescribed limits or in jobs during certain hours of night or for more than specified number of hours per day or week are in conflict with such section governing equal employment opportunities and will not be considered as basis for application for the bona fide occupational qualifications exception, are not unreasonable. Civil Rights Act of 1964, SubSec. 701 et seq., 703(e), 42 U.S.C.A. Subsec. 2000e et seq., 2000e-2(e).

14. Labor Relations[Key 7]

Statutes requiring employers to provide seats, lunchroom facilities and meal periods for female employees and compelling employers to refuse to employ a female at specified occupations or in excess of specified number of hours are enforceable against an employer engaged in industry not affecting interstate commerce who employs less than 25 employees for each working day in each of 20 or more calendar weeks. R.C. Subsec. 4107.42, 4107.43, 4107.46 (A,B,E), 4107.48, 4107.49, 4107.99(M,N).

APPENDIX L

I A C P RESOLUTION OPPOSING L E A A GUIDELINES

(with P.L. 90-351, Sec. 518)

RESOLUTION
STANDARDS FOR POLICE OFFICERS

The International Association of Chiefs of Police submits this resolution in protest against the establishment of employment standards for police officers by the Law Enforcement Assistance Administration.

WHEREAS, when crime and disorder are one of the major concerns of all citizens; and

WHEREAS, Law enforcement officers must be of the highest caliber to cope with these challenges; and

WHEREAS, On March 9, 1973, it was announced by the United States Attorney General's Office that the Law Enforcement Assistance Administration has issued guidelines which require recipients of Federal anti-crime funds to desist from minimum standard height requirements unless such requirements can be proven positively to be job related; and

WHEREAS, Such documented proof is extremely difficult to produce, and

WHEREAS, This directive indicates a major and continuous attempt by the Law Enforcement Assistance Administration to dictate policy standards and to usurp the prerogative of the states in the establishment of law enforcement standards; and

WHEREAS, The Federal Government is dictating policy to local governments with a threat of loss of funds for noncompliance in direct contradiction to the intent and scope of the "Omnibus Crime Control and Safe Streets Act of 1968" which created the Law Enforcement Assistance Administration; and

WHEREAS, Many police officers must work alone in isolated and distant areas in the absence of immediate backup support and must be both physically and mentally capable of taking the necessary enforcement action; and

WHEREAS, Police agencies have set minimum height standards for police officers consistent with their needs and their duties to safeguard the general public and police officers alike; and

WHEREAS, Most law enforcement agencies are constantly seeking qualified personnel of any nationality, race or sex and have made positive gains in recruiting members of minority groups; and

WHEREAS, In the "Omnibus Crime Control and Safe Streets Act of 1968" the Congress (PL90-351, Section 518) prohibited the adoption of any minimum height standard when it restricted the administrators of the Law Enforcement Assistance Administration from exercising "any direction, supervision or control over any police force or any other law enforcement agency of any state or any political subdivision thereof" and prevented the Administration from conditioning "the availability or amount of any grant upon . . . the adoption . . . of . . . a . . . program to achieve racial balance or to eliminate racial imbalance" or "to deny or discontinue a grant because of the refusal of an applicant or grantee . . . to adopt such a ratio, system, or other program," it being our belief that the proposed minimum height standard falls in the classification of "other programs" specifically prohibited by Congress in passing this law; now, therefore, be it

Resolved, by the International Association of Chiefs of Police, That this body opposed the dictates of the Law Enforcement Assistance Administration in regard to encroachment on the rights of the states to establish their own standards for police officers; and that this body demands the withdrawal of the agency's guidelines in regard to height standards; and, be it further

Resolved, That the Law Enforcement Assistance Administration be directed to cease further promulgations of other mandatory requirements covering employment standards of police officers; and, be it further

Resolved, that copies of this Resolution be transmitted to the President of the United States, members of the Congressional delegations of the several states, and to the Attorney General.

PUBLIC LAW 90-351

Sec. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

APPENDIX M

FEDERAL CODE OF REGULATIONS, TITLE 28, PART 42, SUBPART D

FEDERAL CODE OF REGULATIONS
TITLE 28--JUDICIAL ADMINISTRATION
CHAPTER I--DEPARTMENT OF JUSTICE

APPENDIX A--PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF JUSTICE TO WHICH THIS
SUBPART APPLIES

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

Subpart D--Equal Employment Opportunity in Federally Assisted Programs and
Activities

Authority: The provisions of this Subpart D issued under sec. 501, 82
Stat. 197; 5 U.S.C. 301, 42 U.S.C. 3571.

Source: The provisions of this subpart appear at 35 F.R. 19998, Dec.
31, 1970, unless otherwise noted.

Sec. 42.201 Purpose and application.

(a) The purpose of this subpart is to enforce the provisions of the
Fourteenth Amendment to the Constitution by eliminating discrimination on
the grounds of race, color, creed, or national origin in the employment
practices of State agencies or offices receiving financial assistance
extended by this Department.

(b) The regulations in this subpart apply to the employment practices
of planning agencies, law enforcement agencies, and other agencies or
offices of States or units of general local government administering, con-
ducting, or participating in any program or activity receiving Federal
financial assistance extended under Title I of the Omnibus Crime Control and
Safe Streets Act of 1968 (the Act). This subpart shall not apply to federally
assisted construction contracts covered by Part III of Executive Order 11246,
September 24, 1965; enforcement of nondiscriminatory employment practices
under such contracts shall be effected pursuant to the Executive order.

Sec. 42.202 Definitions.

(a) The definitions set forth in Sec. 42.102 of Subpart C, Part 42,
Title 28, Code of Federal Regulations are, to the extent not inconsistent
with this subpart, hereby made applicable to and incorporated in this subpart.

(b) As used in this subpart, the term "employment practices" means all
practices relating to the screening, recruitment, selection, appointment,
promotion, demotion and assignment of personnel, and includes advertising,
hiring, assignments, classification, layoff and termination, upgrading, trans-
fer, leave practices, rates of pay, fringe benefits, or other forms of pay or
credit for services rendered and use of facilities.

(c) As used in this subpart, the terms "law enforcement," "State," and
"unit of general local government" shall have the meanings set forth in sec-
tion 601 of the Act.

Sec 42.203 Discrimination prohibited.

No agency or office to which this subpart applies under section 42.201
shall discriminate in its employment practices against employees or applicants

for employment because of race, color, creed, or national origin. Nothing contained in this subpart shall be construed as requiring any such agency or office to adopt a percentage ratio, quota system or other program to achieve racial balance or to eliminate racial imbalance.

Sec. 42.204 Assurances required.

(a) (1) Every application for Federal financial assistance to carry out a program to which this regulation applies shall, as a condition of approval of such application and the extension of any Federal financial assistance pursuant to such application, contain or be accompanied by an assurance that the applicant will comply with the requirements of this subpart, and will obtain such assurances from its subgrantees, contractors, or subcontractors to which this subpart applies, as a condition of the extension of Federal financial assistance to them.

(2) The responsible Department official, shall specify the form of the foregoing assurance. Such assurances shall be effective for the period during which Federal financial assistance is extended to the applicant or for the period during which a comprehensive law enforcement plan filed pursuant to the Act is in effect in the State, whichever period is longer, unless the form of the assurance as approved in writing by the responsible Department official specifies a different effective period.

(b) Assurances by States and units of general local government relating to employment practices of State and local law enforcement agencies and other agencies to which this subpart applies shall apply to the policies and practices of any other department, agency, or office of the same governmental unit to the extent that such policies or practices will substantially affect the employment practices of the recipient State or local planning unit, law enforcement agency, or other agency or office.

Sec. 42.205 Compliance information

The provisions of section 42.106 of Part 42, Title 28, Code of Federal Regulations are hereby made applicable to and incorporated in this subpart.

Sec. 42.206 Conduct of investigations, procedures for effecting compliance, hearings, decisions and judicial review; forms, instruction and effect on other regulations.

(a) Each responsible Department official shall take appropriate measures to effectuate and enforce the provisions of this subpart; and shall issue and promptly make available to interested persons forms, instructions and procedures for effectuating this subpart as applied to programs for which he is responsible. Insofar as feasible and not inconsistent with this subpart, the conduct of investigations and the procedures for effecting compliance, holding hearings, rendering decisions and initiating judicial review of such decisions shall be consistent with those prescribed by Subsec. 42.107 through 42.111 of Subpart C, Part 42, Title 28, Code of Federal Regulations; provided, that where the responsible Department official determines that judicial proceedings as contemplated by Sec. 42.108(d) are as likely or more likely to result in compliance than administrative proceedings (as contemplated by Sec. 42.108(c)), he shall invoke the judicial remedy rather than the administrative remedy; and,

provided further, that no recipient of Federal financial assistance or applicant for such assistance shall be denied access to the hearing or appeal procedures set forth in sections 510 and 511 of the Act for denial or discontinuance of a grant or withholding of payments thereunder resulting from the application of this subpart.

(b) If it is determined, after opportunity for a hearing on the record, that a recipient has engaged or is engaging in employment practices which unlawfully discriminate on the grounds of race, color, creed, or national origin, the recipient will be required to cease such discriminatory practices and to take such action as may be appropriate to eliminate present discrimination, to correct the effects of past discrimination, and to prevent such discrimination in the future.

(c) Nothing in this subpart shall be deemed to supersede any provision of Subparts A, B, and C of Part 42, Title 28, Code of Federal Regulations, or of any other regulation and instruction which prohibits discrimination on the ground of race, color, creed, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

END

7 11/22/1964