

Rebuilding the Walls? The Impact of Police Pre-Entry Physical Ability Tests on Female Applicants[†]

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In the comedy movie *Cop1/2* a hard bitten detective played by Burt Reynolds pursues a suspect who is fleeing on foot. The detective follows in a car until the suspect climbs over a high fence and disappears. The overweight and lazy detective clammers out of the car and makes a half-hearted attempt to scale the fence, but his paunch gets in the way. He then gets back in the car and drives straight through the fence and a second fence before cornering the suspect. The sequence provides some light humour, but it also dramatises the serious issue of police recruitment criteria and fitness policies. In caricature, the episode demonstrates the hypocrisy of stringent physical entry requirements which are not maintained following training, but which exclude many applicants who do not fit the traditional police stereotype of male athleticism.

The establishment of policewomen

The idea that policing involves physical confrontation and is therefore physically demanding has been the major ideological source of opposition to women in police work. The appointment of policewomen early in the twentieth century was achieved only as a result of concerted lobbying by women's charitable and political groups who argued for a specialist group within the police who could deal more effectively with women in contact with the criminal justice system. Many countries introduced policewomen in response to the dislocations produced by World War One. New South Wales introduced the first two women police in 1915. By 1917 all Australian States had policewomen except Queensland, where the incumbent commissioner held out against the national trend. In Queensland it was not until 1931 that the National Council of Women succeeded in having two women appointed to the police force.¹

For most of the first half-century of women in policing, female officers lacked full police powers and, as in other occupations, received much lower pay than men and no pension entitlements. Prejudice about women's physical ability was reflected in different height restrictions that impacted disproportionately against women and assignment to "low risk" duties. Policewomen were usually confined to very small numbers in women's

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1 Prenzler, T, "Women in Australian Policing: An Historical Overview" (1994) 42 *Journal of Australian Studies* at 78-82.

sections, often with strict limitations on their functions. Married women were ineligible for recruitment and policewomen who married had to resign. The women worked primarily as assistants to male detectives.²

The early 1970s mark the turning point in the employment position of women police. In Australia in 1971, women constituted 1.8 per cent of sworn personnel. By the early 1990s they passed the 10 per cent mark and numbers continue to slowly rise. Significant increases in female participation appear to have been the direct result of anti-discrimination legislation — primarily State-based. Applicable legislation was introduced at different times across the States and at the federal level from the mid-1970s to the 1990s. Piecemeal change through the 1970s and 1980s included the removal of the marriage bar and quotas, the creation of mixed patrol teams, and integration into training and seniority lists. Despite advances, discrimination persisted into the 1980s and women were still more likely to be assigned to child abuse or juvenile aid sections, and were often entirely absent from smaller highly competitive units such as water police or dog squad.³ By the mid-1990s all police departments had removed formal barriers against the recruitment, deployment and promotion of women. Current recruitment rates for women vary between 8.3 per cent (Western Australia) and 35.5 per cent (Tasmania), and women make up between 9.2 per cent (WA) and 16.9 per cent (Australian Federal Police) of serving officers. Figures indicate that the growth in female recruits is levelling out around the 22 per cent mark.⁴

Despite major organisational changes in the last few decades, policing still presents a hostile environment to women. Policewomen report continuing problems with high levels of sexual harassment and job segregation. Male officers report distrust of women's ability and admit to opposing parity for policewomen.⁵ In many overseas jurisdictions, local discretion in recruitment means that women can be filtered out on vague criteria.⁶ Most police agencies are lukewarm, at best, about fulfilling equity targets, and relatively low application rates suggest that few women see policing as a viable career option.

Physical ability tests

Following the removal of height limits in response to anti-discrimination legislation, numerous police agencies introduced physical ability tests which women failed at much higher rates than men.⁷ Australia followed the lead from the United States in that regard and now all Australian police agencies have physical ability entry tests except the Northern Territory and the Federal Police. Australian data show wide discrepancies in recruiting practices that relate to physical tests. For example, in Western Australia over a three year period women made up approximately 25 per cent of applicants but only 16 per cent of recruits. In

2 Id at 83.

3 Nixon, C, *Women as Members of the Police Service* (1991) Paper presented at the Australian Institute of Criminology Conference, Women and the Law, 24 September. Sydney: above n1 at 85–7.

4 Prenzler, T, "Equal Employment Opportunity and Policewomen in Australia" (1995) 28 *Australian and New Zealand Journal of Criminology* 258.

5 Anderson, R, Brown, J and Campbell, E, *Aspects of Sex Discrimination within the Police Service in England and Wales* (1993); Martin, S, *On the Move: The Status of Women in Policing* (1990); Hotchkiss, S, *Policing Promotional Difference: Policewomen in the Queensland Police* (1992) dissertation for MA, Griffith University.

6 Jones, S, *Policewomen and Equality* (1986), Martin, id.

7 Gaines, L, Falkenberg, S and Gambino, J, "Police Physical Agility Tests: An Historical and Legal Analysis" (1993) 12 *American Journal of Police* at 52.

New South Wales over a four year period the figures were 24 per cent and 20 per cent respectively, but subsequently in 1991–93 25 per cent of applicants and 30 per cent of recruits were women. Most agencies are unable to provide breakdown data to identify the sources of attrition but recruiting and academy personnel acknowledge that pre-entry physical ability tests are the major factor in the loss of female applicants.⁸ The worst wastage of female applicants, in Western Australia, appears to be directly attributable to two consecutive 1.85 metre walls in the physical test.⁹ Agencies which do not conduct physical competency tests (AFP and NT) report parity in male and female application and recruitment rates. The one agency that recruits a larger percentage of women than apply — New South Wales — does so only as a result of preferential selection following the loss of women in pre-entry tests.¹⁰

Pre-entry physical ability tests typically involve negotiating an obstacle course with approximately 10 to 15 tasks such as running, scaling walls and elevated windows, crawling through a tunnel, and dragging a human dummy. The Australian experience confirms American research that physical tests are a major obstacle to women's entry into policing.¹¹ Victoria is the only State that has published figures on the gender effects of testing, and these were only made available through a freedom of information application.¹² On initial testing, 33 per cent of women passed the Victorian test compared to 88 per cent of males; 51 per cent of females who failed repeated the test at a later date and 29 per cent of these passed. Height and upper-body strength requirements in the test, especially in "the wall and the beam", were the major factors accounting for the higher female failure rate.¹³

The most recent case of the introduction of a pre-entry physical ability test was in the Queensland Police Service (QPS) in 1994. In 1993 Police Union President John O'Gorman called for the re-introduction of height and weight restrictions following a number of attacks on police officers. O'Gorman claimed that some officers were concerned for their own safety when working with "smaller officers, especially women", who were allegedly seen as an "easy target for aggressive louts". O'Gorman admitted he did not know of a case where weaker partners had failed to provide assistance, or whether more women officers were assaulted than male officers.¹⁴ Despite this, the Union President's criticisms apparently prompted the introduction of the physical ability test. Previously, the only physical tests were a run, a medical check and a fire arms handling test. Applicants were expected to complete the obstacle course in under four minutes. After a large number of women failed the test the time limit was abandoned. The time taken was recorded and used on a discretionary basis. Assistant Commissioner Greg Early, responsible for introducing the test, appeared surprised by the female failure rate. He stated that "it's conceded that some females have less upper body strength than males and that's why the four minute requirement has been amended".¹⁵

8 Above n4 at 266–7.

9 Queensland Police Service, *Review of Physical Testing for Police Recruit Applicants* (1993) Annexure 10.

10 Above n4 at 271.

11 Martin, above n5.

12 Federation of Community Legal Centres (Victoria), *Brute Force: The Need for Affirmative Action in the Victoria Police Force* (1993).

13 Victoria Police, *The Impact of Equal Opportunity on Policing in Victoria* (1990) at 43.

14 *Courier Mail* 19 January 1993 at 5.

15 *Courier Mail* 29 November 1993 at 3; *Courier Mail* 21 October 1993 at 16.

Table 1 shows the combined results for the first two tests conducted in Queensland for the January and May intakes of 1994. The results include the withdrawal rate, failure rate, and the failure rates for four obstacles where there was a significant difference between male and female rates. Completion times are also included. A chi square test was used for sex and age, with no significant differences found for age. The results show significantly higher withdrawal rates for women, and higher female failure rates which can be specifically related to four obstacles where height is the key element of difficulty.

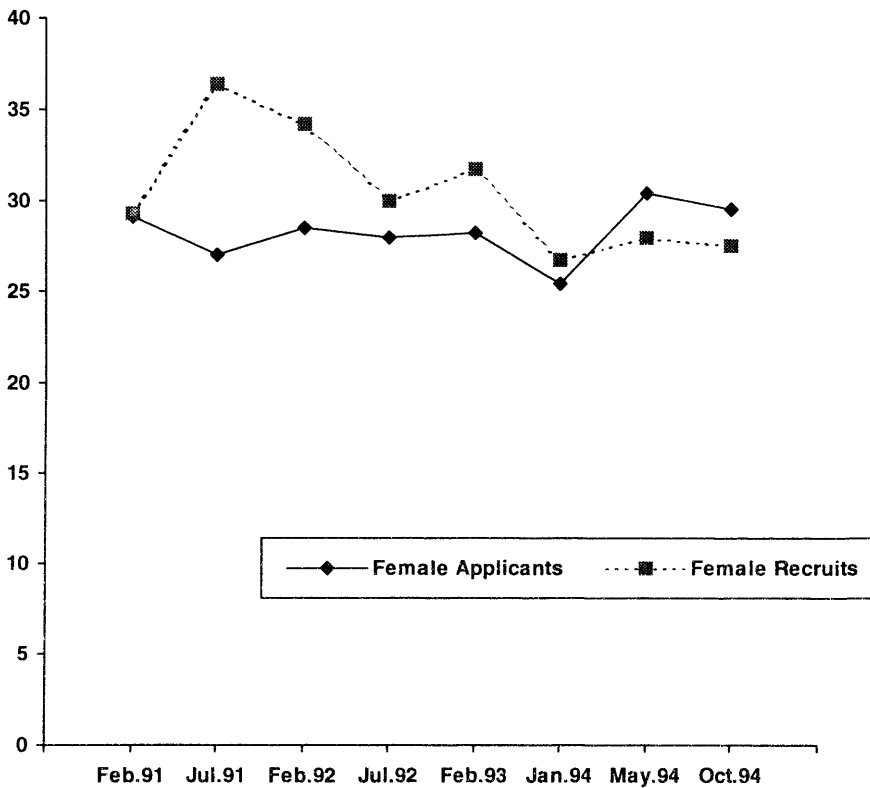
Table 1: Results of the Queensland Police Service Pre-entry Physical Competency Test, January and May Intakes 1994

Applicants		
Total	Males	Females
643	456 (70.9 per cent)	187 (29.1 per cent)
Withdrawal on the day of the test		
Total	Males	Females
131 (23.7 per cent)	84 (18.4 per cent)	47 (25.1 per cent)*
Applicants (following withdrawals)		
Total	Males	Females
512	372 (72.6 per cent)	140 (27.3 per cent)
Failure rates		
Total	Males	Females
62 (12.1 per cent)	9 (2.5 per cent)	53 (38.0 per cent)**
Failure rate per obstacle		
	Males	Females
1.65m panel wall	2 (0.5 per cent)	27 (19.5 per cent)**
1.5m solid wall	2 (0.5 per cent)	6 (4.0 per cent)**
1.6m window	3 (0.8 per cent)	38 (27.0 per cent)**
1.4m paling fence	1 (0.3 per cent)	6 (4.0 per cent)**
Average time taken to complete		
	Males	Females
	3.16mins	4.48mins*

*P<0.01. **P<0.001.¹⁶

For several years following the introduction of recruitment by merit, the Queensland police recruited a greater percentage of women than applied due to female applicants' better educational qualifications.¹⁷ It is clear that a significantly larger percentage of females than males failed the new physical test and that the test was responsible for a substantial drop in female recruitment as indicated in Figure 1. This effect was recognised by the recruiting section, as was the fact that lower female application rates also resulted from withdrawals before the first test.¹⁸

Figure 1: Percentages of Female Applicants and Female Recruits per Intakes, Queensland Police Service, February 1991 to October 1994



Progressive percentages. Female applicants: 29.1, 27.0, 28.5, 28.0, 28.2, 25.4, 30.4, 29.5. Female recruits: 29.3, 36.4, 34.2, 30.0, 31.7, 28.0, 27.5.¹⁹

16 Source: Recruitment Branch, Queensland Police Service.
 17 Personal communication, Recruiting Branch, Queensland Police Service, March 1994.
 18 Lewis, R, *Recruitment of Target Group Members to the Queensland Police*, Paper delivered to the Equal Employment Opportunity Police Conference, 6-9 February 1994, Brisbane.
 19 Source: Recruitment Branch, Queensland Police Service.

The debate

Obstacles to female entry into policing, such as quotas or higher age limits, are clearly discriminatory and have been abandoned by most police departments. However, other tests and procedures which produce a disparate impact on particular groups create less clearly illegal "discrimination". In these cases the argument used to justify adverse impact is that of bona fide occupational requirements. The debate primarily revolves around the ability to pursue on foot and apprehend fleeing offenders. The Queensland test was defended as simulating a backyard chase that could be faced by any operational police officer. The Victorian report cited above similarly stated that the test was fair, genuinely job-related and "highly researched".²⁰

Critics argue that tests that mirror the physical requirements of law enforcement are almost impossible to design. Important elements ignored in physical ability tests include the fact that officers generally work in teams and may make use of weapons in subduing suspects. There are usually alternatives available to them such as finding a gate in a fence or calling in sniffer dogs or special operations squads to locate suspects. Pursuits potentially involve assault by suspects and physical resistance to arrest. Some tests include handcuff simulators but none simulate a violent suspect. Establishing time cut offs for tests is particularly problematic and generally arbitrary.²¹ The difficulty in creating a reliable test is evidenced by the diversity of tests, with variations, for example, in wall heights, time limits, and the inclusion or exclusion of various elements such as medicine ball tests, handcuff simulators and steps. Some agencies are highly critical of elements of other agency's tests.²²

In the United States, where these issues have had the most scrutiny in the courts, judicial decisions on the whole have favoured the above arguments.²³ Equal Employment Opportunity Commission guidelines judge adverse impact according to an 80 per cent pass rule. For tests where 80 per cent or more of a "minority" group fail in comparison to the "majority" group (for example, males), the defendant must prove occupational necessity.²⁴ In a key test case in the United States, *Blake v City of Los Angeles* (1979), the judge ruled that the Los Angeles Police Department had failed to demonstrate that its pre-entry test, which excluded 50.0 per cent of female applicants compared to 2.6 per cent of males, was necessary for safe and efficient job performance. Validation studies were deemed to be seriously flawed in their methodology, primarily in that they did not include persons who had failed the test.²⁵ In the same terms, in *Officers for Justice v Civil Service Commission of the City of San Francisco* (1975) the judge ruled that the San Francisco Police Department's survey of officers regarding physical behaviours was crude and self-reinforcing. In addition, on the rare occasions when the skills tested would be needed in emergency situations, other skills of team work, communication and judgement were not tested.²⁶

20 Above n13 at 42, 43.

21 Maher, P, "Police Physical Ability Tests: Can They Ever Be Valid" (1988) 13 *Public Personnel Management Journal*; see also above n7 at 54.

22 See above n9.

23 Above n7 at 54.

24 Jordon, D and Schwartz, S, "NYC's Physical Performance Testing Program" (1986) 53 *Police Chief* at 29.

25 595 F.2d 1367 [1979].

26 395 F.Supp. 378 [1975]; see also *Hardy v Stumpf* Sup. 145 Cal.Rptr.176 [1978]; *Harless v Duck* 619 F.2d

611 [1980].

There have been no discrimination cases in Australia related to police physical ability tests. As noted, the Victorian police EEO review stated that the Victorian test was genuinely job-related and "highly researched", although no verification was provided. Despite this, the Victorian test was validated by the State's Equal Employment Department.²⁷ New South Wales police undertook a similar validation survey to those dismissed in US courts. Of the 128 officers who were surveyed, only 62 gave their opinion of the test and of these only 42 stated that the test was relevant. Results were not published for the question asking how many times in the last 12 months officers had encountered similar obstacles to those in the test. Nonetheless, the report concluded that "the Pursuit Course is relevant to operational policing" and that "obstacles encountered in pursuit situations 'on the street' are strongly related to those within the course".²⁸ The Employment Equity Branch of the Queensland Public Sector Management Commission gave qualified support to the Queensland test without employing any method of validation.²⁹ Unfortunately, it appears that EEO watchdog bodies in Australia have not been rigorous in evaluating and policing physical tests.

Some critics of physical ability tests concede that more sophisticated validation strategies might lead to the development of more reliable tests.³⁰ However, if tests could be created that replicate backyard chases, this merely begs the question of the utility of backyard chases. One study found that foot pursuits of suspects were major causes of officer deaths and injury.³¹ In a related area, it has been found that advanced driver training tends to make police over-confident and encourage high speed pursuits which lead to increased rates of accidents and injuries.³² The possible adverse impact of foot pursuits further retards their justification, as does the lack of evidence regarding the utility of foot pursuits in law enforcement or crime prevention. None of the attempts at test validation cite any demonstrable outcomes of foot pursuits for crime clear up rates or public safety. In the related case of vehicle pursuits, there is clear evidence that high speed pursuits are of marginal value in apprehending offenders.³³ Attempts by police departments to validate their tests by surveying members' involvement in physical activities merely conflates what is done in police work with what should be done.

A further confounding factor is the problem of maintenance of fitness and skills. One study of police health found that the majority of officers were above average in physical fitness when they entered police work but that this rapidly deteriorated after leaving the academy. After five years, "the majority of officers perform their job handicapped by chronic physical ... problems".³⁴ In the debate over the Queensland test, advocates declared that the introduction of the test would be accompanied by an "on-going program of physical fitness and assessment for police officers to maintain the occupational requirement".³⁵ The program did not eventuate, but the entry test was established. In the same

27 Above n9 at 23.

28 New South Wales Police Service Academy, *Relevance of Police Pursuit Course to Operational Policing* (1992).

29 Above n9 at 27.

30 See, for example, Maher, above n19 at 182.

31 Id at 177.

32 Homel, R, *High Speed Police Pursuits in Perth* (1990).

33 Ibid.

34 Dollar, B, "A Win-Win Situation for Everyone But the Attorneys" (1983) *17 Journal of California Law Enforcement* at 17; see also above n7 at 60-1.

35 Above n9 at 27.

year that the test was introduced, the QPS lost a case brought before the Anti-Discrimination Tribunal by a male applicant rejected because of myopia. The Tribunal rejected the Service's claim that the physical requirements of policing precluded wearing contact lenses.³⁶ The Tribunal also recognised that there were numerous serving officers whose eyesight had deteriorated below the level of the applicant. If that precedent alone were applied, it is doubtful that the physical ability test would stand were an unsuccessful applicant to make a complaint.³⁷

Research into the physical demands of policing lends support to the view that upper body strength — as required for obstacle courses — is less important for effective policing than general fitness that reduces injuries and ill-health, along with the development of negotiating skills and physical restraint techniques. By these criteria it appears that women may be more capable than men. Studies have noted that policewomen are more likely to have a calming effect in violent encounters, whereas policemen are more likely to contribute to the escalation of violence.³⁸ On that basis alone an argument could be construed for the preferential selection of women over men, rather than for erecting barriers to women based on physical criteria.

A further issue concerns academy entry versus exit standards. The QPS test rationale stated that "the components of the physical competency test are recognised essential occupational requirements for the position of a constable in the Queensland Police Service".³⁹ However, the statement treats the raw recruit as a fully fledged constable. Instead, if tests could replicate foot pursuits and were of value in reducing crime, then the skills required should be developed in training. They should not be a pre-requisite for entry to training.⁴⁰ Ironically, Australian agencies either apply the same test for academy graduation or one that is only marginally more difficult to the entry test.⁴¹ A general health test would be less discriminatory and would be indicative of potential for training.⁴² This is the direction of recruitment policy in the United States following court cases. Regrettably, Australia has failed to follow the US example in this regard. Training should include the issue of the value of pursuits and of officer discretion in deciding when to withdraw from a pursuit in the interests of safety.⁴³ It is now well established that training can rapidly reverse low fitness levels that result from poor diet and exercise habits developed in childhood and adolescence. Academy training, with opportunities for remedial work, can bring recruits well above entry level standards, demonstrating the redundancy of entry tests.⁴⁴

36 *Flannery v O'Sullivan* (No.1) (Queensland Anti-Discrimination Tribunal, 1993) 1–15.

37 In *Hardy v Stumpf* (1978) it was revealed that the Oakland Police Department went ahead with introducing its physical test despite the fact that, in an experiment, incumbents had failed to pass.

38 Charles, M, "Women in Policing: The Physical Aspect" (1982) 10 *Journal of Police Science and Administration* at 209; Potts, L, "Equal Opportunity and Female Employment in Police Agencies" (1983) 11 *Journal of Criminal Justice* at 505; Grennan, S, "Findings of the Role of Officer Gender in Violent Encounters with Citizens" (1987) 15 *Journal of Police Science and Administration* at 78.

39 Above n9 at 27.

40 In *Hardy v Stumpf* (1978) the test administrator admitted that scaling a six foot wall was best achieved by a specific technique that could be easily taught.

41 Above n9.

42 Above n19.

43 *Ibid.*

44 Hernandez, E, "Physical Agility Remedial Training" (1983) 11 *Journal of Police Science and Administration* at 13; Auten, J, "The Relative Firearms Performance of Male and Female Police Officers" (1989) September *Law and Order* at 48; also see above n7 at 58–9.

The problem of adverse impact in pre-entry physical tests is now compounded by a new generation of Equal Employment Opportunity (EEO) and affirmative action legislation. This legislation is designed to overcome the limitations of relatively passive discrimination legislation by requiring active measures to improve the participation of target groups. This effectively creates a crime of omission — or neglect — that is wider than discrimination. Recruiters are made partially responsible for remedying the general discrimination experienced by women in the past, and for the legacy of reduced expectations and confidence that may lower female application and performance rates. Police administrators must therefore make an extra effort to avoid censure or directives from governing EEO commissions or courts.⁴⁵ From the perspective of EEO requirements, pre-entry physical tests have an even more questionable legality in that they tell heavily against the requirement to actively encourage female entry.

Several Australian police agencies have tried to satisfy legislative requirements by introducing pre-test instruction and practice, and by allowing candidates opportunities to repeat tests. The Victorian EEO review recommended that the physical requirements be advertised more widely and that applicants be encouraged to have private tests before applying.⁴⁶ These accommodations can improve women's success rates, but do not create parity.⁴⁷ New South Wales has attempted to overcome the problem by preferential selection of female applicants following the test. This, however, involves compromising selection by merit and has the potential to generate resentment amongst male candidates. The best option appears to be to abolish the pre-entry tests, use a medical test for entry, and then properly train recruits in all aspects of physical pursuits and arrest.

A backlash?

A useful framework for understanding the political context of police pre-entry physical tests is Faludi's concept of a backlash against feminism. Faludi argues that the feminist gains of the 1970s led to a backlash in the 1980s. The 80s experience represented a peak in reactions that "subside and resurface periodically".⁴⁸ One strand in the anti-feminism thesis of the 1980s was that anti-discrimination legislation had removed formal barriers to sexual equality. There was now equality of opportunity. Affirmative action was not needed and, in any case, abrogated the merit principle. A second strand of anti-feminism merely intensified traditional conservative views alleging that women's place was in the home and that the entry of women into non-traditional areas had left women unfulfilled. In contention, Faludi cited continuing substantially lower rates of participation of women in employment, wealth, decision making, and women's continuing responsibility for child care and domestic labour. The backlash appears to have been particularly acute in the United States and the United Kingdom under conservative governments, where statistics evidence clear reversals in women's status in many instances.

In *Backlash? Balderdash!*, Faust rejects the applicability of the backlash thesis to Australia. She points to the range of welfare and other institutions which support women, and

45 See, for example, *Equal Opportunity in Public Employment Act 1992* (Qld).

46 Above n13 at 144.

47 Ibid; Felkenes, G, Peretz, P and Schroedel, "An Analysis of the Mandatory Hiring of Females: The Los Angeles Police Department Experience" (1993) 4 *Women and Criminal Justice* at 31; see also *United States v City of Wichita Falls* 704 F.Supp. 709 [1988].

48 Faludi, S, *Backlash: The Undeclared War Against American Women* (1992) 13.

the absence of the strident anti-feminism of the "moral majority" in the United States.⁴⁹ However, Faust's critique neglects the vital point made by Faludi and easily lost behind Faludi's accounts of brazen American misogyny: that is the subtlety of many of the strategies of backlash. Where Faludi cites surveys identifying discrimination in employment as the most significant problem for women and the main area where reversals have occurred, Faust emphasises poverty and associated physical abuse as continuing problems. However, it is subtle manifestations of a backlash, such as pre-entry physical tests, which exclude women from all the financial rewards of employment. Those rewards now include superannuation — the vital modern insurance against poverty in later years.

Faludi stresses how ambivalence is the core of the ideological control mechanism in the backlash. Australian police forces, for example, advertise themselves as equal opportunity employers while simultaneously systematically excluding women through pre-entry tests. Contemporary studies all show high levels of hostility by male police towards female officers. Strong prejudices persist about women's capacity to perform police work, and sex discrimination figures prominently in lower female morale and restrictions on promotion.⁵⁰ It appears that little has changed since a 1987 study which found that 95 per cent of male officers agreed that "if it weren't for legal and government pressure, few police departments would hire many female officers".⁵¹

The idea of a backlash is at risk of conspiratorial overtones. Faludi in fact provides evidence to show that many of the actions taken to roll back women's gains were conscious strategies adopted by powerful decision makers and lobby groups. An imputation made in *Blake* (1979) was that the physical test was specifically developed to keep out women after the Los Angeles Police Department was forced to abandon existing discriminatory barriers.⁵² Nonetheless the thesis is sustainable in less overtly conscious, more systemic, terms. Faludi emphasises that opposition to women is now much more insidious and this is evidenced in the ingenuity of police physical tests as an instrument for excluding women (and other categories of persons who do not fit the stereotype) while maintaining the appearance of gender neutrality and scientific occupational necessity.

The Queensland case is strongly reminiscent of a previous backlash against women in that State's police force. In the early-1970s the reforming commissioner Ray Whitrod introduced an open door policy for female entry which succeeded in giving Queensland the highest percentage of female police in the Western world. Union alarm and lobbying directed explicitly against women forced a return to minimalist quotas, resulting in the reversal of policewomen status and numbers to well below the national average a decade later. As in the 1970s, the introduction of the physical test in the early 1990s was preceded by union agitation which included uncorroborated claims of assaults against policewomen and danger to policemen.⁵³

49 Faust, B, *Backlash? Balderdash!: Where Feminism is Going Right* (1994).

50 Foreman, L, *Policewomen and Welfare* (1981) dissertation; Neesham, T, *Report of the Committee of Inquiry — Victoria Police Force* (1985); Lunneborg, P, *Women Police Officers: Current Career Profile* (1989), Hotchkiss, above n5; Anderson, above n5.

51 Weisheit, R, "Women in the State Police: Concerns of Male and Female Officers" (1987) 15 *Journal of Police Science and Administration* at 142.

52 Blake, above n23 at 1382.

53 Prenzler, T, *Women in the Queensland Police: 1931-1994* (1995) dissertation for MA, University of Queensland.

The introduction of pre-entry physical tests and their impact on women can also be understood in terms of different models of policing. A number of researchers have identified a correlation between a strong law enforcement orientation and a more masculinised police culture hostile to women. One notable example is Britain in the 1980s where reliance on paramilitary forms of control of political dissent coincided with concerted opposition from police to implementing anti-discrimination requirements. Jones argues that the more emphasis an agency puts on use of force the more it will look for stereotypically male characteristics.⁵⁴ Appier sees in the women police movement of the first half of the twentieth century a “preventive-protective” model of policing fundamentally at odds with a punitive, or “crime control”, model.⁵⁵ Feminist advocates did not simply want the addition of women police but a feminised police force whose primary tactics were wholistic and diversionary. The war on crime model allowed men to justify an exclusive domain for themselves based on arguments about physical ability. The marginalisation of police-women in small units represented a minor concession to the women police movement, a major victory of men against women in the struggle for the career benefits of police work, and victory of the male dominated control model over the preventive model.

This analysis appears to hold true in the Queensland case both in the 1990s and during World War One. In the latter case, Commissioner Cahill’s opposition to employing women coincided with a strongly militaristic approach to policing. The physical entry tests were introduced in Queensland in the early 1990s immediately following a period of turbulent reform generated by the Fitzgerald Inquiry into police corruption. The reform period was marked by both large increases in female recruitment and an attempted change of philosophy towards the consultative and preventive principles of community policing. Reforms were introduced from 1989 to 1992 under Commissioner Newnham. When Commissioner O’Sullivan took over he expressed concern that the Service had drifted away from its crime fighting task. His goal was to “get back to basics” — which primarily meant detecting and convicting offenders. He remarked that “if the citizens of Queensland can’t walk around in peace without their homes being raided there is not much point moving in other areas”.⁵⁶ O’Sullivan had strong support from the rank-and-file and his view of policing was the same crime fighting model frequently espoused by the union. O’Sullivan committed himself to fulfilling a traditional union demand that more police be taken out from behind desks and put “on the street”. Other manifestations of the law enforcement approach included a preoccupation with clear up rates and rapid mobile response systems, and the return of a more traditional curriculum and controlled environment in the academy.

Conclusion

Physical ability tests have set back the gains in access to policing made by women in the 1970s and 1980s. Circumstantial evidence would at least suggest some connivance on the part of male police to hold back the increase in female recruitment generated by anti-discrimination legislation. Physical tests conflate the complexity of modern policing with a street crime-fighting model. If they do have utility, they should be confined to training tests rather than entry tests.

54 Jones, above n6.

55 Appier, J, “Preventive Justice: The Campaign for Women Police, 1910–1940” (1992) 4 *Women and Criminal Justice* at 3.

56 *Courier Mail* 16 October 1992.