

**LAW ENFORCEMENT STANDARDS BOARD (LESB)  
SPECIAL MEETING**

**MINUTES – MAY 24, 2022**

**ATTENDANCE:**

**LESB MEMBERS**

Benjamin Bliven  
Robert Bosch  
Todd Delain  
Jean Galasinski  
Timothy Gruenke  
Casey Krueger  
Earnell Lucas  
Nicole Miller  
James Small  
Charles Tubbs  
Michelle Viste  
Steven Wagner

**ABSENT MEMBERS**

Anthony Burrell

**STAFF**

Ron Betley  
Don Bomkamp  
Bob DeFrang  
Gabe Lind  
Katie Maule  
Jerry Mullen  
Stephanie Pederson  
Thessa Phillips  
Dan Ruzinski  
Dawn Strassman  
Frank Sullivan  
Dana Vike

**Guests:** Kevin Becker, Shana Boll, Defarredw, Christopher Domagalski, Dynamic Duo, Eric Fisher, Fox 11, Jonathan Gneiser, James Gottsacker, Mark Gralinski, Dan Hartwig, Tim Hufschmid, Jamie, Jim, Joshua, Kolina, Emily Kramp, Kyle Lee, Marcus, Michael Meeusen, Mitch, A. Pierre, Jeremiah Pritzl, Nick Reimer, Louis Richard, Ryan Skabroud, Matt Spence, Jeff Steeber, Two Rivers PD, Kysa Walter, Sarah Wronski

1. **Call the Meeting to Order** – Todd Delain called the meeting to order at 10:01 am.
2. **Introduce Attendees**
3. **Proof of Posting of Meeting Notices**  
The meeting notice publication procedures were followed in compliance with Wis. Stat. §19.84.
4. **Consider Training and Re-testing Options for College Certification Track Law Enforcement Student Training Failures at Lakeshore Technical College**
5. **Consider certification status of Lakeshore Technical College as a provider of College Certification Track Law Enforcement Training**

Items 4 and 5 are being discussed together as one discussion item.

Compliance Manager Jerry Mullen: In the meeting packet is the recommendation of the LESB, the correspondence from Lakeshore Technical College (LTC), the report that was filed by Field Representative Dan Ruzinski, and the policy regarding placing an academy on probation, which is part of the recommendation and is the first step toward decertification of an academy if the issues are not addressed satisfactorily.

Academy Liaison to the LESB Sara Wronski speaks on behalf of the academy directors. Please consider providing clarification to all of the schools in light of this incident. There may be some unintended consequences that come as a result of this incident and the schools want to be in compliance with the rules as set forth by the LESB and the curriculum that the LESB approves, and that Training and Standards puts forth. Presented are a few pieces of information for consideration moving forward. In 2016 when the scenario curriculum was revised, the scenario evaluation form was amended from a five section, 44-line-item checklist so that the scenario instructor evaluator would not have to carry a clipboard following an extensive checklist. Some instructors were missing items occurring in scenarios trying to cover the checklist so thoroughly. The goal of the new scenario manual was to test the student's ability to perform decision making and proper police actions in the field. There are three to five checklist items now, that the evaluator must go through. The manual lists the objectives of every scenario. There is nothing in the performance objectives for an arrest scenario that indicates pockets must be checked to qualify as a search incident to arrest. What exactly are the requirements to check a pass on a search incident to arrest? During Defense and Arrest Tactics (DAAT) curriculum students are taught the difference between the frisk, a pat down, a custodial search, all the steps in the DAAT manual are taught, but when signing off on the skills competency, the basic search of a handcuffed subject is two steps with three sub-steps. Specific to a search incident to arrest, it states in the DAAT Skills Competency, check pockets and locations where weapons or contraband could be hidden. It does not specify that turning the pockets inside out would be required to pass.

Jerry Mullen: Failure to go into the pockets in the PCS arrest scenario has always constituted a failure at the academies. This is an officer safety issue. It is in the DAAT Manual to turn out the pockets if possible. If not, go into the pockets.

LTC Academy Director/Exercise Control Officer Jeremiah Pritzl: Jeremiah read the letter the exercise control officers authored regarding the incident. It is the exercise control officer's position that each of these 15 candidates passed their loud music arrest test-out scenario and their arrest re-test scenario based on the test rubric in the scenario testing and training manual and as such should be considered a passing effort.

Todd Delain: In summary, you would be opposed to having remedial training and retest and your position is that you believe they should pass. Is this correct?

Jeremiah Pritzl: Not going into pockets needs to be addressed. The scenarios are part of an LTC class and because the students didn't put their hands inside the pockets, LTC, without being directed, held our own four-hour remedial training on Thursday of the same week, and went through the search criteria. If there is a decision to re-train, that has already been completed. To not give remediation, would be wrong so we went ahead with re-training.

Steve Wagner: To make it clear, a supersized pat-down does not make a search incident to arrest complete, you must go in the pockets and know 100% that there is nothing in the pockets.

Nicole Miller: Jeremiah, what do you perceive as a difference between this class and other classes? Has this ever been an issue before? Why now?

Jeremiah Pritzl: As a guess, since this is my first year running Capstone, the former DAAT instructor ran the classes for many years. Before the former DAAT instructor left, I sat in on a practice day, but did not come in on a testing day. In reading the manual and in speaking with Dan, the search incident to

arrest, a large majority of what the students did exceeded the scope of a frisk and they were in the search criteria.

Nicole Miller: As a defensive tactics MIT, the same scenario is taught at my school, and this seems like a frisk. My concern is that the pockets should be out and emptied. It is an officer safety issue. Why is this an issue this time around and not any other time?

Jeremiah Pritzl: I agree, it does make sense and that is why we did remedial training and felt that the remediation training would address this issue.

Ron Betley: Ron oversees the DAAT instructor curriculum and facilitate the scenario testing and evaluation material for the 720 law enforcement academies. We have three things at play; the student manual that outlines the proper custodial search and how it is to be trained; the skills competency checklist, and the scenario testing evaluation material. Jeremiah is accurately providing the difference between a frisk and a custodial search. There was a custodial search to arrest properly performed, however, it is somewhat up to the discretion of the evaluator whether or not the search was performed properly to the extent that it was a pass or fail. At this point, there was initially a consensus that some level of search was performed, but it was not to the scope that the curriculum indicates it should be done. Some search was done, but not done properly on the initial attempt and also on the second attempt.

Benjamin Bliven: If I had a new officer that did not go in the pockets in a search incident to arrest while in training, there would be a very low score and remedial training. If an officer that was off probation did not go into the pockets, there would be counselling or discipline due to not doing the job adequately. At the end of the day, it is an improper search because they must go into pockets. Is there a precedent in this situation?

Dan Ruzinski: There was a similar situation where ten students failed a jail scenario. I spoke to the academy director and instructors due to the fact the students were all failing for the same reason; however, the instructor that trained them explained that he failed to properly train the students and that is why they failed. I did file a non-compliance report for failure to train. We retested the students, and they passed the re-test. Some of the students would have failed out because they failed one additional scenario, but because we allowed the re-test, they were able to go through. In this case, the LTC academy director checked the manual, and agreed that going into the pockets was necessary which is why I did not file a non-compliance report.

Benjamin Bliven: The training was validated and was proper, the students were given the proper custodial search training and that included going into the pockets, correct?

Dan Ruzinski: That is correct, I interviewed a student who passed, and she informed me that she learned to go into the pockets in training at LTC correctly explaining the difference between the frisk and search. Three students passed; they retained the training whereas the others did not.

Benjamin Biven: If LESB were to accept the recommendation by staff and allow the retraining and testing, how does that apply to the rest of the technical colleges and academies? If one or two students fail a particular scenario, can they re-train and re-test? Would they then need to submit a waiver, so the student(s) do not fail and have to retake the 720-hour training?

Jerry Mullen: This is a legitimate concern whether or not this would establish a precedent. The initial staff recommendation was made before we had a change in narrative. The initial letter from the dean seemed to acknowledge that based on the number of students that failed, that it was a failure on the part of LTC to properly train. The more significant issue is the two-year certification track program, student training on DAAT could have taken place last fall and they are testing now.

Benjamin Bliven: What experience did the class have due to COVID? Did that play a part?

Jeremiah Pritzl: Direction was given that lecture-based instruction could be virtual. Hands-on skills would be in-person on campus with smaller classes utilizing multiple classrooms using the same student to instructor ratio, and every attempt was made to keep the same partners.

Benjamin Bliven: Was the scoring and testing comparable to students in the same certificate track?

Jeremiah Pritzl: This class is very comparable to past similar classes. The issue was that they all did the same thing wrong. We could not figure out the issue as to where all 15 failed the same subject.

Steve Wagner: In the LESB recommendations, Training and Standards suggests the students re-take the scenarios so on the street they know what to do and for officer safety and liability. Just having them pass, would not do officer safety justice. We do want to partner with LTC to get past this and work together.

Todd Delain: Everyone should understand the importance of a proper custodial search. I'm not sure that LTC understood the gravity of what occurred when so many students at LTC failed. I am confused on LTC's position in regard to what was said initially that the students were trained, and it was a student issue. I don't know that it is a student issue, moreover I am concerned that the academy is not taking this issue seriously. I strongly suggest that the students be retrained and re-tested. LTC should be monitored so we don't end up in a situation like this again. Dan, do you believe that retraining and re-testing for four hours would be sufficient, or do you believe additional training might be needed.

Dan Ruzinski: Jeremiah personally retrained these students and explained how and why they needed to do certain steps, explaining that they could be potentially liable for the results. When an instructor yells at you for doing something wrong, that is something you should never get wrong again and that was the demeanor of the entire class after retraining. I feel none of these students will ever forget to go into the pockets again.

Benjamin Bliven: If there were one or two failures instead of 15, we would not likely be here. The student would have failed and had to complete the academy again. Could there have been something systemic in the training which caused the volume of failed students? I'm struggling with why we would grant a waiver. Agencies are waiting for these students, but the job of the LESB is to ensure there is consistent curriculum on a statewide basis for all involved, which includes safety and welfare.

Steve Wagner: When there are one or two students that fail testing, it is probably the students' issue, but with this magnitude there are red flags in the training at the academy. If a waiver is requested for those two students, we probably would find the training was not the issue. In this instance, it may be the training or something else we need to investigate that is at issue due to the number of failures. Having them retake the 720, when it could be a training issue, may not be something we want to do.

Benjamin Bliven: Does the LESB want to graduate students with training issues specifically due to the training at this academy? Do they have the necessary skillsets?

Steve Wagner: Jeremiah indicated that Dan has been at LTC for scenario training every single time and I feel comfortable that this is a one-time issue that will be fixed.

Earnell Lucas: I feel the same concerns that Benjamin expressed, we have not placed any emphasis on the three that successfully passed, they should be credited for their attention and execution of the instruction. Now we are being asked to reward the 15 the same as the three. As a member of the LESB, we have a higher duty and may be setting a precedent that is troubling by granting the waiver.

Jean Galasinski: Did any of the 15 approach the instructors after the first scenario? Did any of the 15 come prior to ask about what they did wrong which caused them to fail?

Jeremiah Pritzl: If you fail during final scenario test outs, there is no remediation or feedback allowed. This remediation and practice happens in the first three phases. There were comments that instructors approved the student practice scenarios. We understand there are things we need to do differently and identified things LTC can do differently in the future; we will have a meeting on how to properly give feedback to students and are looking at getting another instructor on practice testing day, we are going to add additional DAAT instructors, and we are one full-timer down and will fill that vacancy.

Dan Ruzinski: During the final debrief the students had an opportunity to ask why they failed and discussed their concerns with their instructors for a couple hours. One of the instructors said during their practice scenarios that the pants should look like they just came out of the dryer with the pockets turned out while taking them to the squad or jail. During the re-test scenario past students realized what type of scenario it was right away, and they knew they failed the scenario because they were being retested on it. They were then extremely thorough in their search during the re-test! These students had no idea what they did wrong when they did the retest. That is indicative of a failure in training. They know that if they failed, they are done with the academy and they knew that. They did the exact same thing they did in the initial test, they didn't have the sense of urgency. During the debrief they did not take any responsibility for the failure, they blamed everyone else except themselves.

Casey Krueger: Listening to everyone, the hard part is what do we hang our hat on for the reason for the waiver. When 15 people fail, I cannot help but think it was a training issue. Ultimately, for whatever reason, the vast majority of the people missed it. If that is doing some type of audit, we owe it to the integrity of the program, the school, the future officer, that we are drilled into the reason; and we are remiss if we just jump into giving a waiver, not knowing the reason. I'd feel better about a waiver if we could definitively hang our hat on what the cause was. We need to investigate the exact reason for this; and what happens if this occurs at another school, and we do not give a waiver?

Manitowoc Police Chief Nick Reimer: I have two students in this LTC class. I can clarify what happened according to the students. They were told during training that touching the pockets is all you need to do to pass. All 15 students did what they did in the practice scenario. When the students were asked to retake the scenarios, they thought the academy was making everyone retest so as not to single out any one person that failed. The students all felt that they did it correctly. Punishing the students and the agencies is not the answer. Re-testing would be the right answer.

Sheboygan County Sheriff's Department Matt Spence: Did the three students that passed have previous police training? We would be remiss if we did not investigate, they passed all the other skills criteria. Not everyone is able to financially go through another 720 hours of training, and it would be punishing them if it was an institutional issue as opposed to a learner/student issue. We have refined it down to one skill, it would be concerning to put them through 720 hours for that one skill.

Sheboygan Police Department Chief Chris Domagalski: If 83% of the class fails on the same training point, it must be a training issue. One of the three students that passed was a Police Explorer for the Sheboygan Police Department, and the student has extensive prior police search training. To look past that there was a training issue and put that on the back of the students is not the correct thing to do.

Todd Delain: In summary, there is great concern about granting a waiver and the precedent it sets. The failure rate of 83% is not what you would see if it were a student issue.

**Motion** to approve the staff recommendations for items 4 and 5. Move by Michelle Viste, second by Todd Delain.

Michelle Viste is compelled by the statements on not punishing the students and agencies on what appears to be a training issue by LTC. The issues at LTC must be addressed. Michelle does not undermine the seriousness of this but has not heard of any other gaps in training or failures on their part in the training. Dan Ruzinski said that when you make a significant serious mistake and someone corrects you, you will not make that same mistake again.


Todd Delain seconded Michelle's motion due to his review and also the comments in this meeting and believes this is a training issue. The students have passed all other requirements of the academy. To send them to the academy again may be unnecessary, in fact much of what they would learn would not be time well spent since they have already learned it. This can be rectified with remedial training and testing. Any of these 15 students will be well trained and will not forget how to do a properly executed custodial search.

Benjamin Bliven: I do have concerns with the training that LTC provided, and I'm wondering if there are additional items the students did not learn. Having heard no evidence of any other failed training, I will support the staff recommendation. This is about trying to ensure the graduates have the skills for this dangerous job. If they don't have the right skills, we are doing a disservice as a board if they don't have those necessary skills. We must do the right thing for the students and those citizens and communities they serve.

The motion carried unanimously.

6. **Adjournment**

**Motion** to adjourn. Move by Chief Bliven, second by Sheriff Lucas. Motion carried unanimously.



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Steven Wagner  
Secretary

Minutes taken by Dawn Strassman.