

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

MINUTES – SEPTEMBER 7, 2022

ATTENDANCE:

LESB MEMBERS

Robert Botsch
Timothy Carnahan
Todd Delain
Jean Galasinski
Casey Krueger
Earnell Lucas
Jessie Metoyer
Nicole Miller
Katie Rosenberg
James Small
Michelle Viste
Steven Wagner

ABSENT MEMBERS

Benjamin Bliven
Timothy Gruenke
Charles Tubbs

STAFF

Ronald Betley
Katie Maule
Jerry Mullen
Stephanie Pederson
Thessa Phillips
Shelly Sandry
Dawn Strassman
Frank Sullivan
Dana Vike

Guests: Justin Anderson, Shauna Boll, Kevin Bygd, Chris Domagalski, Nate Dreckman, Ryan Gilbert, Ginnie, Tim Hufschmid-LESB Academy Liaison, Pat Mitchell, Rachel Mott, NWTC Cindy, Brent Plisch, Kristen Roman, Steve Roux, Kari Sasso, Jay Smith, Jeff Steeber, Mike Steffes, Shane Stange, Traci Tauferner, David Theel, Kyle Veaser

1. **Call the Meeting to Order** – Todd Delain called the meeting to order at 10:02 am.
2. **Introductions**
3. **Proof of Posting of Meeting Notices**
The meeting notice publication procedures were followed in compliance with Wis. Stat. §19.84.
4. **Training and Standards Bureau Update** – Director Steven Wagner
 - a. The Act 82 workgroup is ongoing. Act 82 deals with decertification by the LESB.
 - b. The Act 183 workgroup is ongoing. Act 183 is the requirement that agencies report their search warrants.
 - c. There is one LTE position that should be filled by the next LESB Meeting.
 - d. Frank Sullivan’s last day with the DLES and LESB is September 10.

5. Training and Standards Bureau (TSB) Quarterly Reports

Certified Officers:

At the end of the 4th quarter of FY22, there were a total of **15,637** active, primary, certified officers. Below is a breakdown of officers by assignment.

Active, Primary, Certified Officers by Assignment	Total
Tribal Law Enforcement Officer	91
Law Enforcement	11,809

Jail Officer	1,841
Secure Detention Officer	133
Law and Jail	1,478
Law and SJD	0
Law, Jail, and SJC	6
Jail and SJD	279
Total Active, Primary and Certified	15,637

Certified Instructors:

As of August 23, 2022, there are **4,035** LESB Certified Instructors. Many instructors are certified in several topics; therefore, instructors may be counted more than once in the tables below. The technical colleges and employer-based academies also employ 213 LESB Certified Master Instructor Trainers (MIT).

LESB Certified Instructors

Instructor Category	Certified Instructors
Law Enforcement Instructors	3,897
Jail Instructors	473
Juvenile Detention Instructors	254

Instructors Certified in Tactical Topic Areas

Tactical Topics	Certified Instructors
DAAT (720)	906
Defensive Tactics (DT)	90
Emergency Vehicle Operation & Control (EVOC)	869
Handgun	265
Handgun & Rifle	1,533
Officer Wellness	170
OWI/SFST	451
Principles of Subject Control (POSC)	146
Professional Communication Skills (PCS)	685
Scenarios	870
Tactical Emergency Casualty Care (TECC)	32
Tactical Response (720)	625
Vehicle Contacts	1039

Master Instructor Trainers (MITS)

MIT Topics	Certified MITs
CJIDC	37
DAAT (720)	21
Defensive Tactics	28
Emergency Vehicle Operation & Control (EVOC)	39
Handgun & Rifle	40
OWI/SFST	27
Physical Fitness Assessor	5
Principles of Subject Control (POSC)	10
Professional Communication Skills (PCS)	26
Scenarios	42

Tactical Emergency Casualty Care (TECC)	5
Tactical Response	36
Vehicle Contacts	38

WILENET Quarterly Report:

The following WILENET Quarterly Report covers the month of July 2022. This quarter the **WILENET.widoj.gov** website had about 13,760 unique users each month. The most popular pages on WILENET were, in order of number of visitors in July 2022.

Page	Unique Page Views
wilenet.widoj.gov/	28,804
wilenet.widoj.gov/employment/employment-opportunities	18,762
wilenet.widoj.gov/user/login	16,245
wilenet.widoj.gov/?check_logged_in=1	14,211
wilenet.widoj.gov/resources/doc-locator	5,260
wilenet.widoj.gov/doc-locator	4,731
wilenet.widoj.gov/academy-curriculum	2,977
wilenet.widoj.gov/employment/employment-opportunities?combine=&field_position_type_target_id=All&agency=&field_application_deadline_value=&field_lateral_transfer_program_value=0&page=1	2,656
wilenet.widoj.gov/training-courses	2,330
wilenet.widoj.gov/employment/employment-opportunities?combine=&field_position_type_target_id=18&agency=&field_application_deadline_value=	2,169
wilenet.widoj.gov/academy-curriculum/720-hour-law-enforcement-academy	1,989
wilenet.widoj.gov/employment/employment-opportunities?combine=&field_position_type_target_id=All&agency=&field_application_deadline_value=&field_lateral_transfer_program_value=0&page=2	1,868
wilenet.widoj.gov/employment/employment-opportunities?combine=&field_position_type_target_id=All&agency=&field_application_deadline_value=&page=1	1,695
wilenet.widoj.gov/employment/employment-opportunities?combine=&field_position_type_target_id=16&agency=&field_application_deadline_value=	1,427
wilenet.widoj.gov/employment/employment-opportunities?combine=&field_position_type_target_id=12&agency=&field_application_deadline_value=	1,336

6. LESB Academy Liaison Updates

- a. No updates were given at this meeting. Tim Hufschmid was present to answer any questions from the LESB.
- b. No updates were given at this meeting. Sarah Wronski was not present.

7. Review and Approve Minutes for the June 7, 2022, Meeting of the LESB:

Motion to approve minutes and motions of the June 7, 2022, meeting of the LESB. Move by Nicole Miller, second by Jessie Metoyer. Motion carried unanimously.

8. Review of Executive Committee (EC) Meeting, Updates, Addenda, and Final Actions

a. Review and Approve August 9, 2022, Executive Committee Meeting Minutes and Motions.

- i. Motion subjects include Requests for Waivers of Training and Education Requirements for Officers, Civilians, and Instructors; Requests for Extension of the Time Limits to Gain Employment, and Requests for Extension of the Time Limits to Complete Preparatory Training for Officers and Civilians.

Motion to approve minutes from the August 9, 2022, meeting of the LESB Executive Committee. Move by Jean Galasinski, second by Earnell Lucas. Motion carried unanimously.

- ii. Review and Approve Addenda Requests for Waivers of Training and Education Requirements for Officers, Civilians, and Instructors; Requests for Extension of the Time Limits to Gain Employment, and Requests for Extension of the Time Limits to Complete Preparatory Training for Officers and Civilians.

Preparatory Training Waiver Requests:

- a. Bickler, Adam – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- b. Engelman, Stephanie – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- c. Fitzpatrick, Timothy – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- d. Garcia, Andrew – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- e. Herman, Mitchell – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement

officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.

- f. Holt, Taylor – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- g. Lindner, Scott – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- h. Unger, Landarius – Pre-employed
Staff recommends against a waiver. If the applicant holds certified law enforcement employment full time for one year in Georgia, until February 8, 2023, he may re-apply at that time, and he will qualify for the Wisconsin Reciprocity Exam.
- i. Verhasselt, Tyler – Pre-employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023.
- j. Wehn, Matthew – Pre-Employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination by September 7, 2023
- k. Berg Dillon – Employed
Staff recommends successful completion of the jail reciprocity examination. The applicant shall successfully complete the jail reciprocity examination within their probationary period of employment and no later than 4/11/2023.
- l. Heveran, Jarlath – Employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination within their probationary period of employment and no later than 4/30/2023.
- m. Johnson, Erika – Employed
Staff recommends successful completion of the jail reciprocity examination. The applicant shall successfully complete the jail reciprocity examination within their probationary period of employment and no later than 4/11/2023.

- n. Kurkowski, Christopher – Employed
Staff recommends successful completion of the law enforcement reciprocity examination. Successful completion will result in certifiability as a law enforcement officer in Wisconsin for one year from the date of the exam. The applicant shall complete the law enforcement reciprocity examination within their probationary period of employment and no later than 3/7/2023.

College Credit Waiver Requests:

- a. Bickler, Adam – Pre-employed
Staff recommends the applicant receive a waiver for 22 college credits.
- b. Dominguezandes, Omar – Pre-Employed
Staff recommends the applicant receive a waiver for 44 college credits.
- c. Dorsey, Antonio – Milwaukee Police Department
Staff recommends the applicant receive a waiver for 20 college credits.
- d. Grau, Eric – Pre-Employed
Staff recommends the applicant receive a waiver for 20 college credits.
- e. Nash, Monica – Pre-Employed
Staff recommends the applicant receive a waiver for 19 college credits. The applicant was previously approved for six college credits at the 8/9/2022 LESB Executive Committee Meeting. The applicant has provided an updated JST reflecting an additional 19 college credits.
- f. Punzel, Kyle – Wisconsin State Patrol
Staff recommends the applicant receive a waiver for 20 college credits.
- g. Schoeder, Jacob – Wisconsin State Patrol
Staff recommends the applicant receive a waiver for 20 college credits.
- h. Somers, David – Pre-Employed
Staff recommends the applicant receive a waiver for 32 college credits.

Preparatory Training Extension Requests:

- a. Moreno, Manuel – Milwaukee County Sheriff's Office
Staff recommends in favor of the recommendation proposed by MCSO, for the officer to make up missed training and retake the 200-hour jail academy upon his return to work:
- The applicant was hired by the Milwaukee County Sheriff's Office as a jail officer on 7/13/2020. The applicant completed the jail academy on 6/10/2021 (Jail200 21-013). The applicant enlisted in the U.S. Army on 4/26/2022 for a two-year enlistment. The applicant will maintain employment with MCSO and will return to work following his enlistment.
 - The applicant is on a Leave of Absence status in ACADIS.
 - MCSO Captain Sarah Wronski is requesting that the applicant not be decertified. The applicant will make up missed training and retake the 200-hour jail academy upon his return to work.

- b. Pagel, Gabriel – Oconto County Sheriff’s Office
Staff recommends the applicant receive an extension until 12/31/2022 to complete preparatory jail officer training:
- The applicant was hired by the Oconto County Sheriff’s Office as a jail officer on 10/4/2021. The applicant was scheduled to attend the jail academy in the fall, but that slot has been assigned to another jail officer who failed the summer class at NWTC.
 - The applicant is not currently enrolled in a class, but the deadline is not until 10/4/2022.

Requests for Extensions of the Time Limits to Gain Employment for Officers and Civilians:

- a. Border, Lisa – Burlington Town Police Department
Staff recommends approval of the waiver request. The recommendation to approve the waiver is based on the following mitigating circumstances:
- The intent of the policy change that was approved by the LESB at the March 2021 Quarterly Meeting was to ensure consistency between the eligibility requirements for reciprocity and the LESB policy of the time frame to regain employment which requires one year of full-time employment. The policy change was not intended to require part-time officers who have maintained their certification to re-complete preparatory training.
 - The applicant has completed 891 hours of training from 2010 through 6/30/2021.
 - The applicant’s full-time employment is in public service as a licensed social worker.
 - Subject to the approval of the LESB, the applicant shall complete the law enforcement reciprocity examination no later than 12/31/2022.
- b. Kaplan, Lisa – Pre-Employed
Staff recommends approval of the extension of the deadline. The applicant shall gain law enforcement employment by 12/1/2022.
- The applicant completed preparatory training at Gateway Technical College as a pre-service student on 10/12/2019. The applicant’s deadline to gain law enforcement employment is 10/12/2022. The applicant is currently employed as a DEA Diversion Investigator (non-sworn). The applicant has applied for the position of Division of Criminal Investigation (DCI) Special Agent. This is an anticipatory request in the event that the application process extends beyond the deadline to gain employment by 10/12/2022.
- c. Palmer, Steven – Pre-Employed
Staff recommends approval of the waiver request. The recommendation to approve the waiver is based on the following mitigating circumstances:
- The applicant’s current employment is in public service as a full-time firefighter.
 - The applicant has deep roots in the community.
 - The applicant has completed two law enforcement academies.
 - The applicant has impressive academic credentials including a master’s degree in Criminal Justice.

- The applicant has submitted numerous letters of support from agency and community leaders attesting to his qualifications to serve as chief of police. Subject to the approval of the LESB, the applicant shall complete the law enforcement reciprocity examination within their probationary period and no later than 12/31/2022.

Instructor Waiver Requests:

- a. Berkley, Jeffrey – Department of Justice, Division of Criminal Investigation
Due to extenuating circumstances, staff recommends in favor of the waiver. Agent Berkley should submit the Instructor Recertification Request Form (DJ-LE-318) with a letter of recommendation with two dates that he taught within the certification period of June 1, 2019, to June 1, 2021, by November 1, 2022.

Motion to approve recommendations for waiver requests as presented by staff. Move by Michelle Viste, second by Jean Galasinski.

Discussion: Town of Burlington Marine Division, Deputy Chief Justin Anderson asked why there is a delineation between part-time and full-time police officer certification lapsing upon termination of employment. The way the policy was re-written shows that an officer has three years from end of their last **full-time** employment to regain employment, but it does not take into account a lapse of employment for part time officers. This only affects part time officers, whose employment has lapsed, that are trying to re-gain law enforcement employment without going through the LESB waiver process. Why is a part time officer certification rated differently than a full-time officer certification for the three-year time period, when they have the same training requirements?

Jerry Mullen explained that the policy change wasn't intended to impact part-time officers who maintain a certification, it was for officers that have a greater than three-year lapse in service. The change was made to create consistency in the policies in regard to reciprocity for officers outside the state of Wisconsin.

Deputy Chief Anderson added that clarification as to whether this policy could be rectified to state that its purpose is for out-of-state law enforcement officers only, so part-time in-state officers don't have to take the reciprocity test if they have a short break in service. Jerry Mullen thanked Deputy Chief Anderson for bringing this to his attention and would like to add this issue to a future meeting agenda.

Motion to approve recommendations for waiver requests as presented by staff. Move by Michelle Viste, second by Jean Galasinski. Motion carried unanimously.

9. Request to Certify/Recertify/Register/Retroactively Certify/Rescind Certification for Law Enforcement Officers, Tribal Law Enforcement Officers, Jail Officers, Secure Juvenile Detention Officers, and Instructors

Officer Certification Summary Report:

Total Officers Meeting Certification Requirements = 236

- Jail Officers – 45
- Law Enforcement Officers – 172
- Secure Juvenile Detention Officers – 14
- Tribal Law Enforcement Officers – 0
- Retroactive Certifications – 5

Instructor Certification and Recertification Summary Report

Total Instructor Applicants = 701

New Instructors & Instructors Adding Additional Certifications – 284

New Credentialed Instructor Registrants & Credentialed Instructors Adding Additional Registrations - 34

Recertified Instructors and Credentialed Instructor Registration Renewals - 351

New Master Instructors – 9

Recertified Master Instructors – 23

Motion to approve staff recommendations. Move by Timothy Carnahan, second by Jessie Metoyer. Motion carried unanimously.

10. New Business

a. Certify/Recertify Preparatory Training Academies

According to Wisconsin Administrative Code § LES 4.01(1)m, academies are certified for a period of two years subject to renewal.

The following academy is due for recertification:

- Fox Valley Technical College

In addition, the following academy has provided a letter to update the LESB on its progress since being placed on a one-year probationary status on May 24, 2022:

- Lakeshore Technical College

Motion to recertify Fox Valley Technical College and Lakeshore Technical College. Move by Michelle Viste, second by Jean Galasinski. Motion carried unanimously.

b. Quarterly Update on Defensive Tactics Instructor Program

The state has 170 Certified Defensive Tactics Instructors, this includes active and provisional certifications. There are several instructors that hold just POSC and Defense and Arrest Tactics Instructor Certifications. They will be allowed to maintain that certification through attrition or until they decide to transition. Since the transition of the Defensive Tactics Instructor Course launch, positive feedback across the state has been received, particularly from sheriff's offices that benefited from cross training their correctional and patrol staff.

c. Physical Readiness Test (PRT) Entrance/Exit Concerns

Steve Wagner received correspondence from Rachel Mott regarding the PRT. This topic is being discussed as an agenda item to have open conversation about the PRT; there is no expectation that anything will be changed today. For the members of the LESB, please familiarize yourself with the PRT and the concerns regarding the PRT.

i. Rachel Mott

While researching requirements to get into law enforcement, Ms. Mott reviewed the Academy PRT Entrance/Exit standards. Students must pass the Entrance and Exit PRT; if the Exit PRT is not passed in the first or second attempt, the academy must be retaken. Ms. Mott feels that this is not inclusive for age and gender. Ms. Mott has also spoken to some PD's who indicated the PRT is outdated. Ms. Mott requests a review for revision of PRT standards to make them more applicable to current police work and inclusive to older candidates and women.

- ii. University of Wisconsin-Madison Police Department (UW-Madison PD)
Chief Kristen Roman explained The PRT test standards, which were created almost a decade ago, are not entirely reflective of what it takes currently to be a successful police officer in Wisconsin. Chief Roman feels that if the test was imperative to successful policing, it would be a requirement to complete repeatedly through the officer's career and feels that many highly successful officers couldn't pass the PRT. Nationwide, policing is at a critical juncture. Hard work is being done to remove barriers for women interested in a career in law enforcement, the PRT is at the center of many of these discussions. Failure rates from limited data provided by the state shows women failing the PRT three to seven times the rate of men. In 2021, Training and Standards put out a survey to chiefs in Wisconsin agencies and academies, over half of the responding agencies indicated that the PRT does not accurately assess the ability to perform essential law enforcement functions. UW-Madison PD and Madison Police Department data supports disparate impact on women. Research has shown the benefits of more women in policing. Continuing to use the same set of standards will give us more of the same results. Moving to a new direction of standards would benefit many applicants. The UW-Madison PD is using a functional fitness evaluation, which is reflective of the requirements of police work and can be tailored to the needs of unique departments. The functional fitness evaluation can and should be assessed throughout an officer's entire career.

Administrator Wagner added that data collection for the PRT Entrance Test was poor until the last three to four months. Additionally, the PRT Exam is not necessarily needed to get hired, it is however, needed to get in the academy. As of the 1st Quarter of this year, going back to 1/1/2021, we had about 1,217 graduates from the Law Enforcement Academy. Training and Standards was given about 380 test results from the Entrance Exam. We need close to 100% of the results to gain reliable information. The LESB recently began making it a requirement that if you are assessing someone, that data must be entered in a program called RED Cap. That data is coming in and will be assessed. The Exit Exam data has been very good since it is necessary to graduate.

Jay Smith from FitForce agrees with Chief Roman, if physical readiness or basic physical ability is important to perform essential physical tasks of the job, then it should be a requirement for maintenance. To Chief Roman's point regarding incumbents already successfully doing the job who would fail the PRT, a caveat should be added, they are by some accounts successfully doing their job, but in the absence of having done all of the essential physical tasks of their job, they are not fully evaluated on all the tasks of their profession. While there are many facets to the police officer job, the PRT only speaks to the ability to perform the essential physical tasks at any particular moment. The average police officer only discharges their firearm zero to one time in their career yet training and requalification is provided annually to ensure that if the occasion arises, the officer is able. There is clearly a need to make the job accessible to those that can do the job. The PRT study was conducted in 2015, but the opinions of the officers statewide (approximately 1,500 officers) identified according to their experience what the essential physical tasks of the job are, the rest is up to us to try to figure out how the test predicts that ability.

What guides our creation of the PRT are the legislative mandates and the EEO guidelines:

1. The Americans with Disabilities Act states (among other things) that you may only require the minimum that predicts the ability to do the job, you may not require more than that. FitForce has identified the absolute lowest standard, which is what is what FitForce recommends in the PRT.
2. When Congress amended the Civil Rights Act in 1990, they inserted section 106 of that Act. Section 106 states (among other things) that you will not gender adjust employment requirements when the job is the same - this is not the FitForce interpretation. The Employment Litigation Division of the United States Department of Justice has taken a different interpretation; they feel it is okay to use gender adjusting employment requirements, regardless of what the law says. If an agency adopts sex adjusted standards, you may avoid litigation or challenge from the DOJ, but you are essentially opening the door to every other potential claim.
3. When Congress passed the Amended Age Discrimination Employment Act, they commissioned a study on aging. One of the chief findings is that chronological age is not a bona fide occupational qualification (BFOQ). That carries great weight. The BFOQ is a legal mandate that we recognize. The Pennsylvania State University, the organization that came up with the study, said in part that the reason that chronological age is not a BFOQ, is the fact that fitness is a 20-year factor. A 50-year-old that exercises on a regular basis can perform the same as a 30-year-old that does not exercise.

If you have correctly identified the job demands through analysis and the test is valid by meeting those requirements, and if that test has a disparate impact, we would have to say that it is not the test that is the source of the disparate impact, but it's the job itself. There are jobs that are not meant for everyone. This does not mean that the job is not meant for any person that wants the job, what is suggested is that the minimum levels which are mandated, of basic physical ability are attainable by people who are medically qualified to do all of the essential physical tasks of the job. If one cannot meet those physical abilities, then we would argue it is not about the test, it's about the ability to perform all of the essential physical tasks that are related to that test. There is a legal concept that says in the absence of an effort to prepare for a known employment requirement, there may not be adverse impact. Nationally, the law enforcement profession is about 12% female. would argue that we need to look at the demands of the jobs' physical demands through year-long training and support.

Chief Roman added that some of the recent data from the Madison Police Department does show a disparate treatment in the PRT. We talked about the level of training that candidates are capable of to meet these standards. If you're looking at what's required, in terms of that readiness and training, the work we have done dedicating our own staff, often on their own time, to work with female candidates to test out successfully in the academy, requires twice the amount of work to potentially be successful. To simply say female candidates can be successful if they work and train harder is not acceptable. Chief Roman would like Traci to speak on aspects of the functional fitness testing that the UW-Madison PD is using and how it stacks up against the PRT.

Sheriff Delain stated that this will not be resolved today. Three more organizations on the agenda need to speak. Organizations on the agenda will present, and the LESB will discuss and will decide what the next steps will be.

- iii. **Wisconsin Chiefs of Police (WCPA)**
Chief Steven Roux stated that the WCPA would like to see the PRT maintained until evidence and data is provided to change the current standards.
Chief Christopher Domagalski requests that the group supports the process that the LESB went through to establish the standard. We are open to collecting data, hearing input, and continuing to review. We all support being inclusive and would like to do anything we can to further diversity the ranks.
- iv. **Badger State Sheriff's Association (BSSA)**
Sheriff Nate Dreckman has been a PRT assessor since 2015, is Cross Fit level 1 certified, and has done a lot of the testing, both Entrance and Exit as well as testing in his agency. There are opportunities to do things better, there are tests that could be done differently. As a 50-year-old male, Sheriff Dreckman does not have any issues passing the PRT, but he trains regularly and there are women on staff that pass as well, it can be done with preparation. As we look long-term, we may want to review the possibility to make changes and update the standards. There is a lot more in the functional fitness world that would be more applicable to what law enforcement does on a daily basis. It must be applicable to the job, and we must do studies to ensure that what we are going to move toward is applicable to everyone- that there is no disparate impact on anyone. Sheriff Dreckman fully supports the current tests but is wholeheartedly open to looking at improving the process.
- v. **Wisconsin Sheriff's and Deputy Sheriff's Association**
Sheriff Kevin Bygd feels there must be a standard. When he began in his department, there was no official test. Every agency made up their own standard. When he became sheriff, he adopted the PRT, however, in his department, one does not have to pass the final exam to be hired, only the entrance exam. Sheriff Bygd looks forward to further discussion.
- vi. **Training and Standards Bureau (TSB) Recommendations**
The TSB recommends holding off in making a decision until enough data is collected to make recommendations, or to form a subcommittee for this topic.
- vii. **Ms. Traci Tauferner** advised that the difference in the type of testing is the content validity factor. Ms. Tauferner trained in several different systems that replicates the tasks that are being performed on the job. The FitForce test utilizes push-ups as exercise science for testing upper body strength. Sheriff Bygd's example of pushing a car is relevant to the job. In a content validity test, the push force is replicated in an exercise. In UW-Madison PD testing, officers are running, pushing, carrying, and lifting as they would if they were on the job. This a different way of testing, both ways are completely acceptable but stated that this way of testing is more relevant to the job. Both types of testing still follow the same rules and regulations, but the test is designed to be more relevant to the actual tasks being performed.

Director Viste asked if there is a particular aspect of the PRT that females are not passing? Chief Roman stated that it's predominantly the push-ups.

Brent Plisch directed a question to DOJ: We've heard about how vital physical fitness is to do the job, much like firearms, one cannot pass the Academy without passing the PRT. If physical fitness is so vitally important, why is it only used as a screening tool, and never addressed again in the officer's career? Administrator Wagner responded that testing began January 1, 2016. The chiefs and sheriffs wanted to have a standard for the Academy. Extending the standard beyond the Academy would be beyond LESB authority, it would have to be legislative. If DOJ were to push that out, there would be a lot of resistance from agencies that realize this would be a contractual issue. This is an agency-specific issue, this will probably never change. Many agencies have adopted voluntary workout programs.

Deputy Chief Metoyer has had questions about the PRT's applicability to the job. When Deputy Chief Metoyer took the entry test, she felt it was very relevant to the job; it mimicked things they would do such as pulling yourself through a window. Every time a change is discussed, people feel we are lowering the standards. However, reviewing and adjusting to what is relevant to the job does not mean we are lowering standards. As a female, Deputy Chief Metoyer comes to the job with a different set of skill sets and would like to see a mind-shift and see more research.

Rachel Mott stated that neighboring states have varying PRT standards for men and women and age groups. Has anyone looked into this and if so, do you know if the neighboring states have a higher female officer percentage compared to Wisconsin? The Fourth Circuit Court held that the physical fitness standard suitable for men may not be suitable for women so there is some caselaw that women have a different physiological makeup. Everyone has different strengths, for instance, pulling oneself through a window can be done in differing ways utilizing muscle groups other than simple arm strength.

Motion to approve staff recommendations for the TSB to continue to gather information and report back to the LESB. Move by Michelle Viste, second by Nicole Miller. Motion carried unanimously.

Sheriff Delain thanked Chief Roman for taking the time to bring this forward and all the guests for bringing relevant information to help the LESB better understand the issue. Recruiting people into law enforcement is becoming more challenging. Bringing this issue to the forefront may help to continue to recruit the best people for the job. The LESB will not make the decision overnight, there will be a lot of information gathered and reviewed, this does take time.

d. Consider Appeal of Jail Academy Student Failures at Northeast Wisconsin Technical College

There were six failures in the Jail Academy at the Summer Academy at NWTC due to failures of the testing scenarios. Four of the jail officers and their agencies have filed an appeal. Many in this meeting have a stake in this issue. After consulting with Administrator Wagner, the staff recommendation is that these students be allowed to re-tests all the scenarios with several conditions: they repeat eight hours of training scenarios.

Shelly Sandry reported that some revisions were made to scenarios, and in December there will be additional curriculum brought to the LESB. Some of the Exit Outcomes have been revised. There are a few more areas being evaluated. It is unclear if this would have changed current outcomes.

Sheriff Delain invited Door County Sheriff's Department Lieutenant Kyle Veaser to speak. Lieutenant Veaser stated that when the department releases employees to attend the academy, they are away from agencies for quite a while. Most of their employees do very well, some are top students in the academy. However, the students felt that they were not fully trained in the pre-scenarios, and when they got to the scenario portion, they felt unprepared. Sending students back through the entire school is tough on the department, and it is unnecessary when they only missed a scenario. The student that Door County sent is exceptional and is almost done with the FTO process. It would be a hardship on the department to lose that employee to recomplete the entire school. Six more will attend the academy next year.

Suggestion: please consider retraining on only the scenario that was missed.

Sheriff Delain invited NWTC's Jeff Steeber to speak.

Mr. Steeber sent a letter to the LESB in response to the issue. In the letter he mentioned that there was consistency with the students that had failed with what criteria they did not meet in terms of the medical and POSC scenarios. Scenarios should be universal. The performance criteria for the students was significantly inconsistent from one scenario to the next. Once scenario testing begins, staff cannot stop, answer questions, or provide feedback. Thank you to the TSB as they examined this as soon as it was brought to their attention in June. Ultimately, the changes made to the following jail class scenarios showing the new criteria, made a significant impact on consistency from scenario to scenario. Mr. Steeber wholeheartedly agrees with the decision to re-test with the new performance evaluation criteria.

Suggestion: in addition to a training day and testing day, consider adding one day of integration since they have not been in the class since June.

Sheriff Delain noted that Lt. Veaser felt the students were not properly trained, which causes concern. How can the LESB be reassured that the new change to the evaluation process will ensure that the students are properly trained and understand what must happen in the scenarios, so we know if the student is suitable to perform the duties? Sheriff Delain is not questioning the results after the fact, many of the individuals will make exceptional correctional officers. How can the LESB be sure the following students, based on the scenario change, will be properly trained and will practice to a level that will ensure they are all prepared for the real testing scenario?

Mr. Steeber replied that in addition to training and testing scenarios, integration exercises is an important part of the curriculum. It is essential in phases 1 and 2 to apply any of the curriculum/topics and it becomes an important part of the training that integration captures not only the curriculum that was taught in that particular phase, but also captures students having the ability to practice with the purpose of meeting the set performance criteria in the future testing and training scenarios. Training scenarios are designed to allow the student and instructors to pause the scenario to ask questions and provide feedback to help the student reach the desired outcome to be prepared for testing.

Motion to approve staff recommendations and allow the six students to re-test. Jerry Mullen requested to add to the recommendation to the original motion to utilize integration exercises. Move by Jessie Metoyer to include Jerry's suggestion to utilize integration exercises, second by Nicole Miller. Motion carried. Todd Delain abstains.

e. Recommend Officer Decertification for Failure to Complete Minimum Annual Recertification Training Hours Including the Handgun Qualification Requirement for FY22.

The LESB is presented with a list of 11 officers who are still employed and failed to complete the annual recertification training requirements for FY22. They have not made up any of the missed training requirements since the end of the fiscal year. Three sheriffs are on the list that are recommended for decertification. Staff amends the recommendation to allow the sheriffs to lapse their certifications because sheriffs are not required to be certified as part of their duties. It will be noted in ACADIS that they allowed their certification to lapse, and they are not eligible for recertification without meeting certain requirements that would have to be pre-determined by the LESB. Staff recommends that the other eight noncompliant officers be decertified. There are officers who have left employment and were recommended for decertification. If they want to come back into employment, they will either have to re-take the academy or other requirements pre-determined by the LESB. Training and Standards staff have been contacting the agencies through phone calls and emails since the end of the FY to address delinquent training records in case it was overlooked.

Motion to approve recommendations for decertification as presented by staff. Move by Michelle Viste, second by Earnell Lucas. Motion carried unanimously.

f. Recommend Officer Recertification for Late Completion of FY22 Annual Recertification Training Hours Including the Handgun Qualification Requirement (Training Completed between 7/1/2022 and 9/7/2022)

The LESB is presented with a list of officers who failed to complete the annual recertification training requirements for FY22. Staff recommendation is to recertify the officers who completed the requirements before September 7, 2022.

Motion to approve recommendations for the recertification as presented by staff. Move by Earnell Lucas, second by Nicole Miller. Motion carried unanimously.

g. Recommend Officer Decertification for Officers on Leave of Absence Without Completion of Annual Recertification Training for Two or More Consecutive Fiscal Years.

The LESB is presented with an officer recommended for decertification. The officer has been on leave of absence for two state fiscal years without completion of annual certification training. The chief requested that the officer be decertified, a letter was sent to the officer at the agency and his home address letting him know that he's eligible for decertification. The officer did not respond by the deadline. The recommendation is that this officer be decertified for failure to meet recertification training requirements.

Motion to approve staff recommendation for the decertification of the officer for failure to meet recertification training requirements. Move by Jean Galasinski, second by Earnell Lucas. Motion carried unanimously.

h. Consider Extensions for Completion of Annual Recertification Training for Officers on Leave of Absence for Two or More consecutive State Fiscal Years.

The LESB is presented with a list of three officers that have requested Annual Recertification Training Extensions. These officers have been on a medical leave of absence for two or more consecutive state fiscal years. All three have requested an extension to meet recertification training requirements and return to active law enforcement employment. Staff recommendation is to grant each officer an additional year extension to meet recertification training requirements.

Motion to approve staff recommendation to grant each an additional year extension, until June 30, 2023, to meet recertification training requirements and return to active law enforcement employment. Move by Jessie Metoyer, second by Michelle Viste. Motion carried unanimously.

i. Recommend Decertification of Justin Benande.

The LESB is presented with an officer who has already been separated from employment. The agency requested decertification as he was found guilty of various charges that included domestic abuse. According to statute, he qualifies for decertification. The officer will go into the National Decertification Index due to criminal charges. Any agency in the country can search this database.

Motion to approve staff recommendation to decertify Justin Benande effective September 7, 2022. Move by Earnell Lucas, second by Nicole Miller. Motion carried unanimously.

j. Academy Director's Manual and LESB Policy and Procedures Manual Updates

Updates to the Academy Director's Manual and LESB Policy and Procedures Manual have been made since the LESB approved the implementation of REDCap for obtaining the demographic and performance data for the PRT. Paper certificates are no longer needed due to this change. Academies and agencies that enter information in REDCap can access the information.

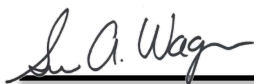
Motion to approve staff recommendation to update the Academy Director's Manual and LESB Policy and Procedures Manual as presented. Move by Jessie Metoyer, second by Michelle Viste. Motion carried unanimously.

11. Roundtable

There were no roundtable items presented.

12. Adjournment

Motion to adjourn. Move by Jean Galasinski, second by Michelle Viste. Motion carried unanimously.



Steven Wagner
Secretary

Minutes taken by Dawn Strassman.