ATTACHMENT #2

NLETC

Memo

To: Director Muldoon

From: Deputy Director Urbanek

Date: 4/12/2016

Re: PRET Data and administration

Director Muldoon

Recent discussions have brought to the forefront the physical readiness entrance test (PRET) utilized by the Nebraska Law Enforcement Training Center (NLETC). Questions raised in these discussions have included the basis for the standards utilized in the test; why is gender/age norming used; why use a test that is not job task specific?

This memorandum will address the questions listed and others that may arise as a result of this topic.

Historical Perspective

Prior to the 188th Basic class the NLETC administered the "Cooper" test once the student began their basic law enforcement certification training. Records exist since 1990, the 106th Basic, that this test has been administered. Regardless of the "score" on the fitness assessment, the student was allowed to begin their training. No one was removed from training as a result of their assessment score.

The "Cooper" test was developed by the Institute of Aerobic Research (Cooper Clinic) in Dallas TX to demonstrate an overall "fitness" level. The test consisted of the 1.5 mile run; the 300 m run; the leg press; maximum push-ups completed in one minute and maximum sit-ups completed in one minute. Data (students' raw score on each component of the assessment) was collected from the 106th basic until the 188th basic in April of 2014.

Beginning with the 188th basic the Police Standards Advisory Council (PSAC) implemented a physical entrance standard that each student would need to achieve in order to begin basic training. In order to be as inclusive as possible, a standard of an overall 30% based on age/gender norms was established.

To obtain an overall 30% a student must meet a high enough percentage across the 5 assessments, known as the PRET (1.5 mi run; the 300 m run; vertical jump; maximum

push-ups completed in one minute and maximum sit-ups completed in one minute) to average 30% or above. As an example, a student may score 10% in the 1.5 mi run but score in the 80% for the other four assessments and average 66%, well above the required 30%.

Age/Gender

The use of age/gender norms was selected in order to be as inclusive as possible in the standards. Culling the data in the basics preceding the 188th indicated that it there may be a disparate impact against females (a protected group) by using a "flat standard." A flat standard implies that all students must meet the same standard regardless of age or gender.

In January 2016 the U.S. 4th Circuit Court of appeals issued a ruling in Bauer v. Holder/Lynch (DOJ). Basis of the case was the Bauer felt he had been discriminated against because the FBI used gender norms for their incoming agents. The 4th Circuit ruling stated that there are physiological differences between males and females which then upheld the use of gender norms. Age norming was not at issue in the Bauer case since the federal government has an age hiring limitation.

Data Collected

From the 188th basic through the 192nd Basic 207 students have been tested using the PRET. Of the 207 students 30 were females and 177 males. Of the 207 students who have taken the PRET 12 students did not achieve the required overall 30% on the PRET. Of the 12, 4 were injured and unable to complete the PRET and begin training. The remaining 8 students (1 female and 7 male) could not achieve an overall 30% on the PRET in order to begin their training. This is 3% of all applicants who participated in the PRET.

FLAT STANDARD

Data Collected Male Students

Table A: 177 men tested averaged:

1.5 mile run:	13:58.
300 m run:	51 seconds
Sit-ups:	40 in 1 minute
Push-ups:	42 in 1 minute
Vertical Jump:	22 inches

Table B: Utilizing one standard deviation on the male averages resulted in the following:

1.5 mile run:	16:54
300 m run:	58 seconds
Sit-ups:	32 in 1 minute
Push-ups:	29 in 1 minute
Vertical Jump:	18 inches

Results: Number of male students who would have failed to achieve a flat standard using with one Standard Deviation

54 students or 30% of male students tested.

Data Collected Females

Table C: 30 Females tested averaged:

1.5 mile run:	15:10
300 m run:	63 seconds
Sit-ups:	39 in 1 minute
Push-ups:	21 in 1 minute
Vertical Jump:	15 inches

Table D: Utilizing one standard deviation on the female averages resulted in the following:

1.5 mile run:	16:44
300 m run:	77 seconds
Sit-ups:	27 in 1 minute
Push-ups:	9 in 1 minute
Vertical Jump:	12 inches

Results: Number of female students who would have failed to achieve a flat standard using with one standard deviation:

14 students or 46% of the females who tested.

Combined data of Males and Females

Utilizing one standard deviation on the male and female averages resulted in the following:

Table E:	1.5 mile run:	16:54
	300 m run:	77 seconds
	Sit-ups:	27 in 1 minute
	Push-ups:	9 in 1 minute
	Vertical Jump:	12 inches

Results: Number of students who would have failed to achieve a combined male-female flat standard using one Standard Deviation

14 females (46% of all females); 24 males (13% of all males)

Summary:

Using a "flat standard" would be the easiest system to administer. Regardless of gender or age, everyone desiring entrance into the NLETC would be required to meet the same level of fitness.

Utilizing the data from the 207 students who have previously taken the PRET established a combined "flat standard". Using this data there would have been 38 total students (18%) that would not have made the standard.

Using a gender based "flat standard" there would have been 30% of male students who would not have met the standard. There would have been 46% female students who would not have met the standard.

AGE/GENDER with a required floor of 10%tile in each category.

Currently, a student need only score an overall 30% to achieve passing score in order to begin training. A student could score 0% in more than one test and still achieve a 30% overall average.

There are several academies that require an overall percentage to be met as well as a minimum or a "floor" be achieved in each category. A "floor" of the 10th% must be met or

exceeded in each category by each student. The category would be based on a student's age/gender.

Impact

From the 188th through the 192nd basic there would have been 5 women who failed to meet a "floor" of the 10%. This accounts for 16% of the females who have tested.

From the 188th through the 192nd basic there would have been 43 men who failed to meet a "floor" of the 10th%. This accounts for 23%.

Staff recommendation: Maintain using an overall 30% based on age/gender norms. This standard would have the least impact on the client base while still ensuring a minimum level in each category.

Physical Readiness vs. Job Task Specific

To address a question as to why NLETC uses a test that is not "job task specific" to assess candidates I offer the following justifications.

1.) The physical readiness test is just that. It is a test to assess a student's level of physical readiness to participate in the rigorous 16 week basic certification academy. The physical demands of an academy are numerous.

   a. In order to learn a skill like firearms or defensive tactics, students must perform a significant number of repetitions of that skill in a condensed amount of time. Students, who do not possess a fitness level that allows them to actively participate, take more time to learn a skill. In addition, that student's partner does not get as many repetitions because their partner quickly fatigues. The result is that students, after training are not as proficient due to their lack of physical readiness.

   b. A student who has a moderate physical readiness level can also withstand the rigors of firearms training. Students who lack this level of readiness can present a danger to other students and staff when they are physically depleted while performing firearms training.

   c. Students who lack a physical readiness level also experience more injuries and take longer to recover from injuries.

2.) Students are taught the benefits of a sound body as it helps prepare the student for the mental aspects of the training. It helps them deal with stress in a positive manner.

3.) Job task specific indicates that a person must be able to complete the task in order to meet the PSAC approved essential job tasks of a law enforcement officer. The philosophy of the TC is that if a student has an adequate physical readiness level then the training the student will receive will teach the student how to perform the job specific tasks. If a student does not possess the fitness level in order to perform the specific task it will be difficult for that student to be successful.

a. Successful completion of the essential job tasks prior to graduation demonstrates that the student, at the time of graduation is able to meet the essential job tasks of a law enforcement officer in the state of Nebraska.

4.) To date there has been only one student who was unable to complete the essential job tasks when tested prior to graduation.

5.) In the 193rd basic this testing was conducted on the second day of training. If a student was able to perform the task they will not be tested on that again. If a student was not able to meet a task they will be afforded training (16 weeks) to improve and be tested again, only on the tasks they were not successful in, before the end of the basic.