



Minnesota Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200
St. Paul, MN 55104-3825
(651) 643-3060 • Fax (651) 643-3072
www.post.state.mn.us

Advisory Committee on Post Board Rules Overhaul September 26, 2022 1:45 p.m. – 3 p.m.

1. Welcome/Housekeeping/Roll Call
2. Agenda Approval
3. Minutes 8-22-22
4. Welcome Terry Stier – Quick introductions
5. Updates:
 - Minimum Selection/Conduct Rules 4641
 - Scheduling
6. Reciprocity (RD 4750)
 - Reciprocity Requirements
7. PPOE
8. Adjournment

Next Meeting: November 15, 1:30 pm

MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING

Advisory Committee on POST Board Rules Overhaul Meeting Minutes

Hybrid Meeting via Board Room and Microsoft Teams

August 22, 2022

Members Present

Aaron Suomala-Fokerds
Bill Bolt
Bryan Litsey
David Bicking
Elisabeth Lee
Elliot Butay
Jean Cemensky
Mark Fahning
Michelle Gross
Pat Nelson
Raj Sethuraju
Sara Edel
Sherisse Truesdale-Moore
Steven Soyka
Theresa Paulson
Tracy Stille

Members Absent

Gwen Degroff-Gunter
Jack Serier
Vincent Do

Staff Present

Rebecca Gaspard

Mike Meehan
Shari Mitchell

Others Present

Gary Luloff
Mark Schneider

Ms. Gaspard began the meeting at 10:02am.

Approval of the Agenda: The Committee accepted the agenda.

Approval of Meeting Minutes on 5/10/22: The Committee accepted the minutes as drafted.

Approval of Meeting Minutes on 6/21/22: The Committee accepted the minutes as drafted.

Received Comments: Mr. Butay inquired about how many comments were received. Ms. Gaspard advised there were 1,695 or 1,697 comments received. Mr. Butay asked about how the responses were being handled. Ms. Gaspard advised that the Board is responsible for handling the responses. Further discussion will commence at the next Board meeting on September 22, 2022.

Introduction of Potential Changes to the Rules: Ms. Gaspard referred everyone to the 8/17 draft of possible modifications to the rules.

1.1 6700-0100 DEFINITIONS

Subp. 26 Discriminatory conduct.

1.4 based on the **actor's** perception of a person's race, color, creed, religion, national origin, disability,

1.7 person to ~~conclude that~~ **doubt** the individual may not **actor's ability to** perform the duties of a peace officer in a fair and impartial manner.

Discussion: Remove "doubt" and revert back to "conclude".

Consensus was not reached.

1.8 Membership in a religious organization as a lawful exercise of the freedom of religion is not

discriminatory conduct

Discussion: Add the language of what the qualification of a religious organization is.

Consensus was not reached.

2.2 6700.0670 BACKGROUND INVESTIGATION

2.5 history statement ~~with the application~~ to the agency when the agency initiates a background investigation. The statement must include:

Discussion: Notation to correct typo of initiates. This is a clarification to the rule.

Consensus approval reached.

2.20 authorize the release to the employing law enforcement agency and board of the ~~officer's-~~ applicant's personnel files,

2.22 information that are directly related to the applicant's fitness for or minimum selection requirements ?licensure.

Discussion: Accept the language of the applicant's fitness for licensure.

Consensus approval reached.

3.1 D. Each applicant who is currently or previously licensed as a peace officer must

3.2 disclose any ~~conduct that resulted or may result in an impeachment disclosure or~~

3.3 ~~Brady-Giglio impairment~~ disciplinary or court findings related to the applicant that involves:

- abuse of police authority;
- bias against a protected class;
- felony criminal conviction or finding of guilt;
- conviction or finding of guilt for a crime of dishonesty;
- mishandling of evidence or property;
- undisclosed or improper inducements to witnesses or suspects;
- excessive force; review terminology
- unauthorized access to or unlawful misuse of government data; or
- other conduct which required a *Brady-Giglio* disclosure by a prosecuting authority of which the applicant has personal knowledge.

Discussion: Accept the bullet point's language asking the applicant to disclose or go with the short listing on 3.1 and 3.2.

Consensus was not reached.

3.17 criminal records, histories, and warrant information through ~~current~~ state and federal systems

~~**3.18** such as the Minnesota Crime Information System and the National Instant Criminal~~

~~**3.19** Background Check System;~~

Discussion: Accept the recommendation of adding the word warrant and striking current along with 3.18 and 3.19 verbiage.

Consensus approval reached.

3.23 (5) ~~behavior indicative of~~ discriminatory conduct as defined in part 6700.0100;

Discussion: to remove phrase.

Consensus approval reached.

4.11 (13) inquiry to the local prosecuting authority and law enforcement agencies

~~**4.13** applicant~~ prosecuting authority or law enforcement agency has any knowledge of ~~potential~~

impeachment disclosure or Brady-Giglio impairment conduct, records, investigations, or disciplinary or court findings related to the applicant that involves:

- abuse of police authority;
- bias against protected class;
- felony criminal conviction or finding of guilt;
- conviction or finding of guilt for a crime of dishonesty;
- mishandling of evidence or property;
- undisclosed or improper inducements to witnesses or suspects;
- excessive force; unsure of wording, recommended by MCA
- unauthorized access to or unlawful misuse of government data; or
- other conduct which required a *Brady-Giglio* disclosure by a prosecuting authority of which the applicant has personal knowledge.

Discussion: Two questions; ok with removing the language potential impeachment disclosure or Brady-Giglio impairment. Second are you wanting to remove the list or keep it.

Consensus approval reached.

5.12 a background investigation as having a disqualifying offense, the board must notify the each law enforcement agency employing that officer.

Discussion: accept language change.

Consensus approval reached.

6.2 of a predisposition on the part of the applicant's history of to engage in discriminatory conduct as defined

Discussion: maintain the language or change the language.

Consensus was not reached.

7.14 have been be a felony if committed in Minnesota;

Discussion:

Consensus approval reached.

8.7 (i) Never have been required or be required to register any offense that would require the applicant to be registered as a predatory offender under Minnesota Statutes, section 243.166 or 243.167; or required to register as a sex offender in any other state at any point in time

Discussion: accept language clarification.

Consensus approval reached.

9.23 H. have no record or indication of participation or support of an extremist or hate

9.24 group as described in part 6700.1600, subpart 1(H)-(I);

Discussion: To revisit this as it is also referenced in another section.

10.7 L. have undergone training equivalent to or exceeding ~~an~~ the requirements for emergency medical responder registration under Minnesota Statutes section 144E.27, subdivision 2(1)-(2) or

10.8 ~~higher~~, or to be completed within the first six months of employment; and

Discussion: accept the language change.

Consensus approval reached.

6700.1600 STANDARDS OF CONDUCT

10.21 Subpart 1. **Standards.** A licensed peace officer is subject to discipline up to and

~~10.22~~ Including license revocation under part 6700.1710 when the board finds that the officer has The board may impose disciplinary action as described in Minnesota Statute Section 626.8432, subdivision 1(a) or part 6700.1710 based on a violation of

~~10.23~~ violated one or more of the standards of conduct. It is a violation of standards of conduct

Discussion: accept the language change.

Consensus approval reached.

~~11.2~~ (1) conduct any offense that would bar licensure under the minimum selection standards

Discussion: accept the language change.

Consensus was not reached.

~~11.14~~ agency, or a court or engage in other conduct that may lead to an impeachment disclosure

~~11.15~~ or Brady-Giglio impairment; reasonably result in or does result in disciplinary or court findings related to the licensee which involves mishandling of evidence or property, undisclosed or improper inducements to witnesses or suspects, unauthorized access to or unlawful misuse of government data, and/or conduct which required a Brady-Giglio disclosure by a prosecuting authority;

Discussion: accept the language change.

Consensus was not reached.

~~12.1~~ (3) engage in unreasonable, unauthorized or excessive use of force against a person, or the

~~12.2~~ illegal unauthorized use of deadly force;

Discussion: Update misspelling of unauthorized from 12.1. Accept the language change.

Consensus was not reached.

Ms. Gaspard noted that the meeting ends in 4 minutes and will be skipping over the little changes. She invited feedback for areas of concern.

Much discussion ensued on sections H, I and J.

Ms. Gaspard reported the Board's Rules Committee would meeting tomorrow, and the proposed modifications will go to the full Board meeting in September. She invited committee members that still have concerns after today's meeting to attend and participate in the hearings in October. She indicated that they can also participate in the POST hearing comment period that is 20 days. Ms. Gaspard invited the Committee members to email her by midnight tonight with their concerns or any input.

Meeting adjourned at 12:42pm.

Licensure Requirements Discussion

September 26, 2022 Advisory Committee Meeting

Current Definition: 6700.0100 Subp. 3. Law enforcement officer. "Law enforcement officer" means a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.

Add in tribal officer?

I. 6700.xxxx Licensure Requirements for PPOE grads:

1. Completion of PPOE with in the past 3 years. If not licensed within 3 years, must complete MN Specific course within 6 years of completion of PPOE. More than 6 years, need to go back to school.
2. Post-secondary degree at accredited school (will update def of accredited and address foreign degrees)
3. Test, passing results are valid for 3 years.
No consensus on whether to require a study plan, or how many time the test can be retaken. Requirements here should also apply to reciprocity and military reciprocity.
4. Apply for LEO position
 - Background check, psychological screening exam,
 - LEA verifies minimum selection requirements
5. Apply for licensure concurrent with LEA confirmation of min quals & notification to POST of employment

II. 6700.xxxx Reciprocity Licensure Requirements for LEOS from other states:

1. Currently licensed in another state
 - What if license is expired 3 years? 5 years? 10 years?
2. Post secondary degree at accredited school
3. Basic law enforcement education
 - Basic law enforcement education (CA defines as 600 hrs)
4. LEO experience equal to 3 years full time in past 6 years (6,200 hours)
5. MN Specific Training completed
6. Test
7. Apply for LEO position with LEA
 - Background check, psychological screening exam,
 - LEA determines min selection requirements are met
8. Apply for licensure concurrent with LEA confirmation of min quals & notification to POST of employment

III. 6700.xxxx Licensure Requirements for Foreign Law Enforcement Officers

1. Must complete PPOE program and qualify under part xxxx (Licensure Requirements for PPOE Graduates)

IV. 6700.xxxx Licensure Requirements for Military Law Enforcement

This part applies to individuals with experience in a military law enforcement officer occupational specialty position with investigatory and arrest responsibilities. Active Service is defined in Minnesota Statutes, section 190.05.

1. Honorably discharged or currently in active service with military law enforcement experience equivalent to:
 - a. 4 years of cumulative experience in the past 6 years of active service in a military law enforcement officer occupational specialty position with investigatory and arrest responsibilities; or
 - b. two years' cumulative service experience within the past 6 years of active service in a military law enforcement occupational specialty that includes investigatory and arrest responsibilities and completion of a post secondary degree from an accredited institution; or
 - c. a combination of four years' cumulative and combined experience with the past 6 years as a full-time peace officer in another state and cumulative service experience in active service in a military law enforcement occupational specialty that includes investigatory and arrest responsibilities.
3. MN Specific Training completed
4. Test
5. Apply for position with LEA
 - Background check, psychological screening exam,
 - LEA determines min selection requirements are met
6. Apply for licensure concurrent with LEA confirmation of min quals & notification to POST of employment

Statute on Military Reciprocity Exam

626.8517 ELIGIBILITY FOR RECIPROCITY EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.

- (a) For purposes of this section:
 - (1) "active service" has the meaning given in section 190.05, subdivision 5; and
 - (2) "relevant military experience" means:
 - (i) four years' cumulative service experience in a military law enforcement occupational specialty;
 - (ii) two years' cumulative service experience in a military law enforcement occupational specialty, and completion of a two-year or more degree from a regionally accredited postsecondary education institution; or
 - (iii) four years' cumulative experience as a full-time peace officer in another state combined with cumulative service experience in a military law enforcement occupational specialty.

(b) A person is eligible to take the reciprocity examination if the person has relevant military experience and:

(1) has been honorably discharged from military active service as evidenced by the most recent form DD-214; or

(2) is currently in active service as evidenced by:

(i) active duty orders providing service time in military police specialty;

(ii) a United States Department of Defense Manpower Data Center status report pursuant to Service Members Civil Relief Act, active duty status report; or

(iii) Military Personnel Center assignment information.

(c) A person who passed the examination under paragraph (b), clause (2), shall not be eligible to be licensed as a peace officer until honorably discharged as evidenced by the most recent form DD-214.

History: 1Sp2001 c 8 art 7 s 5; 2009 c 94 art 3 s 20; 2013 c 142 art 4 s 11; 2014 c 268 s 1

RECIPROCITY COMPARISONS

Accountants

“Substantial Equivalency”

Anyone who holds a license in another state that this substantially equivalent to MN license is presumed licensed and can practice in MN without obtaining a license here and is not required to obtain a license.

Cosmetology

“Non-resident licenses”

Issued if the person attended school with the same or greater school hour requirements, active license in another state or country, passed a board-approved theory and practice-based exam, and passed the MN-specific written operator exam.

Dentistry

Graduate from a program accredited by the Commission on Dental Accreditation, pass all components of National Board Dental Examination, licensed in another state or Canada, 2000 hours of active practice within the last 36 months.

Family and Marriage Counselor

- 1) Licensed in another jurisdiction less than 5 years: May issue MN license if requirements for that other jurisdiction are substantially similar.
- 2) Licensed in another jurisdiction greater than 5 years: Board may issue license for work experience of a minimum of 5 years. Board will determine level of license.

Pharmacist

- 1) Will issue license if graduate of school of pharmacy in good standing.
- 2) Graduate of school outside of US or school not in good standing can take exam to gain license.

Physician

“Interstate Medical License Compact”

Physician has to establish principle state license (where at least 25% of practice occurs). Can then apply for expedited licenses in other states. The principle state provides a letter of qualification to other member states.

Private Detective or Protective Agent

6000 hours of work history as a licensed private detective or protective agent OR in an occupation of similar scope, responsibility and training OR US government investigative service OR city police department or Sheriff's office.

Respiratory Therapist

Credentialed by the National Board for Respiratory Care, hold a license in another state, worked at least 8 weeks in the previous 5 years as a respiratory therapist.

Social Work

“Licensure by Endorsement”

- 1) Active license or credential in another jurisdiction
- 2) Appropriate bachelor's degree
- 3) 4000 hours of work history in the other jurisdiction

Veterinarian

- 1) Licensed to practice in any other state or Canada
- 2) Practiced or taught veterinary medicine in three of the last 5 years

PPOE Discussion

Current Statute and Rules on PPOE

626.843 RULES, STANDARDS; EXECUTIVE DIRECTOR.

Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

(1) the certification of postsecondary schools to provide programs of professional peace officer education;

(2) minimum courses of study and equipment and facilities to be required at each certified school within the state;

(3) minimum qualifications for coordinators and instructors at certified schools offering a program of professional peace officer education located within this state;

(4) minimum standards of physical, mental, and educational fitness which shall govern the admission to professional peace officer education programs and the licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota State Patrol;

(7) a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;

6700.0100 Definitions,

Subp. 5a. Professional peace officer education. "Professional peace officer education" means:

- A. a postsecondary degree that includes instruction as specified in part [6700.0300](#), subpart 1; or
- B. a postsecondary certificate that includes instruction as specified in part [6700.0300](#), subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 10. Coordinator. "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage the day-to-day activities of the professional peace officer education program.

Subp. 17. Instructor. "Instructor" means a person who is recognized as being qualified to teach in a school or board-approved continuing education course.

Subp. 20. School. "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 22. Postsecondary degree. "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. Postsecondary certificate. "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. Certified school. "Certified school" means a school that has been given certification.

Subp. 25. Classroom discrimination. "Classroom discrimination" means oral, written, graphic, or physical conduct directed against any person or group of persons because of their race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, disability, or veteran's status that has the purpose or reasonably foreseeable effect of demeaning or intimidating that person or group of persons.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include instruction in the learning objectives approved by the board and based on the following subject areas:

- A. history and overview of the criminal justice system;
- B. Minnesota statute law;
- C. constitutional law and criminal procedure;
- D. juvenile justice system and procedure;
- E. patrol procedures;
- F. criminal investigation and testifying;
- G. human behavior and crisis intervention;
- H. defensive tactics and use of force; and
- I. cultural awareness and response to crime victims.

The organization of the curriculum and the location of delivery of curriculum components is the responsibility of the certified school's governing body.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1 and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts [6700.0100](#) to [6700.1800](#) precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may revise the learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1. These revisions must be incorporated into the professional peace officer education of the certified program.

Subp. 5. **Participation requirements.**

- A. All certified schools shall develop standards for admission to the professional peace officer education courses. These standards must measure the student's likelihood of successful completion of the program.
- B. No student may be admitted to the professional peace officer program who:
 - (1) poses a serious threat to the health or safety of themselves or others; or
 - (2) has been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part [6700.0700](#), subpart 1, item F.
- C. If a student is denied admission or participation in the professional peace officer education program because of any of the requirements in item A or B, the certified school

shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the program because of any of the requirements in item A or B.

D. Prior to admission to the professional peace officer education program, all students must be advised in writing of the minimum selection standards under part [6700.0700](#), using an advisory form developed by the board. In addition, students shall be advised in writing of the credit transfer agreements which the certified program has established with upper division institutions in Minnesota.

Subp. 6. **Certified school's responsibilities.** The certified school's responsibilities include the following:

A. The certified school shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education.

B. The certified school shall implement a records retention schedule requiring that curriculum materials used in the delivery of professional peace officer education be retained for five years. The materials must include course outlines, bibliographies, and other materials which would document the contents of the certified school's curriculum. This document applies to courses offered both on the certified school's campus and at any contracted extended sites.

C. The chief executive officer of the certified school shall, by October 1 of each year, file with the board an affirmative action plan and such other relevant information as the board may require. The affirmative action plan must include specific goals and objectives which describe measurable statements of performance for the recruitment and retention of minority students and women in the certified school's professional peace officer education program. By September 1 of each year, the chief executive officer of the certified school shall submit a written report to the board evaluating the effectiveness of the special goals and objectives included in the affirmative action plan from the previous year. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

D. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

Subp. 8. **Safety policies required.** Each certified school shall implement a formal written safety policy which incorporates specific rules, procedures, and protocols to ensure student and faculty safety as well as provide a safe, humane, and educationally sound learning environment. These policies must contain at least:

- A. a process for students to identify any preexisting injuries or medical restrictions which may affect their ability to safely participate in the training;
- B. a prohibition against unduly harsh training activities, or training activities which are designed to humiliate or inappropriately accentuate student shortcomings;
- C. a process for written documentation of details associated with any student injury which occurs during any training course. Specific injury trends and any particularly high risk training practices or techniques shall be evaluated, amended, or eliminated if safe environments cannot be ensured;
- D. guidelines to direct instructors to reduce instructional pace and intensity during heat waves, cold waves, or other adverse climatic or environmental conditions; and
- E. a prohibition against depriving students of necessary food, water, or protective equipment when engaged in physical or psychomotor skills training.

Subp. 9. **Policies provided.** Students and faculty shall be provided with a copy of the written safety policy required in subpart 8. Instructors shall review this policy prior to any psychomotor skills training.

Subp. 10. **Documentation of completion.** The registrar's office of each certified school shall retain documentation on an official school transcript which indicates the manner in which the student completed the professional peace officer education courses.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. All applications for certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Minnesota Office of Higher Education.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

- A. Not later than one year from the granting of provisional certification, the board shall grant or deny certification. Certification shall remain contingent upon periodic review by the board or by the executive director in addition to the requirements for a renewal application every five years as provided by item C.
- B. Before a certified school offers any course from the professional peace officer education program at another site not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved.
- C. By May 1, 1990, and every five years after that, the board must send a renewal application form to all certified schools. This application form must request information regarding the criteria contained in subpart 1. The coordinator must file the completed application with the

board by November 1 of the year the application form was received. All applications for renewal of certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Minnesota Office of Higher Education. Upon review of the properly filed application form, the board shall renew the school's certification for another five years, if the board finds that the requirements of subpart 1 have been met. If a certified school does not comply with the requirements of this subpart, the school's certification will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

- A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part [6700.0300](#), subpart 1;
- B. filing with the board all information which the board requires;
- C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;
- D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation; and
- E. failure to comply with parts [6700.0300](#) to [6700.0500](#).

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

Subp. 6. **Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts [1400.5100](#) to [1400.8400](#).

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

- A. the person to whom the formal complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions that may be imposed if a complaint is sustained;
- D. the appeal process for the offending party;
- E. the process that will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.**

The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

Subp. 3. **Complaints.** Complaints which allege classroom discrimination at a certified school must be processed according to the written procedures adopted by the certified school required in subpart 1.

IADLEST AUDIT LIST FOR RULES

POST Board Rules Overhaul – 12/2020

Note: Grey highlights are comments from IADLEST Audit related to current or proposed rules

1. Peace Officer Conduct

Standards of conduct

6700.1500 (Standards of Conduct for Peace Officers): We like how this section says the Board does not intervene in internal disciplinary processes or actions, but reserves and retains the right to act against an officer's license independent of agency authority.

- 6700.1600 (Violations of Standards of Conduct): RECOMMENDATION: Prohibited conduct should include intimidation, coercion, and other abuses of power and abusing the power of the badge.

- 6700.1610 (Reporting Obligations and Cooperation) Subpart 1: RECOMMENDATION: The chief law enforcement officer should also be required to report to the Board any allegations of misconduct of which she or he becomes aware.

Misconduct

Reporting Requirements

Disciplinary Actions

2. Complaints

Procedures for complaint filing with Board/LEA

Initiated with Board

Initiated with LEA

- 6700.1710 (Disciplinary Actions for Violations of Administrative Rules): RECOMMENDATION: There should be a written procedure for initiating and conducting investigations and for adjudicatory hearings. The Board should also invoke or establish subpoena powers consistent with state statutes.

- Clarify or establish in statute or rule the POST Board's subpoena powers.

3. Peace Officer Licensing Requirements

License Statuses

Initial

MN PPOE Graduates

Military Law Enforcement Experience

Reciprocity with other states - Transfer of license from other states

Renewal Requirements

On time

Late/Expired/Restoration

4. Testing/Licensing Exams

Eligibility to take exams

Retesting

Expiration of passing tests

Cheating

5. Continuing Education

Requirements, general
Mandated CEs
Sponsors/Sponsor accreditation
Reporting

RECOMMENDATION: Completion rosters should also be submitted to the Board.

RECOMMENDATION: All mandatory classes and topics should have statewide, standardized lesson plans approved by the Board for valid, consistent, uniform training and to assure EVERY officer gets the best training, and recognizes the transportable nature of a police officer's license. Lesson plans should be made publically available to aid in transparency.

RECOMMENDATIONS: The lesson plan should be required to be in narrative format (rather than an outline), and instructors should be certified (see below), rather than simply undergo a résumé review
RECOMMENDATION: An instructor certification system should be established to formally set minimum standards and processes to ensure instructors are eminently qualified in the subject area and adept at imparting knowledge and skills. The following should be evaluated, with each topic area having a separate certification:

- a. Years of service in the profession related to the topic
- b. Years of experience within the topic area
- c. Advanced training and specialized education related to the topic
- d. Instructor development training that includes principles of adult learning and practice teaching/skill development
- e. Time spent teaching and training
- f. Instructor's service record (if applicable)
- g. Consider having a two-step program wherein new instructors with limited or no teaching experience are required to perform an internship where they co teach with an experienced trainer who then mentors and evaluates the new instructor.
- h. Development of a decertification process for certified instructors who have demonstrated inappropriate behaviors or ineffectiveness as an instructor.

5. Mandated Policies

6. Requirements for Chief Law Enforcement Officers (CLEOS)

Training
Reporting

626.845 (Powers and Duties) Subdivision 1, section (9): The Board does not have a requirement for departments to proactively report and provide "criminal conviction data" to the Board, instead, the Board is required to request it.

- 6700.1400 (Inactive Status of Peace Officer Licenses) Subpart 1: RECOMMENDATION: The notification to the Board should also include the reason for the separation

7. Compliance Reviews/Audits of Law Enforcement Agencies

8. School Requirements

Certification of Schools
Recertification

RECOMMENDATION: While the requirement to recertify and the ability to address problems during the interim is good, a 3-year renewal/review cycle would better address potential and unseen issues in a timely manner to make sure programs continue to deliver education and training at an exemplary level.

Professional Peace Officer Education (PPOE) Coordinators
Admission Standards

Classroom Discrimination Instructors

- Develop and implement an instructor certification and recertification process: o Several states have model instructor certification processes and criteria; although no two of them are just alike. o The instructor certification criteria should include IADLEST's Nationally Certified Instructor criteria and qualifications.
- 6700.0300 (Professional Peace Officer Education) Subpart 1 allows, "The organization of the curriculum...is the responsibility of the certified school's governing body." RECOMMENDATION: There should be a standardized basic curriculum statewide that includes standardized instruction goals, objectives, and lesson plans for consistency and uniformity.
- Subpart 6, paragraph B mandates that "peace officer education be retained for five years." RECOMMENDATION: These should be permanent records – or at least 50- year records.

9. PPOE/Training (PPOE= Professional Peace Officer Education)

Preservice

Skills

Mandated

Learning Objectives

Curriculum:

Best practices would have the Board create lesson plans that are the foundation for PPOE training and education.

10. Part-time Peace Officers

- 6700.1110 (Supervision of Part-Time Peace Officer): RECOMMENDATION: In addition to the other requirements listed, the written policy for part-time officers should require a list of circumstances when a part-time officer must contact a supervising officer.

MISC

- Clarify the supervision of the POST Board's Executive Director in statute or rule.
- Clarify or establish in statute or rule the POST Board's subpoena powers.
- Omit unrelated statutory references in POST Rules that are not directly related