



Minnesota Board of Peace Officer Standards and Training

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Advisory Committee on Post Board Rules Overhaul January 25, 2022 1 p.m. - 4 p.m.

1. Welcome/Housekeeping/Roll Call
2. Agenda Approval
3. Minutes – January 4, 2022
4. Minnesota Specific Training Subgroup
5. Update/Discussion/Review of next steps
6. Prioritized Draft V7
7. Adjournment

Next meetings:

February 15, from 1-4 pm

March 8, from 1-4 pm

March 29, from 1-4 pm

April 19 from 1-4 pm

May 10, from 1-4 pm

May 31, from 1-4 pm

June 21, from 1-4 pm

**MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING**

**Advisory Committee on POST Board Rules Overhaul Meeting
Minutes
Electronic Meeting via Microsoft Teams
January 4, 2022**

Members Present

Aaron Suomala-Fokerds
Michelle Gross
Elisabeth Lee
Bryan Litsey
Tracy Stille
Gwen Degroff-Gunter
David Bicking
Pat Nelson
Steven Soyka
Theresa Paulson
Jack Serier
Elliot Butay
Raj Sethuraju
Craig Enevoldsen
Bill Bolt

Members Absent

Vincent Do
Jean Cemensky
Sherisse Truesdale-Moore
Mark Fahning
Sara Edel

Staff Present

Erik Misselt
Mike Meehan
Rebecca Gaspard

Others Present*

*Invitation to listen to the live meeting was listed on the website.

Note: Due to ongoing COVID-related restrictions for state meetings and CDC guidelines, this meeting was held online. A link to observe the meeting was posted on the POST website.

Gaspard began the meeting at 1:03 pm.

Approval of the Agenda: The committee accepted the agenda as proposed.

Approval of December 22, 2021 Meeting Minutes: The committee accepted the minutes as drafted.

Minnesota Specific Training Subcommittee: Nelson reported the subcommittee met and reviewed training available through MN League of Cities, requirements in other states, and information. The subcommittee meets again in two weeks.

Updates: Gaspard reported that the Board's Rules Committee planned to recommend that the Board proceed with a prioritized rules draft addressing background investigations, psychological screenings, minimum selection standards and standards of conduct. If the board chooses to move a prioritized draft ahead, the Advisory Committee will be asked to provide a written report with recommendations to the board.

Background Investigations: There was significant discussion of the difficulty for a small LEA needing a full background check for a currently employed LEO picking up a few additional shifts as backup for the small LEA. Bolt gave the example of an officer employed by a different agency that would pick up one shift a month – total of 12 shifts a year. There was general agreement that a background investigation could be limited to a criminal history and driving record check for supplemental officers currently employed by another LEA.

Psychological Examination: The issue of supplemental officers was considered. Some members suggested mirroring language from background investigations regarding supplemental officers already employed by another LEA. Other members identified concerns that there were officers who may be a concern who would not be identified if no screening occurs. It was noted that nothing would prevent an agency from conducting a screening. There was general agreement that a screening should not be required when a LEA employs a supplemental officer who is already employed (and therefore has been screened) at another agency.

Minimum Selection Standards:

- Medical training: Committee again discussed licensure requirements for having training in providing medical aid (EMR/EMT/Tactical Combat Casualty Care/First Aid & CPR). Several committee members stated EMR training or certification was an expectation of the public as officers were expected to render aid and were often first on scene where someone needs stabilization. Some members specifically stated current certification should be required. The committee reached consensus again that the requirement should be that the applicant has EMR or the military equivalent training or obtains it within 6 months of hire.
- Minimum age of 18 was raised, and discussion tabled until the committee reviews the final draft for consensus

Standards of Conduct:

- Subp 4, Item A: There was extensive discussion about the language related to commit or be convicted of offenses that would bar licensure. Issues of due process, standards of proof, the different uses of the word “commit” were raised. The committee considered the alternative use of “engaged in” and tabled the topic for the next meeting.
- Subp. 4, Item D: Additional discussion related to whether a baptist church could be considered an extremist organization because of that church’s bias against women and other protected class groups, and whether an officer could be subject to discipline based on that negative religious belief. Bolt proposed removing “...refusal to recognize the civil rights...” as a way of removing a baptist church from a possible designation as an extremist group. Paulson raised the issue of mens rea if the only standard left was “hatred”. Butay identified the racialized history of charges related to criminal gang. Paulson suggested including the language “creates the appearance of impropriety”.

The meeting was adjourned at 3:59.

Green = recent changes **Blue** = changes after the V7 draft sent to advisory committee

1.1 Peace Officer Standards and Training Board

6700.0100 Definitions

Subp. X. Discriminatory Conduct. Discriminatory conduct means a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, or public assistance or any other protected class as defined in Minnesota statutes, or federal law; and would lead an objectively reasonable person to conclude that the individual may not perform the duties of a peace officer in a fair and impartial manner.

Subp. X. Extremist Group. "Extremist group" means a group that utilizes the unlawful use or threat of force in furtherance of an ideological agenda derived from bias against a person or group or anti-government or anti-authority sentiment, including opposition to perceived economic, social, or racial hierarchies, or perceived government overreach, negligence, or illegitimacy.

Subp. X. Hate Group. "Hate group" means an organization that supports, advocates for, threatens, or practices violence toward any group of persons based on their race, ethnicity, nationality, religion, gender, gender identity, sexual orientation, disability or a protected class under Minnesota or federal law.

6700.0100 Definitions

6700.0601 EXAMINATION STANDARDS.

Subpart 1. Grounds for denial. Violations of the following standards shall be grounds to deny an applicant to take an examination or to deny or revoke eligibility for a license:

G. ~~having been convicted of any crime listed as a disqualification from appointment to the position of failing to meet the minimum selection standards for licensure as a peace officer under part 6700.0700, subpart 1, item F.~~

~~Subp. 2. Disciplinary proceedings. Disciplinary hearings under this rule shall be conducted pursuant to Minnesota Statutes, section 214.10, subdivisions 2 to 5; parts 1400.5100 to 1400.8400; the Administrative Procedure Act, Minnesota Statutes, sections 14.001 to 14.69; and the rules of the Office of Administrative Hearings, chapter 1400. The requirement to notify the chief law enforcement officer shall be waived if the person does not currently possess a license.~~

~~Subp. 3. Suspension or revocation of license. If the board receives a complaint which alleges a violation of subpart 1 after the person receives a license, the board shall begin proceedings to suspend or revoke the license.~~

1.2 Proposed Permanent Rules Relating to Education and Licensing of Peace Officers

1.3 6700.0670 BACKGROUND INVESTIGATION.

1.4 Subpart 1. Applicants.

1.5 A. Each applicant for employment as a peace officer must provide a personal

1.6 history statement with the application. The statement must include:

1.7 (1) background information on the topics addressed in subpart 2;

1.8 (2) a list of current and former names or aliases used by the applicant;

1.9 (3) a complete list of all law enforcement agencies the applicant has applied

- 1.10 to in the previous six years;
- 1.11 (4) a signed declaration ~~acknowledging under penalty of perjury~~ attesting
that all of
- 1.12 the information the applicant has provided during the background investigation and in the
- 1.13 personal history statement is true and correct to the best of the applicant’s knowledge;
- 1.14 (5) a signed release allowing background investigation information to be
- 1.15 shared with the board and with other law enforcement agencies on request; and
- 1.16 (6) any additional information the applicant wishes to include.
- 1.17 B. Each applicant must consent to, disclose, and facilitate a review of social media
- 1.18 accounts, platforms, and groups in which the applicant has participated to the extent permitted
by law. An applicant is not
- 1.19 required to provide login information.
- 1.20 C. Each applicant who is currently or previously licensed as a peace officer must
- 1.21 authorize the release to the employing agency and board of the officer’s personnel files,
- 1.22 including disciplinary, termination, civil or criminal investigation, ~~or and~~ records or
information that are directly related to licensure.

2.1 D. Each applicant who is currently or previously licensed as a peace officer must
 2.2 disclose any sustained conduct as a peace officer that resulted or may result in an
 2.3 impeachment disclosure or Brady-Giglio impairment.

2.4 Subp. 2. **Requirements for background investigation.**

2.5 A. Before employing an unlicensed or licensed applicant in a peace officer position,
 2.6 the law enforcement agency must complete a background investigation on the applicant
 2.7 except as stated in Item B. The background investigation must be completed no earlier
 2.8 than six months prior to the agency’s offer of employment to an applicant. The background
 2.9 investigation may not be conducted by the chief law enforcement officer or by anyone
 2.10 involved in selection of applicants for peace officer positions and must comply with
 2.11 Minnesota Statutes, section 363A.08, subdivision 4, paragraph (a), clause (1). Nothing in this
 2.12 chapter precludes a LEA from performing a more stringent background check. A background
 2.13 investigation must address the following elements:

2.14 (1) United States citizenship status or verification that the applicant is eligible
 2.15 to work in the United States under federal requirements;

2.16 (2) criminal history and arrests identified by means of electronic data transfer,
 2.17 criminal records, histories, and warrant information through current state and federal systems
 2.18 such as the Minnesota Crime Information System and the National Instant Criminal
 2.19 Background Check System;

2.20 (3) Minnesota driving records and other states’ driving records as
 2.21 applicable;

2.22 (4) drug and alcohol use;

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

(6) education verification;

(7) employment history;

- 3.1 (8) military history verification;
- 3.2 (9) personal and professional references, such as friends, associates, family
- 3.3 members, and neighbors;
- 3.4 (10) personal interview. Personal interviews may occur before, during, and
- 3.5 after the investigation and may be used to discuss, among other topics, any arrest or
- 3.6 conviction records and any discrepancies or concerns raised in the investigation;
- 3.7 (11) residential history;
- 3.8 (12) records checks, such as open sources, ~~or~~ social media, and financial
- 3.9 information, as permitted by law; and
- 3.10 (13) inquiry to the local prosecuting authority and law enforcement agency
- 3.11 in any jurisdiction in which
- 3.12 the applicant has served as a peace officer as to whether the applicant has any potential
- 3.13 impeachment disclosure or Brady-Giglio impairment.

B. A LEA hiring an applicant for a seasonal or temporary supplemental position and who is currently employed as a peace officer by another Minnesota LEA may choose to limit the scope of the background investigation to a criminal history check and a driving records check

- 3.13 B. C. Results of the background investigation must be retained by the law
- 3.14 enforcement agency for the duration of any resulting employment. If the applicant
- 3.15 is not employed by
- 3.16 the agency, the background investigation must be retained for six years or as required by
- 3.17 the agency’s retention schedule, whichever is longer.

Subp. 3. Chief law enforcement officer.

- 3.16 A. The chief law enforcement officer must ensure that the board is notified as soon as possible
- 3.17 but no later than ten days after the date that:
- 3.18 (1) a background investigation is initiated, giving the applicant’s full name,
- 3.19 date of birth, and peace officer license number, if applicable; and
- 3.20 (2) a background investigation identifies:
- 3.21 (a) a disqualifying offense under the minimum selection standards in
- 3.22 part 6700.0700, giving the specific offense or offenses; or
- 3.23

4.1 (b) for a licensed peace officer, a violation of standards of conduct under
4.2 part 6700.1500.

4.3 B. When an applicant who is a currently licensed peace officer is identified through
4.4 a background investigation as having a disqualifying offense, the board must notify the law
4.5 enforcement agency employing that officer.

4.6 **6700.0675 PSYCHOLOGICAL SCREENING.**

4.7 A. A preemployment psychological screening of an applicant for a peace officer
4.8 position must be conducted after a conditional job offer by a law enforcement agency and
4.9 must be conducted only by a psychologist licensed in Minnesota or the state in which the
4.10 psychologist practices, except as identified in part E. The screening must include:

4.11 (1) a written psychological test battery relevant to the responsibilities of a
4.12 peace officer and the preemployment psychological screening criteria established by the
4.13 law enforcement agency;

4.14 (2) an in-person or virtual interview conducted by the psychologist;
4.15 (3) to the extent possible as determined by the psychologist, an evaluation

4.16 of a predisposition on the part of the applicant to engage in discriminatory conduct as defined

4.17 in part 6700.0100; and

4.18 (4) a written report provided by the psychologist in the manner requested by
4.19 the law enforcement agency that addresses the psychological demands of a peace officer's
4.20 responsibilities and an evaluation of any emotional or mental condition that might adversely
4.21 affect the performance of the duties as a peace officer.

4.22 B. The psychological screening must conform to the standards of the Americans
4.23 with Disabilities Act (ADA), United States Code, title 42, section 1210.

5.1 C. Psychological screenings older than one year are no longer valid for the purpose
5.2 of satisfying the preemployment psychological screening requirement.

5.3 D. The psychologist's written report on the psychological screening must be retained by the agency
for the duration of any resulting employment. If the applicant is not employed by the agency, the
report must be retained for six years or as required by the agency's retention schedule,
whichever is longer.

E. An agency may choose not to complete a psychological screening of the applicant when:

- 1) the position being filled is for a seasonal or temporary position ; and
- 2) the applicant is currently employed in Minnesota as a peace officer by a different LEA.

5.4 **6700.0700 MINIMUM SELECTION STANDARDS.**

5.5 Subpart 1. ~~Selection standards~~ **Certified applicants not yet licensed.** A person
5.6 eligible to be licensed shall meet the following minimum selection standards before being
5.7 appointed to the position of peace officer. The appointing authority may affirm that the
5.8 applicant has already completed certain of these standards, but the affirmation must be

- 5.9 documented pursuant to subpart 2. An applicant ~~certified~~ **accepted** by the board as having
5.10 met the
5.11 preliminary licensing requirements may apply for a peace officer position with a law
5.12 enforcement agency (LEA). Prior to employment, **the chief law enforcement officer**
5.13 **(CLEO) of the** LEA must establish and document
5.14 that the following minimum selection standards are met by the applicant. The applicant
5.15 must:
5.16 A. ~~The applicant shall~~ be a citizen of the United States; or eligible to work in the
5.17 United States under federal requirements;
5.18 B. ~~The applicant shall~~ possess a valid Minnesota driver's license; or in case of
5.19 residency therein, when residing in another state, a valid driver's license from another that
5.20 state; or eligibility to obtain either license.;
5.21 C. ~~The applicant shall complete a comprehensive written application. submit to~~
5.22 a psychological screening that meets the requirements of part 6700.0675;
5.23 D. ~~The applicant shall submit to provide a complete personal history using a form~~
5.24 provided by the law enforcement agency and submit to a thorough background search,
5.25 including searches by local, state, and federal agencies, to disclose the existence of any
5.26 criminal record or conduct which would adversely affect the performance by the applicant
of peace officer duties. investigation conducted by the agency that meets the requirements
of part 6700.0670;

6.1 E. ~~The applicant must not be required to register as a predatory offender under~~
6.2 ~~Minnesota Statutes, section 243.166 or 243.167.~~

6.3 F. E. No applicant may be appointed to the position of peace officer who has never
6.4 have not been convicted in this state or in any other jurisdiction of the same or similar
offenses identified as follows:

- 6.5 (1) of a felony in this state or in any other state or federal jurisdiction;
- 6.6 ~~(2) (1) of a felony in Minnesota or an offense in another jurisdiction that would be a~~
felony if committed in Minnesota

6.7 ~~would be have been a felony if committed in Minnesota;~~

6.9 ~~(3) under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325,~~
~~609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3;~~

6.11 ~~or convicted under any state or federal narcotics or controlled substance law irrespective~~
6.12 ~~of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another~~
6.13 ~~state or federal law; or~~

- 6.14 (4) ~~of any of the crimes listed in this item in another state or federal~~
- 6.15 ~~jurisdiction, or under a local ordinance that would be a conviction if committed in Minnesota.~~

6.11 (2) any of the following nonfelony offenses or the equivalent in another
jurisdiction:

- 6.16 :
- 6.17 (a) gross misdemeanor assault in the fifth degree under Minnesota
- 6.18 Statutes, section 609.224;

- 6.19 (b) bias crimes, including assaults motivated by bias under Minnesota
- 6.20 Statutes, section 609.2231, subdivision 4, and criminal damage to property under Minnesota
- 6.21 Statutes, section 609.595, subdivision 2, paragraph (b);

- 6.22 (c) domestic assault under Minnesota Statutes, section 609.2242;
- 6.23 (d) violation of a domestic abuse no contact order under Minnesota
- 6.24 Statutes, section 629.75, subdivision 2;

- 7.1 (e) violation of an order for protection under Minnesota Statutes, section
 7.2 518B.01, subdivision 14;
 7.3 (f) harassment or stalking under Minnesota Statutes, section 609.749;
 7.4 (g) violation of a harassment restraining order under Minnesota Statutes,
 7.5 section 609.748, subdivision 6;
 7.6 (h) sexual extortion under Minnesota Statutes, section 609.3458; (~~Laws~~
 7.7 ~~2021, First Special Session, chapter 11, article 4, section 22)~~
 7.8 (i) any offense that would require the applicant to be registered as a
 7.9 predatory offender under Minnesota Statutes, section 243.166 or 243.167;
 7.10 (j) criminal sexual conduct under Minnesota Statutes,
 7.11 sections 609.341 through 609.3451;
 7.12 (k) indecent exposure under Minnesota Statutes, section 617.23.
 7.13 (~~k~~) (l) any mistreatment of a vulnerable adult, including under Minnesota
 7.14 Statutes, sections 609.23; 609.2231; 609.231; 609.2325; 609.233; 609.2335; 609.234; 609.72
 7.15 and 626.557, subdivision 3;
 7.16 (~~l~~)(m) patrons of prostitution under Minnesota Statutes, section 609.324,
 7.17 subdivision 2;
 7.18 (~~m~~)(n) making false claims for profit to a public body or officer under
 7.19 Minnesota Statutes, section 609.465;
 7.20 (~~n~~) (o) attempting medical assistance fraud under Minnesota Statutes,
 7.21 section 609.466;
 7.22 (~~o~~)(p) theft under Minnesota Statutes, section 609.52, except that
 7.23 misdemeanor theft of movable property valued at \$500 or less is not an automatic
 7.24 disqualification;

- 8.1 ~~(p)~~(q) interference with an emergency call under Minnesota Statutes, section
- 8.2 609.78, subdivision 2, clause (1);
- 8.3 ~~(q)~~ (r) nonconsensual dissemination of private sexual images under
- 8.4 Minnesota Statutes, section 617.261;
- 8.5 ~~(r)~~ (s) interference with privacy under Minnesota Statutes, section 609.746;
- 8.6 ~~(s)~~ (t) malicious punishment of a child under Minnesota Statutes, section 609.377;
- 8.8 ~~(t)~~ (u) mistreating animals under Minnesota Statutes, section 343.21;
- 8.9 ~~(u)~~ (v) misconduct of a public officer or public employee under Minnesota Statutes, section 609.43; and
- 8.10 ~~(v)~~(w) narcotics or controlled substance law, excluding any nonfelony
- 8.11 marijuana offenses;
- 8.12 F. not be listed on the National Decertification Index or have had a law enforcement
- 8.13 license, certification, or authorization to serve as a law enforcement officer in any jurisdiction
- 8.14 revoked or rescinded;
- 8.15 G. be free of any indication of discriminatory conduct that would cause a
- 8.16 reasonable person to call into question the applicant’s ability to impartially serve and protect
- 8.17 members of protected groups consistent with the Minnesota Human Rights Act, Minnesota
- 8.18 Statutes, chapter 3263A, and federal law;
- 8.19 H. have no record or indication of participation or support of an extremist group
- 8.20 or hate group as defined in part 6700.0100 if definition necessary;
- 8.21 G. I. The applicant shall be fingerprinted for the purpose of disclosure of any
- 8.22 felony convictions. ~~Fingerprint cards shall,~~ and the fingerprints must be forwarded by the
- 8.23 agency to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal

9.1 Bureau of Investigation. ~~The chief law enforcement officer shall immediately notify the~~
 9.2 ~~board if a previous felony conviction is discovered.;~~

9.3 H. J. A licensed physician or surgeon shall make a thorough medical examination
 9.4 of the applicant to determine that the applicant is be free from any physical condition which
 9.5 that might adversely affect the performance of peace officer duties as established through
 9.6 an exam by a licensed medical professional. Nothing in this clause would prohibit an
 9.7 applicant from requesting a reasonable accommodation under the ADA or Minnesota
 9.8 Human Rights Act;

9.6 I. K. An evaluation, including an oral interview, shall be made by a licensed
 9.7 psychologist to determine that the applicant is free from any emotional or mental condition
 9.8 which might adversely affect the performance of peace officer duties. have passed a
 9.9 psychological screening that was conducted under part 6700.0675,

9.9 J. The applicant shall pass a job-related examination of the applicant's physical
 9.10 strength and agility to demonstrate the possession of physical skills necessary to the
 9.11 accomplishment of the duties and functions of a peace officer.

9.11 K. The applicant shall successfully complete an oral examination conducted by
 9.12 or for the agency to demonstrate the possession of communication skills necessary to the
 9.13 accomplishment of the duties and functions of a peace officer.

9.12 L. current registration as an emergency medical responder, emergency medical
 9.13 technician, or higher; and documented training as an emergency medical responder or military
 9.14 equivalent, or higher, or to be completed within the first 6 calendar months of employment;

9.14 M. be at least 18 years old.

9.15 Subp. 2. **Documentation.** The chief law enforcement officer ~~shall maintain~~
 9.16 must ensure that documentation necessary to show completion compliance with of subpart 1.
is retained by the law enforcement agency for the duration of any resulting employment. If
the applicant is not employed by the agency, the background investigation must be retained
for six years or as required by the agency's retention schedule, whichever is longer.

The chief law enforcement officer is not required to obtain documentation for subpart 1,
 item J, if the applicant completed part 6700.0500, subpart 3. The documentation is subject
 to periodic review by the board, and shall must be made available to the board at its
 request.

9.16 Subp. 3. [Repealed, 18 SR 1961]

- 10 Subp. 4. **More rigid standards.** An appointing authority A law enforcement agency may require an applicant to meet more rigid standards than those prescribed in this part.

~~6700.0701 NOTIFICATION OF CONVICTION. If any background search required by this chapter reveals a conviction of a felony, or the conviction of any crime listed in this chapter, or conviction of a crime which was charged under an ordinance or law of another state but would be a conviction under Minnesota Statutes, section 609.52, if it was charged under state law, the chief law enforcement officer shall immediately notify the board.~~

Note, this is moved to 6700.00670 subp 3 and amended.

6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

Subpart 1. Notification of terminations. The chief law enforcement officer shall notify the board within ten days of all voluntary and involuntary terminations of peace officers. The notification shall include name of licensee, licensee's forwarding address unless licensee requests that this information not be divulged, and date of termination.

Subp. 2. Inactive status. An individual possessing a peace officer license may maintain the license in an inactive status, provided the individual meets the requirements of part 6700.1000, subpart 3.

~~**Subp. 3. Selection standards.** An individual who is appointed to a law enforcement position within three years of the date the individual's license was placed on inactive status shall not be required to comply with selection standards outlined in part 6700.0700, subpart 1. An individual who is appointed to a law enforcement position more than three years after the date that individual's license was placed on inactive status shall be required to comply with selection standards as outlined in part 6700.0700, subpart 1 prior to the first day of employment. For compliance with this subpart, previously completed standards are not acceptable. The chief law enforcement officer shall maintain necessary documentation to show compliance with this subpart. The documentation is subject to periodic review by the board and shall be made available upon request by the board.~~

Subp. 4. Inactive license. An individual who possesses an inactive peace officer license has no peace officer power or authority

6700.1500 STANDARDS OF CONDUCT FOR LICENSEES PEACE OFFICERS.

~~**Subpart 1. Statutory authority.** This part is adopted pursuant to Minnesota Statutes, section 626.843, subdivision 1, clause (e); section 626.845, subdivision 1, clause (i); and chapter 214.~~

~~**Subp. 2. Scope Law Enforcement Agency.** Nothing in parts 6700.0100 to 6700.1800 in this chapter shall preclude or prevent any agency, political subdivision, civil service commission, or other appointing authority law enforcement agency (LEA) from publishing and enforcing adopting rules, policies, or procedures requirements which that are more comprehensive than those minimum statewide exceed the standards set forth hereinafter for a licensed peace officer identified in part xxx in this chapter. When a LEA has adopted more stringent standards, the LEA and not the Board is responsible for enforcing any standard the portion of the standard that exceeds the minimum standard identified in this part. The responsibility for enforcing any rules, policies, or procedures which are more comprehensive than the following minimum standards of conduct remains with the law enforcement agency.~~

~~**Subp. 3. Purpose.** The board believes that in order for the public to have confidence in the integrity and ability of law enforcement, it is paramount that peace officers demonstrate that they are capable of self regulation. The board further believes that internal discipline is properly a function of the appointing authority and its political subdivision. These standards of conduct relate to licensure only and violations thereof do not enlarge on a peace officer's civil or criminal liability in any way.~~

~~**Subp. 4. Standards of Conduct.** A licensed peace officer is subject to discipline up to and including license revocation under part 6700.0710 when the board finds that the officer has violated one or more of the standards of conduct. It is a violation of standards of conduct to:~~

- ~~A. Be convicted or receive a stay of adjudication in any jurisdiction, to engage in for any offense:~~

- (1) ~~an offense~~ conduct that would bar licensure under the minimum selection standards identified in part 6700.0700 Subp. 1 E;
- (2) theft, prostitution, or controlled substance offenses that are not automatic bars to licensure under minimum selection standards in part 6700.0700 Subp. 1 E;
- (3) conduct prohibited by a criminal statute if committed in Minnesota gross misdemeanor or an offense that would be a gross misdemeanor if committed in Minnesota offenses reported in the new data base included an off duty officer who gave a false name and fled an on duty officer on foot, and an officer reported to have obstructed justice, and these could be less than a gross misdemeanor- New since advisory and rules committees 1/13/22
- (4) driving while impaired or under the influence as in 169A.27

B. Falsify or knowingly provide false information to the board, a law enforcement agency, or a court; or other conduct that may lead to an impeachment disclosure or Brady Giglio impairment;

C. Engage in on or off duty discriminatory conduct based on a perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance or any other protected class as defined in local ordinances, Minnesota statutes, or federal law;

D. Undermine or jeopardize public trust in law enforcement, establish a Brady-Giglio impairment, create an appearance of impropriety, or disrupt the cohesive operation of law enforcement by supporting, advocating, or participating in any form, unless sanctioned as part of official duties, in the activities of a white supremacist, hate or extremist group; or criminal gang that promotes:

- 1) Hatred, advocating against or the violation of the civil rights of others or unwillingness to recognize civil rights of others derogatory or harmful actions against others based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status or any protected class as defined in Minnesota Statutes, or federal law;
- 2) the use of threats, force, violence, or criminal activity in efforts to deprive individuals of their civil rights under the Minnesota or United States Constitution; or to achieve goals that are political, religious, discriminatory, or ideological in nature; or
- 3) threats or violence against local, state or U.S. Government or seditious activities.

For the purposes of this clause, "supporting, advocating or participating" means:

- a) dissemination of extremist material; cyber or social media posts, chats, forums, and other forms of promotion of the hate or extremist group's activities or ideology;
- b) display or use of insignia, colors, tattoos, hand signs, slogans, or codes;
- c) financial contributions;
- d) physical or cyber presence in the group's events; or
- e) other conduct that could reasonably be considered support, advocacy or participation.

D. Fail to cooperate with an investigation of the board as required by part 6700.1610, subpart 4;

E. Fail to:

- 1) report crimes of bias or alleged crimes of bias as required under Minnesota Statutes, section 626.5531;
- 2) intercede when observing another licensee using force beyond that which is objectively reasonable as required under 626.8474;
- 3) report in writing within 24 hours to the chief law enforcement officer any use of force violations by another employee or peace officer as required under 626.8474
- 4) report the licensee's arrest or criminal charge, or any violation of standards of conduct to the board and the officer's CLEO within 10 days; or
- 5) comply with any other requirement in this chapter or Minnesota Statutes for peace officers.

F. engage in unreasonable or excessive use of force against a person, or the illegal use of deadly force;

G. Engage in sexual harassment, as defined by Minnesota Statutes, section 363A.03, subd. 43;

H. Misuse a peace officer's authority by:

- (1) the use or attempted use of one's position or authority as a peace officer to obtain a benefit, avoid a detriment or harm another; or
- (2) committing misconduct under MN Statutes sections 609.43;

(3) exceeding the officer's authority in executing a search warrant or executing it with unnecessary severity under Minnesota Statutes 626.22;

- I. be the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;
- J. violate board standards in a required mandatory policy identified in MN Statutes, chapter 626 or this chapter;
- K. engage in conduct prohibited by or listed as grounds for disciplinary action in this chapter; Minnesota Statutes, chapter 214 or 626, or engaging in conduct which violates any statute enforced by the board;
- L. cheat or attempt to subvert the examination process;

Subp. 5. Incapacitation. The license of a peace officer may be suspended or revoked by the board when the officer has been adjudicated by a court in any jurisdiction as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;

~~6700.1600 VIOLATION OF STANDARDS OF CONDUCT.~~ *See revised standards moved to 6700.1500*

~~626.8475~~ *refers to 6700.1600 in duty to intercede with UOF*

Violation of any of the following standards of conduct by a licensee constitutes grounds for disciplinary action:

- A. ~~engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, Minnesota Statutes, chapter 214, or sections 626.84 to 626.90, or engaging in conduct which violates any statute enforced by the board;~~
- B. ~~obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;~~
- C. ~~being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;~~
- D. ~~having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;~~
- E. ~~failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;~~
- F. ~~being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar law of another state or federal law;~~
- G. ~~being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;~~
- H. ~~violating any order issued by the board;~~
- I. ~~practicing outside the scope of Minnesota Statutes, section 626.863;~~
- J. ~~making an intentional false statement or misrepresentation to the board;~~
- K. ~~engaging in sexual penetration or contact without consent, as defined in Minnesota Statutes, section 609.341, or engaging in conduct that violates Minnesota Statutes, section 617.23. Sexual contact does not include contact that is part of standard police procedure such as search and arrest;~~
- L. ~~being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, sections 169A.27; 518B.01, subdivision 14; 609.224; 609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;~~
- M. ~~failing to cooperate with an investigation of the board as required by part 6700.1610, subpart 4;~~
- N. ~~engaging in sexual harassment, as defined by Minnesota Statutes, section 363A.03, subdivision 43;~~

~~O. using deadly force when not authorized by Minnesota Statutes, section [609.066](#); or
 P. being convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section [609.322](#), or any conviction under Minnesota Statutes, section [609.324](#), or being convicted of similar offenses in another state or federal jurisdiction.~~

1600. Standards of Conduct.

Subp. 1 Standards. A licensed peace officer is subject to discipline up to and including license revocation under part 6700.0710 when the board finds that the officer has violated one or more of the standards of conduct. It is a violation of standards of conduct to:

- A. Engage in:
 - 1) conduct that would bar licensure under the minimum selection standards identified in part 6700.0700 Subp. 1 E;
 - 2) theft, prostitution, or controlled substance offenses; conduct that would be a gross misdemeanor in Minnesota;
 - 3) sexual harassment, as defined by Minnesota Statutes, section [363A.03](#), subd. 43;
 - 4) obstruction of justice; or
 - 5) driving while impaired or under the influence.
- B. Falsify or knowingly provide false information to the board, a law enforcement agency, or a court; or other conduct that may lead to an impeachment disclosure or Brady Giglio impairment;
- C. Cheat or attempt to subvert the examination or licensing process;
- D. Regarding use of force:
 - 1) fail to intercede when observing another licensee using force beyond that which is objectively reasonable as required under [626.8474](#);
fail to report in writing within 24 hours to the chief law enforcement officer any use of force violations by another employee or peace officer as required under [626.8474](#); or
 - 2) engage in unreasonable or excessive use of force against a person, or the illegal use of deadly force;
- E. Fail to:
 - 1) report crimes of bias or alleged crimes of bias as required under Minnesota Statutes, section [626.5531](#);
 - 2) report the licensee's arrest or criminal charge, or any violation of standards of conduct to the board and the officer's CLEO within 10 days;
 - 3) fail to cooperate with a board investigation; or
 - 4) comply with any other requirement in this chapter or Minnesota Statutes for peace officers.
- F. Misuse a peace officer's authority by:
 - 1) the use or attempted use of one's position or authority as a peace officer to obtain a benefit, avoid a detriment or harm another; or
 - 2) committing misconduct under MN Statutes sections [609.43](#); or
 - 3) exceeding the officer's authority in executing a search warrant or executing it with unnecessary severity under Minnesota Statutes [626.22](#);
- G. Engage in on or off duty discriminatory conduct based on a perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance or any other protected class as defined in Minnesota statutes; or federal law;
- H. Undermine or jeopardize public trust in law enforcement, establish a Brady-Giglio impairment, create an appearance of impropriety, or disrupt the cohesive operation of law enforcement by supporting, advocating, or participating in any form, unless sanctioned as part of official duties, in the activities of a white supremacist; hate or extremist group; or criminal gang that promotes:
 - 4) the violation of the civil rights of others or derogatory or harmful actions against others based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation,

- gender identity, public assistance status or any protected class as defined in Minnesota Statutes, or federal law;
- 5) the use of threats, force, violence, or criminal activity in efforts to deprive individuals of their civil rights under the Minnesota or United States Constitution; or to achieve goals that are political, religious, discriminatory, or ideological in nature; or
 - 6) threats or violence against local, state or U.S. Government or seditious activities.

For the purposes of this clause, “supporting, advocating or participating” means:

- f) dissemination of extremist material; cyber or social media posts, chats, forums, and other forms of promotion of the group’s activities or ideology;
 - g) display or use of insignia, colors, tattoos, hand signs, slogans, or codes;
 - h) financial contributions;
 - i) physical or cyber presence in the group’s events; or
 - j) other conduct that could reasonably be considered support, advocacy or participation.
- I. be the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;
 - J. violate board standards in a required **mandatory** policy identified in MN Statutes, chapter 626 or this chapter; *maybe should be “violate provisions of a board required agency policy”?*
 - K. engage in conduct prohibited by or listed as grounds for disciplinary action in this chapter; Minnesota Statutes, chapter 214 or 626, or engaging in conduct which violates any statute enforced by the board;

Subp. 2. Incapacitation. The license of a peace officer may be suspended or revoked by the board when the officer has been adjudicated by a court in any jurisdiction as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;

6700.1610 REPORTING OBLIGATIONS AND COOPERATION.

Subpart 1. Reporting conduct violation. A **An unlicensed** person with knowledge of conduct constituting grounds for action under Minnesota Statutes, chapter 214, or the board's regulatory provisions in part 6700.1600 may report the violation to the board.

Subp. 2. Licensee reporting requirement. A licensee **shall must** report to the board and chief law enforcement officer **within 10 days** any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board's regulatory provisions.

Subp. 3. Report submittal requirement. Reports required by this part must be submitted no later than **90 10 days** after learning of the reportable event.

Subp. 4. Cooperation by licensee. A licensee who is the subject of an a board investigation, or who is questioned in connection with an investigation, **shall must** cooperate fully with the investigation. Cooperating includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of records in the licensee's possession relating to matters under investigation, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at conferences or hearings scheduled by the board.

6700.1700 COMPLAINT COMMITTEE. Subpart 1. Definition. For the purpose of this part, “affected parties” means the complainant, the licensee who is subject to the complaint, and the chief law enforcement officer in the agency employing the officer who is a party to the complaint.

Subp. 2. [Repealed, 26 SR 181]

~~Subp. 3. Complaint committee membership. The complaint investigation committee shall consist of three board members who shall supervise the processing of the complaint. At least two of these members shall be peace officers. The board chair shall appoint the complaint investigation committee and the chair.~~

~~Subp. 4. Complaint committee quorum. All three committee members must be present to act, and decisions of the committee shall be by majority vote.~~