



Minnesota Board of Peace Officer Standards and Training

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Advisory Committee on Post Board Rules Overhaul August 22, 2022 10 a.m – 12 noon

1. Welcome/Housekeeping/Roll Call
2. Agenda Approval
3. Minutes May 10, 2022
4. Minutes June 21, 2022
5. Received Comments
6. Introduction of potential changes to the rules draft
7. Adjournment

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

**Advisory Committee on POST Board Rules Overhaul Meeting
Minutes
Electronic Meeting via Microsoft Teams
May 10, 2022**

Members Present

Michelle Gross
Bryan Litsey
Tracy Stille
David Bicking
Steven Soyka
Craig Enevoldsen
Sara Edel
Vincent Do
Theresa Paulson
Mark Fahning

Members Absent

Bill Bolt
Gwen Degroff-Gunter
Jean Cemensky
Jack Serier
Raj Sethuraju
Pat Nelson
Aaron Suomala-Fokerds
Sherisse Truesdale-Moore
Elliot Butay
Elizabeth Lee

Staff Present

Rebecca Gaspard
Mike Meehan
Erik Misselt

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.

Approval of March 29, 2022 Meeting Minutes: The committee accepted the minutes as drafted.

Updates:

- The status of the 4641 rule process and timeline were discussed.
- Wrap-up. Paulson suggested the committee meet in person to celebrate the completion of the committee's work, and it was agreed that the June 21 meeting be an in-person meeting be hosted at the Board.
- The committee agreed to cancel the scheduled May 31 meeting and to return to monthly meetings going forward.

4641 Costs of Implementation: Gaspard asked the committee to consider any implementation costs for agencies or licensees, other than the EMR training. There was discussion regarding the background investigation, the committee agreed that most agencies are already covering the criteria. There was discussion on the number of variables that could influence how long and how costly a background investigation might be. There was agreement that perhaps smaller agencies were not in compliance with the current requirement of background checks.

4750 Second Phase of Rules Overhaul: The committee discussed basic licensing requirements for PPOE grads, reciprocity, and military reciprocity. Preliminary discussion was on federal law enforcement officers and training, minimum standards for "basic police education", how long the oldest credit in a PPOE program could be, how long after completing the PPOE program was a person eligible to take the exam. Misselt noted that he had researched how long the training

was acceptable, and while there was a wide range many fell into the 3-5 years range before the person needed additional training.

Gross volunteered to look into how other licensing boards were handling reciprocity.

Adjournment: The meeting was adjourned at 2:56 pm.

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

**Advisory Committee on POST Board Rules Overhaul Meeting
Minutes
Electronic Meeting via Microsoft Teams
June 21, 2022**

Members Present

Michelle Gross
Bryan Litsey
Tracy Stille
David Bicking
Steven Soyka
Craig Enevoldsen
Sara Edel
Theresa Paulson
Bill Bolt
Aaron Suomala-Fokerds
Sherisse Truesdale-Moore
Elizabeth Lee

Members Absent

Gwen Degroff-Gunter
Jean Cemensky
Jack Serier
Raj Sethuraju
Pat Nelson
Vincent Do
Elliot Butay
Mark Fanning

Staff Present

Rebecca Gaspard
Mike Meehan
Erik Misselt

Others Present*

Kelly McCarthy

*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 1:46 pm.

Approval of the Agenda: The committee accepted the agenda.

Meeting Minutes: No meeting minutes were reviewed.

Updates:

- Craig Enevoldsen is retiring, and is also resigning from the Advisory Committee.
- The committee will meet to review possible rule changes to the 4641 rules draft. Gaspard will schedule the meeting.
- Regular committee meetings will resume in September.

4750 Second Phase of Rules Overhaul:

Test retaking: The committee discussed the number of times a retest should be permitted after failing the licensing test, and discussed requiring a study plan prior to retake.

Adjournment: The meeting was adjourned at 2:56 pm.

1.1 **6700.0100 DEFINITIONS.**

1.2 Subp. 26. **Discriminatory conduct.** "Discriminatory conduct" means a pattern of
 1.3 conduct or a single egregious act that evidences knowing and intentional discrimination
 1.4 based on the actor's perception of a person's race, color, creed, religion, national origin,
 1.5 disability,
 1.6 sex, sexual orientation, gender identity, or public assistance or any other protected class as
 1.7 defined in Minnesota statutes or federal law; and would lead an objectively reasonable
 1.8 person to conclude that doubt the individual may not actor's ability to perform the duties
 1.9 of a peace officer in a fair and impartial manner. discussion

1.8 Subp. 27. **Seasonal position.** "Seasonal position" means a position which is necessary
 1.9 due to recurring seasonal fluctuations in staffing needs and does not exceed 16 consecutive
 1.10 weeks in
 1.11 duration.

1.11 Subp. 28. **Temporary position.** "Temporary position" means a short term of
 1.12 employment with a designated end date of six months or less that may not exceed 300 hours
 1.13 in a year.

1.14 **6700.0601 EXAMINATION STANDARDS.**

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

1.17 *[For text of items A to F, see Minnesota Rules]*

1.18 G. failing to meet the minimum selection standards for licensure as a peace officer
 1.19 under part 6700.0700.

1.20 Subp. 2. [See repealer.]

2.1 Subp. 3. [See repealer.]

2.2 **6700.0670 BACKGROUND INVESTIGATION.**

2.3 Subpart 1. **Applicants.**

2.4 A. Each applicant for employment as a peace officer must provide a personal
2.5 history statement ~~with the application~~ to the agency when the agency initiates a background
investigation. The statement must include:

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

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

2.8 (3) a complete list of all law enforcement agencies the applicant has applied
2.9 to in the previous six years;

2.10 (4) a signed declaration attesting that all of the information the applicant has
2.11 provided during the background investigation and in the personal history statement is true
2.12 and correct to the best of the applicant's knowledge;

2.13 (5) a signed release allowing background investigation information to be
2.14 shared with the board and with other law enforcement agencies on request; and

2.15 (6) any additional information the applicant wishes to include.

2.16 B. Each applicant must consent to, disclose, and facilitate a review of social media
2.17 accounts, platforms, and groups in which the applicant has participated to the extent permitted
2.18 by law. An applicant is not required to provide login information.

2.19 C. Each applicant who is currently or previously licensed as a peace officer must
2.20 authorize the release to the employing law enforcement agency and board of the ~~officer's~~
applicant's personnel files,
2.21 including disciplinary, termination, civil or criminal investigation, and other records or
2.22 information that are directly related to the applicant's fitness for ~~or minimum selection~~
requirements licensure.

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;
- 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.

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

3.5 A. Before employing an unlicensed or licensed applicant in a peace officer position,
3.6 the law enforcement agency must complete a background investigation on the applicant,
3.7 except as stated in item B. The background investigation must be completed no earlier than
3.8 six months prior to the agency's offer of employment to an applicant. The background
3.9 investigation may not be conducted by the chief law enforcement officer or by anyone
3.10 involved in selection of applicants for peace officer positions and must comply with
3.11 Minnesota Statutes, section 363A.08, subdivision 4, paragraph (a), clause (1). Nothing in
3.12 this chapter precludes an agency from performing a more stringent background check. A
3.13 background investigation must address the following elements:

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

3.16 (2) criminal history and arrests identified by means of electronic data transfer,

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;~~

3.20 (3) Minnesota Department of Public Safety, Division of Driver and Vehicle
3.21 Services records and other states' driving records as applicable;

3.22 (4) drug and alcohol use;

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

3.24 (6) education verification;

- 4.1 (7) employment history;
- 4.2 (8) military history verification;
- 4.3 (9) personal and professional references, such as friends, associates, family
- 4.4 members, and neighbors;
- 4.5 (10) personal interview. Personal interviews may occur before, during, and
- 4.6 after the investigation and may be used to discuss, among other topics, any arrest or
- 4.7 conviction records and any discrepancies or concerns raised in the investigation;
- 4.8 (11) residential history;
- 4.9 (12) records checks, such as open sources or social media, and financial
- 4.10 information, as permitted by law; and
- 4.11 (13) inquiry to the **local prosecuting authority** and law enforcement
- 4.12 agencies
- 4.12 in any jurisdiction in which the applicant has served as a peace officer as to whether the
- 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.**

4.14 B. An agency may choose to limit the scope of the background investigation to a

4.15 criminal history check and a driving records check when:

- 4.16 (1) the position being filled is for a seasonal or temporary position; and

4.17 (2) the applicant remains currently employed in Minnesota as a peace officer
4.18 by a different agency as verified in writing by the current employing agency.

4.19 C. Results of the background investigation must be retained by the law enforcement
4.20 agency for the duration of any resulting employment. If the applicant is not employed by
4.21 the agency, the background investigation must be retained for six years or as required by
4.22 the agency's retention schedule, whichever is longer.

5.1 Subp. 3. **Chief law enforcement officer.**

5.2 A. The chief law enforcement officer must notify the board as soon as possible
5.3 but no later than ten days after the date that:

5.4 (1) a background investigation is initiated, giving the applicant's full name,
5.5 date of birth, and peace officer license number, if applicable; and

5.6 (2) a background investigation identifies:

5.7 (a) a disqualifying offense under the minimum selection standards in
5.8 part 6700.0700, giving the specific offense or offenses; or

5.9 (b) for a licensed peace officer, a violation of standards of conduct under
5.10 this chapter.

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

5.13 **6700.0675 PSYCHOLOGICAL SCREENING.**

5.14 A. A pre-employment psychological screening of an applicant for a peace officer
5.15 position must be conducted after a conditional job offer by a law enforcement agency and
5.16 must be conducted only by a psychologist licensed in Minnesota or the state in which the
5.17 psychologist practices. The screening must include:

5.18 (1) a written psychological test battery relevant to the responsibilities of a
5.19 peace officer and the pre-employment psychological screening criteria established by the
5.20 law enforcement agency;

5.21 (2) an in-person or virtual interview conducted by the psychologist;

6.1 (3) to the extent possible as determined by the psychologist, an evaluation
6.2 ~~of a predisposition on the part of the applicant's~~ history of to engage in discriminatory
6.3 conduct as defined
6.4 in part 6700.0100; and

6.4 (4) a written report provided by the psychologist in the manner requested by
6.5 the law enforcement agency that addresses the psychological demands of a peace officer's
6.6 responsibilities and an evaluation of any emotional or mental condition that might adversely
6.7 affect the performance of the duties as a peace officer including discriminatory conduct.

6.8 B. The psychological screening must conform to the standards of the Americans
6.9 with Disabilities Act.

6.10 C. Psychological screenings older than one year are no longer valid for the purpose
6.11 of satisfying the pre-employment psychological screening requirement.

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

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

6.18 (1) the position being filled is for a seasonal or temporary position; and

6.19 (2) the applicant remains currently employed in Minnesota as a peace officer
6.20 by a different agency as verified in writing by the current employing agency.

6.21 **6700.0700 MINIMUM SELECTION STANDARDS.**

6.22 Subpart 1. **Selection standards.** An applicant identified by the board as eligible to
6.23 be licensed or a peace officer currently licensed in Minnesota may apply for a peace officer
6.24 position with a law enforcement agency. Prior to employment, the law enforcement agency

7.1 must establish and document that the following minimum selection standards are met by
7.2 the applicant. The applicant must:

7.3 A. be a citizen of the United States or eligible to work in the United States under
7.4 federal requirements;

7.5 B. possess a valid Minnesota driver's license or, when residing in another state,
7.6 a valid driver's license from that state;

7.7 C. submit to a psychological screening that meets the requirements of part
7.8 6700.0675;

7.9 D. provide a complete personal history using a form provided by the law
7.10 enforcement agency and submit to a thorough background investigation conducted by the
7.11 agency that meets the requirements of part 6700.0670;

7.12 E. not been convicted of:

7.13 (1) a felony in Minnesota or an offense in another jurisdiction that would
7.14 ~~have been~~ be a felony if committed in Minnesota;

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

7.17 (a) gross misdemeanor assault in the fifth degree under Minnesota
7.18 Statutes, section 609.224;

7.19 (b) bias crimes, including assaults motivated by bias under Minnesota
7.20 Statutes, section 609.2231, subdivision 4, and criminal damage to property under Minnesota
7.21 Statutes, section 609.595, subdivision 2, paragraph (b);

7.22 (c) domestic assault under Minnesota Statutes, section 609.2242;

7.23 (d) violation of a domestic abuse no contact order under Minnesota
7.24 Statutes, section 629.75, subdivision 2;

8.1 (e) violation of an order for protection under Minnesota Statutes, section
8.2 518B.01, subdivision 14;

8.3 (f) harassment or stalking under Minnesota Statutes, section 609.749;

8.4 (g) violation of a harassment restraining order under Minnesota Statutes,
8.5 section 609.748, subdivision 6;

8.6 (h) sexual extortion under Minnesota Statutes, section 609.3458;

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

8.8 (j) criminal sexual conduct under Minnesota Statutes, sections 609.341
8.9 to 609.3451;

8.10 (k) indecent exposure under Minnesota Statutes, section 617.23;

8.11 (l) criminal sexual conduct in the fifth degree under Minnesota Statutes,
8.12 section 609.3451;

8.13 (m) any mistreatment of a vulnerable adult, including under Minnesota
8.14 Statutes, sections 609.2231; 609.231; 609.2325; 609.233; 609.2335; 609.234; and 609.72,
8.15 subdivision 3;

8.16 (n) patrons of prostitution under Minnesota Statutes, section 609.324,
8.17 subdivision 2;

8.18 (o) making false claims for profit to a public body or officer under
8.19 Minnesota Statutes, section 609.465;

8.20 (p) attempting medical assistance fraud under Minnesota Statutes, section
8.22 609.466;

9.1 (q) theft under Minnesota Statutes, section 609.52, except that
9.2 misdemeanor theft of movable property valued at \$500 or less is not an automatic
9.3 disqualification;

9.4 (r) interference with an emergency call under Minnesota Statutes, section
9.5 609.78, subdivision 2, clause (1);

9.6 (s) nonconsensual dissemination of private sexual images under
9.7 Minnesota Statutes, section 617.261;

9.8 (t) interference with privacy under Minnesota Statutes, section 609.746;

9.9 (u) malicious punishment of a child under Minnesota Statutes, section
9.10 609.377;

9.11 (v) mistreating animals under Minnesota Statutes, section 343.21;

9.12 (w) misconduct of a public officer or public employee under Minnesota
9.13 Statutes, section 609.43; and

9.14 (x) narcotics or controlled substance law, excluding any nonfelony
9.15 marijuana offenses;

9.16 F. not be listed on the National Decertification Index or have had a law enforcement
9.17 license, certification, or authorization to serve as a law enforcement officer in any jurisdiction
9.18 revoked or rescinded;

9.19 G. be free of ~~any indication of discriminatory conduct that would cause a~~
9.20 ~~reasonable person to call into question the applicant's ability to impartially serve and protect~~
9.21 ~~members of protected groups consistent with the Minnesota Human Rights Act, Minnesota~~
9.22 ~~Statutes, chapter 363A, and federal law;~~

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);

10.1 I. be fingerprinted, and the fingerprints must be forwarded by the agency to the
 10.2 Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The results of
 10.3 the fingerprint check must be maintained in the background investigation report;

10.4 J. be free from any physical condition that ~~might~~ would adversely affect the
 performance

10.5 of peace officer duties, as established through an exam by a licensed medical professional;

10.6 K. have passed a psychological screening that was conducted under part 6700.0675;

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

10.9 M. be at least 18 years old.

10.10 Subp. 2. **Documentation.** The chief law enforcement officer must ensure that
 10.11 documentation necessary to show compliance with subpart 1 is retained by the law
 10.12 enforcement agency for the duration of any resulting employment. If the applicant is not
 10.13 employed by the agency, the background investigation must be retained for six years or as
 10.14 required by the agency's retention schedule, whichever is longer. The documentation is
 10.15 subject to periodic review by the board, and must be made available to the board at its
 10.16 request.

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

10.18 Subp. 4. **More rigid standards.** A law enforcement agency may require ~~an~~its
 applicants

10.19 to meet more rigid standards than those prescribed in this part.

10.20 **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

10.24 to:

11.1 A. engage in:

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

11.3 identified in part 6700.0700, subpart 1, item E, regardless of whether or not the conduct
11.4 results in criminal charges;

11.5 (2) theft, prostitution, or controlled substance offenses;

11.6 (3) conduct identified as a gross misdemeanor in Minnesota;

11.7 (4) sexual harassment, as defined by Minnesota Statutes, section 363A.03,

11.8 subdivision 43;

11.9 (5) obstructing legal process;

11.10 (6) fleeing by means other than a vehicle;

11.11 (7) carrying a pistol while under the influence as defined in xxxx; or

11.12 (8) driving while impaired or under the influence; as defined in xxxx

Is it necessary to define under the influence

11.13 B. falsify or knowingly provide false information to the board, a law enforcement

~~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 that required a Brady-Giglio disclosure by a prosecuting authority;

check with team

11.16 C. cheat or attempt to subvert the examination or licensing process;

11.17 D. regarding use of force:

11.18 (1) fail to intercede when observing another licensee using force beyond that

11.19 which is objectively reasonable as required under Minnesota Statutes, section 626.84745;

11.20 (2) fail to report in writing within 24 hours to the chief law enforcement

11.21 officer any use of force violations by another employee or peace officer as required under

11.22 Minnesota Statutes, section 626.84745; or

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

12.2 E. fail to:

12.3 (1) report crimes of bias or alleged crimes of bias as required under Minnesota
12.4 Statutes, section 626.5531;

12.5 (2) report the licensee's arrest or criminal charge, or any violation of standards
12.6 of conduct to the board and the officer's chief law enforcement officer within ten days;

12.7 (3) cooperate with a board investigation; or

12.8 (4) comply with any other requirement in this chapter or Minnesota statutes
12.9 for peace officers;

12.10 F. misuse a peace officer's authority by:

12.11 (1) the use or attempted use of one's position or authority as a peace officer
12.12 to obtain a benefit, avoid a detriment, or harm another;

12.13 (2) committing misconduct under Minnesota Statutes, section 609.43; or

12.14 (3) maliciously procuring a search warrant, exceeding the officer's authority
12.15 in executing a search warrant, or executing a search warrant with unnecessary severity under
12.16 Minnesota Statutes, section 626.22;

~~12.17 G. engage in on-duty or off-duty discriminatory conduct based on a perception of
12.18 a person's race, color, creed, religion, national origin, disability, sex, sexual orientation,
12.19 gender identity, public assistance or any other protected class as defined in Minnesota
12.20 statutes, or federal law;~~

~~12.21 H. undermine or jeopardize public trust in law enforcement, establish a
12.22 Brady-Giglio impairment, create an appearance of impropriety, or disrupt the cohesive~~

- 13.1 operation of law enforcement by supporting, advocating, or participating ~~in any form~~ as
 13.2 identified in part 6700.1600, subpart 1(I), in the
 13.3 activities of a *white supremacist*, hate, or extremist group or criminal gang that:
- 13.4 (1) promotes ~~derogatory~~ or harmful actions against other persons based on
 13.5 a person's perceived race, color, creed, religion, national origin, disability, sex, sexual
 13.6 orientation, gender identity, public assistance status or any protected class as defined in
 13.7 Minnesota Statutes, or federal law;
- 13.8 (2) promotes the use of threats, force, violence, or criminal activity:
- 13.9 (a) to deprive or attempt to deprive individuals of their civil rights under
 13.10 the Minnesota or United States Constitution; or
- 13.11 (b) to achieve goals that are political, religious, discriminatory, or
 13.12 ideological in nature; or
- 13.13 (3) promotes seditious activities, threats, or violence against local, state, or
 13.14 United States government;
 13.15 as demonstrated by its official statements or principles, the statements of its leaders or members, or
 13.16 its activities
- 13.17 I. support, advocate for, or participate in a white supremacist, hate, or extremist
 13.18 group or criminal gang under item H as demonstrated by:
- 13.19 (1) dissemination of hate or extremist material;
- 13.20 (2) engagement in cyber or social media posts, chats, forums, and other forms
 13.21 of promotion of the group's activities ~~or ideology~~;
- 13.22 (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes
 13.23 associated with the group;
- 13.24 (4) direct financial or in-kind contributions to the group;
- 13.25 (5) a physical or cyber presence in the group's events; or

14.1 (6) other conduct that could reasonably be considered support, advocacy, or
 14.2 participation;

17.1 J. A violation under item H or I does not apply when the conduct is sanctioned by the law enforcement agency as part of the officer's official duties. *Moved from below*

Discussion

J. be the subject of revocation, suspension, or surrender of a peace officer license
 14.3 or certificate in resolution of a complaint or other adverse action relating to licensing or
 14.4 certification in another jurisdiction; or

14.5 K. engage in conduct prohibited by or listed as grounds for disciplinary action in
 14.6 this chapter or Minnesota Statutes, chapter 214, or engaging in conduct which violates any
 14.7 statute enforced by the board.

~~14.8 A violation under item H or I does not apply when the conduct is sanctioned by the law
 14.9 enforcement agency as part of the officer's official duties. *Moved up to new J*~~

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

14.15 **6700.1610 REPORTING OBLIGATIONS AND COOPERATION.**

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

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

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

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

15.8 **6700.1615 REQUIRED AGENCY POLICIES. See Note from team**

15.9 Subpart 1. **Required policy.** The chief law enforcement officer must ensure that the
15.10 agency adopts, implements, and enforces the required policies listed in items A and B.

15.11 A. Each agency must adopt, implement, and enforce policies listed below that are
15.12 based on a **the** board's model policy. An agency may incorporate additional agency specific
15.13 requirements or more stringent requirements in its adopted policy, but must include the
15.14 ~~specific~~ identical or substantially similar provisions of the board's model policy. The board is
not responsible for enforcing
15.15 any agency specific provisions of a required policy:

- 15.16 (1) use of force policy;
- 15.17 (2) eyewitness identification procedures policy;
- 15.18 (3) officer conduct complaint policy;
- 15.19 (4) professional conduct of officers policy;
- 15.20 (5) domestic abuse policy;
- 15.21 (6) racial profiling policy;
- 15.22 (7) investigation of sexual assault policy;
- 15.23 (8) public assembly-first amendment activity policy;

- 16.1 (9) missing and endangered persons policy;
- 16.2 (10) community notification of predatory offender policy;
- 16.3 (11) vehicle pursuit and emergency vehicle operations policy;
- 16.4 (12) criminal conduct on school buses policy;
- 16.5 (13) lighting exemption of law enforcement vehicles policy;
- 16.6 (14) administrative forfeiture policy;
- 16.7 (15) supervision of part-time licensed peace officers policy, applicable only
- 16.8 if the agency employs a part-time officer under Minnesota Statutes, section 626.8468; and
- 16.9 (16) any other required agency policy as established by the legislature or the
- 16.10 board addressing critical public safety and law enforcement procedures.

16.11 B. Each agency must adopt and implement a policy as listed below if the agency

16.12 uses that equipment or device. The agency policy must include any requirements identified

16.13 in statute:

16.14 (1) automated license plate reader policy, applicable only if plate readers are

16.15 used by the agency under Minnesota Statutes, section 626.8472;

16.16 (2) portable recording systems adoption policy, applicable only if the agency

16.17 uses applicable recording systems under Minnesota Statutes, section 626.8473; and

16.18 (3) Use of unmanned aerial vehicles policy, applicable only if the agency

16.19 uses drones or other applicable aerial devices under Minnesota Statutes, section 626.19.

16.20 Subp. 2. **Chief law enforcement officer.** The chief law enforcement officer must

16.21 ensure that:

17.1 A. the current version of each required policy is posted on the law enforcement
 17.2 agency's website. If the agency does not have a website, the policy must be posted in the
 17.3 public area of the agency's physical premises;

17.4 B. a copy of the current version of each required policy is provided on request by
 17.5 an individual or organization;

17.6 C. a copy of the current version of each required policy is provided to each peace
 17.7 officer employed by the agency;

17.8 D. each required policy is reviewed at least annually with each officer;

17.9 E. the agency's adopted policy is enforced at all levels of the agency;

17.10 F. violations of a required policy are reported to the board; and

17.11 G. the policy and training compliance form provided by the board is completed
 17.12 and submitted to the board no later than March 1 of each year.

17.13 **REPEALER.** Minnesota Rules, parts 6700.0601, subparts 2 and 3; 6700.0701; 6700.1400,
 17.14 subpart 3; 6700.1500; 6700.1700, subparts 1, 3, and 4; 6700.2700; 6700.2701; 6700.2702;
 17.15 6700.2703; and 6700.2704, are repealed.