



# Minnesota Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200  
Saint Paul, MN 55104-3825  
(651) 643-3060  
[www.post.state.mn.us](http://www.post.state.mn.us)

## Rules Committee Meeting Agenda May 5, 2022

**10:00 a.m.**

*Due to the pandemic declared, pursuant to MN Statutes Section 13D.021, the meeting will be held online and livestreamed for the public.*

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of 3-22-22 Minutes **ACTION**
4. Status Update
5. Draft SONAR **ACTION**
6. Questions and/or additional discussion
7. Adjournment



# Minnesota Board of Peace Officer Standards and Training

## Rules Committee Meeting Minutes

March 22, 2022

*Due to the pandemic declared,*

*pursuant to MN Statutes Section 13D.021, the meeting was held online and livestreamed for the public.*

### **Members Present**

Justin Terrell, Jason Bennett, Luke Hennen, Kelly McCarthy, and Tanya Gladney.

### **Members Absent**

Pilar Stier

### **Staff Present**

Rebecca Gaspard, Mike Meehan

1. Chair Terrell called the meeting to order at 9:03 am.
2. The agenda was approved.
3. The minutes of February 9, 2022 were approved.
4. Updates: Gaspard briefly reviewed the 7 public meetings/listening sessions held to alert licensees and the public to the upcoming rules activity.
5. Discussion of the draft Advisory Committee Report to the Board: The committee discussed the draft report. Following considerable discussion, focusing on the support and dissent rationales for the 5 areas where the committee could not reach consensus, the committee took no action to amend the proposed rules in the 5 areas.
6. Rules Agenda Items for April Board Meeting: The draft rules will be recommended to the board. The committee will meet in early May (date to be determined) to review the SONAR draft.
7. Questions and/or additional discussion: Chair Terrell asked staff to provide an updated timeline as possible regarding publication dates, comment periods, and further required action by the committee and the board.

Chair Terrell adjourned the meeting at 10:27 a.m.

**UNAPPROVED ROUGH DRAFT**

Minnesota Board of Peace Officer Standards and Training

**STATEMENT OF NEED AND REASONABLENESS**

In the Matter of Proposed Amendments to Minnesota Rule Chapter 6700

Governing the Training and Licensing of Peace Officers

**Revisor's # R-04641**

**June 2022**

General information:

- 1) Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), the Advisory Committee on POST Board Rules Overhaul Report to the Board, and the proposed rule will be available during the public comment period on the Board's website:  
<https://dps.mn.gov/entity/post/Pages/statute-rules.aspx>
- 2) View older rulemaking records at <https://www.revisor.mn.gov/rules/status/>
- 3) Board contact for information, documents, or alternative formats:

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact:

Rebecca Gaspard  
POST Board  
1600 University Avenue West  
Suite 200  
St. Paul, MN 55104  
651-201-7781  
[rebecca.w.gaspard@state.mn.us](mailto:rebecca.w.gaspard@state.mn.us)

## TABLE OF CONTENTS [edit](#)

|  |      |
|--|------|
| Acronyms.....  | 4    |
| Introduction.....  | 5    |
| Statutory Authority.....   | 5    |
| General Statement of Need .....  | 6    |
| Public Participation and Stakeholder Involvement.....                                | 6    |
| Regulatory Analysis.....   | 7    |
| Performance Based Rules.....   | 8 7. |
| Additional Notice Plan for Notice of Intent to Adopt with or without a Hearing ..... | 9    |
| Consultation with MMB on Local Government Impact.....                                | 9 9. |
| Determination about Rules Requiring Local Implementation.....                        |      |
| Cost of Complying for Small Business or City.....                                    |      |
| List of Witnesses.....   | 10   |
| Rule-by-Rule Analysis.....   | 14   |
| Conclusion.....  | 43   |

## ACRONYMS edit

|             |   |
|-------------|---|
| ACPRO       | Advisory Committee on Post Board Rules Overhaul                               |
| APA         | Administrative Procedures Act   |
| ALJ         | Administrative Law Judge  |
| BIPOC       | Black, Indigenous, People of Color  |
| CFR         | Code of Federal Regulations   |
| CLEO        | Chief Law Enforcement Officer   |
| EPEICRAC    | Ensuring Police Excellence and Improving Community Relations Advisory Council |
| IACP        | International Association of Chiefs of Police                                 |
| LBGTQIA     | Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, & Asexual.              |
| LEA         | Law Enforcement Agency  |
| LEO         | Law Enforcement Officer   |
| Minn. Stat. | Minnesota Statutes  |
| MMB         | Minnesota Management and Budget   |
| MORS        | Minnesota Office of the Revisor of Statutes                                   |
| OAH         | Office of Administrative Hearings   |
| PPOE        | Professional Peace Officer Education  |
| POST        | Minnesota Board of Peace Officer Standards and Training                       |
| SONAR       | Statement of Need and Reasonableness  |

## INTRODUCTION

In 2020, the Minnesota Board of Peace Officer Standards and Training (POST) began the process of a comprehensive review of the current rules governing the Board's regulatory responsibilities in Minnesota Rules chapter 6700. The rules were first promulgated in the 1970's, and significant portions of the rules remain untouched since that time. The review and overhaul is necessary to provide a cohesive response across all the areas of the Board's responsibilities to address requirements related to the training, education, licensing, of law enforcement officers.

By late 2021, the work was nearly completed on the first portion of rules to be revised. Because the Board anticipated it would be several more years before the completing the review, the Board proposes to move forward with the portion of completed work. The proposed rule amendments focus on the minimum selection standards for applicants for peace officer positions, and the standards of conduct which delineate acceptable and nonacceptable conduct of Minnesota's law enforcement officers. In the meantime, the Board is moving forward to complete the review of the remaining portions of the rules chapter.

In 1967, the legislature created the Minnesota Peace Officer Training Board (MPOTB). The Board's main responsibility was to certify agencies offering police academy training so that police training would become standardized across the state. In 1977, the legislature abolished the MPOTB and replaced it with the Minnesota Board of Peace Officer Standards and Training (POST). The board established licensing and training requirements and set standards for law enforcement agencies and officers.

Under Minnesota Statutes section [214.01](#), subdivision 3, the POST Board is considered a "non-health-related licensing board" and is subject to the applicable provisions of that statute.

The Board continues to advance public safety through the development and enforcement of standards for the education, licensing, training, and conduct of peace officers (law enforcement officers) in Minnesota. The Board licenses and regulates more than 12,800 (active and inactive) peace officers and 418 state, county and local law enforcement agencies.

## STATUTORY AUTHORITY

Minnesota Statutes, section 626.843 authorizes the POST Board to adopt rules and standards relating to the education, training, and licensing of peace officers. Under the statute, the POST Board has the necessary statutory authority to adopt the proposed rules.

## GENERAL STATEMENT OF NEED **edit**

Look for **examples of current issues**

The proposed rule amendments are necessary to update the Board's existing rules to properly address current issues related to the selection and conduct of law enforcement officers; provide increased transparency regarding application and licensure procedures; eliminate outdated rule language; clarify existing Board procedures, remove unnecessary, conflicting, or confusing requirements and restrictions; and establish procedural requirements to allow the Board to more effectively perform its regulatory functions, protecting the health and safety of licensees and the public.

## PUBLIC PARTICIPATION AND STAKEHOLDER INVOLVEMENT

**Request for Comments:** The POST Board published a Request for Comments (RFC) on August 3, 2020 in the State Register. The RFC was also published on the POST Board's website<sup>1</sup> at, and emailed to licensees with an email address on file. Additionally, the POST Board sent the RFC to the Board's rulemaking notification list and various individuals and organizations that might be impacted by proposed amendments. The RFC announced the Board's intent to review and amend the rules governing law enforcement officers in Minnesota Rules chapter 6700 in order to simplify language, reorganize rules to make it easier to find information, remove unnecessary requirements, provide for better administration of the rules, clarify unclear passages and to update the rules in the entire chapter.

**Add appendix with summary of comments received**

**Advisory Committee:** The RFC included notice that the Board intended to appoint an advisory committee as provided for under section 14.101, subdivision 2 of the Minnesota Administrative Procedures Act, inviting interested parties to apply. The Advisory Committee was designed to include representatives from community, law enforcement professionals, schools, and other parties affected by or interested in rules administered by the POST Board. The Board also sent specific invitations to apply to serve on the Advisory Committee to community and law enforcement organizations. The Board

---

<sup>1</sup> <https://dps.mn.gov/entity/post/Documents/rfc-4641-7-23-20.pdf>



received more than 50 applications to serve on the Advisory Committee. In October 2020, the Board appointed 20 persons were appointed to the Advisory Committee on POST Board Rules Overhaul. Committee members were selected to provide the broadest representation of stakeholders, including law enforcement officers, academic interests, community activists, local and state organizations and affinity groups.

The Advisory Committee met 21 times between October 2020 and March 2022 to complete its work on this first section of rules. Meetings and meeting materials are posted on the Board's website<sup>2</sup> and were livestreamed for public viewing. Meeting materials and recordings of meetings are maintained on the website to maximize accessibility for interested parties.

The Advisory Committee's Report to the Board which includes the Committee's charter and biographical information on committee members is found in [Appendix A and is available on the website](#) hyperlink

Unless otherwise noted in the rule-by-rule analysis section below, the 20-member Advisory Committee reached consensus approval on each of the proposed rule amendments. The Advisory Committee continues working on the remainder of rules in the chapter that are not included in this rulemaking process.

**Listening Sessions:** In March 2022, the Board held seven online listening sessions for the purpose of encouraging participation in and education about the rulemaking process. The sessions provided background information on the rulemaking process, emphasizing the anticipated publication of the Notice of Intent and the comment period, as well as introducing the topics of the proposed rule amendments. Licensees and entities on the rulemaking list were specifically invited, and approximately 240 persons registered to attend. The sessions were also livestreamed, and recordings were posted on the website<sup>3</sup>

### **Board and Board Committees**

On July 23, 2020, at a properly noticed meeting, the POST Board passed a motion and directed staff to initiate rulemaking proceedings and to publish the Request for Comments.

---

<sup>2</sup> See <https://dps.mn.gov/entity/post/meetings/Pages/advisory-committee-post-board-rules-overhaul.aspx>

<sup>3</sup> <https://dps.mn.gov/entity/post/Pages/statute-rules.aspx>

The possible rules were discussed at properly noticed meetings of the Board’s Rule Committee beginning in 2021 and continuing through April 2022, and at properly noticed meetings of the Board beginning in 2021 and continuing through April 2022. Meetings of the Rules Committee and the Board were livestreamed, and recordings maintained on the POST website<sup>4</sup>

On April 21, 2022, at a properly noticed meeting, the POST Board passed a resolution authorizing the actions necessary to adopt rules, including authorization of the publication of the Dual Notice of Intent to Adopt Rules with or Without a Hearing pursuant to Minnesota Statutes section 14.22, subdivision 2.

## REGULATORY ANALYSIS edit

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR.

**“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”**

### Classes most likely to be affected by the proposed rule changes

- Members of the public, including members of the BIPOC and LGBTQIA communities, immigrants, religious minorities and other members of protected classes who are served by law enforcement.
- Applicants for licensure and applicants for law enforcement officer positions.
- Law enforcement officers and agencies.

### Classes that will bear the costs of the proposed rule:

- No class of persons will bear the cost of the proposed rule change because none are anticipated.

### Classes that will benefit from the proposed rule:

- Community members because a higher standard of conduct of officers would be implemented, and the rules should, over time, increase the trust in law enforcement.

---

<sup>4</sup> <https://dps.mn.gov/entity/post/meetings/Pages/default.aspx>

- Law enforcement officers as the clarity of the responsibility and requirements of licensure are improved, and as community trust and respect for law enforcement improves.
- Chief law enforcement officers (CLEOs) as selection requirements for new officers and requirements for CLEO's are clarified.
- Law enforcement agencies as community trust improves.

**“(2) the probable cost to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”**

- The probable cost to the board is related to standards of conduct which would expand the areas of officer conduct to be addressed by the Board's disciplinary process. This increase makes jurisdictional public complaints regarding officer conduct that were previously not included as part of the Board's jurisdiction. The anticipated increase in complaints is primarily based on the inclusion of unreasonable or excessive use of force complaints. The Board's best estimate, based on experiential evidence, is that an anticipated increase in complaints will require 5-8 additional staff at an estimated annual cost of \$130k each.
- The probable costs to law enforcement agencies (LEAs) are expected to be negligible except for the LEAs who do not already provide emergency medical responder training for officers that would be required under the amended rules. If an agency does not already provide the EMR training, and if the agency is hiring an out of state applicant who does not have the training, the training cost is estimated at \$500 -\$700 if the agency chooses to provide the training at the agency's expense. **Check w advisory committee any other costs?**
- The proposed rules are not anticipated to have any effect on state revenues.

**“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”**

- The Board has carefully considered any cost and burden of the proposed rules, and has sought input from interested parties, including advisory committee members. There were no methods found that were less costly or less intrusive which would achieve the purposes of the proposed rules. **Check rule-by-rule**

**“(4) a description of any alternative methods for achieving the purpose of the proposed rule that would seriously be considered by the agency and the reasons why they were rejected in favor of the proposed rule”**

- The Board considered alternatives to the minimum selection proposed requirement of an age of 18 or older. The discussion regarding the alternatives is found on page x under 6700. Xxxx
- The board considered alternatives to the minimum selection proposed new requirement of emergency medical responder training. The discussion regarding the alternatives is found on page x of xxxx.
- The board considered alternatives to allowing persons eligible to work in the United States as a minimum selection requirement, which would amend the current requirement of United States citizenship. The discussion is found on page xxxx of xxxx.

**“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses or individuals”**

- Applicants from other states who are applying for law enforcement positions may not have the required emergency medical responder training, which is a new proposed requirement under the proposed rules. The cost of this training, which may be borne by the applicant or the hiring law enforcement agency, is estimated to be \$500 to \$700.
- Costs of proposed amendments to rules on background investigations and psychological screening were not considered as new costs, since both are currently required under rule. The proposed rules are not anticipated to increase the cost of those current requirements.

**“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories or affected parties, such as separate classes of government units, businesses, individuals”**

Probable costs to law enforcement agencies, the state, and taxpayers of not adopting the rules may be:

- Continued litigation and settlement costs related to the use of force or First Amendment violations during law enforcement response to demonstrations and crowd events (Public Assembly/First Amendment required policy).

Consequences for not adopting the proposed rule may be:

- Continued erosion of the public’s trust of law enforcement officers and agencies because discriminatory conduct and officer participation in hate groups is not addressed.
- Continued numbers of law enforcement leaving the profession over public scrutiny and hostility or negative attitudes towards officers because the public’s trust has been

broken by the events of 2020 and 2021, and not addressed through the standards of conduct or the policy on Public Assembly/First Amendment activities.

- Continued delegation/abdication of the Board’s authority to regulate licensed officers to individual law enforcement agencies. [edit](#)

**“(7) an assessment of any differences between the proposed rule and existing federal regulation and a specific analysis of the need for and reasonableness of each difference”**

There are no differences between the proposed rule changes and existing federal regulations because there are no federal regulations pertaining to the selection of Minnesota law enforcement officers or the standards of conduct established for those officers as addressed by the rule changes.

**“(8) an assessment of the cumulative effect of the rule with other federal and state regulation related to the specific purpose of the role”**

There is no cumulative effect of the proposed rule changes with other federal and state regulations as the purposes of the rule changes relate only to the State of Minnesota’s training and licensing standards for law enforcement officers. No other state or federal agency has regulations pertaining to licensing of Minnesota law enforcement officers.

## PERFORMANCE-BASED RULES

Minnesota Statutes sections [14.002 and 14.131](#), require the SONAR to describe how the agency, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

The board considered performance-based standards by strengthening the minimum selection standards, and the standards of conduct governing law enforcement officers. This emphasizes superior achievement because it will enhance the mission of protecting the health and safety of the public, and increasing accountability in the law enforcement community.

## NOTICE Plan [totally draft, ignore](#)

The Board’s Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved by Administrative Law [Judge X on X](#), 2022. As part of additional notice, the Board will:

- Email the Dual Notice of Intent to Adopt With or Without a Hearing, along with links to the draft rules and SONAR to all licensed law enforcement officers who have an email address with

the Board, to all certified schools, and to all PPOE coordinators. Approximately 94% of the Board's 39,000 licensees have provided an email address.

- Post the Dual Notice of Intent to Adopt Rules on the Board's website with links to the draft rules and SONAR.

- Mail the Dual Notice of Intent to Adopt Rules, the SONAR, and the draft rules; or email the Dual Notice of Intent to Adopt Rules, along with links to the draft rules and SONAR to:

- the Minnesota Chiefs of Police Association
- Minnesota Sheriff's Association and
- Minnesota Police and Peace Officer Association
- Minneapolis Police Federation
- Saint Paul Police Federation
- Minnesota Troopers Association
- Hennepin County Deputy Sheriff's Association.
  - Communities Against Police Brutality,
  - Minneapolis NAACP
  - Saint Paul NAACP.
  - Minnesota County Attorney's Association
  - League of Minnesota Cities
  - Association of Minnesota Counties.
  - Minnesota Board of Psychology
  - Minnesota Board of Nurses
  - Minnesota Board of Medical Practice
  - Mn. Dept. of Public Safety
  - Minnesota BCA
  - Minnesota Board of Public Defense
- 
- . • The Additional Notice Plan also includes giving notice required by statute. We will email the Dual Notice of Intent to Adopt Rules with links to the SONAR and the draft rules to everyone who has registered to be on the Board's rulemaking mailing list. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

- • The Additional Notice Plan does not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.
- • The Additional Notice Plan does not including notifying the Council on Affairs of Chicano/Latino People because the rules do not have a primary effect on Chicano/Latino people per Minnesota Statutes, section 3.922. According to *Minnesota Statutes*, section 14.131 and 14.23, additional notice will be given by:
  - Have the proposed rules and SONAR available for the public at the POST Board office.
  - Mailing the proposed rules and SONAR to
  - Mailing the proposed rules and SONAR to collective bargaining units who represent significant numbers of individuals affected by the proposed rule changes
  - Mailing the proposed rules and SONAR to individuals who have registered as interested parties and wish to receive notice of POST Board activities and rulemaking.
  - Mailing the proposed rule and SONAR to Communities Against Police Brutality, Minneapolis NAACP and Saint Paul NAACP.
  - Mailing the proposed rules and SONAR to Minnesota County Attorney's Association, League of Minnesota Cities and Association of Minnesota Counties.

As required by *Minnesota Statutes*, section 14.116, a copy of the Dual Notice and a copy of the SONAR will be mailed to the Legislative reference Library, and a copy of the Notice of Intent and links to the SONAR will be mailed to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules.

## CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB). The Board will do this by sending MMB copies of the documents we send to the Governor's Office for review and approval on the same day we send them to the Governor's Office and before publication of the Notice of Intent to Adopt. The documents will include

- the Governor's Office Proposed Rule and SONAR Form;
- the proposed rules; and
- the SONAR.

The Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to the Office of Administrative Hearings at the hearing or with the documents submitted for Administrative Law Judge review.

## DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by *Minnesota Statutes*, section 14.128, subdivision 1, the POST Board has considered whether the proposed rule will require a local government to adopt or amend any ordinance or other regulation in order to comply with the rule. The Board has determined that because the rules pertain to applicants and licensees, and do not pertain to local governments, there will be no need to amend or adopt an ordinance or regulation.

## COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, the POST Board has considered whether the cost of complying with the proposed rule in the first year after the rule takes effect will exceed \$25,000 for any small business or small city. It was determined the cost of complying with the proposed rule in the first year after the rule takes effect will not exceed \$25,000 for any small business because the rules do not affect businesses. While many small cities have police departments and as a result will be directly impacted by the proposed rules, the Board has determined the cost of complying with the proposed rules will not exceed \$25,000. Any potential costs associated with a rule are identified and discussed in the rule-by-rule analysis. **Specifically, discussions of cost of compliance are address in the following parts in the rule-by-rule analysis:**

## LIST OF WITNESSES

If a public hearing is required, the following individuals will be available to testify in support of and answer questions regarding the reasonableness of the rules;

1. Kelly McCarthy, Chair of POST Board
2. Erik Misselt, Executive Director, Minnesota Board of Peace Officer Standards and Training



3. Rebecca Gaspard, Rules and Legislative Coordinator, Minnesota Board of Peace Officer Standards and Training

## RULE-BY-RULE ANALYSIS

This section discusses each proposed change. Some rule parts are self-explanatory and thus necessary and reasonable on their face and, therefore, only explained briefly. Others are discussed in more detail to provide guidance in future rule application.

Repealed rule parts are denoted by ~~stricken~~ text.

### 6700.0100 DEFINITIONS

#### Subp. 26. Discriminatory Conduct.

This term is included in three rule parts (6700.0670 Background Investigations, 6700.0700 Minimum Selection Standards, and 6700.1600 Standards of Conduct). The definition is necessary to provide clarity, and to limit the application to instances related to protected class status.

Subp. X. Seasonal Position: This term is reasonably defined to establish a criteria to identify positions which would qualify for exceptions to background investigation requirements in part 6700.0670 and requirements for psychological screenings in part 6700.0675.

0100. Subp. X. Temporary Position: This term is reasonably defined to establish a criteria to identify positions which would qualify for exceptions to background investigation requirements in part 6700.0670 and requirements for psychological screenings in part 6700.0675.

### 6700.0601 EXAMINATION STANDARDS.

**0601 Subpart 1, Item G:** This part is amended to be consistent with the amendments to the minimum selection standards in part 6700.0700.

~~**0601 Subp. 2:**~~ This rule part is repealed as it is unnecessary to repeat statutory requirements of the Administrative Procedure Act.

~~**0601 Subp. 3:**~~ This rule part is repealed as both unnecessary and inaccurate regarding disciplinary procedures.

## 6700.0670 BACKGROUND INVESTIGATION.

This new rule part identifies the requirements for background investigations. Minn. Stat. § [626.87](#) requires background investigations be completed before any applicant, licensed or not, may be employed by a law enforcement agency as a law enforcement officer.

Unlike most occupational licenses issued by the state of Minnesota, a license is not issued until an applicant for licensure has accepted a position as a peace officer or law enforcement officer with a law enforcement agency. The Board determines whether the applicant has met prerequisite training, education, and testing requirements are met. The eligible applicant applies to a law enforcement agency, who then determines whether the applicant has met the minimum selection requirements identified in part 6700.0700. The application for the license comes from the applicant and the law enforcement agency when the applicant is offered and accepts a position as a law enforcement officer.

The minimum selection requirements include a background check. A background check comes after a law enforcement agency has made a conditional offer of employment to an unlicensed or a currently licensed applicant. Background investigations assess whether applicants have the integrity, character, and ability to serve as a law enforcement officer. It is needed and reasonable to establish statewide standards for background investigations to provide a consistent screening process for law enforcement candidates across the state and without regard to the law enforcement agency's type, size or location. A statewide standard would also aid the Board in its responsibility under Minn. Stat. § [626.8459](#) to conduct compliance reviews of LEAs, and benefit the agencies by providing clear requirements.

By consensus, the Advisory Committee recommended the adoption of these proposed rules on background investigations, including the subparts.

Because a background investigation is already required in current rule and in statute, there is no new or additional cost to law enforcement agencies.

### **Subp. 1. Applicants**

Item A. This rule part identifies six areas of information or information releases that applicants are required to provide. The information is necessary to enable the completion of the background check, and does not impose an undue burden on the applicant.

Item B. This item reasonably requires an applicant to enable an agency to review the applicant's social media accounts and activities, while specifying that the applicant does not have to release log in information. An applicant's social media presence is necessary to assist the investigator in developing a profile of the applicant, and is a reasonable way to identify potential areas of concern.

Item C. The proposed rule reasonably requires applicants who are currently or previously licensed as a law enforcement officer to complete information releases of their personnel records at law enforcement agencies. Contacting former employers is a standard practice in reviewing job applicants, and given the powers and authority of law enforcement officers, a release of personnel records is a reasonable screening precaution. This is necessary for an agency to make a fully informed decision.

Item D. This proposed rule reasonably requires applicants who have been licensed as law enforcement officers to identify any potential impeachment issues or Brady-Giglio impairments<sup>5</sup>. These may affect the applicant's qualifications for a law enforcement position. Brady-Giglio impairments are discussed in detail on page xxx. This is necessary to preserve the integrity of law enforcement officers as well as the judicial process.

**Subp. 2. x x x**

Item A. This rule part includes a current requirement that a background investigation is completed before a law enforcement agency employs a law enforcement officer as required by Minn. Stat. § [626.87](#). The requirement applies to both licensed and unlicensed applicants.

Because background investigations take time (weeks to months) and may have an associated financial cost, law enforcement agencies sometimes ask whether it is required to do another background check if another agency has completed a background check on an applicant. The proposed rule clarifies that a completed background investigation is valid for up to six months which allows for sufficient time for the hiring process to be completed and

---

<sup>5</sup> Brady-Giglio refers to a string of United States Supreme Court cases holding that due process requires the prosecution to turn over evidence favorable to the accused and material to the accusations. *Brady v Maryland*, 373 U.S. 83 (1963); *United States v. Giglio*, 405 U.S. 150 (1972); *U.S. v. Bagley*, 473 U.S. 667 (1985); *Kyles v. Whitley*, 514 U.S. 419 (1995); *Strickler v. Green*, 527 U.S. 263 (1999). This requirement includes evidence that may be used to impeach the prosecution's witnesses, including police officers. Brady-Giglio further requires police offices to make prosecutors aware of any evidence that may be favorable to the accused.

the applicant to begin employment before the investigation is no longer valid. The six month limitation also recognizes that changes, including changes in driving records, criminal history, social media posts, etc. can occur at any time after the investigation. For this reason, the Board determined that it is reasonable to allow the use of a background investigation for 6 months and no longer, such that critical changes in the applicant's status are not missed when an older investigation is used.

It should be noted that agencies typically obtain any background investigations completed by other agencies, further investigate to address any concerns identified in the file, and address the subsequent time period after the last background investigation was completed.

The proposed rule repeats a statutory requirement of the Minnesota Human Rights Act in Minn. Stat. § [363A.08](#), subd. 4(a)(1) which states the chief law enforcement officer or anyone involved in the selection of applicants for the open position may not conduct the background investigation. This is included in rule because many chief law enforcement officers and law enforcement agencies are unfamiliar with this statutory requirement, and including it in the background investigation rule requirements will aid in necessary compliance.

Items A (1) through A (13) This proposed rule lists the specific areas that must be addressed by the background investigation. These areas of inquiry include citizenship status, criminal history, driving records, drug and alcohol use, education, employment history, military history, references, a personal interview, residential history, general records checks and financial information. These are standard areas covered in background checks for law enforcement officers, not only in Minnesota but across the nation as well.

Three sub-items on the list warrant further discussion. A(1) on citizenship, A(5) on discriminatory conduct, and A(13) on checks with the local prosecutor's office regarding potential impeachment impairments.

A (1) reasonably requires the investigation to verify the applicant's status regarding citizenship or for non-citizens, whether the applicant is legally entitled to work in the United States. Citizenship is a current rule requirement for licensure, and A(1) references the change in citizenship requirement reflected in the proposed amendments to minimum selection standards in part 6700.0700. The rule-by-rule

analysis on the proposed change in the citizenship requirement is found on page xxxx under the discussion of the minimum selection standards.

A (5) requires the investigation to explore whether the candidate has any history of discriminatory conduct. Most experienced background investigators indicate that while many investigators will note any indications of bias or discriminatory conduct, it is not an area that investigators always make a point to inquire about during their investigations. The Board believes that it is important and necessary to specify discriminatory conduct as a criterion to be addressed in order to screen out applicants whose bias would interfere with the applicant's ability to fairly serve all members of the community. In recent years, the legislature has found the issue of implicit bias<sup>6</sup> in law enforcement to be of sufficient concern as to require periodic training of all officers on the topic as noted in Minnesota Statutes, 626.8541, subd. 1 (required bias training), 626.8469, subd. 1 (mandatory cultural diversity training including implicit bias), [626.847](#) (training is compulsory), 626.5531 (mandatory reporting of bias crimes). The U.S. Dept. of Health and Human Services defines implicit bias: "Implicit bias is a form of bias that occurs automatically and unintentionally, that nevertheless affects judgments, decisions, and behaviors." Implicit bias is the result of sociological conditioning regarding certain groups.

Consider how conscious bias would impact an officer's conduct. An officer whose personal beliefs are discriminatory based on person's protected class status may profess to ignore those beliefs while on the job. However, it is unreasonable to expect that such acknowledged bias does not enter into the officer's on-the-scene assessment and response. Officers are often required to make instantaneous decisions; assessing the likelihood of danger, criminal behavior, and whether or not a suspect intends to flee or inflict harm. Officers also hold discretionary power in many interactions with the public – whether to initiate a traffic stop, arrest a person, etc. An officer's negative beliefs about women, persons of color, immigrants, LGBTQIA community members, etc. will necessarily influence the officer's actions and it is recognized that even implicit bias does so as well.

---

<sup>6</sup> For an overview and reviews of recent research, see the *State of the Science: Implicit Bias Reviews* produced annually by the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University, found at <http://kirwaninstitute.osu.edu/researchandstrategicinitiatives/implicit-bias-review/>

A (13). This sub-item applies to applicants who have been previously licensed as a law enforcement officer, either in Minnesota or elsewhere. It reasonably requires checking with the prosecutors in jurisdictions and law enforcement agencies where the applicant has served as an officer to determine whether the officer has any potential impeachment disclosures or Brady-Giglio impairments. Brady-Giglio impairments are discussed in detail under the proposed standards of conduct in rule part 6700.1600, Subp. 1, Item H on page xxx-

Item B. This proposed rule provides an exception to the requirement for a full background investigation. When an agency is employing a currently licensed and currently employed officer in a temporary or seasonal position, the exception reasonably allows the agency to limit the background investigation to a criminal history check and driving records check. This exception is needed and reasonable for several reasons.

The burden of a full background investigation is heavier for small law enforcement agencies employing short term supplemental law enforcement staff. Small agencies with fewer than 10 officers represent 38% of the approximate 415 Minnesota law enforcement agencies, and 15% of the agencies have 5 or fewer officers. There may be a limited number of staff available to conduct the investigation given the prohibition against the chief law enforcement officer or anyone involved in the selection process participating in the investigation. The cost of outside vendors conducting the investigation may be prohibitive.

Law enforcement agencies, particularly smaller agencies (approximately 62 agencies in Minnesota have 5 or fewer officers), may have an urgent need to replace an officer temporarily unavailable for reasons such as illness or injury, deployment, or administrative leave. A background investigation will generally take weeks, if not months, and smaller agencies may not have the capacity to cover an open position while waiting for a full background investigation.

Some smaller city agencies may have seasonal populations with substantial seasonal population increases during certain months, when the normal agency roster may not be large enough to address public safety needs. It is not uncommon for such agencies to supplement their force with county deputies or other officers who pick up additional shifts for the season, and it is not uncommon for the supplemental officers to return each season for additional work.

The limited background check of a criminal history and driving record check can easily be completed in a day or two, and focuses on critical aspects of the background investigation.

Item C. This rule simply identifies the retention period for background investigations.

Retention will aid in the compliance reviews of law enforcement agencies required under Minn. Stat. § [626.8459](#).

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

Item A. This requirement for the chief law enforcement officer (CLEO) to notify the Board when conducting a background investigation is based on Minn. Stat. § [626.87](#), subd. 5. The statute requires the notification to be “upon initiation” of a background investigation and the proposed rule clarifies that the notification should occur within 10 days.

A (1). The proposed rule mirrors the statutory requirement that the notification to the Board includes identifying information about the subject of the investigation.

A (2). The proposed rule reasonably requires the CLEO to notify the Board when the investigation finds a bar to licensure under the minimum selection standards. A current rule, 6700.0701, which is proposed for repeal, requires the CLEO to report when the investigation finds a conviction that would bar licensure. The current rule is proposed for repeal, the provision is moved here, and expanded to include reporting investigations that find not only a conviction that would bar licensure, but any finding that would bar licensure. The notification to the Board allows the Board to address the applicant’s eligibility to be licensed status in light of the new information.

For a currently licensed officer, the CLEO is required to report any violation of standards of conduct identified in the background investigation. It is reasonable and needed to report this information so that the Board may initiate a complaint review process to review the eligibility of the candidate, or the license status of the officer.

Item B. Here, the proposed rule clarifies that the Board will notify a law enforcement agency when a disqualifying offense or standards violation is identified through a background investigation.

## 6700.0675 PSYCHOLOGICAL SCREENING.

Current rule requirements in the minimum selection requirements in part 6700.0700 require a psychological screening conducted by a licensed psychologist that must include an oral interview. This new rule part reasonably establishes a statewide standard for a psychological screening to provide consistency and an appropriate screening. The Board and the Advisory Committee consulted with practicing psychologists who are experienced in conducting employment screening of law enforcement officer candidates in developing the requirements for the psychological screening.

The Advisory Committee approved by consensus the proposed rules on psychological screening.

Because psychological screenings are already required in rule, there is no new or additional cost to this requirement.

Item A. The proposed rule clarifies that the screening must be conducted after a conditional job offer, and by a licensed psychologist. Because some law enforcement agencies border other states, a provision is added to allow psychologists licensed where the psychologist practices. This allows agencies located on the border to take advantage of nearby licensed psychologists across the state line who are substantially closer than psychologists in Minnesota, and to avoid potential travel and overnight costs.

A (1). The Board considered identifying which psychological test battery should be used for the screening, but determined that psychologists become familiar with certain tests. Limiting the assessment to one specific test could therefore result in screenings conducted by psychologists who may be unfamiliar with that particular test, which could reduce the validity of the result. Thus, the proposed rule reasonably requires a psychological test that conforms with the screening criteria established by the law enforcement agency.

A (2). This rule reasonably allows the interview with the candidate to be in person or virtual. Most psychologists would likely require the interview to be in person, but the option for a virtual interview is available when necessary.

A (3). This rule would require the psychologist to address the likelihood of the applicant to engage in discriminatory conduct, which as described above, is necessary to protect the integrity of law enforcement. There is no particular psychological assessment that



definitively establishes an applicant's likelihood to engage in discriminatory conduct but the psychologists who consulted with the Board indicated that the topic can be addressed and there may be findings that may be indicative. Members of the Advisory Committee and the Board's rule committee also inquired about the possibility of tests that would measure an applicant's cultural competency, but the Board did not find any such assessment measures or psychological tests.

A (4). This proposed rule reasonably expands on the current rule requirement to assess emotional or mental conditions that might affect the duties of an officer. Because the resiliency of an officer's mental state of mind is crucial, ( the high rate of debilitating mental conditions among experienced officers is a threat to officers), it is reasonable and necessary to include an assessment of the officer's ability to handle the psychological demands of an officer's duties.

Item B. This proposed rule clarifies that the screening must comply with the American with Disabilities Act.

Item C. This rule establishes that the screening is only valid for a year. A year is a reasonably sufficient time for the starts and stops of some hiring processes, but also establishes a reasonable expiration point such that the screening does not become outdated due to the applicant's life experiences.

Item D. This proposed rule establishes the same retention schedule for psychological screenings as for background investigations.

Item E. This proposed rule allows a law enforcement agency to decide whether to require a psychological screening when hiring a currently licensed and currently employed officer for a temporary or seasonal position, for the same reasons that a similar exemption was proposed for background investigations. **Jamal** This needs to be fleshed out with the same arguments used for the exception to background checks, if that applies here. But it appears suspect to explain why psychological screenings are necessary and then just allow an exception without providing for why that exception is necessary or reasonable

## 6700.0700 Minimum Selection Standards.

The language in this rule part is simplified and unnecessary language is removed. The Advisory Committee recommended by consensus the adoption of the rules in this section, except as noted below.

Subpart 1. Selection standards. The proposed rule amendments clarify that the selection standards apply to applicants who have met prerequisite training, education, experience and testing requirements but are not yet licensed, as well as currently licensed law enforcement officers.

Item A. This amendment to the current citizenship requirement adds persons who are legally entitled to work in the United States but are not yet citizens as eligible for licensure. The Advisory Committee did not reach consensus on the change.

Members supporting the change noted that an individual law enforcement agency could decide to only hire citizens, as noted in Subp. 4 which specifically provides that a law enforcement agency may use more stringent selection standards than established in rule. Supporters also noted that the change would allow law enforcement agencies to hire DACA recipients or Dreamers<sup>7</sup>.

Members dissenting suggested *“further analysis and evaluation of citizenship/residency requirements before a final rule change decision is reached”* and provided a discussion of current and past practices in other states, immigration statuses, military requirements regarding citizenships status, weapons permits, etc. The members concluded that they would support a change that would allow legal permanent residents to be eligible for licensure.

The Board considered these issues carefully, and determined that the proposed language of *“persons eligible to work in the United States under federal requirements”* is the most reasonable and appropriate. Given the promises of immigration reform on the federal level, a legitimate concern of the Board is avoiding language that is unclear or likely to be outdated. Immigration statuses in law and the associated language may change over time regarding who is eligible to work and under what circumstances. The term or the requirements for *“permanent resident”* may change, and the wording proposed by the Board is most appropriate.

---

<sup>7</sup> Dreamers are young people without legal status brought to the United States as children.

Agencies, as part of the required background check, would investigate the status of applicants to determine whether the applicant was eligible to work in the U.S., and whether the status would lend itself to meeting the LEA's needs for an employee.

Licensed law enforcement officers are entitled, regardless of citizenship status, to carry weapons without a permit under Minn. Stat. § [624.714](#). On the federal level, under [18 U.S.C. § 926B](#), a law enforcement officer licensed by the Board, regardless of citizenship status, would be entitled to carry concealed firearms, assuming the other federal qualifications (which do not include citizenship) were met. The Board has not found any restriction on the federal level that would prevent a non-citizen licensed law enforcement officer from carrying a service weapon.

Other states and localities have expanded the requirements for law enforcement officers to include non-citizens who are legally authorized to work in the United States, using a variety of terminology and criteria. A thorough discussion on this topic is found in the [Law Enforcement Immigration Task Force's 2021 paper](#)<sup>8</sup>.

**The proposed rule reasonably allows** law enforcement agencies to employ qualified applicants who are legally authorized to work in the United States and who may share language and culture with communities served by the agency. The rule also expands the applicant pool at a time when fewer students are enrolling in PPOE programs, and when LEAs are finding a shortage of qualified applicants.

Item B. The language regarding the current rule for a driver's license is simplified, and the Advisory Committee approved the change by consensus.

Item C. The current requirement for a psychological screening is retained, and approved by the Advisory Committee by consensus.

Item D. The current requirement for a background check is retained, unnecessary language is removed, and a reference to the new rule requirements on background checks in part 6700.0670 is added. The Advisory Committee approved the language by consensus.

Item E. The listing of convictions which would be a bar to licensure are reorganized and expanded as explained below. The Advisory Committee approved the language by consensus.

---

<sup>8</sup> <https://leitf.org/wp-content/uploads/2021/08/LPR-Hiring-Of-Law-Enforcement.pdf>

E (1). Felony convictions remain a licensure bar. **Minn Stat. § 626.8431** requires the revocation of a license held by an officer who has a felony conviction.

E (2). This rule part includes the current rule on non-felony convictions that would disqualify an applicant for licensure, and adds new convictions to the disqualifying list. The added convictions are those that would reflect poorly on the applicant's character, indicate a likelihood that the applicant might abuse the authority of a law enforcement officer, suggest an inability to manage anger, respect others, or observe the law including complying with orders for protection and restraining orders. Because a law enforcement agency may impose stricter standards, an agency may reject an applicant who has a non-felony conviction that is not included in this list or elsewhere in the minimum selection standards.

Item F. This rule part identifies those who have had their law enforcement license or certification in other jurisdictions revoked as persons who are not eligible for licensure. The Advisory Committee approved the rule part by consensus.

Item G. This rule part adds a new requirement that an applicant be free of any indication of discriminatory conduct which is addressed in the background investigation. The new requirement is needed and reasonable, as discussed on page **x** of the rule-by-rule analysis of background investigation requirements. The Advisory Committee approved the rule part by consensus.

Item H. This new rule part would prohibit licensure of applicants involved with a hate or extremist group. Such individuals are generally sorted out through the background investigation, but are specifically included here to establish a statewide standard. Discussions on discriminatory conduct on **xxxxx** explain the need and reasonableness of this standard. The Advisory Committee approved the rule part by consensus.

Item I. The current requirement for fingerprinting of applicants is retained, and the language simplified. Unnecessary language is removed. The Advisory Committee approved the rule part by consensus.

~~Former Item J.~~ The current requirement that a job-related examination demonstrating physical skills has been conducted is repealed. The rule is not enforceable, as the Board

would have to determine whether any physical skill exam conducted by a LEA was job-related.

Law enforcement officers include a wide range of job positions, including state patrol officers, conservation officers, investigators, patrol officers, detectives, training and field officers, supervisory positions, SWAT team members, negotiators, school resource officers, and other positions. LEAs also operate in a continually changing environment where technological advancements may impact or reduce various physical requirements. The state cannot properly identify the physical demands for every type of position. Additionally, any physical requirement that is required when a person becomes licensed should still be applicable 10 and 20 years later. The Board has no plans to institute on-going physical requirements, particularly in recognition that there are experienced officers who are performing to the satisfaction of their employing LEA who would not likely be able to pass such a physical skills test. Each LEA may make their own determination of any physical requirements and tests the agency believes are appropriate for agency positions, and each LEA has their own responsibility for any accommodations that may be appropriate. A single statewide physical skill standard applicable to all law enforcement positions is inappropriate and unlikely to withstand legal challenges. The Advisory Committee approved this by consensus.

Item J. The current requirement for a physical exam is retained, and the language regarding the provider of the exam is updated to include licensed medical professionals. The exam is not a skill assessment, and simply establishes whether there are any physical issues that may compromise the safety of the officer in performing the positions responsibilities. While some agencies may combine the physical health exam with physical fitness assessments, the requirement here is limited to the health assessment. The Advisory Committee approved the rule part by consensus.

~~Old Item K.~~ The previous requirement for an oral exam to demonstrate communication skills is repealed as unnecessary. Applicants who successfully complete the prerequisite training and education requirements for a license have sufficient communication skills to become an officer. The “oral exam” conducted by LEAs is generally an interview for the open position, and not a necessary licensing requirement. An interview with the applicant is also part of the required background check. The Advisory Committee approved this by consensus.

Item K. This rule retains the current requirement for a psychological screening examination, and does not add any new costs to the screening and hiring of law enforcement officers. Given the power and authority granted to law enforcement officers, a psychological exam is part of an essential screening for licensure fitness for officers. The Advisory Committee approved this by consensus.

Item L. This new rule reasonably requires emergency medical response training, or that the training be completed within the first 6 months of employment. This training is required under the Minnesota PPOE program. Applicants from other states may not have had this training. It is reasonable to require that an officer be able to provide immediate emergency medical care as officers are often first on scene. An officer's ability to render care is important for several reasons. The first seconds and minutes of a medical emergency can be critical for survival of the injured person. While emergency medical responders and emergency medical technicians may be only minutes away in metropolitan areas, in more remote or rural areas of the state that care may not be readily available. Additionally, officers are at risk due to the accrued exposure to trauma. An additional consideration is the impact of repeated exposure to trauma on officers, affecting the officer's emotional resilience. Being able to provide care until other aid arrives may ameliorate the trauma.

Applicants who complete the PPOE program have received this training, but applicants from other states may not have ever been trained on emergency medical response. It is entirely reasonable and necessary to ensure that those applicants are as equally qualified as applicants from Minnesota's training and education programs.

#### **RFC comments**

Item M. This new rule establishes a minimum age for licensure as a law enforcement officer. Establishing a minimum age is reasonable given the increasing number of high school programs incorporating post-secondary classes in their programs.

Persons completing the PPOE programs are typically 20-24 years old, so the minimum age will primarily affect those students who utilize the accelerated high school or home school programs. Such students may have accelerated their academic learning at the expense of their social development and general life experience. Without a minimum age established in rule, the Board is be able to reject licensure solely based on the applicant's young age when

the applicant is otherwise qualified and has completed the education and training requirements.

The Advisory Committee did not reach consensus on minimum age requirements for licensure, with 5 members dissenting. Members who dissented cited recognized studies that indicate the brain doesn't fully mature until age 25; the prevalence of age requirements older than 18 for other types of licenses; and noted that 30 states have a licensing requirement for law enforcement officers of 19 or older (27 requiring 21 years of age).

The Board considered the dissenting members opinions and determined that a minimum age of 18 is reasonable and appropriate. The Board does not dispute that an older person may have commensurately more life experience and may be better equipped to handle the types of situations an officer must address. However, the Board has not had a minimum age standard, and has no evidence based on its experience with licensing persons younger than 21 to support a requirement that excludes younger adults.

#### Subp.2 Documentation.

This rule amendment removes an old exemption that refers to a previously repealed subp. 3 and establishes a retention period for the current requirement regarding documentation of the agency's compliance with the minimum standards described in subp. 1. Adding a retention clause reasonably allows for better enforcement of the minimum selection standards.

#### Subp.3 More rigid standards.

The proposed amendment simplifies the language and makes no new requirement

### ~~6700.0701 NOTIFICATION OF CONVICTION.~~

This rule part is proposed for repeal because the requirement was moved to 6700.0670. Subp. 3 for reasons of better organization and clarity.

### 6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.

~~Subp. 3. Selection standards.~~ This rule part is proposed for repeal because it is no longer accurate and is contradicted by proposed rules on minimum selection standards.

## ~~6700.1500 STANDARDS OF CONDUCT FOR PEACE OFFICERS.~~

The three subparts of this rule part (on statutory authority, scope, and purpose) are proposed for repeal because the rule parts are superfluous. The clarification in Subpart. 2 regarding enforcement of stricter standards is addressed in the proposed amendments to part 6700.1600 Standards of Conduct, and it is unnecessary to repeat it in this rule part.

## 6700.1600. Standards of Conduct.

Minn. Stat. § [626.843](#) , subdivision 1(6) requires the Board to establish rules with respect to “minimum standards of conduct which would affect the individual's performance of duties as a peace officer”. While law enforcement agencies bear the responsibility to address employment performance issues with their employees, POST bears the responsibility of addressing standards of conduct and fitness for licensure for law enforcement officers. The current rule addresses conduct on a very limited basis, do not address many areas of egregious conduct, and fail to identify the full scope of serious conduct that would reasonably call into question an officer’s fitness for licensure and ability to faithfully perform the duties of an officer.

It is needed and reasonable to amend the standards to enable the Board to better address its regulatory responsibilities. The Board must fully address conduct of law enforcement officers that jeopardizes the health, safety, and welfare of the public, or that interferes with the officer’s ability to fairly protect and serve all their communities. The proposed amendments expand the areas of officer conduct that are vital to the performance of law enforcement duties. The amendment also reorganizes the rule part for better clarity and accessibility.

In general, the proposed amendments to this rule part focus on officer conduct, not criminal conviction. The Board considered continuing to use a conviction standard for criminal offenses, but determined that maintaining the current conviction standard was inappropriate and unreasonable for these reasons:

- Minn. Stat. § [626.843](#), subd. 1(6) requires the Board to develop standards of conduct “which would affect the individual's performance of duties as a peace officer.” This is not limited to criminal convictions. Thus, in order to comply with this statutory mandate, it is necessary to expand the minimum standards of conduct beyond criminal conduct for which an officer is convicted. A law enforcement officers must behave both on and off duty in a manner that



reflects high standards consistent with both the authority granted to officers and the expectations of the communities served by law enforcement.

- Licensing boards, including the POST Board, are subject to the requirements set out in statute. Minn. Stat. § [214.10](#), subd. 10 and 11 contains specific provisions regarding the Board’s regulatory responsibility in addressing complaints that allege a violation of a statute or rule that the Board is empowered to enforce. The disciplinary standard for the POST Board identified in this statute is whether “reasonable grounds” are found to believe that a violation of the standards of conduct occurred. A criminal conviction standard of “beyond a reasonable doubt” is substantially higher than the reasonable grounds standard the Board is directed to use in statute.
- Finally, criminal behavior does not always lead to charges, and charges do not always lead to convictions, regardless of whether or not the conduct actually occurred. A conviction standard fails to address the circumstances surrounding the conduct when a criminal charge is not brought or is dismissed, or when an individual accepts a plea to a lower charge.
- It is important to note that an officer’s due process rights are protected through the Board’s complaint investigation processes and statutorily protected under Minn. Stat. § [214.10](#), regardless of whether the conduct in question was criminal, whether criminal charges were filed, or whether a criminal conviction resulted.

It is needed and reasonable to amend the standards of conduct to comply with the statutory standards by including officer conduct that would call into question the officer’s fitness to serve as a law enforcement officer, and any conduct that would have barred the officer from licensure had that conduct occurred prior to licensure application. The POST Board affirms that all of the proposed revisions to the standards of conduct are needed and reasonable. Each rule subpart is further discussed below.

**Subp. 1 Standards.** The proposed amendment to this part clarifies that discipline may result from a violation of the standards of conduct.

**Item A.** The Advisory Committee reached consensus approval of the eight conduct areas in this rule part. The eight areas include conduct described in felony, gross misdemeanor, and lower-level criminal offenses that are inappropriate for an officer of the law. The Board proposes three new areas of conduct described in criminal offenses that would call into question the officer’s fitness for duty. These three areas of conduct (obstruction of justice,

fleeing from law enforcement on foot, and carrying a pistol while under the influence) are included in Items A(5), (6), and (7), and are necessary because such conduct demonstrates a serious lack of judgement and reasonably calls into question the officer's fitness for duty and fidelity to the principles of law enforcement.

Item B. This proposed amendment reasonably adds law enforcement agencies and courts as entities that an officer may not provide false information to without violating the standards of conduct.

The proposed rule also clarifies that any conduct that may lead to an impeachment disclosure or a Brady-Giglio impairment is a violation of standards of conduct. Under Brady-Giglio requirements, information about a witness, including a law enforcement officer, must be disclosed to the defense when their testimony could be impeached for allegations of misconduct regarding truthfulness and withholding of exculpatory evidence (among other reasons).

When an officer could be impeached as a witness in a criminal trial, the prosecution can no longer rely on the officer's testimony as evidence in proving its case. In some cases, an officer may have the only firsthand account of a crime. Officer reports and other documents prepared by the officer would be considered inadmissible hearsay unless the officer could testify at the trial. Without the testimony of the officer with the most knowledge of the facts, the prosecution would likely find it difficult to prove their case.

It is reasonable and needed to establish truthfulness as a standard of conduct as the word of a law enforcement officer must be relied upon in law enforcement activity and is an integral part of the judicial process.

The Advisory Committee approved Item B by consensus.

Item C. Item C represents a current standard of conduct, and continues to identify that cheating on exams or the licensing process as a standards violation. The Advisory Committee approved Item C by consensus.

Item D. This proposed rule amendment adds to the current conduct standard regarding the unauthorized use of deadly force. Because current standards do not address less than lethal force, the Board currently has no jurisdiction regarding use of force complaints when the

force used was less than lethal but was unnecessary or excessive. It is needed and reasonable to include unreasonable or excessive use of less than lethal force.

The amendment also adds the new statutory requirements in Minn. Stat. § [626.8475](#) regarding specific responsibilities for officers to intercede and report on inappropriate or illegal use of force violations by other officers.

The Advisory Committee approved Item D by consensus.

Item E. This item contains four requirements grouped here for better organization.

E (1). A new requirement is to comply with statutory reporting requirements for law enforcement officers on bias crimes. This does not impose any new requirement on officers but reasonably holds officers accountable for compliance with the statute.

E (2). This requirement amplifies a current requirement in part [6700.1610](#), subp. 2 and is moved to this part to create awareness among licensees. The types of conduct to be reported are clarified, and a reporting time period is identified. These changes are remove any confusion regarding the reporting requirement and should result in better compliance and enforcement of the rule. The changes are needed and reasonable as it is not uncommon for unreported conduct to turn up during background checks on currently employed officers. Specifically identifying the reporting requirement in standards of conduct may aid officers in compliance.

E (3). Failing to cooperate in a board investigation is part of the current standards of conduct (former Item M.)

E (4). This proposed rule part is a general requirement to comply with provisions in rule or statute and is reasonable in order to establish potential disciplinary consequences .

The Advisory Committee approved Item E by consensus.

Item F. The conduct identified in this item relates to the abuse of power or the misuse of an officer's authority and the misconduct of a public employee identified in Minn. Stat. 609. It is needed and reasonable to establish such conduct as antithetical to the integrity required for a law enforcement officer, given the powers and authority of law enforcement officers.

The Advisory Committee approved Item F by consensus.

Item G. This proposed rule item establishing discriminatory conduct as a standard violation was approved with consensus by the Advisory Committee.

A definition of discriminatory conduct is proposed under part 6700.0100, subp. 26.

It is needed and reasonable to establish discriminatory conduct as a violation of standards of conduct. A history of discriminatory conduct is a bar to licensure. Background investigations of licensure candidates are thorough, and consider the character and history of a candidate to determine fitness for licensure. Discriminatory conduct is a specific area of investigation under the proposed rule part 6700.0670 subp. 2(A)(5). Officers experienced in background investigations report that candidates that express through words or actions an aversion to or bias against a protected class group do not pass background investigations. Conduct that would prevent a person from licensure is equally unacceptable after a person is licensed, as law enforcement officers must uphold the state laws and serve all members of their community fairly.

The [Minnesota Human Rights Act](#)<sup>9</sup> (Minnesota Statutes, section 363a) prohibits discriminatory conduct by law enforcement officers in the performance of their duties. Officers are frequently required to instantaneously assess situations and individuals, and respond accordingly when answering service calls or otherwise carrying out their responsibilities. It is unreasonable to expect that demonstrated bias does not enter into the officer's on-the-scene assessment and response, especially given the knowledge that even unconscious or implicit bias where a person does not profess discriminatory beliefs but is still affected by sociological conditioning reflecting bias, may impact a person's actions. Implicit bias is discussed in more detail in the rule-by-rule analysis of part 6700.xxxx on page [redacted]. The need for the Board to address bias in law enforcement officers is exemplified in the race related bias in policing is discussed thoroughly in the April 2022 Minnesota Department of Human Rights report on their investigation of the Minneapolis Police Department.<sup>10</sup>

---

<sup>9</sup> Minn. Stat. § 363A.12, subd. 1 (prohibiting discrimination in public services); City of Minneapolis, et al. v. Richardson, 307 Minn. 80 (1976) (holding that racially discriminatory policing is unlawful under the Minnesota Human Rights Act in a case brought by the Minnesota Department of Human Rights against the Minneapolis Police Department).

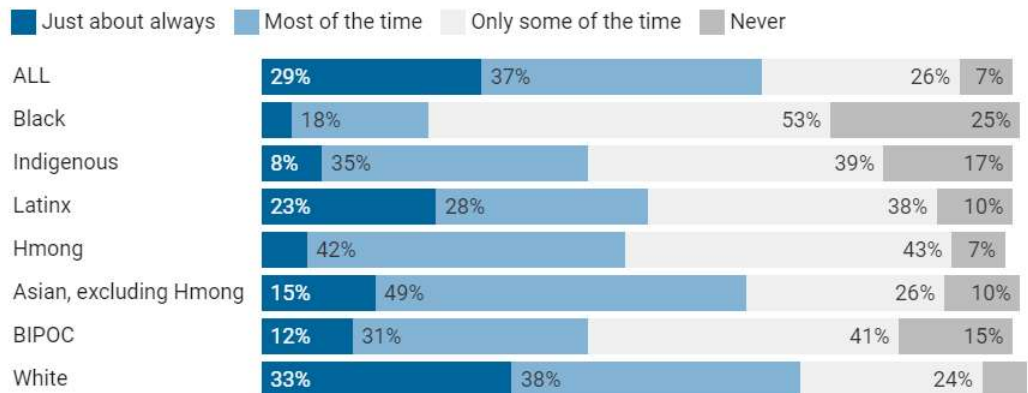
<sup>10</sup>[https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department\\_tcm1061-526417.pdf](https://mn.gov/mdhr/assets/Investigation%20into%20the%20City%20of%20Minneapolis%20and%20the%20Minneapolis%20Police%20Department_tcm1061-526417.pdf)

Additionally, the consequences of discriminatory conduct makes it imperative to address such conduct for these reasons:

- On or off duty discriminatory conduct of officers reduces community trust. A community’s trust in law enforcement is fundamental to effective protection of persons and property. Trust improves community interactions, enhances communication, and promotes shared responsibility for addressing crime and disorder. When trust in law enforcement is lacking, crime rates rise because community members are less likely to contact police regarding criminal activities or to respond and cooperate with law enforcement requests for information or witnesses. A lack of community trust therefore impacts an officer’s duties.

BIPOC communities have substantially less trust in law enforcement than white communities as demonstrated in numerous studies and polls. A 2021 poll of Minnesotan BIPOC respondents demonstrated the current lack of trust in Minnesotan law enforcement.

## White respondents nearly three times more likely to just about always trust police compared to BIPOC respondents



Question: “Generally speaking, how much of the time do you think you can trust the police in Minnesota to do what is right?” Note: Percentages may not sum to 100 due to rounding or omission of “don’t know” and “refused” responses. Source: APM Research Lab’s Minnesota’s Diverse Communities Survey, April 26-June 14, 2021. N = 1,532 Minnesotans age 18 or older; the maximum overall margin of error is ±4.8 percentage points.

Chart: APM Research Lab • [Get the data](#) • Created with [Datawrapper](#)

The disproportionately high rate of distrust in law enforcement found among Black Americans and in Black Minnesotans is thoroughly discussed in the 2021 Minnesota Justice Research Center report on [Trust in Policing: The Role of White Supremacy](#)<sup>11</sup>.

A community cannot be expected to trust an officer who exhibits on or off duty behavior or communication that demonstrates the officer's bias against community members based on a protected class identified in state law. Minneapolis Police Chief Arradondo testified at a 2021 arbitration hearing on an officer who was terminated for anti-Muslim Facebook posts *"...In this profession, we are being held to a higher standard, as we should be. But anytime that we have an employee that engages in conduct that strikes to the heart of that issue of dignity, respect, are we being discriminatory in our words, thoughts, or actions; are we expressing thoughts on social media which seem to pick out Muslim-Americans, African-Americans, and then to expect us to put this uniform back on the next day and say, well, no, that's not how I'm going to treat you when I deal with you professionally, that a reasonable person would not think that is the case."* *Get arbitration cite*

A lack of trust results in negative interactions between civilians and law enforcement, and has a spiraling effect. A person who lacks trust in an officer may be less forthcoming, less cooperative, and even hostile; influencing the officer's assessment of the person. This in turn may cause the officer to be suspicious of the person, who reacts to that suspicion, creating a chain reaction with the interaction as a whole spiraling down.

- On or off duty discriminatory conduct of officers may lead to Brady-Giglio impairments:

---

<sup>11</sup> [https://mn.gov/mdhr/assets/Trust%20in%20Policing%20The%20Role%20of%20White%20Supremacy\\_tcm1061-471173.pdf](https://mn.gov/mdhr/assets/Trust%20in%20Policing%20The%20Role%20of%20White%20Supremacy_tcm1061-471173.pdf)

An officer who engages in discriminatory conduct, on or off duty, creates a potential Brady-Giglio<sup>12</sup> impairment. Under Brady-Giglio, prosecutors must disclose evidence that could lead to the impeachment of law enforcement officer. This includes any findings or allegations of untruthfulness, bias, or withholding evidence that may be favorable to the accused. Bias includes both personal bias towards an individual, and bias towards a group in which the individual in question is a member or perceived to be a member. Any testimony from an officer known to have engaged in discriminatory conduct against certain groups would likely be impeached in criminal cases against a member of that group.

Prosecutors are not able to rely on an impeached officer's testimony. Not only would the prosecutor be unable to use the officer to testify to facts in a criminal case, the prosecutor would also likely be unable to use the officer's reports and other documents without the officer's testimony

The Brady-Giglio impact of discriminatory officers was illustrated in Philadelphia and St. Louis after the [Plainview Project](#)<sup>13</sup> released data on offensive or discriminatory Facebook posts by more than 300 Philadelphia officers, and 43 St. Louis officers. In Philadelphia, prosecutors pulled cases where the identified officers were expected to testify, specifically reviewing cases involving Muslim, Black, immigrants, and other defendants where disclosure related to the officers' bias would be required. In St. Louis, the prosecutor placed 22 officers identified by the Plainview Project on a list of officers who would not be called to testify, and stated warrants would not be issued on any case involving any of the officers<sup>14</sup>.

- On or off duty discriminatory conduct adds to the concerns addressed above regarding implicit bias.

Item H. This rule part identifies support, advocacy, or participation in white supremacist, hate or extremist groups or criminal gangs (hate group) by licensed officers as a violation of the standards of conduct.

---

<sup>12</sup> *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972); U.S.A.M. 9-5.001(B).

<sup>13</sup> <https://www.plainviewproject.org/>

<sup>14</sup> <https://abcnews.go.com/US/wireStory/prosecutor-adds-22-st-louis-officers-exclusion-list-63810965>

The [IACP standards of conduct](#)<sup>15</sup> model includes this statement: “Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.”

A number of states are moving to address officer involvement in white supremacy and other hate groups as are the various branches of the U.S. military. It is reasonable and needed to specifically identify white supremacy in the proposed rule because white supremacists are the domestic terror group identified in the [FBI 2006 report](#)<sup>16</sup>, in a 2021 regional FBI analysis<sup>17</sup>, and in recent congressional hearings as infiltrating law enforcement. An FBI 2015 *Counterterrorism Policy Directive and Policy Guide* report<sup>18</sup> advised that “domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have identified active links to law enforcement officers.” The U.S. Dept. of Homeland Security identified white supremacist extremists as the most persistent and lethal threat among domestic violence extremists in the U.S. in a DHS [2020 report](#)<sup>19</sup>.

The Board gave careful consideration to First Amendment rights of freedom speech and association, which protect an individual’s right to join various groups. The 2006 FBI assessment notes that ““Although the First Amendment’s freedom of association provision protects an individual’s right to join white supremacist groups for the purposes of lawful activity, the government can limit the employment opportunities of group members who hold sensitive public sector jobs, including jobs within law enforcement, when their memberships would interfere with their duties.”

The issues discussed in Item G above consider how a law enforcement officer’s discriminatory conduct negatively impacts the ability of law enforcement to address crime and protect the public by reducing community trust and creating Brady-Giglio impairments

---

<sup>15</sup> <https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>

<sup>16</sup> [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/White\\_Supremacist\\_Infiltration\\_of\\_Law\\_Enforcement.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/White_Supremacist_Infiltration_of_Law_Enforcement.pdf)

<sup>17</sup> <https://abcnews.go.com/US/white-supremacists-seek-affiliation-law-enforcement-goals-internal/story?id=76309051>

<sup>18</sup> [White Supremacist Extremism JIB - DocumentCloud](#)

<sup>19</sup> [https://www.dhs.gov/sites/default/files/publications/2020\\_10\\_06\\_homeland-threat-assessment.pdf](https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf)



which leave the officer unable to testify in some criminal cases. The issues of community trust and Brady-Giglio impairments also apply to an officer's support, advocacy and participation in white supremacist, hate or extremist groups, or criminal gang (hate group). Further, as discussed above, being a part of such a hate group interferes with an officer's duties by contributing to conscious bias and undermining the integrity of law enforcement activities.

Items H (1), H (2), and H (3). The Advisory Committee and Board wrestled with the issue of how to determine whether any particular group was a white supremacist, hate or extremist group, or criminal gang (hate group). When a committee member requested that Black Lives Matter be identified as a hate group, and worried that their church could be considered a hate group because of the church's discriminatory views on women and the LGBTQIA communities, it became clear that the proposed rule must include criteria to define a hate group. The proposed language distinguishes between a group, such as the committee member's church, which adheres to discriminatory beliefs for their followers, and a hate group which works to harm an individual or group.

The Board considered using lists of hate groups developed and tracked by the [Southern Poverty Law Center](#)<sup>20</sup> (SPLC) since 1990, but determined that the lists could not be relied on as the sole determiner. SPLC identified 9 hate groups in Minnesota active in 2021. While the presence of a group on the SPLC list is telling, the absence of a specific group on an SPLC list does not necessarily mean that the SPLC has determined that the group is not a hate group. Groups evolve, splinter off, and change names, making any list of groups potentially outdated shortly after creation.

ADL tracks hate incidents but not hate groups. The ADL [H.E.A.T. Map](#)<sup>21</sup> shows 163 incidents in Minnesota in 2021 of hate activity, of which 159 involved white supremacist incidents.

The Board also considered the [FBI](#)<sup>22</sup> as a possible source, however, FBI lists of hate groups are not readily accessible. While historical data on hate groups may be available

---

<sup>20</sup> <https://www.splcenter.org/states/minnesota>

<sup>21</sup> <https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map>

<sup>22</sup> <https://www.fbi.gov/about/faqs/does-the-fbi-investigate-hate-groups-in-the-united-state>

by submitting an information request through the [Vault<sup>23</sup>](#), the FBI's FOIA (Freedom of Information Act) library, FOIA requests are not always answered in a timely manner.

While SPLC, ADL, and the FBI may provide limited information on established hate groups and hate activity, the Board reasoned that establishing criteria for what constitutes a hate group would allow officers to assess a group before engaging. Criteria would also provide the Board with the means to assess newly formed hate groups and address splinter groups as well. To answer the question of whether a specific group is a white supremacist, hate, extremist group or criminal gang, a set of three criteria were developed as indicated in sub items 1, 2, and 3. A group that meets one or more of the three specific criteria is by definition a hate group.

The proposed language distinguishes between a group, such as the committee member's church which adheres to discriminatory beliefs for their followers, and a group, such as a hate group, which works to harm an individual or group.

The Advisory Committee could not reach consensus to approve or disapprove Item H (see Appendix X for the committee's report to the Board). While the entire committee supported addressing hate and bias in the law enforcement profession, roughly half of the committee identified concerns that prevented consensus.

- Some members objected to specifically identifying "white supremacist" in the rule because it is a subgroup of hate or extremist groups. The Board considered this, but chose to specifically identify white supremacist groups. It is the white supremacist groups that are recognized as a the most lethal domestic terrorist threat, constituting a significant national security threat and are the only hate or extremist group identified as using infiltration of law enforcement tactics. White supremacist activity in Minnesota exceeds any other type of hate activity as reported by ADL. Specifically calling out white supremacist groups is appropriate because there can be no confusion about the seriousness of the threat that white supremacist groups represent to our communities and to law enforcement officers themselves. It is important to make plain the Board's intent to support law enforcement agencies and all Minnesotan communities by addressing this significant issue.

---

<sup>23</sup> [https://vault.fbi.gov/gangs-extremist-groups?b\\_start:int=0](https://vault.fbi.gov/gangs-extremist-groups?b_start:int=0)

- Some Advisory Committee members suggested replacing “supporting, advocating, or participating in the activities of” with “actively engaging in material support or direct action in conduct that the officer knows or reasonably should know is to carry out harmful and/or derogatory activities of”. The qualifiers “material” and “direct” unreasonably suggest that some level of support or action is permissible and lowers the standard. The Board considered this suggestion but finds the Board’s draft language less subject to interpretation, given that Item I provides clarification on activities that constitute “supporting, advocating, or participating”.

Item H is needed because officer involvement in hate groups has a serious and deleterious impact of on community trust; is expected to result in Brady-Giglio impairments which limit officer’s ability to perform essential functions of a law enforcement position; lowers the equal justice and fairness standard expected of law enforcement officers, and contributes to the bias concerns addressed above. These issues are discussed thoroughly in the rule-by-rule analysis of Item G regarding discriminatory conduct.

Item H is reasonable because an officer’s First Amendment rights<sup>24</sup> are outweighed by the State’s interest in promoting fair and consistent public services by law enforcement officers who uphold the laws. That interest cannot be served by officers who do not accept that all persons in Minnesota, regardless of protected class status, are entitled to basic civil rights and fair law enforcement. First Amendment rights also do not protect unlawful activity, so to the extent that a hate group promotes the use of threats, force, violence, or criminal activity, an officer’s involvement with that hate group may not be protected regardless of the government’s interests.

Item I. This proposed rule part clarifies the conduct that constitutes support, advocacy, or participation in a hate group.

The Advisory Committee did not reach consensus on approving or disapproving Item I. (see Appendix X for the committee’s report to the Board).

- Some members objected to the list of conduct in Item I on the basis that the conduct identified as support, advocacy, and participation was not a “direct action”

---

<sup>24</sup> Pickering v. Board of Education, 391 U.S. 563 (1968); and Garcetti v. Ceballos, 547 U.S. 410, 417 (2006).

or “do not demonstrate active engagement in harmful activities”. The Board considers the support, advocacy and participation in a hate group to be the harmful activities/direct action that would constitute a standards violation.

- Other members were concerned that an officer might simply happen upon an event not knowing it was a hate group event. It is important to note that officers who are the subject of a complaint on violating the standards of conduct are afforded due process, and have the opportunity to defend themselves. The complaint investigation committee will determine, given the specific circumstances and the totality of the evidence including the officer’s explanations and statements, whether there are reasonable grounds to believe that a violation of the standards of conduct occurred.
- Some members suggested adding a qualifier to each of the four examples of supporting, advocating, or participating in a hate group. The qualifier is that the action would have to promote the use of threats, force, violence or criminal activity. The Board disagrees with the suggestion because the intent of the rule is to identify methods of support, advocacy or participation in a hate group, not to identify an officer’s individual use of threats, force, violence, or criminal activity. Such behavior is addressed elsewhere in the proposed standards of conduct. To add the qualifier suggested by some committee members would unreasonably allow an officer to:
  - represent themselves as a hate group member;
  - distribute or post meeting notices of the local chapter of a hate group because as long as the notice itself did not promote threats, etc., it would be permissible.
  - Wear insignia, flash white power signs, or wear shirts with swastikas, because the threat is implied, not articulated.
  - Financially support a hate group as it would be near impossible to determine whether the funds went to meeting refreshments or weapons used in an assault;
  - Participate in marches and meetings as long as there was no promotion of threat, use force, violence, or criminal activity in that singular event.

In all these examples of support, advocacy, and participation in a hate group, the officer's affiliation with the hate group reduces community trust, creates Brady-Giglio impairments, and contributes to the bias concerns addressed above.

Using the qualifiers suggested would not serve the purpose of the rule, which is to identify ways of demonstrating the support, advocacy or participation in the hate group.

- Some members disagreed with the provision in I(f) stating that *"There does not need to be a broad catchall clause, if any of the activities fall outside of A-E, then they need to be addressed directly under a different section"*. The Board disagrees. Although the most common ways of engagement in a hate group are listed for the purpose of clarity, it is not possible nor reasonable to enumerate or identify every possible way of supporting, advocating for, or participating in a hate group.

Item J. This rule part provides a necessary exception to an officer's involvement with a white supremacist, hate or extremist group, or criminal gang when the involvement is part of the officer's duties.

Item K. This rule part is part of the current standards of conduct, and is retained here. It continues to be needed and reasonable to enable discipline for an officer whose law enforcement licensure in another jurisdiction was subject to discipline.

Subp. 2. Incapacitation. This existing rule is part of the current standards of conduct and is moved to this subpart. It continues to be needed and reasonable to address the licensing status of an officer where a court adjudication calls into question the officer's ability or fitness to continue to serve as a law enforcement officer.

## 6700.1610 REPORTING OBLIGATIONS AND COOPERATION.

The Advisory Committee recommended adoption of this rule part by consensus approval.

Subp. 1. The proposed amendment to this part adds "unlicensed" to qualify who *may* report conduct violations, and to clarify that only unlicensed individuals have the option of deciding

whether or not to report violations. Licensed individuals must, under part 6700.1600, report violations to the Board.

Subp. 2. This part makes a plain language change, substituting “must” for “shall”.

Subp. 3. This change reduces the reporting time requirement from 90 days to a more reasonable 10 days, consistent with a more focused reporting requirement in the standards of conduct.

Subp. 4. This part makes a plain language change, substituting “must” for “shall” and clarifies the requirement applies only to Board investigations and not to investigations of other entities.

#### ~~6700.1700 COMPLAINT COMMITTEE.~~

This rule part is repealed because it is obsolete and no longer applicable. MN Statutes [214.10](#), Subdivision 11 supersedes the requirements in this part.

Subp. 1. This subpart is a definition, for a phrase that no longer appears in rule.

Subp. 3. This rule part is repealed because it identifies the membership of the Board’s complaint committee, which is contraindicated in statute.

Subp. 4. This rule part is repealed as it discusses a Board committee quorum which is addressed in the Board’s bylaws and unnecessarily identified in rule.

#### ~~6700.2700 POLICE PURSUITS.~~

This rule part is repealed as it is philosophical in nature and is not a rule.

#### ~~6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.~~

This part is proposed for repeal because the language is outdated and does not reflect current technology or practices.

#### ~~6700.2702 TRAINING REQUIREMENTS.~~

This part is proposed for repeal as it is unnecessary.

#### ~~6700.2703 COPIES OF PROCEDURES.~~

The requirements in this part are replaced by **6700.xxxx**, Subp. x

## ~~6700.2704 AFFIRMATION OF COMPLIANCE.~~

This rule part is obsolete.

## 6700.XXXX –Required Agency Policies

This new rule part outlines requirements for the mandatory agency policies, previously referred to as “model policies” in one place. Law enforcement agencies are required by statute to adopt policies on 18 topics, of which 15 are applicable to every agency. The remaining 3 policies apply only if the agency utilizes the equipment or technology addressed by the policy.

The Board, in response to a recommendation from the [Ensuring Police Excellence and Improving Community Relations Advisory Council](#)<sup>25</sup> (EPEICAC), added a 19<sup>th</sup> policy on Public Assembly/First Amendment Activity. It is reasonable and necessary to establish a statewide policy on public assembly so that law enforcement and the public, including media, have shared expectations on law enforcement conduct and response to crowd events.

EPEICAC was established by statute in 2020. Minn. Stat. § [626.8435](#) Subd. 2 provides that “The purpose of the council is to assist the Board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community.” The Board is required by statute to consider the recommendations of the council, and to report annually to the legislature “...on how the board acted on those recommendations.”

At the April 2021, Board meeting, the Board approved a recommendation from EPEICAC that a policy be developed and adopted to address officer response to public assemblies, and that a rule requiring the policy be promulgated by the Board. The Board appointed a working group to develop the policy, following the Board’s established practice of ensuring stakeholder involvement in required policy development. Both law enforcement and community organizations were represented in the working group, which included two members of EPEICAC, two members of the Advisory Committee, and two additional persons with special expertise.

---

<sup>25</sup> <https://dps.mn.gov/entity/post/meetings/Pages/advisory-council.aspx>

The Board adopted the resulting Public Assembly/First Amendment Activity policy<sup>26</sup> in July 2021 as a recommended best practice until a rule establishing the policy as a required policy could be promulgated.

The Advisory Committee did not reach consensus to approve or disapprove the proposed rules on required agency policies. Of the 20 committee members, 6 objected to including the policy on Public Assembly/First Amendment Activity as a required policy. In the committee's report to the Board, the dissenters cite the fact that previous required policies have been mandated by statute, argued that the Board has no statutory authority to mandate policy, and asserted that local government must "...have authority to develop and implement individual policies in the best interest of their communities and in regard to availability of law enforcement and other resources".

The Board disagrees. The Board regulates standards for law enforcement statewide. Both officer conduct and the use of force are regulated by the Board, and are addressed in the policy regarding officer conduct in response to demonstrations and protests, spontaneous gatherings after the wins or losses of sports teams, and other events necessitating law enforcement presence. The policy sets standards for the use of force in a crowd control environment, requires crowd warnings before use of force is initiated, requires local authorization of use of force, outlines officer conduct at events, requires visible officer identification on the uniform or helmet, and addresses First Amendment issues including the presence of media.

And the Board has authority to "perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board under sections 626.841 to 626.863." Minn. Stat. § 626.843, subd. 3(4); *see also* Minn. Stat. § 626.845, subd. 1(8).

The Board sets statewide standards for law enforcement. It is reasonable and necessary to establish a statewide policy on public assembly so that law enforcement and the public, including media, have shared expectations on law enforcement response to crowd events.

The need for the statewide Public Assembly/First Amendment Activity policy was demonstrated in the unprecedented events related to the George Floyd and Daunte Wright protests. Law enforcement response involved eight other law enforcement agencies in the joint force known as Operation Safety Net organized by the Minnesota Department of Public Safety. A statewide policy on public assembly would have been useful. The response to the protests resulted in injuries to

---

<sup>26</sup> <https://dps.mn.gov/entity/post/model-policies-learning-objectives/Pages/default.aspx>



protestors, bystanders, and members of the media, and the detention and arrests of journalists. As a result, organizations sought and were granted temporary restraining orders prohibiting law enforcement from attacking or arresting journalists covering the arrests<sup>27</sup>. In February 2022, the MN State Patrol settled resulting litigation by paying \$825 thousand to an injured journalist, and the preliminary injunction was converted into a monitored 6 year injunction<sup>28</sup>. Minneapolis also settled claims from a protestor who suffered an eye injury after less than lethal force was used without warning<sup>29</sup>, and other legal claims are outstanding.

The Board asserts that law enforcement agencies have always had the ability to adjust required policies to reflect the operating conditions of the agency. This has been necessary to accommodate the differences in command structure, community partners, staffing levels, equipment variations, etc. The committee members concerned about local control should be assured that under the proposed rules, the agency's ability to adopt a policy that is adjusted for local conditions will continue.

**Subp. 1: Required Policy.** There are currently 18 policies required by Minnesota Statutes, section 626. The proposed rules answer frequently asked questions about the policies, and collate requirements expressed in 18 or more citations in statute. This will make it easier for the chief law enforcement officer of each law enforcement agency to comply and to easily locate the specific requirements.

**Item A.** The proposed rule clarifies that agencies may adopt more stringent policies and must include the provisions of the model policy. The policies are listed, and a provision is made to include future policies that would be subject to the same requirements identified in Subp. 2.

**Item B.** This proposed rule addresses the policies that are related to specific equipment types, and provides that the policies apply to agencies only if the agency uses that specific equipment.

**Subp. 2. Chief Law Enforcement Officer.**

---

<sup>27</sup> <https://www.cnbc.com/2021/04/18/minnesota-police-promise-not-to-detain-pepper-spray-journalists-covering-protests.html>

<sup>28</sup> <https://www.courthousenews.com/wp-content/uploads/2022/02/journalists-police-settlement.pdf>

<sup>29</sup> <https://www.mprnews.org/story/2021/01/27/minneapolis-settles-suit-over-mpd-response-to-unrest>

The proposed rule addresses the responsibilities of the CLEO of each agency in reference to the required policies.

Item A. This rule part requires the posting of the policies on the agency's website or alternatively, in the public area of the physical premises. Public access to the policies provides transparency and can reassure the public regarding the operational practices of an agency. For example, a shared understanding between the public and officers regarding the use of force policy can prevent misunderstandings.

Item B. This item continues the emphasis on transparency with a reasonable requirement that a copy of any required policy must be provided on request by individuals or entities.

Item C. This requirement ensures that each law enforcement officer has the current version of each policy. This is necessary and reasonable as officers must be able to refer to the policies as needed during the performance of their duties.

Item D. This item reasonably requires that the agency reviews each policy with each officer on at least an annual basis. An annual review is needed to ensure that officers remain familiar with the procedures and expectations of each policy, and provides an opportunity to address any modifications related to new technology, new case law, or new procedures in the agency.

Item E. This item clarifies that the policy must be enforced at all levels of the agency. The proposed rule is reasonable, given that larger metropolitan agencies have many divisions and departments, and multiple physical locations.

Item F. The proposed rule codifies a requirement that a CLEO report any violation of a required policy as is required in the new POST Misconduct Report Database<sup>30</sup>. This database was created after the Police Accountability Act (PAA) was passed by the Minnesota Legislature and signed into law by Governor Walz in August 2020. The PAA required the Board to establish a data base to capture information on officer misconduct and required CLEOs, as of July 1, 2021, to report data identified by the Board. The legislature intended the database to be used to (1) evaluate the effectiveness of required training, (2) to assist

---

<sup>30</sup> See the User Guide to the POST Misconduct Report Database for a summary of the program [https://dps.mn.gov/entity/post/Documents/POST%20Misconduct%20Report%20Database%20User%20Guide%20\(pdf%20version\)%20\(1\).pdf#search=Benchmark](https://dps.mn.gov/entity/post/Documents/POST%20Misconduct%20Report%20Database%20User%20Guide%20(pdf%20version)%20(1).pdf#search=Benchmark)

EPEICRAC in its duties, and (3) to identify behavior patterns suggesting an officer is in crisis or likely to violate a required policy. In compliance with the PAA (Minnesota Statutes, [626.8457](#) subd. 3), the Board determined that necessary data to accomplish the stated end results of the database included information on officer violations of required policies. The proposed rule codifies the requirement that a CLEO report any violation of a required policy.

Item G. This item relates to required policies which have associated mandatory training requirements for officers. The rule reasonably requires the CLEO to report on an annual basis the officers that have completed the training, and to report any updates to any of the required policies. This annual report is needed to aid the Board in its compliance audits of agencies as required under Minnesota Statutes, section [626.8459](#).

## Conclusion

In this SONAR, the Board has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, chapter 6700. The Board has provided the necessary notice and, in this SONAR, documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules. Based on the forgoing, the proposed amendments are both needed and reasonable.

Signed by: Erik Misselt, Executive Director

Dated:

1.1 **Peace Officer Standards and Training Board**

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

1.3 **6700.0100 DEFINITIONS.**

1.4 Subpart 1. **Scope.** For the purpose of this chapter, the terms in this part have the  
1.5 meanings given them, unless another intention clearly appears.

1.6 Subp. 2. **Agency.** "Agency" has the meaning given it in Minnesota Statutes, section  
1.7 626.84, subdivision 1, paragraph (f).

1.8 Subp. 3. **Appointing authority.** "Appointing authority" means the public official,  
1.9 board, commission, or other person or group of persons responsible for the initial appointment  
1.10 and continued tenure of persons employed by the agency as peace officers and part-time  
1.11 peace officers.

1.12 Subp. 4. **Appointment.** "Appointment" means the official declaration provided by  
1.13 the agency to the POST Board which indicates that the agency has engaged the services of  
1.14 a peace officer or part-time peace officer beginning on a specified date.

1.15 Subp. 5. [Repealed, 14 SR 12]

1.16 Subp. 5a. **Professional peace officer education.** "Professional peace officer education"  
1.17 means:

1.18 A. a postsecondary degree that includes instruction as specified in part 6700.0300,  
1.19 subpart 1; or

1.20 B. a postsecondary certificate that includes instruction as specified in part  
1.21 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess  
1.22 a postsecondary degree.

1.23 Subp. 6. **Board or POST Board.** "Board" or "POST Board" means the Board of  
1.24 Peace Officer Standards and Training.

2.1 Subp. 7. **Certification.** "Certification" means official acknowledgment by the board  
2.2 that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer  
2.3 professional peace officer education or the academic component or clinical skills component  
2.4 of the professional peace officer education.

2.5 Subp. 8. **Chief law enforcement officer.** "Chief law enforcement officer" means the  
2.6 designated head and the highest ranking board-licensed peace officer within an agency.

2.7 Subp. 9. [Repealed, 14 SR 12]

2.8 Subp. 9a. **Conviction.** "Conviction" means that a person has been charged with a  
2.9 crime and the person was found guilty of that crime, regardless of length of or imposition  
2.10 or execution of any sentence received, any deferred finding of guilt or imposition of sentence  
2.11 by the court, any continuance for dismissal granted by the court, or any expungement of  
2.12 the offense records or conviction.

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

2.16 Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an  
2.17 individual who has passed the peace officer licensing examination or the reciprocity  
2.18 examination, but who has not yet secured employment as a peace officer.

2.19 Subp. 12. **Executive director.** "Executive director" means executive director of the  
2.20 board.

2.21 Subp. 12a. **Felony.** "Felony" means a crime punishable by more than one year in  
2.22 prison.

2.23 Subp. 13. [Repealed, 18 SR 1961]

2.24 Subp. 14. [Repealed, L 2005 c 10 art 1 s 82]

3.1 Subp. 15. **Guest lecturer.** "Guest lecturer" means a person who is invited by the  
3.2 instructor to teach occasionally in a school or a board-approved course in continuing  
3.3 education.

3.4 Subp. 16. **Inactive licensed officer.** "Inactive licensed officer" means an individual  
3.5 who holds a currently valid peace officer license issued by the board, but who is not currently  
3.6 employed by an agency.

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

3.9 Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given  
3.10 it in Minnesota Statutes, section 626.84, subdivision 1, paragraph (d).

3.11 Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes,  
3.12 section 626.84, subdivision 1, paragraph (c).

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

3.17 Subp. 21. [Repealed, 18 SR 1961]

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

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

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

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

4.6 Subp. 26. **Discriminatory conduct.** "Discriminatory conduct" means a pattern of  
4.7 conduct or a single egregious act that evidences knowing and intentional discrimination  
4.8 based on the perception of a person's race, color, creed, religion, national origin, disability,  
4.9 sex, sexual orientation, gender identity, or public assistance or any other protected class as  
4.10 defined in Minnesota statutes or federal law; and would lead an objectively reasonable  
4.11 person to conclude that the individual may not perform the duties of a peace officer in a  
4.12 fair and impartial manner.

**Subp. X. Seasonal Position:** "Seasonal Position" means a position which is necessary due to recurring seasonal  
fluctuations in staffing needs and does not exceed 16 weeks in duration.

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

#### 4.13 **6700.0601 EXAMINATION STANDARDS.**

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

4.16 A. making any false material statement to the board;

4.17 B. communicating with any other person in any way during an examination, except  
4.18 with the express permission of the monitor;

4.19 C. referring to books or any study material during the examination, except with  
4.20 the express permission of the monitor;

4.21 D. obstructing a board investigation;

4.22 E. without board authorization, possessing a copy of any of the board's

4.23 examinations;

4.24 F. aiding another person to violate items A to E; or



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

5.4 Subp. 2. [See repealer.]

5.5 Subp. 3. [See repealer.]

5.6 **6700.0670 BACKGROUND INVESTIGATION.**

5.7 **Subpart 1. Applicants.**

5.8 A. Each applicant for employment as a peace officer must provide a personal  
5.9 history statement with the application. The statement must include:

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

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

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

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

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

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

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

6.1 C. Each applicant who is currently or previously licensed as a peace officer must  
6.2 authorize the release to the employing agency and board of the officer's personnel files,  
6.3 including disciplinary, termination, civil or criminal investigation, and other records or  
6.4 information that are directly related to licensure.

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

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

6.9 A. Before employing an unlicensed or licensed applicant in a peace officer position,  
6.10 the law enforcement agency must complete a background investigation on the applicant, in  
6.11 compliance with Minnesota Statutes, section 626.87, except as stated in item B. The  
6.12 background investigation must be completed no earlier than six months prior to the agency's  
6.13 offer of employment to an applicant. The background investigation may not be conducted  
6.14 by the chief law enforcement officer or by anyone involved in selection of applicants for  
6.15 peace officer positions and must comply with Minnesota Statutes, section 363A.08,  
6.16 subdivision 4, paragraph (a), clause (1). Nothing in this chapter precludes an agency from  
6.17 performing a more stringent background check. A background investigation must address  
6.18 the following elements:

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

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

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

7.3 (4) drug and alcohol use;

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

7.5 (6) education verification;

7.6 (7) employment history;

7.7 (8) military history verification;

7.8 (9) personal and professional references, such as friends, associates, family  
7.9 members, and neighbors;

7.10 (10) personal interview. Personal interviews may occur before, during, and  
7.11 after the investigation and may be used to discuss, among other topics, any arrest or  
7.12 conviction records and any discrepancies or concerns raised in the investigation;

7.13 (11) residential history;

7.14 (12) records checks, such as open sources or social media, and financial  
7.15 information, as permitted by law; and

7.16 (13) inquiry to the local prosecuting authority and law enforcement agency  
7.17 in any jurisdiction in which the applicant has served as a peace officer as to whether the  
7.18 applicant has any potential impeachment disclosure or Brady-Giglio impairment.

7.19 B. An agency hiring an applicant for a seasonal or temporary supplemental position  
7.20 may choose to limit the scope of the background investigation to a criminal history check  
7.21 and a driving records check when:

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

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

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

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

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

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

8.12 (2) a background investigation identifies:

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

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

8.17 B. When an applicant who is a currently licensed peace officer is identified through  
8.18 a background investigation as having a disqualifying offense or a violation of standards of  
8.19 conduct , the board must notify the law  
8.20 enforcement agency employing that officer.

8.20 **6700.0675 PSYCHOLOGICAL SCREENING.**

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

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

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

9.5                   (3) to the extent possible as determined by the psychologist, an evaluation  
9.6 of a predisposition on the part of the applicant to engage in discriminatory conduct as defined  
9.7 in part 6700.0100; and

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

9.12                   B. The psychological screening must conform to the standards of the Americans  
9.13 with Disabilities Act.

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

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

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

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

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

10.1 **6700.0700 MINIMUM SELECTION STANDARDS.**

10.2 Subpart 1. ~~Selection standards Applicants not yet licensed.~~ A person eligible to be  
10.3 licensed shall meet the following minimum selection standards before being appointed to  
10.4 the position of peace officer. The appointing authority may affirm that the applicant has  
10.5 already completed certain of these standards, but the affirmation must be documented

~~10.6 pursuant to subpart 2. An applicant accepted by the board as having met the preliminary  
10.7 licensing requirements eligible to be licensed or a peace officer currently licensed in Minnesota  
may apply for a peace officer position with a law enforcement agency.~~

10.8 Prior to employment, the law enforcement agency must establish and document that the  
10.9 following minimum selection standards are met by the applicant. The applicant must:

10.10 A. ~~The applicant shall be a citizen of the United States; or eligible to work in the~~  
10.11 United States under federal requirements;

10.12 B. ~~The applicant shall possess a valid Minnesota driver's license; or in case of~~  
10.13 residency therein, when residing in another state, a valid driver's license from another that  
10.14 state; or eligibility to obtain either license.;

10.15 C. ~~The applicant shall complete a comprehensive written application. submit to~~  
10.16 a psychological screening that meets the requirements of part 6700.0675:

10.17 D. ~~The applicant shall submit to provide a complete personal history using a form~~  
10.18 provided by the law enforcement agency and submit to a thorough background search,  
10.19 including searches by local, state, and federal agencies, to disclose the existence of any  
10.20 criminal record or conduct which would adversely affect the performance by the applicant  
10.21 of peace officer duties. investigation conducted by the agency that meets the requirements  
10.22 of part 6700.0670.

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

11.1 F. E. ~~No applicant may be appointed to the position of peace officer who has not~~  
11.2 ~~been convicted of:~~

11.3 ~~(1) of a felony in this state or in any other state or federal jurisdiction;~~

11.4 ~~(2) (1) of any a felony in Minnesota or an offense in any other state or federal~~  
11.5 ~~another jurisdiction which that would have been a felony if committed in Minnesota;~~

11.6 ~~(3) under Minnesota Statutes, section 609.224, 609.2242, 609.231, 609.2325,~~  
11.7 ~~609.233, 609.2335, 609.234, 609.324, 609.465, 609.466, 609.52, or 609.72, subdivision 3;~~  
11.8 ~~or convicted under any state or federal narcotics or controlled substance law irrespective~~  
11.9 ~~of any proceeding under Minnesota Statutes, section 152.18, or any similar law of another~~  
11.10 ~~state or federal law; or~~

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

11.13 ~~(2) any of the following nonfelony offenses or the equivalent in another~~  
11.14 ~~jurisdiction:~~

11.15 ~~(a) gross misdemeanor assault in the fifth degree under Minnesota~~  
11.16 ~~Statutes, section 609.224;~~

11.17 ~~(b) bias crimes, including assaults motivated by bias under Minnesota~~  
11.18 ~~Statutes, section 609.2231, subdivision 4, and criminal damage to property under Minnesota~~  
11.19 ~~Statutes, section 609.595, subdivision 2, paragraph (b);~~

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

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

11.23 ~~(e) violation of an order for protection under Minnesota Statutes, section~~  
11.24 ~~518B.01, subdivision 14;~~

- 12.1 (f) harassment or stalking under Minnesota Statutes, section 609.749;
- 12.2 (g) violation of a harassment restraining order under Minnesota Statutes,
- 12.3 section 609.748, subdivision 6;
- 12.4 (h) sexual extortion under Minnesota Statutes, section 609.3458;
- 12.5 (i) any offense that would require the applicant to be registered as a
- 12.6 predatory offender under Minnesota Statutes, section 243.166 or 243.167;
- 12.7 (j) criminal sexual conduct under Minnesota Statutes, sections 609.341
- 12.8 to 609.3451;
- 12.9 (k) indecent exposure under Minnesota Statutes, section 617.23;
- 12.10 (l) criminal sexual conduct in the fifth degree under Minnesota Statutes,
- 12.11 section 609.3451;
- 12.12 (m) any mistreatment of a vulnerable adult, including under Minnesota
- 12.13 Statutes, sections 609.2231; 609.231; 609.2325; 609.233; 609.2335; 609.234; and 609.72,
- 12.14 subdivision 3;
- 12.15 (n) patrons of prostitution under Minnesota Statutes, section 609.324,
- 12.16 subdivision 2;
- 12.17 (o) making false claims for profit to a public body or officer under
- 12.18 Minnesota Statutes, section 609.465;
- 12.19 (p) attempting medical assistance fraud under Minnesota Statutes, section
- 12.20 609.466;
- 12.21 (q) theft under Minnesota Statutes, section 609.52, except that
- 12.22 misdemeanor theft of movable property valued at \$500 or less is not an automatic
- 12.23 disqualification;



13.1 (r) interference with an emergency call under Minnesota Statutes, section  
13.2 609.78, subdivision 2, clause (1);

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

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

13.6 (u) malicious punishment of a child under Minnesota Statutes, section  
13.7 609.377;

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

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

13.11 (x) narcotics or controlled substance law, excluding any nonfelony  
13.12 marijuana offenses;

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

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

13.20 H. have no record or indication of participation or support of an extremist or hate  
group;

~~13.21~~ G. I. The applicant shall be fingerprinted for the purpose of disclosure of any  
13.22 felony convictions. Fingerprint cards shall, and the fingerprints must be forwarded by the  
13.23 agency to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal

14.1 Bureau of Investigation. The results of the fingerprint check must be maintained in the  
14.2 background investigation report. ~~The chief law enforcement officer shall immediately~~  
14.3 ~~notify the~~

14.4 ~~board if a previous felony conviction is discovered.;~~

14.5 H. J. A licensed physician or surgeon shall make a thorough medical examination  
14.6 of the applicant to determine that the applicant is be free from any physical condition which  
14.7 that might adversely affect the performance of peace officer duties, as established through  
14.8 an exam by a licensed medical professional (see definition of licensed medical professional);

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

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

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

14.19 L. have undergone documented training equivalent to an emergency medical  
14.20 responder or higher, or to be completed within the first six months of employment; and

14.21 M. be at least 18 years old.

14.22 **Subp. 2. Documentation.** ~~The chief law enforcement officer shall maintain must~~  
14.23 ensure that documentation necessary to show completion of compliance with subpart 1. The  
14.24 chief law enforcement officer is not required to obtain documentation for subpart 1, item  
14.25 J, if the applicant completed part 6700.0500, subpart 3 is retained by the law enforcement  
14.26 agency for the duration of any resulting employment. If the applicant is not employed by  
14.27 the agency, the background investigation must be retained for six years or as required by  
14.28 6700.0700

15.1 the agency's retention schedule, whichever is longer. The documentation is subject to periodic  
 15.2 review by the board, and ~~shall~~ must be made available to the board at its request.

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

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

15.6 **6700.1600 VIOLATION OF STANDARDS OF CONDUCT.**

15.7 Subpart 1. Standards. ~~Violation of any of the following standards of conduct by a~~  
 15.8 ~~licensee constitutes grounds for disciplinary action:~~ A licensed peace officer is subject to  
 15.9 discipline up to and including license revocation under part 6700.01710 when the board finds  
 15.10 that the officer has violated one or more of the standards of conduct. It is a violation of  
 15.11 standards of conduct to:

15.12 ~~A. engaging in conduct prohibited by, or listed as, grounds for disciplinary action~~  
 15.13 ~~in this chapter, Minnesota Statutes, chapter 214, or sections 626.84 to 626.90, or engaging~~  
 15.14 ~~in conduct which violates any statute enforced by the board;~~

15.15 ~~B. obtaining a license from the board by fraud or cheating, or attempting to subvert~~  
 15.16 ~~the examination process;~~

15.17 ~~C. being convicted of a felony or gross misdemeanor in this state, or in any other~~  
 15.18 ~~state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor~~  
 15.19 ~~if committed in Minnesota including a finding or verdict of guilt, whether or not the~~  
 15.20 ~~adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;~~

15.21 ~~D. having been the subject of revocation, suspension, or surrender of a peace~~  
 15.22 ~~officer license or certificate in resolution of a complaint or other adverse action relating to~~  
 15.23 ~~licensing or certification in another jurisdiction;~~

16.1 ~~E. failing to report the revocation, suspension, or surrender of a license or~~  
16.2 ~~certificate in resolution of a complaint, or other disciplinary or adverse action taken against~~  
16.3 ~~a licensee in this or another jurisdiction, or having been refused a license or certificate by~~  
16.4 ~~any other jurisdiction;~~

16.5 ~~F. being convicted of a state or federal narcotics or controlled substance law~~  
16.6 ~~irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar~~  
16.7 ~~law of another state or federal law;~~

16.8 ~~G. being adjudicated by a court of competent jurisdiction, within or without the~~  
16.9 ~~state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent,~~  
16.10 ~~mentally ill and dangerous to the public, or as having a psychopathic personality, or required~~  
16.11 ~~to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;~~

16.12 ~~H. violating any order issued by the board;~~

16.13 ~~I. practicing outside the scope of Minnesota Statutes, section 626.863;~~

16.14 ~~J. making an intentional false statement or misrepresentation to the board;~~

16.15 ~~K. engaging in sexual penetration or contact without consent, as defined in~~  
16.16 ~~Minnesota Statutes, section 609.341, or engaging in conduct that violates Minnesota Statutes,~~  
16.17 ~~section 617.23. Sexual contact does not include contact that is part of standard police~~  
16.18 ~~procedure such as search and arrest;~~

16.19 ~~L. being convicted, including a finding or verdict of guilt, whether or not the~~  
16.20 ~~adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea~~  
16.21 ~~of a violation of Minnesota Statutes, sections 169A.27; 518B.01, subdivision 14; 609.224;~~  
16.22 ~~609.2242; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465;~~  
16.23 ~~609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;~~

16.24 ~~M. failing to cooperate with an investigation of the board as required by part~~  
16.25 ~~6700.1610, subpart 4;~~

17.1 ~~N. engaging in sexual harassment, as defined by Minnesota Statutes, section~~  
 17.2 ~~363A.03, subdivision 43;~~

17.3 ~~O. using deadly force when not authorized by Minnesota Statutes, section 609.066;~~  
 17.4 ~~or~~

17.5 ~~P. being convicted of solicitation, inducement, or promotion of prostitution in~~  
 17.6 ~~violation of Minnesota Statutes, section 609.322, or any conviction under Minnesota Statutes,~~  
 17.7 ~~section 609.324, or being convicted of similar offenses in another state or federal jurisdiction.~~

17.8 A. engage in:

17.9 (1) conduct that would bar licensure under the minimum selection standards  
 17.10 identified in part 6700.0700, subpart 1, item E; regardless of whether or not the conduct  
results in criminal charges;

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

(3) conduct that would be identified as a gross misdemeanor in Minnesota;

17.12 (3-4) sexual harassment, as defined by Minnesota Statutes, section 363A.03,  
 17.13 subdivision 43;

17.14 (4-5) obstruction of justice obstructing legal process; or

(6) fleeing by means other than a vehicle;

(7) carrying a pistol while under the influence;

17.15 (-5-8) driving while impaired or under the influence;

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

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

17.20 D. regarding use of force:

- 17.21                    (1) fail to intercede when observing another licensee using force beyond that
- 17.22 which is objectively reasonable as required under Minnesota Statutes, section 626.8474;

18.1                   (2) fail to report in writing within 24 hours to the chief law enforcement  
18.2 officer any use of force violations by another employee or peace officer as required under  
18.3 Minnesota Statutes, section 626.8474; or

18.4                   (3) engage in unreasonable or excessive use of force against a person, or the  
18.5 illegal use of deadly force;

18.6                   E. fail to:

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

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

18.11                   (3) cooperate with a board investigation; or

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

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

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

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

18.18                   (3) maliciously procuring a search warrant; exceeding the officer's authority in  
18.19 executing a search warrant or executing

18.19 it with unnecessary severity under Minnesota Statutes, section 626.22;

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

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

19.6 (1) the violation of the civil rights of other persons or promotes derogatory or  
 19.7 harmful  
 19.8 actions against other persons based on a person's perceived race, color, creed, religion,  
 19.9 national origin, disability, sex, sexual orientation, gender identity, public assistance status  
 19.10 or any protected class as defined in Minnesota Statutes, or federal law;

19.10 (2) promotes the use of threats, force, violence, or criminal activity  
 a) in efforts to deprive or attempt to deprive individuals of their civil  
 19.11 rights under the Minnesota or United States Constitution; or  
 19.12 b) to achieve goals that are political, religious, discriminatory, or  
 19.13 ideological in nature; or

19.11 (3) promotes seditious activities, threats or violence  
 19.12 against local, state or U.S. Government or seditious activities;

19.13 I. support, advocate for, or participate in a white supremacist, hate, extremist  
group or criminal gang under Item H as demonstrated by:

(1) dissemination of extremist material;

(2) engagement in cyber or social media posts, chats,

forums, and other forms of promotion of the group's activities or ideology;

(3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes  
associated with the group;

(3) direct financial or in-kind contributions to the group;

(4) a physical or cyber presence in the group's events; or

(5) other conduct that could reasonably be considered support, advocacy or  
participation.

J. A violation under Item H or J does not apply when the conduct is sanctioned



by the law enforcement agency as part of the officer's official duties.

19.14 ~~I-K.~~ be the subject of revocation, suspension, or surrender of a peace officer license

19.15 or certificate in resolution of a complaint or other adverse action relating to licensing or

19.16 certification in another jurisdiction;

~~19.17 J. violate board standards in a required mandatory policy identified in Minnesota~~

~~19.18 Statutes, chapter 626, or this chapter; or~~

19.19 ~~K-L.~~ engage in conduct prohibited by or listed as grounds for disciplinary action in

19.20 this chapter; Minnesota Statutes, ~~chapter~~ 214 ~~or 626~~, or engaging in conduct which violates

19.21 any statute enforced by the board.

~~19.22 Subp. 2. **Definitions.**~~

~~19.23 A. For the purposes of subpart 1, item H, the terms in this subpart have the~~

~~19.24 meanings given.~~

~~20.1 B. "Extremist group" means a group that utilizes the unlawful use or threat of~~  
~~20.2 force in furtherance of an ideological agenda derived from bias against a person or group~~  
~~20.3 or antigovernment or anti-authority sentiment, including opposition to perceived economic,~~  
~~20.4 social, or racial hierarchies, or perceived government overreach, negligence, or illegitimacy.~~

~~20.5 C. "Hate group" means an organization that supports, advocates for, threatens, or~~  
~~20.6 practices violence toward any group of persons based on their race, ethnicity, nationality,~~  
~~20.7 religion, gender, gender identity, sexual orientation, disability, or a protected class under~~  
~~20.8 Minnesota or federal law.~~

~~20.9 D. "Supporting, advocating, or participating" means:~~

~~20.10 (1) dissemination of extremist material; cyber or social media posts, chats,~~  
~~20.11 forums, and other forms of promotion of the group's activities or ideology;~~

~~20.12 (2) display or use of insignia, colors, tattoos, hand signs, slogans, or codes;~~

~~20.13 (3) financial contributions;~~

~~20.14 (4) physical or cyber presence in the group's events; or~~

~~20.15 (5) other conduct that could reasonably be considered support, advocacy or~~  
~~20.16 participation.~~

20.17 Subp. **23. Incapacitation.** The license of a peace officer may be suspended or revoked  
20.18 by the board when the officer has been adjudicated by a court in any jurisdiction as  
20.19 incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally  
20.20 ill and dangerous to the public, or as having a psychopathic personality, or required to  
20.21 register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167.

21.1 **6700.1610 REPORTING OBLIGATIONS AND COOPERATION.**

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

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

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

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

**6700.XXXX –Required Agency Policies**

**Subpart 1: Required Policy.** The chief law enforcement officer must ensure that the agency adopts, implements, and enforces the required policies listed in parts A – B.

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

- 1) Use of Force policy;
- 2) Eyewitness Identification Procedures policy;
- 3) Officer Conduct Complaint Policy;
- 4) Professional Conduct of Officers Policy;
- 5) Domestic Abuse Policy;
- 6) Racial Profiling Policy;
- 7) Investigation of Sexual Assault Policy;
- 8) Public Assembly/First Amendment Activity Policy
- 9) Missing & Endangered Persons Policy;

- 10) Community Notification of Predatory Offender Policy;
- 11) Vehicle Pursuit and Emergency Vehicle Operations Policy;
- 12) Criminal Conduct on School Buses Policy;
- 13) Lighting Exemption of Law Enforcement Vehicles Policy;
- 14) Administrative Forfeiture Policy; and
- 15) Supervision of Part-time Licensed Peace Officers Policy, applicable only if the agency employs an Part-time officer under MN Statute 626.1110;
- 16) Any other required agency policy as established by the legislature or the board addressing critical public safety and law enforcement procedures.

B. **Each** agency must adopt and implement a policy as listed below if the agency uses such equipment or devices. The agency policy must include any requirements identified in statute:

- 17) Automated License Plate Reader Policy, applicable only if plate readers are used by the agency MN Statutes 626.8472;
- 18) Portable Recording Systems Adoption Policy, applicable only if the agency uses applicable recording systems under MN Statutes 626.8473;
- 19) Use of Unmanned Aerial Vehicles Policy, applicable only if the agency uses drones or other applicable aerial devices under MN Statutes 626.19; and

**Subpart 2: Chief Law Enforcement Officer.** The chief law enforcement officer must ensure that:

- A. the current version of each required policy is posted on the law enforcement agency's website. If the agency does not have a website, the policy must be posted in the public area of the agency's physical premises;
- B. a copy of the current version of each required policy is provided on request by an individual or organization;
- C. a copy of the current version of each required policy is provided to each peace officer employed by the agency;
- D. each required policy is reviewed at least annually with each officer;
- E. the agency's adopted policy is enforced at all levels of the agency;
- F. violations of a required policy are reported to the Board; and
- G. the policy and training compliance form provided by the board is completed and submitted to the board no later than March 1 of each year .

21.18 **REPEALER.** Minnesota Rules, parts 6700.0601, subparts 2 and 3; 6700.0701

~~**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,-requirement moved to 6700.00670 subp 3 and amended.*~~

6700.1400, subpart 3;

**6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.**

~~**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.~~

6700.1500;

~~**6700.1500 STANDARDS OF CONDUCT FOR 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. Nothing in parts ~~6700.0100~~ to ~~6700.1800~~ shall preclude or prevent any agency, political subdivision, civil service commission, or other appointing authority from publishing and enforcing rules, policies, or procedures which are more comprehensive than those minimum statewide standards set forth hereinafter. The responsibility for enforcing any rules, policies, or procedures which are more comprehensive than the following minimum standards of conduct remains with the promulgating agency, political subdivision, commission, or appointing authority.~~

~~**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.~~

and

6700.1700, subparts 1, 3, and 4;

6700.2700;

6700.2701;

6700.2702;

6700.2703;

6700.2704 are repealed.