



# Minnesota Board of Peace Officer Standards and Training

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## Rules Committee Meeting Agenda August 18, 2021 9:00 a.m.

Via TEAMS online

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of 4-26-21 Minutes **ACTION**
4. Committee Meeting Schedule
5. Review of draft AV12
  - a. Discriminatory Conduct/White supremacist language in:
    - Definition of discriminatory conduct, page 2
    - Minimum selection standards, page 6
    - Psychological screening, page 8
    - Standards of conduct, standards list on page 21
    - Standards of conduct, mandatory revocation if discharged for discrimination page 23
    - Standards of conduct – discretionary discipline list page 28
  - b. Standards of Conduct, page 21
  - c. Licensure renewal requirements, page 18
6. Questions and/or additional discussion
7. Adjournment

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

**Rules Committee Meeting  
POST Board Office  
Electronic Meeting VIA Microsoft Teams  
April 26, 2021**

**Members Present**

Kelly McCarthy  
Pilar Stier  
Jason Bennett  
Tanya Gladney  
Luke Hennen

**Members Absent**

Justin Terrell

**Staff Present**

Erik Misselt  
Jeff Winger  
Rebecca Gaspard  
Abby Brown  
Angie Rowow

**Others Present**

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

**Call to Order:** The second meeting of the Rules Committee was called to order at 1:00pm. Roll call was taken by Ms. Brown. As the Chair of the Committee was not present, Ms. McCarthy as the Full Board Chair ran the meeting.

**Approval of the Agenda:** Ms. McCarthy looked for a motion to approve the agenda.

- **MOTION:** Mr. Hennen moved to approve the agenda, the motion was seconded. The agenda was approved through a unanimous vote.

**Approval of the Meeting Minutes:** Ms. McCarthy looked for a motion to approve the September 11, 2020 minutes.

- **MOTION:** Mr. Bennett moved to approve the minutes, the motion was seconded. The minutes were approved through a unanimous vote.

**Prohibition of Participation/Association with White Supremacy Groups:**

Ms. Gaspard gave different options offered by the Attorney General's office. A rule would need to address the definition of organizations included in the rule. There was much discussion to determine the best course of action. This is the choice between narrowing the rule to focus on white supremacy groups versus broadening the rule to include all hate groups.

The belief is that leaving the decision up to the agencies would be the most appropriate, however the POST Board should have a rule in place in the instance that the agency doesn't censure that behavior. The discussion was tabled as the Chair of the Committee was not present. Ms. Gaspard will create a draft of the language that has come out of this discussion to review at the next meeting.

**Discussion of the draft of AV6:** The draft includes specifying definitions to relate to the full set of rules in Chapter 6700. There was some clarification to discuss the level of requirement for mandated policies. For each mandated policy, the agency must have a

policy in place that is at least as restrictive the mandated policy but can be more restrictive if the agency desires. In regards to the background investigation portion of rule, questions arose about testing that would be inclusive of cultural competency. Currently the psychologists do not have a good battery of tests that include cultural competency so the interview process is still weighed heavily on for that portion of the assessment.

Discussion ensued regarding the Minimum Selection Standards Subpart 1, Section E, Subsection 5 which discussed the use of marijuana. A motion was made by Ms. Stier to exclude marijuana from Subsection 5, the motion was seconded by Mr. Bennett. The motion was approved by a voice vote.

There was then discussion about Subpart 1, Section L. There was considerable discussion about whether or not to require law enforcement officers maintain their EMR training. The discussion was tabled, but will be discussed in a future meeting. After tabling this discussion, a committee member had to excuse himself, so there was no longer a quorum. The meeting was adjourned at 2:46 pm.

The foregoing minutes were approved by the Rules Committee for the Board of Peace Officer Standards and Training when it met on 4/26/2021.

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Ms. Kelly McCarthy  
Interim Chair

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Erik Misselt  
Executive Director

## AV12 Advisory Committee Rules Draft – Sept. 2021

**CAUTION:** This rules draft is a preliminary internal document representing ongoing discussion and potential suggested rule amendments to MN Rules Chapter 6700. **The POST Board has not approved this draft.**

When an actual proposed draft is approved by the Governor's office, the Revisor's office, and the POST Board, that draft will be published for public review to allow for comment and suggested changes. The POST Board will consider those comments and may make changes in the proposed rules as a result.

Before any rules changes may be adopted, the final draft of proposed rules must be approved by the Governor's office, the Revisor's office, the POST Board, and an Administrative Law Judge and the Office of Administrative Hearings. For more information on the legal requirements that must be met before the POST Board may change current rule, please review the Minnesota Administrative Procedures Act in MN Statutes, section [14](#).

To be notified when there is an actual draft of proposed rules published, email [Rebecca.W.Gaspard@state.mn.us](mailto:Rebecca.W.Gaspard@state.mn.us) with your email address.

*Note: No formal consensus from Advisory Committee on this draft unless noted  
Check [626.8471](#) on racial profiling and place requirements in rule*

**New since June meeting** of Advisory Committee on POST Board Rules Overhaul indicated by highlight

**New since Aug meeting materials distributed** indicated by highlight

**Items that will need finalized dates and cites** are indicated by highlight

**Notes** are in red text

### Index of sections in this draft:

6700.0100 definitions  
6700.xxxx mandated policies  
6700.0600 LICENSING EXAMINATIONS.  
6700.0601 EXAMINATION STANDARDS.  
6700.x650 NOTIFICATION OF CONVICTION BACKGROUND INVESTIGATION.  
6700.x675 PSYCHOLOGICAL SCREENING.  
6700.0700 MINIMUM SELECTION STANDARDS.  
6700.0725 APPLICANTS FOR LICENSURE  
6700.07xx MILITARY TEMPORARY LICENSE.  
6700.07XX Employment of Peace Officers  
6700.0800 LICENSING OF PEACE OFFICERS.  
6700.0900 CONTINUING EDUCATION PROVIDERS  
6700.1000 LICENSE RENEWAL.  
6700. 1xxx. Renewal of an Expired or Inactive License.  
6700. 1xxx REINSTATEMENT AFTER REVOCATION OR SUSPENSION.  
~~6700.1400 INACTIVE STATUS OF PEACE OFFICER LICENSES.~~  
6700.1500 STANDARDS OF CONDUCT FOR LICENSEES PEACE OFFICERS.  
~~6700.1600 VIOLATION OF STANDARDS OF CONDUCT.~~  
~~6700.2000 DEFINITIONS.~~  
6700.2100 SCOPE.  
6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES.

~~6700.2300 AFFIRMATION OF COMPLIANCE.~~  
~~6700.2400 COPIES OF PROCEDURES.~~  
6700.2500 DOCUMENTATION OF COMPLAINTS.  
6700.2600 PROCESSING OF COMPLAINTS.

## **6700.X001-Definitions** *does not include all current definitions*

Subp. X Certified Applicants. Certified applicants means an individual identified by the Board as being eligible to be licensed.

Subp. 9a. **Conviction.** "Conviction" means that a person has been charged with a crime and the person was found guilty of that crime, regardless of length of or imposition or execution of any received, any deferred finding of guilt, or imposition of sentence by the court, any continuance for dismissal granted by the court, or any expungement of the offense records or conviction. a conviction, violation, adjudication, civil compromise, an entered plea of guilty or no contest, or a finding of guilty except for insanity or its equivalent for any violation of a criminal law under the law of the jurisdiction where the criminal disposition occurred.

Subp. X. **Discriminatory Conduct.** Discriminatory conduct includes a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's race, color, creed, religion, national origin, disability, sex, sexual orientation, marital status, status with regard to public assistance, age, or any other protected class as defined by the Minnesota Human Rights Act in MN Statutes, section 363a, or federal law, and would lead an objectively reasonable person to conclude that the applicant cannot perform the duties of office in a fair and impartial manner;

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

X. **Licensed Medical Professional.** Licensed medical professional means an individual licensed as a physician, surgeon, physician's assistant, or advanced practice registered nurse or other professional whose scope of practice includes physical exams. *Note: licensed medical professionals are those who may provide the pre-employment physical exam required under Minimum Selection Standards*

x. Law Enforcement Agency. Law enforcement agency means any agency, political subdivision, civil service commission, or other local government authority employing police officers, sheriffs, or conservation officers in their licensed capacity.

**626 definition: "Law enforcement agency" means:**

**(1) a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state;**

**(2) subject to the limitations in section 626.93, a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e).**

*\_see disqualifier under 6700.0700 for having license or authority revoked*

## **6700.XXXX -Mandated Policies**

### **Subp.1**

**A. A Mandated policies** under this section are any policy required to be adopted by a law enforcement agency under the provisions of Minnesota Statute or this chapter. All mandated policies and any subsequent policy revisions must be approved by the POST board before implementation.

**B. Each chief law enforcement officer (CLEO) must ensure that:**

1. the current version of each mandated policy is posted on the law enforcement agency's website;
2. the agency must provide a paper or electronic copy of a mandated policy on request by an individual or organization;
3. a paper or electronic copy of the current version of each mandated policy is provided to each peace officer employed by the agency; and
4. the agency's adopted policy is enforced at all levels of the agency

**C. The board must review mandated policies to reflect any related changes in state or federal requirements. At a minimum, the board must review and update each policy every three years, and must**

**Subpart 2. Use of Force Mandated Policy.** The head of the law enforcement agency identified in MN. Statutes 626.8452 is the licensed chief law enforcement officer (CLEO) appointed or employed by the law enforcement agency. *Add governmental unit language here and throughout section*

- A. Each CLEO must ensure that officers complete UOF training consistent with the model policy on an annual basis.

### **Subp. 3. Avoiding Racial Profiling Mandated Policy.**

- A. Each CLEO must ensure that officers complete training on Racial Profiling consistent with the model policy on an annual basis.

B.

### **Subp. 4. Public Assembly and First Amendment Activities Mandated Policy.**

By January 1, 2023, the chief law enforcement officer of every state and local law enforcement agency must adopt and implement a written policy on Public Assembly and First Amendment Activities that is identical to or substantially similar to the board-approved model policy. (training? Should model policy prohibit kittling?)

**Subp. 4. Citizen Complaint Model Policy.** By January 1, 2023, the chief law enforcement officer of every state and local law enforcement agency must adopt and implement a written policy on Citizen Complaints

## **6700.XXXX Employment of Peace Officers**

The chief law enforcement officer (CLEO) of a law enforcement agency must ensure compliance with the provisions of this part regarding the employment of licensed peace officers.

**Subpart 1. Notification of Background Investigations.** The CLEO must notify the board when a background investigation of an applicant for a peace officer position is conducted as required in part

**XXXX.**

**Subpart 2. Notification of Employment.** The CLEO must notify the board of the prospective employment of a peace officer by submitting a completed notification form provided by the board, including identifying information on the applicant and attesting that the applicable minimum selection standards required in part 6700.0700 have been met. The CLEO must ensure that the applicant does not act as a peace officer until the board has approved the notification and the applicant has a valid license issued by the board.

**Subp. 3 License Status of Peace Officers.** The CLEO must ensure that only officers with an active license perform the responsibilities of a peace officer, and that an officer with an expired or inactive license does not return to duty without an active license.

**Subp. 4. Notification of Complaints and Discipline**

*Add Requirements for new database*

*Add in rule CLEO has to release all internal documents investigation documents, personnel file, etc for discharge.*

*When notify us of termination, must articulate reason for termination*

**Subp. 5 Notification of Employment Separation.** The CLEO must report separation from employment of any law enforcement officer from the law enforcement agency within 10 days, using a notification method provided by the Board. The notification must include reports on any pending complaints, investigations, or discipline and the reason for separation.

**6700.0500 PEACE OFFICER LICENSING EXAMINATION. AMEND THIS SECTION**

Subpart 1. [Repealed, 14 SR 12]

Subp. 2. [Repealed, 14 SR 12]

**Subp. 3. Eligibility for examination.**

Students who successfully complete professional peace officer education which meets the minimum requirements in part [6700.0300](#), subpart 1, are eligible to take the peace officer licensing examination. An application must include an official certified transcript showing the completion of a postsecondary degree and the coordinator's signature attesting to the student's successful completion of professional peace officer education.

Subp. 4. [Repealed, 11 SR 2337]

**Subp. 5. Reinstatement of eligibility.**

Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the peace officer licensing examination again. Upon successful completion of the examination the person is eligible to be licensed for three years.

Statutory Authority: *MS s* [214.10](#); [214.12](#);

**6700.0600 LICENSING EXAMINATIONS. AMEND THIS SECTION**

**Subpart 1. Application.** An applicant for any of the licensing examinations shall submit an application and documentation as required by the board. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2. Applications are valid for one year from the date they are approved by the board.

**Subp. 2. Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

- A. peace officer licensing examination, \$105; and

B. reciprocity examination, \$105.

**Subp. 3. Retaking examinations.** An applicant who fails an examination will be allowed to retake that examination two times, upon furnishing to the board a renewed written application and appropriate fee.

**Subp. 4. Remedial examination procedures.** A third or subsequent retake of the examination will require the applicant to submit a remedial training plan to the ~~executive director~~ for board approval. This plan must be directed at deficiencies indicated in previous examinations and must include, at a minimum, the following:

- A. training activities to be completed;
- B. evaluation process to be used in verifying satisfactory completion of the listed activities; and
- C. date of completion of all activities.

An additional written application and appropriate fee will be required for each administration of the examination.

**Subp. 5. Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after the application to take the examination was received by the board. The fee and any supporting documents are invalid at the same time the application becomes invalid. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

Statutory Authority: *MS s* [14.06](#); [214.06](#); [214.12](#); [626.843](#); [626.845](#); [626.863](#)

## **6700.0601 EXAMINATION STANDARDS.**

### **Subpart 1. Grounds for denial. AMEND THIS SECTION**

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

- A. making any false material statement to the board;
- B. communicating with any other person in any way during an examination, except with the express permission of the monitor;
- C. referring to books or any study material during the examination, except with the express permission of the monitor;
- D. obstructing a board investigation;
- E. without board authorization, possessing a copy of any of the board's examinations;
- F. aiding another person to violate items A to E; or
- G. having been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part [6700.0700](#), subpart 1, item F.

### **Subp. 2. Disciplinary proceedings. AMEND THIS SECTION**

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

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

Statutory Authority: *MS s* [214.10](#); [214.12](#); [626.843](#); [626.845](#); [626.8462](#) to [626.863](#)



## **6700.x675 NOTIFICATION OF CONVICTION BACKGROUND INVESTIGATION.**

A background investigation is intended to disclose the existence of any criminal record or conduct that would disqualify an applicant for licensure, to identify factors that may adversely affect the performance by the applicant of peace officer duties, and to evaluate the applicant's suitability for employment by the law enforcement agency conducting the background investigation.

- A- Before appointing an applicant or licensed peace officer to a peace officer position, the law enforcement agency must complete a background investigation on the applicant. The background investigation must comply with the requirements in MN Statutes 363a.08 Subd. 4(1). Exceptions to this requirement are noted under part xxxx. The background investigation must be completed no earlier than 6 months (*check changes in admission requirements to PPOE/academy programs to see if 6 months is sufficient ?*) prior to the agency's appointment to a peace officer position. The investigation must include, but is not limited to, investigation into the following:
- 1) Citizenship. If the applicant is not a citizen, verification that the applicant is eligible to work in the United States under federal requirements.
  - 2) Criminal history and arrests by means of electronic data transfer, criminal records, histories, and warrant information through current state and federal systems such as the Minnesota Crime Information System and the National Instant Criminal Background Check System.  
*Note: check Special Session 1, 2021 for public safety omnibus HF63*
  - 3) MN Driver Vehicle Service (DVS) records and other states' driving records as applicable;
  - 4) Drug and alcohol use;
  - 5) Behavior indicative of discriminatory conduct as defined in part xxx;
  - 6) Education verification;
  - 7) Employment history;
  - 8) Military history verification;
  - 9) Personal and professional references, including but not limited to friends, associates, family members, and neighbors;
  - 10) Personal Interview. Personal interviews may occur both before and after the investigation, and may be used to discuss any arrest or conviction records and to clarify any discrepancies or concerns raised in the investigation;
  - 11) Residential history. Applicants with less than five years residence in the United States may be disqualified by the law enforcement agency.
  - 12) Records checks, which may include, but are not limited to, open sources or social media, as permitted by law; and financial information, as permitted by law.
- B- Each individual being considered for employment must provide a personal history statement. The statement must include, but is not limited to:
- 1) Verification of the background information referred to in item 1;
  - 2) A complete list of all law enforcement agencies an individual has applied with in the previous 36 months;
  - 3) A signed declaration acknowledging under penalty of perjury that all of the information the applicant has provided during the background investigation and in the personal history statement is true and correct to the best of the applicant's knowledge; and
  - 4) A signed release allowing background investigation information to be shared with other law enforcement agencies on request by the agency.

Results of the background investigation must be retained by the law enforcement agency for the duration of any resulting employment, or for 6 years if the applicant is not employed by

the agency.

~~D.~~ Background investigations are required for all new applicants, including applicants previously licensed or employed by other law enforcement agencies, except as noted in part **xxx**.

~~E.~~ The background investigation may not be conducted by the chief law enforcement officer or by anyone involved in selection of applicants for peace officer positions as addressed in [Minn. Stat. § 363A.08 subd. 4\(1\)](#).

~~F.~~ The chief law enforcement officer must notify the board prior to ~~as soon as possible but no later than 10 days after~~ the initiation of the background investigation<sup>1</sup> as follows:

- 1) when a background investigation is initiated, giving the candidate's full name, date of birth; and the candidate's peace officer license number, if applicable;
- 2) when a background investigation search required by this chapter reveals a disqualifying offense under the minimum selection standards in part 6700.0700, and must identify the specific offense(s). ~~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.~~

~~G.~~ The board will notify the employing law enforcement agency when a background investigation of a currently licensed peace officer reveals a disqualifying offense. *If standards of conduct does not include **additional** offenses not covered under selection standards, this part can be removed.*

## **6700.x675 PSYCHOLOGICAL SCREENING.** *Use “screening” in min selection standards and elsewhere in draft rules, not “exam”.*

A. A psychological screening must be conducted after a conditional job offer by a law enforcement agency and must be conducted **only** by a psychologist licensed in Minnesota or the state in which the psychologist practices. The screening must include:

- 1) A written psychological test battery relevant to the pre-employment psychological screening criteria established by the law enforcement agency.
- 2) An in-person interview conducted by the psychologist;
- 3) To the extent possible as determined by the psychologist, an evaluation of a predisposition on the part of the applicant to engage in discriminatory conduct as defined in part xxx; and
- 4) A written report provided by the psychologist in the manner requested by the law enforcement agency.

B. The psychological screening must conform to applicable standards of the Americans with Disabilities Act (ADA) Title 42 USC 1210.

C. Psychological screenings older than one year are no longer valid for the purpose of satisfying the pre-employment psychological screening requirement. *Ensure consistent with 6700.0700*

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<sup>1</sup> **626.87 LAW ENFORCEMENT BACKGROUND INVESTIGATIONS.** Subd. 5. Notice of investigation. Upon initiation of a background investigation under this section, the law enforcement agency shall give written notice to the Peace Officer Standards and Training Board of:

- (1) the candidate's full name and date of birth; and
- (2) the candidate's peace officer license number, if known.

The initiation of a background investigation does not include the submission of an application for employment. Initiation of a background investigation occurs when the law enforcement agency begins its determination of whether an applicant meets the agency's standards for employment as a law enforcement employee.

## **6700.0700 Minimum Selection Standards**

**Subpart 1. Certified applicants not yet licensed Selection standards.** *Note: use Certified applicants instead of eligible to be licensed applicants? Tie in with part 6700.0600 exam apps* Applicants who are certified as **"eligible to be licensed"** may be selected for a peace officer position by a law enforcement agency. ~~An applicant determined by the board to be eligible to be licensed, or a licensed peace officer may be appointed to a peace officer position by a law enforcement agency. Prior to appointment, the law enforcement agency must establish that~~ A person eligible to be licensed shall meet the following minimum selection standards are met, before being appointed to the position of peace officer. The appointing authority may affirm that the applicant has already completed certain of these standards, but the affirmation must be documented pursuant to subpart 2. The applicant must:

- A. ~~The applicant shall be a citizen of the United States or eligible to work in the United States.~~
- B. ~~The applicant shall possess a valid Minnesota driver's license; or when residing in another state, in case of residency therein, a valid driver's license from another that state; or eligibility to obtain either license.~~
- C. ~~The applicant shall complete an comprehensive written application.~~ *Note – covered under D, separate requirement not related to selection standards is app to the board*
- D.C. ~~The applicant shall submit to provide a complete personal history using a form provided by the law enforcement agency and submit to a thorough background search investigation meeting the requirements of part xxxx, including searches by local, state, and federal agencies, to disclose the existence of any criminal record or conduct which would adversely affect the performance by the applicant of peace officer duties.~~
- E. ~~The applicant must not be required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167. moved to section below~~
- F D. ~~No applicant may be appointed to the position of peace officer who has been never have been convicted of<sup>2</sup>:~~ *Note: check footnote and check definition of conviction*
  - (1) ~~of a felony in this state or in any other state or federal jurisdiction;~~
  - (2) ~~(2) of any offense in any other state or federal jurisdiction which that would have been a felony if committed in Minnesota;~~
  - (3) ~~any offense that would require the applicant to be registered as a predatory offender under Minnesota Statutes, section 243.166 or 243.167.~~
  - (3) 4) any of the following non-felony offenses in Minnesota or the same or similar offense in any state or federal jurisdiction:
    - a) assault in the 5<sup>th</sup> degree 609.224;
    - b) bias crimes, including assaults motivated by bias 609.2331 Subd.4 and criminal damage to property 609.595 Subd.2(b)
    - c) domestic assault 609.2242;
    - d) violation of domestic abuse no contact order 629.75 Subd. 2

<sup>2</sup> 214.10 COMPLAINT, INVESTIGATION, AND HEARING.

Subd. 2a.Proceedings. A board shall initiate proceedings to suspend or revoke a license or shall refuse to renew a license of a person licensed by the board who is convicted in a court of competent jurisdiction of violating section [609.2231, subdivision 8](#), [609.23](#), [609.231](#), [609.2325](#), [609.233](#), [609.2335](#), [609.234](#), [609.465](#), [609.466](#), [609.52](#), or [609.72, subdivision 3](#).

- e) violation of an order for protection [518B.01 Subd. 14](#)
- f) harassment or stalking [609.749](#)
- g) violation of harassment restraining order [609.748 Subd. 6](#)
- h) sexual extortion, *cite?*
- i) criminal sexual conduct in the fifth degree [609.3452](#)
- j) any mistreatment of vulnerable adults mistreatment, including under *sections* [609.231](#), [609.2325](#), [609.233](#), [609.2335](#), [609.234](#) [609.72 subdivision 3](#);
- k) patrons of prostitution [609.324, Subd. 3](#); *Note: Board's Rules Committee April 2021 approves limiting to patrons*
- l) making false claims for profit to a public body or officer [609.465](#);
- m) attempting medical assistance fraud [609.466](#); or
- n) theft under [609.52](#), except that misdemeanor theft of movable property valued at \$500 or less is not an automatic disqualification;
- o) interference with an emergency call [609.78 Subd.2.\(1\)](#);
- p) non-consensual dissemination of private sexual images [617.261](#);
- q) interference with privacy [609.746](#);
- r) malicious punishment of child [609.377](#); and
- s) mistreating animals [343.21](#).
- t) misconduct of a public officer or public employee [609.43](#)

- (5) any non-felony state or federal narcotics or controlled substance law, excluding any convictions of marijuana possession offenses violations, irrespective of any proceeding under Minnesota Statutes, section [152.18](#), or any similar law of another state or federal law; and  
*Note: Board's Rules Committee April 2021 excluded non-felony marijuana as a bar to licensure (leaves it up to the LEA)*
- ~~(4)(6)~~ of any of the crimes listed in this item in another state or federal jurisdiction, or under a local ordinance that would be a conviction if committed in Minnesota.

not be listed on the National Decertification Index (NDI), or in any state have had a law enforcement license or certification revoked; or authorization to serve as a law enforcement officer rescinded;

L. not demonstrated conduct that would cause a reasonable person to call into question the applicant's ability to impartially serve and protect members of protected groups consistent with the Minnesota Human Rights Act and MN Statutes section 323a. Such behavior includes, but is not limited to, support of a white supremacist organization or group whose ideology incorporates white supremacy, and/or support of a hate or terrorist group identified by the FBI or the Southern Poverty Law Center. Support may be established by display of insignia, participation in the group or organization, financial contributions, or other conduct.  
*include anti government groups?*

~~G.H. The applicant shall be fingerprinted for the purpose of disclosure of any criminal convictions. Fingerprint cards shall must be forwarded by the agency to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a previous felony conviction is discovered.~~

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

~~† K. An evaluation, including an oral interview, shall be made by a licensed psychologist to determine that the applicant is be free from any emotional or mental condition which that might adversely affect the performance of peace officer duties and be capable of withstanding the psychological demands inherent in a peace officer's responsibilities, as established by a psychological screening that meets the requirements of part xxxxx.~~

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

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

~~‡ N. current registration as an emergency medical responder or emergency medical technician; or certification in first aid training and CPR, unless the CLEO attests that the peace officer's position will not include operating a police vehicle<sup>3</sup>.~~

~~¶ N. be at least 21 years old. -*No consensus – POST staff suggest 21 min age*~~

~~¶ O. submit documentation of any legal name change(s) since birth.~~

**Subp. 1a. Currently licensed applicants.** A currently licensed peace officer who is leaving or has left their current employer and is applying for a position with a different LEA is subject to the requirements of this part. The LEA is not required to affirm that the applicant has met all of the minimum selection standards in part 1 except as follows. The LEA must affirm that the licensee:

- a) has provided the LEA with a signed release allowing full access to the licensee's complete disciplinary, complaint, and personnel records from any previous LEA that employed the applicant as a peace officer;
- b) is free from any emotional or mental condition which might adversely affect the performance of peace officer duties and is capable of withstanding the psychological demands inherent in a peace officer's responsibilities, as established by a new psychological screening that meets the requirements of part xxxxx. *Note: if psych wellness screening required at renewal, this part is unnecessary*
- c) Is free from any physical condition which might adversely affect the performance of peace officer duties, as established through an exam by a licensed medical professional .
- d) Has passed a criminal history check and has no arrests or convictions in any jurisdiction that would bar licensure under the minimum selection standards

**Subp. 1b. Seasonal or temporary peace officer positions.** Currently licensed applicants who remain employed by another law enforcement agency and are applying for seasonal or temporary employment of less than 3 months duration are subject to the minimum selection requirements in part 1 only at the

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<sup>3</sup> *Note: 169.753 requires officers operating patrol vehicles to be trained in first aid. 169.752 requires patrol vehicles to be equipped with first aid equipment. Could be redefined as taking courses in first aid and cpr, or not requiring actual registration with EMS since that is a financial issue? If emr/alternative training is required at renewal, should it be added to CE requirements?*

temporary employing agency's discretion. *Note to Rebecca: pt officers – eligible for supplemental employment if with original agency?*

**Subp. 1c. Applicants with expired or inactive licenses.** *Check against renewal section*

- A. Applicants who were previously employed as a peace officer in Minnesota within the past 36 months, and whose license status is expired must first renew their license under part xxxxx , and then meet the minimum selection requirements under part 1a.
- B. Applicants who were previously employed as a peace officer in Minnesota within the past 36 months and whose license status is inactive must meet the minimum selection requirements under part 1a.
- C. An applicant whose license status is expired or inactive, and who has not been employed as a peace officer in Minnesota for 3 years or more must be certified as eligible for employment under part xxx, and then must meet the minimum selection requirements under part 1.

**Subp. 2. Documentation.** The chief law enforcement officer shall ~~must~~ maintain documentation necessary to ~~show completion of~~ establish that the requirements of subpart 1a are met. The chief law enforcement officer is not required to obtain documentation for subpart 1, item J, if the applicant completed part ~~6700.0500~~, subpart 3. The documentation is subject to periodic review by the board, and shall ~~must~~ be made available to the board at its request.

Subp. 3. [Repealed, 18 SR 1961]

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

## 6700.0800 LICENSING OF PEACE OFFICERS.

### ~~Subpart 1. Board appointees; notification.~~

~~appointment of any person to the position of peace officer before the first day of the appointee's employment. Notification shall be made on a form provided by the board, and it shall include the appointee's full name, sex, date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in part 6700.0700. The appointee may not exercise peace officer powers until the notification form is received and approved a license is issued by the board. Moved to 6700.07xx~~

### **Subp. 2. Application procedures.**

~~If the appointee applicant does not hold a current active peace officer license not already a licensed peace officer, but is eligible to be licensed, the appointee applicant shall must apply to be licensed at the time of appointment by completing an application form and submitting the licensing fee required in subpart 4. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 4.~~

**Subp. 3. License certificate.** The executive director shall ~~board must~~ issue a license certificate to an applicant who has when

- a) the board has been notified by the law enforcement agency intending to employ the applicant that the applicant has met the applicable minimum selection standards ; and
- b) the applicant has complied with the requirements in subpart 2;

~~and part 6700.0700, subpart 1, and whose affirmations are consistent with the board's records. The period of initial licensure is determined by the original date the license was issued. The license shall be~~

due for renewal on June 30 of the third calendar year after the year the license was issued, regardless of the month and day of initial licensure.

**Subp. 4. Licensing fee.** The licensing fee is \$90. The license will be valid through June 30 of the third year following receipt.

**Subp. 5. Surrender of license certificate.**

Licenses shall remain the property of the board. The license certificate and any renewal certificates shall be surrendered to the board if suspended or revoked.

## **6700.0725 APPLICANTS FOR LICENSURE**

**Subpart 1. Eligible to be licensed.** Individuals who have been determined by the Board to be eligible to be licensed under **part x** may apply to law enforcement agencies for employment as a peace officer. When an agency has selected the individual for employment, both the applicant and the agency must initiate the license application.

- A. the applicant must complete an application provided by the Board and submit a licensing fee of \$90.
- B. the agency must complete a notification form provided by the Board that attests to the satisfaction of the minimum selection standards identified in part 6700.0700.
- C. On receipt of the application, licensing fee, and notification form, the Board will process the application and:
  1. Issue a license to the applicant.
  2. Notify the law enforcement agency of the licensure.
- D. The applicant may not perform the duties of a peace officer until a license has been issued.

## **6700.07xx MILITARY TEMPORARY LICENSE.**

**Subpart 1. Eligibility.** Individuals who meet the criteria for a military temporary license under Minnesota Statutes, section 197.4552, may apply to law enforcement agencies for appointment to a peace officer position. When an agency has selected the individual for employment in a peace officer position, both the applicant and the agency must initiate the license application.

**Subp. 2. Application and issuance.**

In compliance with Minnesota Statutes, section 197.4552, the board shall issue military temporary (MT) licenses for peace officers valid for a 12-month license cycle when the following requirements have been met by the applicant and the law enforcement agency offering a peace officer position to the applicant:

- A. an applicant for an MT license must submit:
  - 1) a completed application for an MT license;
  - 2) credentials establishing the applicant's identity an active duty military member; the spouse of an active duty military member; or a veteran with an honorable or general discharge who left service in the two years preceding the application date;
  - 3) a copy of an active valid peace officer license without a history of discipline from another state; and
  - 4) payment of the application fee required in **part xxx**.
- B. the agency must complete a notification form provided by the Board that attests to the satisfaction of the minimum selection standards identified in part 6700.0700.
- C. On receipt of the application, licensing fee, and notification form, the Board will process the application and:
  - a. Issue a 12 month MT license to the applicant.
  - b. notify the law enforcement agency of the licensure.
- D. The applicant may not perform the duties of a peace officer until a license has been issued.



**Subp. 3. Ineligible for renewal.** MT licenses are not eligible for renewal. Individuals issued an MT license must apply for a peace officer's license under this chapter. If the individual has not been issued a regular license before the MT license expires, the individual must cease practicing until a license is issued.

**6700.0xxx MAINTAINING A PEACE OFFICER LICENSE.** Failure to comply with the requirements of this part may result in a referral to the board's complaint committee and may result in discipline under **part xxx.**

**Subpart 1. Renewal of license.** A licensee must renew their license before the expiration date, and must not act as a peace officer if the license is expired.

**Subp. 2. Change of Name.** Following a legal name change, a licensee has 30 days to report the name change using a form provided by the board and to provide legal documentation of the name change. The Board will issue a license in the new name for the remainder of the licensee's current license cycle.

**Subp. 3. Notification of Arrest or Criminal Citation to Appear.** A peace officer who is arrested, or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime must notify the Board within five business days. Notification must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation and the arresting or citing agency. Failure to comply with this part may result in discipline under part xxx.

**Subp. 4. Use of Force Training.** A licensee must complete Use of Force (UOF) training at least once every 12 months of active employment, as provided by the law enforcement agency employing the officer. An officer returning to work after a long-term leave who has not completed the UOF training in the past 12 months must complete the UOF training before returning to active duty.

**Subp. 5. Duty to Intercede.** An officer must intercede when observing another peace officer using unnecessary and excessive non-lethal force, or unlawful use of deadly force as identified in the Use of Force policy governing the officer.

**Subp. 6. Duty to Report**<sup>4</sup>. An officer who fails to comply with the following reporting obligations is subject to discipline under part **x**:

- A. An officer who observes another law enforcement officer using force in excess of force permitted by law must report in writing within 24 hours to the officer's chief law enforcement officer.
- B. An officer who observes a public employee who is not a licensed peace officer using excessive force in the capacity of their position must report the incident in writing within 24 hours to the officer's chief law enforcement officer. This includes public employees such as bailiffs, probation officers, correctional officers and others.

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<sup>4</sup> **626.8475 DUTY TO INTERCEDE AND REPORT.**

(a) Regardless of tenure or rank, a peace officer must intercede when:

- (1) present and observing another peace officer using force in violation of section [609.066](#), subdivision 2, or otherwise beyond that which is objectively reasonable under the circumstances; and
- (2) physically or verbally able to do so.

(b) A peace officer who observes another employee or peace officer use force that exceeds the degree of force permitted by law has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer.

(c) A peace officer who breaches a duty established in this subdivision is subject to discipline by the board under Minnesota Rules, part [6700.1600](#).



## 6700.0900 CONTINUING EDUCATION PROVIDERS.

**Subpart 1. Purpose.** The board believes continuing education for peace officers is necessary to promote and ensure their professional competence.

### **Subp. 2. Continuing education and license renewal.**

No peace officer license may be renewed unless the licensee or the licensee's appointing authority provides the board proof the licensee has successfully completed board-approved continuing education required in part 6700.1000, subpart 3.

### **Subp. 3. Criteria for course approval.**

For the purpose of this part, "sponsor" means a school, agency, individual, or organization that has received authority from the board to provide board-approved courses for continuing education credit.

A. Board approval of CE courses is granted only for courses that fall into one of the **X** following required categories:

- 1) legal updates and current case law for Minnesota peace officers for a minimum of 4 hours/credits
- 2) mental illness and crisis intervention for a minimum of 6 hours/credits<sup>5</sup>; 628.8474
- 3) autism for a minimum of 4 hours; 628.8474
- 4) 4 hours/credits of conflict management and des-escalation for a minimum of 4 hours/credits
- 5) cultural differences, implicit bias, racial profiling for a minimum of 4 hours/credits
- 6) wellness courses for officers promoting resilience for a minimum of 4 hours/credits  
needs better wording – mental health assessment/suicide prevention/ptsd assessment/stress relief (more cops die by suicide than are killed on the job)
- 7) *inservice training on CI's? statute doesn't say how often, but we are supposed to include in compliance audits.*

*? Does POST want to approve any of the required classes (weapon certifications, vehicle pursuits, etc.?)*

B. A sponsor course provider that seeks to receive continuing education course approval shall must submit an application on a form provided by the board. apply for board approval of any of the 5 required (mandated?) continuing education (CE) courses listed above. The provider must submit:

- 1) a completed application on a form provided by the board;

<sup>5</sup> New changes in statutory language: 626.8469 TRAINING IN CRISIS RESPONSE, CONFLICT MANAGEMENT, AND CULTURAL DIVERSITY.

Subdivision 1. In-service training required.

(a) Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. The training shall consist of at least 16 continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

(b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided by an approved entity. The board shall create a list of approved entities and training courses and make the list available to the chief law enforcement officer of every state and local law enforcement agency. Each peace officer

(1) with a license renewal date before June 30, 2022, and

(2) who received the training mandated under paragraph (a) before July 1, 2021, is not required to receive this training by an approved entity until the officer's next full three-year licensing cycle.

(c) For every peace officer and part-time peace officer with a license renewal date of June 30, 2022, or later, the training mandated under paragraph (a) must:

(1) include a minimum of six hours for crisis intervention and mental illness crisis training that meets the standards established in subdivision 1a; and

(2) include a minimum of four hours to ensure safer interactions between peace officers and persons with autism in compliance with section 626.8474.

- 2) course objectives and a course outline including timeline;
- 3) an indication of the course format (online, in person, independent study);
- 4) the learning assessments to be used by the instructor to establish whether the officer successfully completed the course;
- 5) evidence that the course addresses any learning objectives for the course established by the board;
- 6) for each instructor and potential substitute instructor who will teach the course, provide:
  - a) a resume;
  - b) evidence that each instructor has a minimum of 3 2 years of professional or community experience in the subject area;
  - c) the instructor's training in adult learning and instruction
  - d) the instructor's experience in adult learning and instruction;
- 7) If the same course (regardless of instructor) submitted for approval has previously been offered by the course provider within the previous 3 years, the course provider must:
  - a) provide a summary of the total evaluation results from previous course offerings. The course provider must also identify any changes or improvements made to the course to address any issues raised in evaluations;
  - b) identify any changes in the course content made to update the course.
  - c) B. No approval will be granted unless the course is law enforcement related, is based on the knowledge, skills, and abilities needed to be a peace officer, and meets a law enforcement educational need. C. No approval will be granted unless the sponsor submits information required by the board at least ten days before commencement of the proposed course. Required information may include course goals and objectives, a course outline including timeline, instructor qualifications and evaluation, and an agreement the course statement shall be read according to subpart 6a.

D. Upon approval, the board shall issue a letter of course approval to the sponsor. The board will notify the course provider of the course approval if both the course and the instructor(s) are approved. If the course or instructor is not approved, the board will notify the course provider of the deficiencies.

E. The initial course approval is valid for one calendar year.

F. Subsequent course approvals for the same course and instructor(s) are valid for 3 years, except for the legal updates and case law CE course.

E. Instructors who teach continuing education courses shall possess professionally recognized training and experience in the assigned subject area, and board recognized instructor training or specialized academic preparation in the assigned subject area.

F. Guest lecturers shall have their classroom activities supervised by an individual who has completed board recognized instructor training.

G. The board will approve the course for continuing education credit hours based on each hour of proposed training. An hour consists of 50 minutes of learning activities.

H. The board may allow a sponsor to offer a continuing education course for a specified period of time without further documentation.

**Subp. 3a. Instructors.**

Instructors of CE courses requiring approval from the Board must meet the following qualifications:

A.

B. Alzheimer's disease or dementia instructors, in addition to general requirements for CE instructors, must have at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience; *or are these the only requirements?*

*Are there instructors who have both instructor training AND the direct care experience with crisis intervention training AND mental health experience? What about train the trainer courses?*

**Subp. 4. Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas. An agency may require or provide more than the number of hours of continuing education required by the board.

**Subp. 5. Learning objectives.** The board may issue specific learning objectives applicable to the content of continuing education courses. *Moved to A 5)*

**Subp. 6. Review.** All continuing education courses are subject to periodic review by the board and may be audited by board staff at no cost to the Board. The sponsor shall course provider must cooperate with the board's review.

**Subp. 6a. Course statement.** The designee of the sponsor must read aloud the following statement at the beginning of each class: "The (name of the sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. This course (name of the course), (course number) has been approved by the POST Board for continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. The sponsor of this course has a written policy for the investigation and resolution of allegations of classroom discrimination. This policy applies to all faculty, instructors, administrative staff, and students. A copy of the policy may be obtained from the sponsor by contacting (insert appropriate name and contact information

**Subp. 7. Eligible Attendees ~~Inactive licensed officer.~~** An inactive Currently licensed officer(s), officers with a current inactive license, and officers whose license is expired less than x years are eligible to attend mandated continuing education courses<sup>6</sup>. *Expired licensees who need CE credits to reactivate license*

**Subp. 8. ~~Record-keeping.~~ Requirements for course providers.**

- A. Providers must submit attendance rosters that identify all attendees, indicating those that successfully completed the class, and all attendee's evaluations to the board within 10 calendar days, in the manner provided by the board.
- B. The attendance rosters must be maintained by the course provider for four years.
- C. On request by a law enforcement agency, the provider must verify whether a peace officer has attended and/or has successfully completed the course.
- D. A list of licensees who successfully complete an approved continuing education course must be maintained by the course provider for four years.
- E. Requests for board approval of changes in instructors must be submitted at least 10 days prior to the course date, except in exigent circumstances, and Instructor changes must be approved by the board. If board approval of a substitute instructor cannot be obtained prior to the class, the class must be cancelled. CE credits will not be recognized from courses taught by unapproved instructors.
- F. The course provider or instructor must read aloud the following statement at the beginning of each class: " This course (name of the course), (course number) has been approved by the POST Board for required continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. All officers are expected to participate fully in a professional manner. Instances of unprofessional,

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<sup>6</sup> 626.851 ELIGIBILITY OF OFFICERS. Subdivision 1. Training course attendance; eligibility.

Any peace officer or part-time peace officer employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend training courses as herein provided in accordance with the rules of the board.

inappropriate, or discriminatory conduct will be reported to your department, and you will be asked to leave the class and will not receive any credits.”

**G.** A course provider is subject to the revocation of any current course approvals and may be barred for a period of time from future course approvals if the course provide and/or instructor(s):

- 1) Fails to comply with any of the provisions of this part,
- 2) submits false information to the Board,
- 3) provides instruction inconsistent with the approved course, or
- 4) fails to cooperate or whose faculty, instructors, or whose administrative staff fails to cooperate with the board’s review, audit, or investigation of allegations related to the course provider, the course presentation or the instructor; or
- 5) exhibits unprofessional or discriminatory conduct.

**Subp. 9. Instructor credit.** Instructors of any the required five CE courses listed in this part may receive the full course credit for instructing the course , but only for the first incidence of teaching the course during the instructor’s peace officer license cycle. Instructors of other CE courses that are directly related to a peace officer’s responsibilities *repeat language in subp 10* may receive the full course credit for instructing the course, but only for the first incidence of teaching the course during the instructor’s peace officer license cycle. An instructor may not earn more than a total of 24 credits in a license cycle from courses taught by the instructor. Peace officers may earn up to one half of their required continuing education credits for instructing in approved continuing education courses. The peace officer may earn two hours of continuing education credit for each hour of instruction.

**Subp. 10. Credit for courses not approved by board.** *Tie this section in with license renewal* Peace officers may receive continuing education (CE) credit for a course that was not approved by the board provided the course;

- was not denied approval, and
  - the course relates directly to law enforcement, a peace officer’s responsibilities, or a community served by the peace officer *could use some work here on definition*
  - the licensee can establish successful completion of the course.
- A. Continuing education credit CE courses completed at accredited colleges and universities meeting these requirements if the course meets the requirements of subpart 3, item B. Credit shall be granted may be applied towards CE requirements with one semester credit equaling 15 continuing education CE credits and one quarter credit equaling ten continuing education CE credits.

**Subp. 11. [Repealed, 9 SR 2701]**

**Subp. 12. [Repealed, 26 SR 181]**

**Subp. 13. Classroom discrimination; procedures.** Every sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

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

**Subp. 14. Copy of procedures.** The sponsor must make the written procedures required in subpart 13 available to all faculty, instructors, administrative staff, and anyone else upon request.

**Subp. 14a. Complaints.** Complaints that allege classroom discrimination during a course must be processed according to the written procedures required in subpart 13 by the sponsor.

**Subp. 15. Disciplinary action.** The board may take disciplinary action against a sponsor that:

- A. violates the any provisions of this part;
- B. submits a false application;
- C. provides instruction not consistent with the application; or
- D. fails to cooperate or whose faculty, instructors, or administrative staff fail to cooperate with the board's investigation into an allegation of a violation of this part.

**Subp. 16. Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the sponsor, probation of the sponsor, or denial of approval of other courses for a specified period of time.

**Subp. 17. Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, chapter 1400.

Statutory Authority: *MSs [16A.128](#); [214.06](#); [214.12](#); [626.84](#) to [626.863](#); [626.843](#); [626.863](#)*

## **6700.1000 LICENSE RENEWAL.**

### **Subpart 1. Validity of licenses and renewal dates.**

Licenses are issued for a three-year period with a renewal date of June 30 on the third year of licensure. A peace officer license becomes inactive on the date a peace officer separates from employment and is no longer employed as a peace officer. Peace officer licenses held by employed peace officers issued by the board under part [6700.0800](#) are valid until the license expires, are is suspended or revoked, or are surrendered by the licensee.

**Subpart 1a. Part-time Peace Officers.** Part-time peace officer licenses issued by the board pursuant to part [6700.1101](#) are valid as long as they employed by the agency employing them on remain active with the agency or agencies that employed the part-time peace officer on or before June 30, 2014. Upon leaving the agency or agencies of employment after June 30, 2014, When the part-time peace officer is no longer employed by that agency, the licenses are automatically canceled must be revoked by the board and is not eligible for reinstatement. and shall not be renewed. Peace officer and part-time peace officer licenses are valid for a three-year period with a renewal date of June 30 on the third year of licensure.

### **Subp. 2. Renewal Application.**

The board shall require an application for renewal of licenses. An active license must be renewed before the expiration date with an application, a renewal fee, and completion of the required continuing education hours.

- A. All licenses expire on June 30th of the third year of the license cycle and each licensee is responsible for applying to renew the license without notice from the board. If more than three years have passed since the expiration date of the license, the license is not eligible for renewal under this section, and the requirements of part [xxx](#) apply.
- B. The complete renewal application and renewal fee of \$90 must be received by the board by June 30. Officers with a part-time license pay a renewal fee of \$45. A complete renewal application includes:
  - 1) Verified completed continuing education credits required under subpart 2A.
  - 2) Proof of current certification as an emergency responder, emergency medical technician, or certification in first aid and CPR from a board-approved provider. Alternatively, the chief law enforcement officer may submit a waiver attesting that the

officer does not operate a patrol vehicle. *Do we want to approve providers, or say that any course completed within the license cycle is acceptable? Are online courses acceptable?*

3) **Verification by a licensed mental health provider approved by the agency that the officer completed a wellness check-in with the provider within the past 12 months.**

- C. If a renewal application is incomplete, the board will notify the licensee or law enforcement agency submitting the renewal of the deficiency. If the completed application is resubmitted after the expiration date, the additional late fee of \$35 applies.
- D. A licensee is not authorized to practice after the expiration date until a license is issued, and any unlicensed practice after the expiration date is a misdemeanor as described in Minnesota Statutes, section 626.863

**Subp. 2A. Continuing Education.** *Ensure consistent wording with 6700.100*

- A. The licensee must complete a total of 48 hours of continuing education hours within the three year licensing cycle before renewal.
- B. 20 of the 48 hours must include the satisfactory completion of the following board approved courses:
  - 1) 4 hours of legal updates and current case law for Minnesota peace officers
  - 2) 4 hours of mental illness and crisis intervention
  - 3) 4 hours of conflict management and de-escalation
  - 4) 4 hours on cultural differences and implicit bias
  - 5) 4 hours on assessing personal emotional and psychological resilience *alternate wording :* wellness courses for officers promoting resilience for a minimum of 4 hours.  
*this 4 hours needs to be part of mental illness and crisis intervention or the hour breakdowns for above courses must be altered to reflect a minimum of 16 hours on mental illness, cultural differences, and conflict mgmnt per statute. See footnote under continuing education.*
- C. The remaining 28 hours xxxx *what counts towards this? Weapon recertification? EVO? UOF?*
- D. When the license cycle expires in an even year, the licensee must complete 8 hours on Emergency Vehicle Operations and Police Pursuits or provide a waiver from the chief law enforcement officer affirming that the officer will not operate a vehicle as a peace officer . 626.8458 Subd. 5. This requirement applies to renewal of licenses that expire in 2024 and thereafter.
- E. *Do we add UOF in here? Or other required training from LEA?*
- F. The remainder of the 48 hours of CE credits must come from

**Subp. 3. Audits of Renewal**

A. Fraudulent reporting of qualifications or CE credits is subject to discipline, including revocation of the license, as provided in Minnesota Statutes, section 626.8432

B. A licensee must maintain proof of CE credits for three years after the date of the class. If the renewal is audited by the board, the licensee must provide proof of requested items within 30 days of the board's request.

C. If the renewal is audited by the board, the licensee must provide proof of requested items within 30 days of the board's request. When a licensee fails to respond or does not provide proof as requested in an audit, and the board cannot verify the licensee's CEs or first aid and CPR training through the provide(s)r identified by the licensee or by the law enforcement agency employing the licensee, the board must rescind the renewal. The licensee is subject to discipline as identified in item A, and the licensee may not practice until a new license is issued. To renew the license, in addition to any disciplinary requirements, the licensee must complete and provide verification from the providers of completed CE credits and/or first aid and CPR training.



## **6700. 1xxx. Renewal of an Expired or Inactive License.**

### **Subp. 1. Expired licenses *AMEND THIS SECTION***

- A. An active license that has expired less than 3 years may be renewed by meeting the requirements in part x. The license cycle does not change.
- B. Applicants whose active license is expired 3 or more years, and applicants whose inactive license has expired must be certified as eligible for employment by meeting the following requirements:
  - i. Completion of the continuing education requirements in part xxx *does this go here or does it go under employment of officers?*
  - ii. Completion of the (academy/skills)program
  - iii. First aid and CPR certification
  - iv. Passing score on the licensing test;
  - v.
- C. under part xxx, and then must meet the minimum selection requirements under part 1.  
*Part xxx here should Get into the "certified applicant status rules .  
Complete the skills course. Pass the test  
Less than 5 in mass, exams . expired 3 years, refresher course legal update plus exam. 6  
you do full academy plus exam*

### **Subp. 2. Renewal of an Inactive License.**

- A. Applicants with a current inactive license may renew it by completing the CE requirements outlined in part 6700.1000 Subp. 2A.
- B. An inactive license which has not been renewed before the expiration date is expired. Applicants with an expired inactive license who wish to apply for a peace officer position must be certified as eligible for employment by meeting the requirements under part Subp. 1B, and then must meet the minimum selection requirements under part 1.

**~~Subp. 3. Certificate of renewal.~~** The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education. The appropriate fees are \$90 for renewal of a peace officer license and \$45 for renewal of a part-time peace officer license. The required hours of continuing education are 48 hours for a peace officer or a part-time peace officer.

**~~Subp. 4. Change of name.~~** When a licensee's surname is changed by reason of marriage or a judicial order, the original date of expiration of the licensee's license shall not change.

**~~Subp. 5. Expiration of license.~~** A license shall expire when the requirements of subpart 3 are not met.

**~~Subp. 6. License expired less than three years.~~** The executive director shall restore a license and issue a certificate of renewal for a license which has been expired for less than three years when the licensee submits:

- A. the appropriate license renewal fee for an expired license; and
- B. documentation which shows that the licensee has completed the number of continuing education credits required by subpart 3.

**~~Subp. 7. License renewal fee.~~** For the purposes of subparts 6 and 9, the appropriate license renewal fee for an expired peace officer license is \$125.

**~~Subp. 8. License expired more than three years.~~** When a license has been expired for more than three years, the executive director shall restore the license when:

- A. the licensee successfully completes the appropriate licensing examination; and

B. the licensee submits the appropriate license renewal fee for an expired license.

**Subp. 9. Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is the peace officer licensing examination for a peace officer.

**Subp. 10. Continuing education after license is restored.** Notwithstanding any rule to the contrary, after a peace officer license has been restored, the licensee shall complete 48 hours of board-approved continuing education on or before June 30 of the year when the license becomes due for renewal.

**Subp. 11. Appeals.** Any contested case which arises from subpart 3, 6, or 8 will be processed in accordance with Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings.

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

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

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

### **Subp. 3. Selection standards.**

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

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

## **6700.1xxx REINSTATEMENT AFTER REVOCATION OR SUSPENSION.**

A. A licensee whose license was suspended or revoked by the board under Minnesota Statutes, chapter 626, must reapply for licensure as follows:

(1) apply for re-licensure on forms provided by the board;

(2) meet the requirements for reinstatement identified in the order revoking or suspending the license, and meet any requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired from the date of revocation or suspension; and

(3) paying the fees required of a new applicant in [part xxxx](#);

B. Licensees whose license was suspended or revoked under a Minnesota Statute other than chapter 626, for reasons of child support, tax liabilities, or other law must be cleared by the state or county agency that initiated the license action. The agency initiating the suspension or revocation must notify the board in writing of any action clearing the license. If the license cycle expired during the suspension or revocation, the licensee must meet the requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired at the end of the license cycle.

## **6700.1500 STANDARDS OF CONDUCT FOR LICENSEES PEACE OFFICERS.**



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

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

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

**Subp. 4. Standards of Conduct.** A peace officer is subject to discipline by the board as identified in part x when the board finds that the officer has violated the standards of conduct. It is a violation of standards of conduct to:

- A. Provide false information to the board, a law enforcement agency, or a court
- B. Falsify any information submitted to the Board, a law enforcement agency, or a court of law;
- C. fail to cooperate with an investigation of the board as required by part [6700.1610](#), subpart 4;
- D. Fail to comply with reporting requirements for officers in this chapter
- E. Be convicted, plead guilty, or receive a stay of adjudication in any jurisdiction for any criminal offense.
- F. Demonstrate conduct that would cause a reasonable person to call into question the officer's ability to impartially serve and protect members of protected groups consistent with the Minnesota Human Rights Act and MN Statutes section 323a. Such behavior includes, but is not limited to, support of a white supremacist organization or group whose ideology incorporates white supremacy, and/or support of a hate or terrorist group identified by the FBI or the Southern Poverty Law Center. Support may be established by display of insignia, promotion of the hate group's ideology, participation in the organization or group, financial contributions, or other conduct.
- G. Fail to comply with the requirements in part x. [6700.0xxx](#) MAINTAINING A PEACE OFFICER LICENSE.
- H. Fail to comply with local, state, and federal laws and ordinances.
- I. Engage in
  - 1) Dishonesty; *seems a bit global?*
  - 2) Sexual harassment or sexual assault;
  - 3) unnecessary, excessive, or unlawful use of force as an officer;
  - 4) Violation of a board required mandatory policy; *certain policies identified*
  - 5) Conduct that meets the criteria of misconduct of a public officer under MN Statutes sections [609.43](#);
  - 6) Conduct that results in an arrest, a criminal citation to appear or its equivalent, a stay of adjudication, or a criminal disposition *civil dispositions?*
  - 7) Misuse of the authority and power of a peace officer
  - 8) Conduct that reduces public trust in law enforcement;

**Subpart 5. Mandatory Denial or Revocation of License.** The board must revoke a license when the Board finds that a licensed peace officer has: *look at loudermill*

- A. a conviction or a stay of adjudication in any jurisdiction for any offense that would bar licensure under the minimum selection standards identified in part 6700.0700 Subp. 1 E.;<sup>7</sup>
- B. a conviction or a stay of adjudication in any jurisdiction for theft, prostitution, or controlled substance offenses;
- C. a conviction or a stay of adjudication in any jurisdiction for any offense that would constitute misconduct of a public officer or public employee as identified in MN Statutes section 609.43;
- D. been discharged from employment as a peace officer for any of the following reasons.
  - 9) Dishonesty;
  - 10) Sexual harassment or sexual assault;
  - 11) Discriminatory conduct;
  - 12) Excessive, unnecessary, or unlawful use of force;
  - 13) Violation(s) of board required mandatory policies;
  - 14) Conduct that meets the criteria of misconduct of a public officer under MN Statutes section 609.43;
  - 15) Conduct that reduces public trust in the agency;
  - 16) intentional conduct performed under the color of office to:
    - a) Obtain a false confession;
    - b) Make false arrests;
    - c) Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression;
    - d) Compel, or attempt to compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing;
    - e) Deprive, or attempt to deprive, another person or persons of their legal rights;
    - f) Gain advantage for personal gain or for a law enforcement agency ;

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<sup>7</sup> **626.8432 REVOCATION; SUSPENSION; DENIAL.**

Subdivision 1. **Grounds for revocation, suspension, or denial.**

(a) The board may refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure, or revoke a peace officer or part-time peace officer license for any of the following causes:

- (1) fraud or misrepresentation in obtaining a license;
- (2) failure to meet licensure requirements; or
- (3) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

(b) Unless otherwise provided by the board, a revocation or suspension applies to each license, renewal, or reinstatement privilege held by the individual at the time final action is taken by the board. A person whose license or renewal privilege has been suspended or revoked shall be ineligible to be issued any other license by the board during the pendency of the suspension or revocation.

Subd. 2. **Discovery of disqualifying conviction after licensure.** The board may suspend or revoke a peace officer or part-time peace officer license when the licensee has been convicted of a crime recognized by the board as a crime that would disqualify the licensee from participating in a professional peace officer education course, taking the peace officer licensing examination or the part-time peace officer licensing examination, or maintaining eligibility for licensure under Minnesota Rules, chapter 6700. The authority to suspend or revoke a license shall include all individuals who have been granted a license when a disqualifying conviction that would have precluded eligibility for licensure is discovered after licensure.

**626.8431 AUTOMATIC LICENSE REVOCATION.** The license of a peace officer convicted of a felony is automatically revoked. For purposes of this section, "conviction" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an admission of guilt, or a no contest plea.

- g) Discriminate against a person based on the peace officer's perception of that person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, status with regard to public assistance, or any protected class as defined by state or federal law.

E. If an officer has been discharged, but is appealing the discharge decision, the Board may suspend the license pending the resolution of the grievance.

F. In cases where there has been an arbitrator's opinion related to the peace officer's employment, the Board will proceed as follows:

- 1) If the arbitrator's opinion finds that underlying facts supported the allegations of misconduct, the Board will proceed with review of the case pursuant to this rule.
- 2) If the arbitrator's opinion finds that underlying facts did not support the allegations of misconduct, the Board will dismiss the case, unless the Board receives or discovers additional information that would lead an objectively reasonable person to conclude that the peace officer violated Board established employment, training, or licensure standards.
- 3) If the arbitrator has ordered employment reinstatement after a separation of employment without a finding related to whether the misconduct occurred, the Board will proceed with review of the case pursuant to this rule.

**Subp. 6 Discretionary Discipline.** The board may impose discipline including remedial training or education, suspension or revocation based on conduct identified in this part. Conduct subject to discretionary review includes, but is not limited to:

- 1) Conduct that resulted in an arrest, a criminal citation to appear or its equivalent, a stay of adjudication, or a criminal disposition that does not constitute mandatory grounds as defined in Subp. 1 of this rule;
- 2) Conduct related to circumstances concurrent to a separation of employment from a peace officer or other licensed position such as, but not limited to, investigation, settlement agreement or allegations of misconduct;
- 3) Falsification of any information on any documents submitted to the Board;
- 4) failing to cooperate with an investigation of the board as required by part [6700.1610, subpart 4](#);
- 5) engaging in sexual harassment, as defined by Minnesota Statutes, section [363A.03, subdivision 43](#);
- 6) Conduct identified through receipt or discovery of information that would lead an objectively reasonable person to conclude that the peace officer violated Board established employment, training, or licensure standards for peace officers.
- 7) Misuse of authority as a peace officer, including
  - the use or attempted use of one's position or authority as a peace officer to obtain a benefit, avoid a detriment or harm another; or
  - exceeding the officer's authority in executing a search warrant or executing it with unnecessary severity under Minnesota Statutes [626.22](#)
  - unnecessary use of force against a person in custody
  - unnecessary use of force resulting in injury when documented medical treatment was required
  - a history of unnecessary use of force or excessive use of force

- 1) Conduct that would cause a reasonable person to call into question the officer's ability to impartially serve and protect members of protected groups consistent with the Minnesota Human Rights Act and MN Statutes section 323a. Such behavior includes, but is not limited to, support of a white supremacist organization or group whose ideology incorporates white supremacy, and/or support of a hate or terrorist group identified by the FBI or the Southern Poverty Law Center. Support may be established by display of insignia, promotion of the hate group's ideology, participation in the organization or group, financial contributions, or other conduct.
- 2) Violations of Minnesota Statutes, section 214?
- 3) The officer's failure to report crimes of bias or alleged crimes of bias under Minnesota Statutes, section 626.5531.
- 4) having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;

**Subp. 7. Emergency Suspension.** The Board must issue an Emergency Suspension Order immediately suspending a peace officer's license when the Board or the Board's Executive Complaint Investigation Committee finds that there is a serious danger to public health and safety.

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

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

- A. ~~engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, Minnesota Statutes, chapter 214, or sections 626.84 to 626.90, or engaging in conduct which violates any statute enforced by the board;~~
- B. ~~obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;~~
- C. ~~being convicted of a felony or gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;~~
- D. ~~having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;~~
- E. ~~failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;~~
- F. ~~being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar law of another state or federal law;~~
- G. ~~being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167;~~
- H. ~~violating any order issued by the board;~~
- I. ~~practicing outside the scope of Minnesota Statutes, section 626.863;~~

- J. making an intentional false statement or misrepresentation to the board;
- K. engaging in sexual penetration or contact without consent, as defined in Minnesota Statutes, section [609.341](#), or engaging in conduct that violates Minnesota Statutes, section [617.23](#). Sexual contact does not include contact that is part of standard police procedure such as search and arrest;
- L. being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, sections [169A.27](#); [518B.01](#), subdivision 14; [609.224](#); [609.2242](#); [609.23](#); [609.231](#); [609.342](#); [609.343](#); [609.344](#); [609.345](#); [609.3451](#); [609.43](#); [609.465](#); [609.466](#); [609.52](#); [609.53](#); [609.748](#), subdivision 6; or [626.557](#);
- M. failing to cooperate with an investigation of the board as required by part [6700.1610](#), subpart 4;
- N. engaging in sexual harassment, as defined by Minnesota Statutes, section [363A.03](#), subdivision 43;
- O. using deadly force when not authorized by Minnesota Statutes, section [609.066](#); or
- P. being convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section [609.322](#), or any conviction under Minnesota Statutes, section [609.324](#), or being convicted of similar offenses in another state or federal jurisdiction.

## **6700.17xx COMPLIANCE AUDITS – what should the rules be?<sup>8</sup>**

### **6700.2000 DEFINITIONS.**

#### **Subpart 1. Scope.**

For the purposes of this part the terms defined have the meanings given them.

**Subp. 2. Data.** "Data" means personnel data as defined in Minnesota Statutes, section [13.43](#), subdivision 1, which is public if it falls within the categories listed in subdivision 2 of that statute.

**Subp. 3. Misconduct.** "Misconduct" means an act or omission by an employee or appointee of an agency licensed by the board which may result in disciplinary action by the agency or appointing authority. Statutory Authority: *MS s* [626.843](#); [626.845](#)

**6700.2100 SCOPE.** The board recognizes the importance of the need for each agency and appointing authority to have and to use written procedures for the investigation and resolution of allegations of misconduct. The agency and appointing authority have the responsibility to impose the disciplinary sanctions they find appropriate for misconduct that occurs. Nothing in

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#### <sup>8</sup> **626.8459 POST BOARD; COMPLIANCE REVIEWS REQUIRED.**

(a) Each year, the board shall conduct compliance reviews on all state and local law enforcement agencies. The compliance reviews must ensure that the agencies are complying with all requirements imposed on them by statute and rule. The board shall include in the reports to the legislature required in section [626.843](#), subdivision 4, detailed information on the compliance reviews conducted under this section. At a minimum, the reports must specify each requirement imposed by statute and rule on law enforcement agencies, the compliance rate of each agency, and the action taken by the board, if any, against an agency not in compliance.

(b) The board may impose licensing sanctions and seek injunctive relief under section [214.11](#) for an agency's failure to comply with a requirement imposed on it in statute or rule.

#### **626.8476 CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND TRAINING. Subd. 5. Compliance Reviews.**

The board has the authority to inspect state and local agency policies to ensure compliance with this section. The board may conduct the inspection based upon a complaint it receives about a particular agency or through a random selection process.

parts ~~6700.2000 to 6700.2600~~ shall be interpreted or is intended to authorize the board to approve, deny, or modify in any manner sanctions ~~which that~~ may or may not be imposed by the agency or appointing authority. **Statutory Authority:** *MS s [626.843](#); [626.845](#)*

**6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES. AMEND THIS SECTION**

On or before October 1, 1984, the chief law enforcement officer shall establish written procedures for the investigation and resolution of allegations of misconduct against licensees employed or appointed by the chief's agency. These procedures shall minimally specify:

- A. the misconduct which may result in disciplinary action;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the licensee;
- E. the process which will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

**Statutory Authority:** *MS s [626.843](#); [626.845](#)*

~~**6700.2300 AFFIRMATION OF COMPLIANCE. AMEND THIS SECTION**~~

~~The chief law enforcement officer shall affirm to the board compliance with part [6700.2200](#) no later than October 15, 1984. If an agency begins operation after October 1, 1984, the chief law enforcement officer shall affirm to the board compliance with part [6700.2200](#) no later than 15 days after the agency begins operation. **Statutory Authority:** *MS s [626.843](#); [626.845](#)*~~

~~**6700.2400 COPIES OF PROCEDURES. Incorporated in mandatory polices 6700.xxx**~~

~~Copies of current written procedures governing allegations of misconduct shall be available to the public on request. Copies of written procedures governing allegations of misconduct and any subsequent modifications of the procedures shall be distributed by an agency to licensees who are employed or appointed by the agency. **Statutory Authority:** *MS s [626.843](#); [626.845](#)*~~

**6700.2500 DOCUMENTATION OF COMPLAINTS. AMEND THIS SECTION**

The chief law enforcement officer or designee or designees shall maintain data concerning misconduct by licensees employed or appointed by the agency according to the provisions of Minnesota Statutes, sections [15.17](#) and [15.171](#). The board may request copies of this data. The chief law enforcement officer shall supply the data and an affidavit of compliance with part [6700.2200](#), item B to the board within five days of the request, excluding Saturdays, Sundays, and legal holidays. If compliance is not possible within that time, the chief law enforcement officer shall inform the board and shall have an additional five days to comply with the request, excluding Saturdays, Sundays, and legal holidays.

**Statutory Authority:** *MS s [626.843](#); [626.845](#)*

**6700.2600 PROCESSING OF COMPLAINTS. AMEND THIS SECTION**

~~Complaints which allege misconduct by a licensee shall be processed according to the agency's written procedures. Failure to comply with these procedures or any other provisions of parts [6700.2000 to 6700.2500](#) shall be grounds for disciplinary action against the chief law enforcement officer's license.~~

**Statutory Authority:** *MS s [626.843](#); [626.845](#)*

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## Session law CHAPTER 11--H.F.No. 63

**Philando Castile Memorial Training Fund \$6,000,000 each year is to support and strengthen law enforcement training and implement best practices. This funding shall be named the "Philando Castile Memorial Training Fund."**

Each sponsor of a training course is required to include the following in the sponsor's application for approval submitted to the board: course goals and objectives; a course outline including at a minimum a timeline and teaching hours for all courses; instructor qualifications, including skills and concepts such as crisis intervention, de-escalation, and cultural competency that are relevant to the course provided; and a plan for learning assessments of the course and documenting the assessments to the board during review. Upon completion of each course, instructors must submit student evaluations of the instructor's teaching to the sponsor.

The board shall keep records of the applications of all approved and denied courses. All continuing education courses shall be reviewed after the first year. The board must set a timetable for recurring review after the first year. For each review, the sponsor must submit its learning assessments to the board to show that the course is teaching the learning outcomes that were approved by the board.

A list of licensees who successfully complete the course shall be maintained by the sponsor and transmitted to the board following the presentation of the course and the completed student evaluations of the instructors. Evaluations are available to chief law enforcement officers. The board shall establish a data retention schedule for the information collected in this section.

(1) include a minimum of six hours for crisis intervention and mental illness crisis training that meets the standards established in subdivision 1a; and

(2) include a minimum of four hours to ensure safer interactions between peace officers and persons with autism in compliance with section [626.8474](#).

HF63 Spec Session 1 2021 219.6

**Sec. 28.** Minnesota Statutes 2020, section **626.8469**, is amended by adding a subdivision



219.7 to read:

Subd. 1b. **Crisis intervention and mental illness crisis training; dementia and**

219.9 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the

219.10 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of

219.11 approved entities and training courses primarily focused on issues associated with persons

219.12 with dementia and Alzheimer's disease. To receive the board's approval, a training course

219.13 must:

(1) have trainers with at least two years of direct care of a person with Alzheimer's disease or dementia, crisis intervention training, and mental health experience;

(2) cover techniques for responding to and issues associated with persons with dementia and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect; and

(3) meet the crisis intervention and mental illness crisis training standards established in subdivision 1a.