LAW ENFORCEMENT ADMINISTRATOR'S MANUAL

FOR PEACE OFFICER HIRING AND LICENSING

Prepared by the

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How to Become a Peace Officer in Minnesota

For Individuals without a Degree

Step 1 Earn a degree while successfully completing a program of professional peace officer education (PPOE) from a POST Board certified, and regionally accredited, college or university. See the POST Board's website for a list of certified schools and the selection standards for admission to peace officer education.

Step 2 Pass the POST Board's peace officer licensing examination.

Step 3 Be hired by a Minnesota law enforcement agency to receive a peace officer license.

Timeline Approximately two years for an associate degree program or four years for a baccalaureate degree program.

For Individual Already Possessing a Degree

(Note: Degree must be from a regionally accredited college or university.)

Step 1 Complete a law enforcement certificate/diploma program peace officer education from a Minnesota POST Board certified school. See the POST Board's website for a list of certified schools and the selection standards for admission to the certificate program.

Step 2 Pass the POST Board's peace officer licensing examination.

Step 3 Be hired by a Minnesota law enforcement agency.

Timeline One to two semesters of coursework plus the skills component of the peace officer education; approximately 7 months or more depending on the student and the program.

Reciprocity for Individuals with Law Enforcement Experience

Step 1 Apply and meet the requirements for reciprocity or military reciprocity.

Regular reciprocity requirements:

- employment as a law enforcement officer within the past six years <u>and</u> for at least three years <u>and</u> possession of a post-secondary degree from a regionally accredited school, OR
- employment as a law enforcement officer within the past six years <u>and</u> for at least five years.

Military reciprocity requirements:

- Four years of cumulative experience in a law enforcement occupational specialty OR
- Two years cumulative experience in a law enforcement occupational specialty plus a degree from a regionally accredited postsecondary institution OR
- Experience as a full time peace officer in another state combined with cumulative service experience in a military law enforcement occupational specialty totaling four years.

Step 2 Pass the POST Board's reciprocity licensing examination.

Step 3 Be hired by a Minnesota law enforcement agency.

Timeline Approximately two years for an associate degree program or four years for a baccalaureate degree program.

What to Consider When Choosing a Professional Peace Officer Education (PPOE) Program

1. Degree

Not all schools that offer degrees in Criminal Justice or Law Enforcement provide the education required to become eligible for the State of Minnesota Peace Officer Licensing Examination. Select a school that is listed on the POST Board's directory of certified PPOE schools.

Some POST Board certified schools offer an associate degree and some a baccalaureate degree. Associate degree programs generally take just over two years to complete and baccalaureate degree programs generally take about four years.

2. Location

There are 29 POST certified PPOE programs located throughout Minnesota. Proximity is one criteria for school selection but it is important to know:

- Some schools provide the entire PPOE program on one campus but several schools contract with another school at another location to provide portions of the education. It is important to ask about the location of all components of the program when selecting a school.
- It is also important to know that some programs offer the academic courses of the PPOE or even the entire degree on-line as well as in the traditional classroom. However, some portions of peace officer education require hands-on skills training that must be completed in-person and on-campus.

3. Size

Some programs are quite large and have advantages a large program can offer, i.e. larger law enforcement staff and more students to interact with, law enforcement clubs, etc. Other programs are smaller and can provide a more personal program, with smaller class sizes and more direct teacher to student contact.

4. School Type and Cost – Public, Private and For-Profit

All three types of schools are included on the POST Board's list of certified programs. The type of school impacts the school's mission, philosophy and program cost.

6. Program Length and Scheduling

Some programs are primarily aimed at traditional students with a mixture of day and evening course offerings. Other programs are specially designed to meet the needs of working adults with courses offered at night and on weekends over a longer period of time or using a variety of distance learning techniques.

7. Program Coordinators

Each school has a POST certified program coordinator who advises potential students about the school's particular program admission requirements, successful completion standards and how the program can meet the specific needs of individuals. Coordinator contact information is available on the directory of PPOE schools.

Hiring a Peace Officer

Prior to hiring a peace officer, the Chief Law Enforcement Officer (CLEO) must be aware of POST Board's rules and procedures in two areas:

1. A determination of eligibility to be hired.
2. Pre-employment requirements, which vary slightly depending on how the individual became eligible. Details will be addressed below in all cases.

Determining an Individual's Eligibility to be Hired

To be hired as a peace officer in Minnesota the candidate must fit at least one of the following categories:

I. Eligible to be licensed – Trained in Minnesota and passed the peace officer license exam
II. Eligible to be licensed by Reciprocity – Trained in another state and passed the reciprocity exam
III. Presently possesses an active Minnesota peace officer license
IV. Presently possesses an inactive Minnesota peace officer license.

Each of these four categories will be addressed individually in this section.[1]

All POST minimum selection standards must be completed prior to an applicant's first day of employment (*MN RULES* 6700.0700).

POST **minimum** selection standards are just that, **minimum** legal requirements for peace officers. An agency may require more stringent or additional standards of its own, in addition to the POST standards.

Pre-Employment Requirements

Prior to hiring a candidate, law enforcement agencies must complete a background investigation. According to MN STAT 626.87, Subd. 5, upon initiation of a background investigation, every law enforcement agency **shall** give written notice to the POST Board of:

1) the candidate's full name,
2) the candidate's date of birth, and
3) the candidate's peace officer license number if applicable.

This reporting system is known as the Pointer System. To access Pointer System information, a background investigator may fax, mail or email the *Notification of Pre-employment Background* form to the POST Board. This form can be obtained from the POST Board's website. Generally, a reply providing candidate information and list of agencies that have reported conducting a pre-employment background investigation can be expected within a few days. The POST Board does not retain copies of completed background investigations.

The report of the initiation of a background investigation does not require the submission of the candidate's application for employment. Initiation of a background investigation occurs

[1] If the agency has competitive testing of applicants for a peace officer position, it is necessary to have all applicants complete the same testing requirements, regardless of their license category.

when the law enforcement agency determines that an applicant meets the agency's standards for employment as a law enforcement employee. The enactment of this Statute by the 1997 Legislature intended to enhance the ability for background investigators to obtain more complete information regarding candidates. It is a mutual benefit to all in law enforcement that every agency complies with this mandate.

I. Eligible to be Licensed – Completed Peace Officer Training in Minnesota

The hiring agency must submit a *Request for Peace Officer License* form and the $90 licensing fee to the POST Board **prior to the first day of appointment.** A new appointee is not licensed until the POST Board has received and approved the form and licensing fee.

There are three parts to this form.

- Part I requests basic information on the licensee.
- Part II is an affirmation by the CLEO that minimum selection standards specified in *MN RULES* 6700.0700 have been met.
- Part III is to be completed and signed by the applicant and notarized before submittal to POST.

A $90 fee made payable to POST Board must accompany this application.

A. Responsibilities of the Chief Law Enforcement Officer

When signing a *Request for Peace Officer License* form for an officer, a CLEO is affirming that the minimum selection standards specified in MN RULES 6700.0700 have been met and that the agency is maintaining documentation to corroborate compliance with the following requirements:

1) Applicant has successfully completed all training and licensing examinations.
2) Applicant has submitted to a thorough background search, 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. The applicant shall not have been convicted of a felony in this state or in any other state or federal jurisdiction, or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.
3) Applicant has been fingerprinted. Two sets of fingerprint cards have been sent to the Bureau of Criminal Apprehension (BCA) who will forward one set to the FBI. (The BCA will provide the proper forms upon request). The CLEO of the hiring agency shall immediately notify the POST Board if a previous felony conviction is discovered.
4) Applicant has passed a medical examination by a licensed physician affirming that the applicant has the physical capacity to meet the demands of the position. An individual must not be required to have a physical examination until an offer of employment has been made. See MN STAT 363A.20, subd. 9(i).[2]
5) Applicant has been examined by a licensed psychologist to affirm that the applicant is free from any emotional or mental condition which may adversely affect the performance of his or her peace officer duties. This evaluation must include an oral interview.[2]
6) Applicant has passed a test of physical strength and agility to measure job-related

[2] The results of any previous psychological, medical and physical agility examination for those peace officers already licensed may be accepted at the discretion of the agency. However, the hiring agency must obtain and maintain documentation showing that the POST Board requirements for a psychological evaluation and medical examination have been met. In addition, documents showing that the other selection standards have been met must be maintained by the CLEO. The physical strength and agility test may be waived if the applicant has completed the skills course.

physical skills. Each law enforcement agency may determine what this test consists of. Successful completion of a Minnesota skills course can fulfill this requirement at the hiring agency's discretion.[2]

IMPORTANT: Admittance to a skills course requires every student pass a psychological evaluation and physical examination. The student evaluation and examination **are not acceptable** in satisfying the minimum selection standards for the licensing of peace officers as required by *MN RULES* 6700.0700, subp. 1, (H and I). A CLEO must have the license-eligible applicants submit to a psychological evaluation and a medical examination before licensing. Pre-employment Psychological Evaluation Guidelines can be found on the "Forms" page of the P.O.S.T. Board website.

B. Notification of Conviction

If the thorough background investigation, required by MN STAT § 626.87 subd. 5, reveals a conviction of a felony; the conviction of a crime listed in MN STAT 214.10, subd. 2(a); or the conviction of a crime that was charged under any state or federal law that would be a conviction under any of the statutes listed in 6700.0700 subp. 1 (F) (3), the CLEO shall immediately contact the POST Board and notify a Standards Coordinator.

C. Use of Force Training

In accordance with MN STAT 626.8452, the CLEO of every local and state law enforcement agency shall provide instruction on the use of force, deadly force, and the use of firearms to every peace officer and part-time peace officer when the officer begins employment with the agency. This instruction must occur before the agency's CLEO issues a firearm to the officer or otherwise authorizes the officer to carry a firearm in the course of employment. The instruction must be based on the agency's required written policy and on the POST Board's Use of Force In-Service Learning Objectives. These learning objectives are available on the POST Board's website.

II. Eligible to be Licensed by Reciprocity – Trained in another state, the military, or the federal government.

Eligible applicants may obtain a Minnesota peace officer license by following the reciprocity procedure outlined below. (See also "Reciprocity" portion of this manual.)

A. Training and Experience

The applicant must have completed comparable police training in another state; have the minimum years of service required by statute or rule and meet eligibility criteria set forth in *MN RULES* 6700.0501 or MN STAT 626.8471. The POST Board must approve the *Reciprocity Examination Application* form.

B. Applicant Successfully Passes the Reciprocity Examination

From this point on, the procedure is exactly the same as it is for hiring any person eligible to be licensed as a peace officer. The agency must submit a *Request for Peace License* form as outlined above in Part I.

III. Presently Possesses an Active Peace Officer License

A peace officer who has an active Minnesota peace officer license is not required to meet the selection standards listed under Part I. The hiring agency must submit the *Personnel Notification* form to POST **prior to the applicant's first day of appointment**. The law enforcement agency hiring an officer in this category may require a physical and/or psychological examination of the applicant. Adequate screening of applicants is always a good policy. It is also good policy to obtain a release of information to check the previous employing agency's record of the officer. The CLEO need only complete and sign Part I of

the *Personnel Notification* form.

IV. Presently Possesses an Inactive Peace Officer License

The hiring agency must submit the *Personnel Notification* form to POST **prior to the applicant's first day of appointment.** Even if the agency has employed the individual for training, documentation requirements, or other needs besides active law enforcement, the CLEO must send in the *Personnel Notification* form prior to the first day of appointment to that position. If the inactive officer has been out of Minnesota law enforcement for less than three years, it is not necessary for the applicant to meet the selection standards, except at the agency's discretion.

Officers whose licenses have been inactive for more than three years must meet the selection standards anew (see *MN RULES* 6700.0700). **Previously completed and accepted selection standards do not meet this requirement** (see *MN RULES* 6700.1400, subp. 3). In this case, Part II of the *Personnel Notification* form must be signed by the CLEO.

Peace Officer Working on a Part-time Basis

Officers eligible to be licensed or who already hold a peace officer license (not a part-time peace officer license) may work as many or few hours as their appointing agency wishes. Their hiring should be handled in the same manner as an applicant for a full-time position.

If the individual you wish to hire for such a position is eligible to be licensed (but has not yet been appointed as a peace officer), submit the *Request for Peace Officer License* form and required fees.

If the individual is licensed, submit a *Personnel Notification* form, even if the individual is already employed by one or more agencies. The POST Board must have a *Personnel Notification* form on file from every agency that employs the officer. The peace officer working on a part-time basis does not count against the agency's quota of part-time licensed peace officers.

IMPORTANT: If an agency hires individuals part-time for a limited time period, an *Employment Termination* form must be completed and sent to the POST Board when the services of the "occasional officer" are no longer needed. If the same peace officer will be utilized again, whether on an annual basis or an on-call basis, there is no need to submit an *Employment Termination* form. File the *Termination* form only if the agency will no longer use the services of that particular peace officer.

Some law enforcement agencies have a policy of licensing their reserve officers. If this is done, all minimum selection standards must be met and documentation maintained by the CLEO in accordance with *MN RULES* 6700.0700.

Part-time Peace Officers

Individuals holding a Part-time Peace Officer License (**not peace officers working on a part-time basis or reserve officers**) cannot work more than 1040 hours of active duty per calendar year. Officers holding a Part-time peace officer license can only work when supervised by a licensed peace officer.

Questions about requirements for part-time peace officers should be directed to Jeff Evans, Testing and Licensing Coordinator, at 651-201-7784.

I. Hiring and Licensing

Since July 1, 2014, no new Part-time Peace Officer Licenses have been granted in Minnesota. All inactive Part-time peace officer licenses on that date were canceled. Officers who held a Part-time peace officer license and were employed on July 1, 2014 may remain employed indefinitely **at the same agency**. Any change in employment status will render their Part-time Peace Officer License canceled.

II. Quotas

State law limits the number of part-time peace officers a department may employ.[3]

III. Part-time Peace Officers Who Complete Peace Officer Training

When a part-time licensed peace officer completes a Professional Peace Officer Education program, earns a degree, and has passed the peace officer licensing examination, the agency utilizing the services of this individual should apply for a peace officer license. A *Request for Peace Officer License* form and the $90 licensing fee must be submitted to the POST Board. It is not necessary for the licensee to be working full time to obtain a peace officer license. An *Employment Termination* form must be submitted on the part-time license.

IV. Supervision of Part-time Peace Officers

The part-time licensed peace officer is an adjunct to the licensed peace officer. As such the part-time peace officer cannot work without supervision. The supervising peace officer does not have to be physically present, but must be available by radio or have some other means of direct contact with the part-time peace officer. It is required by *MN RULES* 6700.1110 that all law enforcement agencies which utilize the services of a part-time licensed peace officer implement a policy regarding the supervision of part-time licensed peace officers.

A. Supervision of Part-time Peace Officers

On March 6, 1994, the Board adopted administrative rules relating to the supervision of part-time peace officers.[4] *MN RULES* 6700.1101 through 6700.1130 address part-time licensed peace officer issues.

Supervision has always been a requirement for agencies using part-time peace officers; however, the current rules require the method of supervision to be in writing and explain

[3] A department has no limitations on the number of full-time licensed peace officers working part-time hours.

[4] Only agencies that utilize the services of a part-time peace officer must have a written policy stating how that part-time peace officer is to be supervised.

the role of the part-time peace officer as well as the role of the supervisor. The written policy must clearly state the following:

1) a plan stating how the designated peace officer is to be notified when responsible for supervising a part-time peace officer;
2) a plan stating the duties and responsibilities of the designated peace officer in supervising the part-time peace officer;
3) a plan explaining how the part-time peace officer is made aware of the identity and location of his/her designated peace officer (supervisor), and how the part-time peace officer is to communicate active duty status to the designated peace officer;
4) a plan stating how the part-time peace officer is to notify the designated peace officer that the part-time officer is to notify the designated peace officer that the part-time officer is no longer on active duty status.

B. Joint Powers Agreement

An agency that uses another agency to supervise their part-time peace officer(s) must have a written agreement that covers the above points and also includes a joint powers agreement giving the designated peace officer full power and authority in the jurisdiction of the part-time peace officer to be supervised.

C. Distribution of the Policy

All part-time peace officers and all designated supervisory peace officers must be provided a copy of the policy. All designated peace officers involved in supervision for another agency must also be given a copy of that agency's policy. There is no requirement to supply the POST Board with a copy of the policy or agreement.

D. *Personnel Notification* or *Employment Termination* Form

An agency must report the appointment of a part-time peace officer to the POST Board by sending the *Personnel Notification* form **prior to the applicant's first day of appointment.** An *Employment Termination* form must be sent to the POST Board within ten days of the termination of a part-time peace officer, regardless of the reason for the termination.

V. Reporting Requirements

Each part-time peace officer is responsible for keeping a written, monthly record of all hours worked. (A *Part-time Peace Officer Monthly Hour Log* and a *Part-time Peace Officer Annual Hour Log* are available on POST's website for use in recording hours, but it is not mandatory to use these particular forms.) This record must show all hours worked as a part-time peace officer, the accumulated total of hours to date for the calendar year, and must identify the designated peace officer (supervisor) of each shift worked. This record must be maintained for five years by the part-time peace officer.

Each month, the part-time peace officer must show his/her accumulated hours to the CLEO of each law enforcement agency that utilizes his/her services. The total number of hours worked from all agencies utilizing the services of the part-time peace officer cannot exceed 1040 hours in a calendar year.

In-Service Training Policy and Reporting

1. Active peace officers and active part-time peace officers must complete use of force training every year. This training must be based on the employing agency's use of force policy and the learning objectives provided by the POST Board (see item 1 below). The learning objectives are available on POST Board's website.

2. Active peace officers and active part-time peace officers must complete an eight hour course in emergency vehicle operations and in the conduct of police pursuit every five years. This training must be based on the employing agency's pursuit policy and the learning objectives provided by the POST Board (see item 2 below). The learning objectives are available on POST Board's website.

Refer to the POST Board website for complete model policies and learning objectives.
www.post.state.mn.us

MODEL POLICIES

STATUTE OR RULE	REQUIREMENT
1) Use of Force MN STAT 626.8452, subd.1	The CLEO of each agency must establish and enforce a written agency policy. **REQUIRED POLICY** Yearly training for each active peace officer and part-time peace officer is required and training records must be maintained by the employing agency. The instruction must be based on learning objectives developed by POST and consistent with the agency's policy. The number of hours of training is not specified.
2) Vehicle Pursuit and Emergency Vehicle Operations MN STAT 626.8458, subd. 2 *MN RULES* 6700.2700 - 6700.2704	Agency must establish written procedures to govern conduct of peace officers and part-time peace officers during police pursuits. These written procedures must include the requirements for the training of officers in conducting pursuits. **REQUIRED POLICY** All officers not declared exempt on the *Pursuit Training Exemption* form must complete an **eight-hour course** in emergency vehicle operations and in the conduct of police pursuits **every five years**. Training is to be based on POST Board learning objectives and consistent with the agency's policy. The Department of Public Safety, BCA governs the reporting of pursuits of motor vehicles. Reports must be filed within 30 days of the incident.

3) Allegations of Misconduct *MN RULES* 6700.2200	The CLEO of each agency must have policies and procedures for the investigation of allegations of misconduct. Copies of these procedures must be made available to the public upon request and to each officer employed by the agency. **REQUIRED POLICY** The CLEO of each agency must send POST affirmation of compliance with this requirement annually. *(This requirement is further defined and enlarged in the following statute on Professional Conduct of Officers.)*
4) Professional Conduct of Officers (Conduct Unbecoming) MN STAT 626.8457	The CLEO of each agency must establish and implement a policy defining unprofessional conduct and governing the investigation and disposition of cases. Policy must be identical or substantially similar to the model policy developed by POST. **REQUIRED POLICY** The CLEO must report the summary incident data to POST annually.
5) Response to Reports of Missing & Endangered Persons MN STAT 299C.51-299C.5655, 390.25 & 626.8454	CLEO must have a written policy and procedures based on the model policy. **REQUIRED POLICY** Law enforcement shall accept, without delay, any report of a missing person. Information must be entered by the law enforcement agency into NCIC. Consult with the BCA if the person is determined to be endangered and missing.
6) Domestic Abuse Policies MN STAT 629.342	Each agency must develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents based on the POST Board model policy. This must be done in consultation with and reviewed by several agencies and must address specific issues listed in the statute. **REQUIRED POLICY**
7) Predatory Offender Registration Community Notification Minnesota Session Laws 1996, Chapter 408, Art. 5, Sec. 7	The CLEO of each agency must have a written policy which is the same or substantially similar to the POST model policy on disclosure of information to the public. **REQUIRED POLICY**
8) Criminal Conduct on School Buses MN STAT 169.4581	The CLEO of each agency must have a written policy for responding to criminal incidents on school buses. **REQUIRED POLICY**
9) Supervision of Part-time Licensed Peace Officers *MN RULES* 6700.1110	All CLEOs must have a written policy for the supervision of part-time licensed peace officers if the agency utilizes the services of part-time licensed peace officers. **REQUIRED POLICY ONLY FOR L.E. AGENCY UTILIZING PART-TIME LICENSED OFFICERS.**

10) Lighting Exemption of Law Enforcement Vehicles MN STAT 169.541	The CLEO of each agency must provide a policy allowing the exemption of officers or a policy stating that officers are not exempt from statutes requiring headlights, taillights and navigational lighting illuminated after dark. A model policy is available from POST. **REQUIRED POLICY.**
11) Impartial Policing (Avoiding Racial Profiling) MN STAT 626.8471, subd. 4	All CLEOs must establish and enforce a written antiracial profiling policy governing the conduct of peace officers engaged in stops of citizens. A model policy is available from POST. **REQUIRED POLICY**
12) Procession of Property Seized for Administrative Forfeiture MN STAT 609.531	All CLEOs shall adopt and implement a written policy on forfeiture that is identical or substantially similar to the model policy available from POST. The Written policy shall be made available to the public upon request. **REQUIRED POLICY.**

Continuing Education and Training Reimbursement for Peace Officers and Part-time Peace Officers

In accordance with Minnesota Law, the POST Board has established a system for promoting the professional competence of peace officers through continuing education.

MN RULES 6700.1000 requires every active and inactive licensed peace officer, as well as, every active licensed part-time peace officer complete 48 hours of continuing education within their three-year license renewal period.

I. Credit for Continuing Education Courses

According to *MN RULES* 6700.0900, continuing education for peace officers must be based on the knowledge, skills and abilities needed to be a peace officer.

In order for an officer to receive POST credit, the course must be:

- law enforcement related,
- promote professional job-related competence, and
- meet a law enforcement educational need.

If the officer attends a law enforcement related course that has been approved for continuing education credit, and plans to use the training toward their renewal, the officer must maintain a certificate showing proof of completion.

If the officer attends a law enforcement related course that has not been approved for continuing education credits, the officer may receive credit as long as they maintain documentation showing proof of successful completion. This documentation should include a certificate, a timeline showing the breakdown of hours (if the course is more than 4 hours) and a course description.

The officer may also retain any additional handouts or brochures that may aid in the evaluation of the training.

II. Continuing Education Review

To ensure continued integrity of the POST continuing education system, the Board reviews the continuing education records by randomly selecting a percentage of active and inactive officers who have renewed their license. The officers chosen, will receive a letter by mail informing them they have been randomly selected for a "Continuing Education Review." Officers will be asked to submit documentation of the continuing education courses they have successfully completed up to the required 48 hours of credits during their license renewal period.

Officers are expected to retain the documentation themselves for courses they complete and be able to provide this information to POST if it is requested for a Continuing Education Review.

III. Sponsoring Continuing Education Courses

Law enforcement agencies that are a "Continuing Education Sponsor" and wish to have a course approved for POST credit, must complete and submit a *Continuing Education Course Approval Application* at least ten days prior to the first day of the course. The required materials for course evaluation are listed on the second page of the application under number two. Once the course is approved, the course sponsor will receive an approval letter by mail. If the course is not approved, the application is returned to the sponsor along with

the reason the application was denied.

It is the responsibility of the sponsor to maintain the application and course materials, as well as, the names and license numbers of the officers who attend their courses.

NOTE: The following two continuing education forms are available on POST Board's website:

1. *Continuing Education Course Approval Application*

2. *Affidavit of Attendance*

IV. Credit for Instructing a Law Enforcement Course

Officers who instruct POST approved courses may receive instructor credit. The *Instructor Credit* form is available on the POST website for the officer's personal use. Officers may receive two hours of continuing education credit for every hour of instruction. However, officers may only earn up to one half of their forty-eight continuing education requirement through instructor credit.

V. Continuing Education Reimbursement Fund

The POST Board provides annual reimbursement to help defray the costs that have been incurred by local units of government in making continuing education available to the peace officers employed by them. POST's reimbursement account is funded by a surcharge on criminal and traffic violations and fees collected for the reinstatement of a driver's license in non-DWI related instances (suspension for failure to appear or unpaid fines).

The POST Board mails reimbursement applications to all local units of government in late June each year. Agencies must complete and return the application to the POST Board by July 31. An agency may claim reimbursement for a peace officer or a part-time peace officer if the agency has made at least 16 hours of POST-approved continuing education available to the officer, and has employed the officer for at least eight months during the past fiscal year (July 1 through June 30).

IMPORTANT: No agency may be reimbursed more than it expended during the fiscal year and only one agency may claim an officer. Payments from the reimbursement fund are disbursed in August each year by electronic funds transfer.

License Renewal

All licensed peace officers and part-time licensed peace officers are required to renew their licenses every three years.[5] Newly licensed peace officers and all licensed part-time peace officers are assigned an expiration date of June 30th of the third calendar year from the year they were originally licensed. The renewal fee for a peace officer license is $90, and for a part-time peace officer license is $45.

Licenses expire on July 1st. An officer may not be armed or have powers of arrest without a valid peace officer license.

Maintaining a valid license is the officer's responsibility. **The license is the property of the Minnesota POST Board, issued to the officer**. However, the POST Board regularly communicates with the CLEO about license renewal matters and depends upon the CLEO to get such information to his or her officers in a timely manner.

General schedule for the license renewal process:

Mid-January	Annual *Agency Information* form is emailed to each CLEO to verify their officer information.
March	Active officers receive their license renewal application at the agency of employment (primary agency for those officers who work for more than one agency). Inactive officers receive the application at their address of record with the POST Board.
June 30	The deadline date for license renewal. The renewal application and renewal fee must be in the POST Board office by 4:30 p.m. on June 30th. Unpaid renewals expire at this time, and the officer is not authorized to practice law enforcement with an expired license.

Leaving Active Law Enforcement Employment – Inactive Status

When a peace officer or part-time peace officer is no longer employed by an agency, their license will be placed on inactive status. The officer's license will be kept on inactive status indefinitely as long as he or she pays the renewal fee and completes 48 hours of approved continuing education by the June 30th renewal date every three years. If the license is not renewed, it will be placed on expired status.

To receive renewal application forms and other materials relevant to an individual's license, POST must be kept informed of the licensee's current mailing address. License renewal materials will no longer be sent to the officer's former employing agency.

[5] All **active** officers are to complete Use of Force and Firearms training annually. Also, all officers not declared exempt on the *Pursuit Training Exemption* form on file with the POST Board must complete an 8-hour Emergency Vehicle Operation/Pursuit Driving course every four years.

When an officer leaves his or her position, the law enforcement agency must notify POST within **ten days** of the termination of that officer by submitting the *Employment Termination* form to the POST Board.

When a peace officer or part-time peace officer leaves active law enforcement employment, the officer must meet the license renewal criteria every three years in order to keep their license on inactive status.

If the inactive officer decides to re-enter Minnesota law enforcement **within three years** of having left his or her last agency, the license will be reactivated when the officer's new employer notifies POST of the appointment by submitting a *Personnel Notification* form.

If the officer decides to re-enter Minnesota law enforcement **after three years**, the license may be reactivated only after the officer has passed the Reinstatement Licensing Examination, completed a medical examination, a psychological evaluation, a background investigation, and the employing agency submits to POST a *Personnel Notification* form verifying the officer has met these requirements.

IMPORTANT: The individual with an inactive or expired license has no peace officer powers and may not carry a firearm unless granted a permit to do so.

Complaints and Disciplinary Action

The POST Board's Standards Coordinators receive and process complaints in order to determine whether violations of statute or administrative rule exist that warrant disciplinary action against a licensee.

The POST Board's power to act in cases of alleged police misconduct is limited solely to the status of an officer's license. Because the POST Board is an administrative rule-making agency, its scope of authority is limited to the rules and statutes it enforces.

Managing Alleged Misconduct Complaints

There are distinct and separate responsibilities of CLEOs and the POST Board regarding the investigation and resolution of complaints alleging officer misconduct. POST was not created to be a statewide internal affairs unit for law enforcement. It is the responsibility of every state, county, municipal, tribal, governmental and higher educational law enforcement agency to investigate allegations of misconduct of their licensed officers. The partnership between the POST Board and the over-400 law enforcement agencies across this state exists to ensure all complaints are processed in an objective and impartial manner.

POST's legislated role is to ensure the written policies and practices of agencies is consistent with state statutes and administrative rules. State statutes and administrative rules direct each agency's CLEO to accept, investigate, resolve and provide a written response to all allegations of misconduct.

CLEOs receive complaints by two routes:

1. the complaint is made directly to the agency by a citizen or another officer; or
2. the complaint is made to the POST Board and then forwarded to the agency.

Regardless of the route, the responsibilities of the CLEO are the same – to follow their agency's procedures as outlined in their policy on the investigation and resolution of allegations of misconduct and to notify the complainant and, if applicable, the POST Board. The following is an outline of the responsibilities of CLEOs and the POST Board.

I. Chief Law Enforcement Officer's Responsibilities

A. Establish a written agency policy (*MN RULES* 6700.2200) for the investigation and resolution for allegations of misconduct that includes the following:

- specific misconduct that may result in disciplinary action;
- process to investigate complaints;
- sanctions if a complaint is sustained;
- appeal process for the licensee; and
- method to notify complainant of the investigation and disposition.

B. Manage all alleged misconduct complaints according to the agency's written policy (*MN RULES* 6700.2600). This includes:

- investigating the complaint
- resolving the complaint
- imposing sanctions on the licensee if necessary
- notifying the complainant of the investigation and disposition

The agency may refer the complaint to another agency to avoid possible conflict of interest and that agency must process it according to the originating agency's

written policy.

C. If an agency receives an alleged misconduct complaint from the POST Board, the agency must:

- process the complaint according to the agency's written policy; and
- submit a written summary of the final disposition to POST within 30 days of receipt of the complaint (MN STAT 214.10, subd. 10).

II. Sanctions Against the Chief Law Enforcement Officer

A. Failure to comply with processing alleged misconduct complaints (or any other provisions included in *MN RULES* 6700.2000 to 6700.2500 or MN STAT 214.10) is grounds for disciplinary action against the CLEO's license by the POST Board.

III. POST Board's Responsibilities

A. Forward alleged misconduct complaint to agency of the licensee whom the complaint is against; and
B. monitor the agency to ensure the agency's investigation and resolution of allegations of misconduct is processed according to their written policy (MN STAT 214.10, subd. 10).

Post Board Jurisdiction

The POST Board is given authority by Minnesota Statutes and *Minnesota Rules* to review complaints against peace officers and part-time peace officers. The authority includes imposing sanctions against an individual's license after a hearing on the matter is held.

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

- engaging in conduct prohibited by, or listed as grounds for disciplinary action in MN STAT 214, 626.84 through 626.90, or engaging in conduct which violates any statute enforced by the board;

- obtaining a license from the board by fraud or cheating, or attempting to subvert the examination process;

- 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;

- 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;

- failure to report revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;

- being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under MN STAT 152.18, or any similar law of another state or federal law;

- being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, mentally incompetent, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under MN STAT 243.166 or 243.167;

- violating any order issued by the board;

- practicing outside the scope of MN STAT 626.863;

- making an intentional false statement or misrepresentation to the board;

- engaging in sexual penetration or contact without consent, as defined in MN STAT 609.341, or engaging in conduct that violates MN STAT 617.23. Sexual contact does not include contact that is part of standard police procedure such as search and arrest;

- 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 MN STATS 518B.01 subd. 14; 609.23; 609.231; 609.234; 609.322; 609.324; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748 subd. 6; or 626.557; 609.224 subd. 2 paragraph c; 609.2325; 609.233; 609.2335; or 609.72 subd. 3.

- 518B.01 subd. 14 — Domestic abuse act, violation of an order for protection.
- 609.23 — Mistreatment of persons confined.
- 609.231 — Mistreatment of a resident or patient.
- 609.234 — Failure to report maltreatment of a vulnerable adult.
- 609.322 — Solicitation, inducement & promotion of prostitution
- 609.324 — Similar prostitution offenses.
- 609.342 – 609.3451 — Criminal sex conduct, 1st through 5th degree.
- 609.43 — Misconduct of a public official.
- 609.465 — Presenting false claims to public officer or body.
- 609.466 — Medical assistance fraud.
- 609.52 — Theft.
- 609.53 — Receiving stolen property.
- 609.748 subd. 6 — Harassment/restraining order.
- 626.557 — Reporting maltreatment of a vulnerable adult.
- 609.224 subd. 2, para. c — Gross misdemeanor assault in the 5th degree (vulnerable adult).
- 609.2325 — Criminal abuse (vulnerable adult).
- 609.233 — Criminal neglect (vulnerable adult).
- 609.2335 — Financial exploitation (vulnerable adult).
- 609.72 subd. 3 — Disorderly conduct (re: vulnerable adult).
- 617.23 — Indecent Exposure
- failing to cooperate with an investigation of the Board as required by *MN RULES* 6700.1610, subp. 4;
- engaging in sexual harassment, as defined by MN STAT 363A.03, Subd. 43;
- using deadly force when not authorized by MN STAT 609.066, or
- being convicted of solicitation, inducement, or promotion of prostitution in violation of MN STAT 609.322, or any conviction under 609.324, or being convicted of similar

offenses in another state or federal jurisdiction.

Procedures for responding to written complaints received by the POST Board are outlined in MN STAT 214.10 and *MN RULES* 6700.2000 through 6700.2600. Questions concerning the complaint process may be directed to the POST Board at 651-643-3060.

Allegations of Misconduct Rule

Since October 1, 1984, all law enforcement agencies are required to have written procedures for the handling of allegations of misconduct as directed in *MN RULES* 6700.2000.

Newly formed agencies have fifteen days from the date they commence operations as a law enforcement agency to comply with this rule. Agencies are required to file the *Alleged Misconduct for the previous Calendar Year on* a form provided by the POST Board. This form will assert they have written procedures and are following the other provisions of the rule. POST sends this form, by email to every agency on an annual basis.

Please refer to this rule for the specific provisions. The POST Board will offer technical assistance in complying with this rule to any law enforcement agency that requests it.

Reciprocity

Reciprocity allows experienced peace officers that have been trained and certified in other states, by the federal government, or in some military police disciplines, to enter Minnesota law enforcement. To qualify, the officer applying for reciprocity with Minnesota must meet the following requirements:

1. applicant must have received training comparable to the state of Minnesota's;
2. applicant must have been active in law enforcement with full powers of arrest within the past six years;
3. applicant must have been continuously employed as a certified officer for the period prescribed by *MN RULES* 6700.0501 after completing basic police training; and
4. applicant must never have had his or her certification or license revoked or suspended.

Qualified applicants must pass the POST Board's Reciprocity Licensing Examination in order to be eligible for peace officer licensing in Minnesota. It is important to remember that when hiring an applicant that has gone through the reciprocity process, he or she **must meet all minimum selection standards** listed in Part II of the *Request for Peace Officer License* form.

As soon as possible in the hiring process, out-of-state applicants interested in the position of peace officer in the state of Minnesota should contact the POST Board for information regarding reciprocity and an application for the exam. Information about reciprocity is also available on POST Board's website.

The reciprocity licensing examination is administered every Tuesday morning by appointment at the POST Board office. The exam application must be pre-approved by POST and the applicant must allow sufficient time to study and to schedule the exam.

Military Reciprocity

It is possible to qualify for reciprocity through military service as a military police officer. In order to qualify, the individual must meet the following requirements:

- Four years of cumulative experience in a law enforcement occupational specialty (1000 calendar days in Guard or Reserve time), **OR**
- at least two years cumulative experience in a law enforcement occupational specialty (500 calendar days in Guard or Reserve time) plus a degree from a regionally accredited postsecondary institution, **OR**
- experience as a full-time peace officer in another state combined with cumulative service experience in a military law enforcement occupational specialty totaling four years.

The following documentation of service is accepted by the POST Board:

1. Copy of military Form 438 or **DD-214;** or active duty Pay & Leave Statement or a DOD Manpower Data Center status report; or Military Personnel Center assignment information providing service time in a military police specialty.
2. Post-secondary degree diploma or transcript, if applicable. (Do not send continuing education or refresher certificates.)

Military occupational specialty codes accepted by the POST Board differ with the service branches, but all are associated with military policing, intelligence, or investigation. Contact Jeff Evans with any questions regarding military reciprocity, at 651-201-7784.

Examination and Licensing Fees

Examination fees are established in *MN RULES* 6700.0600, subp. 2, and must be paid when the application is submitted. Applications must be submitted to POST at least **two weeks prior to the examination date**.

The non-refundable fees are as follows:

Peace Officer Licensing Exam $105.00
Reinstatement Exam $105.00
Reciprocity Exam $105.00
License Restoration Exam $230.00

The peace officer licensing examination is scheduled several times each year (see the POST Board website for current dates). Normally, results are mailed within two weeks of the exam date. CLEOs should keep the examination schedule in mind when they plan to hire. The reciprocity, reinstatement and restoration examinations are given by appointment only at the POST Board office on Tuesdays at 9:00 a.m. after the application and the $105.00 fee have been submitted and approved.

Licensing fees are established in *MN RULES* 6700.0800, subp. 4. A peace officer license fee and the renewal fee is $90.00. A part-time peace officer renewal fee is $45.00.