



Minnesota Board of Peace Officer Standards and Training

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Advisory Committee on Post Board Rules Overhaul

MEETING AGENDA

1600 University Avenue, Suite 200
Saint Paul, Minnesota

December 10, 2020

1:30 -3:30 p.m.

This meeting will be held online due to COVID-19 emergency, a link to observe the meeting will be on the POST website prior to the meeting.

1. Welcome/Housekeeping/Roll Call
2. Agenda Approval
3. Background Information: updated topic list
4. Core Values
5. Mandated Policies
6. Classroom Discrimination
7. Wrap-up
8. Adjournment

TOPIC LIST FOR ADVISORY COMMITTEE

POST Board Rules Overhaul – 12/2020

Note: Grey highlights are comments from IADLEST Audit related to current or proposed rules

1. Peace Officer Conduct

Standards of conduct

6700.1500 (Standards of Conduct for Peace Officers): We like how this section says the Board does not intervene in internal disciplinary processes or actions, but reserves and retains the right to act against an officer's license independent of agency authority.

- 6700.1600 (Violations of Standards of Conduct): RECOMMENDATION: Prohibited conduct should include intimidation, coercion, and other abuses of power and abusing the power of the badge.

- 6700.1610 (Reporting Obligations and Cooperation) Subpart 1: RECOMMENDATION: The chief law enforcement officer should also be required to report to the Board any allegations of misconduct of which she or he becomes aware.

Misconduct

Reporting Requirements

Disciplinary Actions

2. Complaints

Initiated with Board

Initiated with LEA

- 6700.1710 (Disciplinary Actions for Violations of Administrative Rules): RECOMMENDATION: There should be a written procedure for initiating and conducting investigations and for adjudicatory hearings. The Board should also invoke or establish subpoena powers consistent with state statutes.

- Clarify or establish in statute or rule the POST Board's subpoena powers.

3. Peace Officer Licensing Requirements

Initial

Renewal

Transfer of license from other states

Reactivating expired licenses

4. Testing/Licensing Exams

Eligibility to take exams

Retesting

Expiration of passing tests

5. Continuing Education

Requirements, general

Mandated CEs

Sponsors/Sponsor accreditation

Reporting

RECOMMENDATION: Completion rosters should also be submitted to the Board.

RECOMMENDATION: All mandatory classes and topics should have statewide, standardized lesson plans approved by the Board for valid, consistent, uniform training and to assure EVERY officer gets the best

training, and recognizes the transportable nature of a police officer's license. Lesson plans should be made publically available to aid in transparency.

RECOMMENDATIONS: The lesson plan should be required to be in narrative format (rather than an outline), and instructors should be certified (see below), rather than simply undergo a résumé review
RECOMMENDATION: An instructor certification system should be established to formally set minimum standards and processes to ensure instructors are eminently qualified in the subject area and adept at imparting knowledge and skills. The following should be evaluated, with each topic area having a separate certification:

- a. Years of service in the profession related to the topic
- b. Years of experience within the topic area
- c. Advanced training and specialized education related to the topic
- d. Instructor development training that includes principles of adult learning and practice teaching/skill development
- e. Time spent teaching and training
- f. Instructor's service record (if applicable)
- g. Consider having a two-step program wherein new instructors with limited or no teaching experience are required to perform an internship where they co teach with an experienced trainer who then mentors and evaluates the new instructor.
- h. Development of a decertification process for certified instructors who have demonstrated inappropriate behaviors or ineffectiveness as an instructor.

5. Mandated Policies

6. Requirements for Chief Law Enforcement Officers (CLEOS)

Training

Reporting

626.845 (Powers and Duties) Subdivision 1, section (9): The Board does not have a requirement for departments to proactively report and provide "criminal conviction data" to the Board, instead, the Board is required to request it.

- 6700.1400 (Inactive Status of Peace Officer Licenses) Subpart 1: **RECOMMENDATION:** The notification to the Board should also include the reason for the separation

7. Compliance Reviews/Audits of Law Enforcement Agencies

8. School Requirements

Certification of Schools

Recertification

RECOMMENDATION: While the requirement to recertify and the ability to address problems during the interim is good, a 3-year renewal/review cycle would better address potential and unseen issues in a timely manner to make sure programs continue to deliver education and training at an exemplary level.

Professional Peace Officer Education (PPOE) Coordinators

Admission Standards

Classroom Discrimination

Instructors

- Develop and implement an instructor certification and recertification process: o Several states have model instructor certification processes and criteria; although no two of them are just alike. o The instructor certification criteria should include IADLEST's Nationally Certified Instructor criteria and qualifications.

- 6700.0300 (Professional Peace Officer Education) Subpart 1 allows, "The organization of the curriculum...is the responsibility of the certified school's governing body." **RECOMMENDATION:** There

should be a standardized basic curriculum statewide that includes standardized instruction goals, objectives, and lesson plans for consistency and uniformity.

- Subpart 6, paragraph B mandates that “peace officer education be retained for five years.”

RECOMMENDATION: These should be permanent records – or at least 50- year records.

9. PPOE/Training (PPOE= Professional Peace Officer Education)

Preservice

Skills

Mandated

Learning Objectives

Curriculum:

Best practices would have the Board create lesson plans that are the foundation for PPOE training and education.

10. Part-time Peace Officers

- 6700.1110 (Supervision of Part-Time Peace Officer): RECOMMENDATION: In addition to the other requirements listed, the written policy for part-time officers should require a list of circumstances when a part-time officer must contact a supervising officer.

MISC

- Clarify the supervision of the POST Board’s Executive Director in statute or rule.
- Clarify or establish in statute or rule the POST Board’s subpoena powers.
- Omit unrelated statutory references in POST Rules that are not directly related

Draft 2: Core Values 12/10/20

1. The Committee will conduct its work in a purposeful, respectful and professional manner ~~focused on building the bond of trust between the police and the community~~. The Committee will use as its guiding principles:

2. The Committee will conduct its work in a purposeful, respectful and professional manner that welcomes and understands the diverse opinions of all committee members ~~focused on building the bond of trust between the police and the community~~. The Committee will propose Rules that incorporate these ~~use as its~~ guiding principles:

1. Respect
2. Equity
3. ~~Practicality~~
4. Integrity
5. Accountability
6. Compassion
7. Commitment to police competence, building better capacity for engaging with communities, and leadership
8. Consideration of the impact of proposed rule changes on communities most impacted by prior inequitable policing practices
9. Evidence-based best practices
10. Anti-racist
11. Trauma-informed
12. Policing with the community and not to or for the community
Policing to, for, and with the community
13. Promote an open, critical, and conscientious space for conversations, celebrations, and conflict-resolution.
14. ~~Openness to new ideas and methods.~~
15. Education
16. Humility

Member comments:

- #8 references “inequitable policing practices”. If that can be further explained by the committee member that submitted it as #9 lists evidence-based policing practices and so I was wondering what “evidence-based policing” practices #8 references.
- Also, #11, references “not to or for the community”. Community policing involves developing community partnerships, engaging in problem solving, and implementing community policing strategies. With that in mind, perhaps a suggestion would be “policing to, for, and with the community” by taking out the word “not” as it really should involve all three?
- I like the Core Value statement. I still think the 12 guiding principles are way to many. Some of them duplicate what is said in the statement and other principles.
- A couple are too specific to a particular group and not for a statewide rules group. We can not come up with rules that are for different parts of the state.

We need to remember that rules are for the 10,000 + officers statewide

Mandated Policies

A. Discussion:

Possible Issues to be addressed by Advisory Committee:

1. should there be general rules that apply to all required policies? Or rules for certain groups of policies? Or rules for each required policy?
2. what requirements should there be regarding mandated policies, if any?
 - distribution/review of policy to LEOs in agency and applicable frequency?
 - enforcement?
 - notification/reporting of LEO violations of policy? When?
 - records of violations? How long are records kept? By LEA? Reported to POST?
3. in rule, should there be a consequence to the CLEO (chief law enforcement officer at each law enforcement agency) if:
 - a policy doesn't exist
 - a policy doesn't meet the minimum requirements of statute or model policy
 - a policy is not enforced
4. in rule, should there be consequences to LEO from POST for violations (single? repeated?):
5. other issues as raised by committee members

6700.0xx1 Mandated Policies

Subp.1 Mandated policies under this section are any policy required to be adopted by a law enforcement agency under the provisions of MN Statute 626 or this chapter. All mandated policies and policy revisions must be approved by the POST board before implementation.

Subpart 2. Access to mandated policies. Each chief law enforcement officer must ensure that:

- a. the current version of each mandated policy is posted on the law enforcement agency's website. Where a law enforcement agency does not have a website, the law enforcement agency must provide paper or electronic copy of a mandated policy within 15 days of a request.
- b. each peace officer employed by the agency is provided with a paper or electronic copy of the current version of each mandated policy;

Subpart 3. 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 appointed or employed by the law enforcement agency.

Current rule 6700.1610 REPORTING OBLIGATIONS AND COOPERATION.

Subpart 1. Reporting conduct violation.

A person with knowledge of conduct constituting grounds for action under Minnesota Statutes, chapter 214, or the board's regulatory provisions in part [6700.1600](#) may report the violation to the board. **A CLEO could be "a person", and could file a complaint with the board regarding a specific officer? (re Craig's question)**

Subp. 2. Licensee reporting requirement.

A licensee shall report to the board and chief law enforcement officer any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board's regulatory provisions. A licensee must also report to the board any complaint or disciplinary proceeding against the licensee which includes alleged behavior that would violate the agency's Use of Force policy, Allegations of Misconduct policy, Professional Conduct of Peace Officers

policy, and Impartial Policing/Avoiding Racial Profiling policy.

Subp. 3. Report submittal requirement.

Reports required by this part must be submitted no later than ~~90~~ 5 days after learning of the reportable event.

Subp. 4. Cooperation by licensee.

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

B. Index of Mandated Policies

1. Use of Force (UOF) policy- Deadly Force and Firearms Use (626.8452) - page 2

Also new legislation requires CLEOs to report UOF resulting in injury to BCA.

Background: UOF model policy was updated in August 2020 to comply with new statutory requirements enacted this summer in special session. Statute requires each LEO to be trained on UOF annually .

“ Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.” – UOF current post policy

2. Vehicle Pursuits policy (626.8442) 6700.2700 - 6700.2704 – page 3

Background: 8 hours of training required every 5 years for each LEO

3. Professional Conduct of Police Officers policy (626.8457) – page 4

3A. Allegations of Misconduct policy (6700.2200) *required by rule, not statute* – page 5

4. Missing and Endangered Persons policy (626.8454) page 5

5. Domestic Abuse policy 629.342 – page 6

6. Predatory Offender Registration/Notification policy (session law) – page 7

7. Criminal Conduct on School Bus policy (169.4581) – page 8

8. Lighting Exemption of Law Enforcement Vehicles policy (169.541) – page 8

9. Avoiding Racial Profiling policy (626.8471)- page 8

10. Forfeiture of Seized Property policy (609.531) - page 10

11. Sexual Assaults policy (626.8442) – page 10

12. Eyewitness Identification Procedures policy (626.8433) – page 11

13. Supervision of Part-time Peace Officers policy (6700.1110) – page 11

14. Automated License Plate Reader Policy (626.8472) – page 12

15. Portable Recording Systems Adoption (626.8473) – page 12

16. Safety Policy in Schools (not a LEA policy requirement – 6700) - page 13

C. Statute or Rule Citations on Required Policies

1. **Use of Force policy- Deadly Force and Firearms Use (626.8452)**

Use of Force

626.8452 DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED.

Subdivision 1. Deadly force policy. By January 1, 1992, the head of every local and state law enforcement agency shall establish and enforce a written policy governing the use of force, including deadly force, as defined in section 609.066, by peace officers and part-time peace officers employed by the agency. The policy must be consistent with the provisions of section 609.066, subdivision 2, and may not prohibit the use of deadly force under circumstances in which that force is justified under section 609.066, subdivision 2.

Subd. 1a. Updated policy required.

(a) By September 1, 2020, the board, in consultation with interested parties, shall adopt an updated comprehensive written model policy on the use of force, including deadly force, by peace officers, and distribute this policy to the chief law enforcement officer of every law enforcement agency in the state.

The model policy must recognize and respect the sanctity and value of all human life and the need to treat everyone with dignity and without prejudice. At a minimum, the policy must include:

(1) a duty for peace officers to intercede when present and observing another peace officer using force that is clearly beyond what is objectively reasonable under the law and the particular circumstances of the case, and in a position to do so;

(2) a duty for peace officers to report any illegal use of force by another peace officer to the officer's chief law enforcement officer; and

(3) a duty for peace officers to only use deadly force including techniques that are restricted by section 609.06, subdivision 3, as authorized in section 609.066. However, even in those circumstances, the policy must require that less lethal measures be considered first by the officer.

(b) The board shall incorporate all applicable standards in sections 609.06, subdivision 3, and 609.066, even if a standard has a delayed effective date. The revised model policy shall clearly identify the effective date of provisions with an effective date beyond September 1, 2020.

(c) By December 15, 2020, the chief law enforcement officer of every state and local law enforcement agency must update the policy required under subdivision 1 so that it is identical or substantially similar to the model policy developed by the board under subdivision 1a. The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision.

Subd. 2. Deadly force and firearms use; initial instruction. Beginning January 1, 1992, the head 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 newly appointed by or beginning employment with the agency. This instruction must occur before the agency head 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 written policy required in subdivision 1 and on the instructional materials required by the board for peace officer and part-time peace officer licensure.

Subd. 3. Deadly force and firearms use; continuing instruction. Beginning January 1, 1992, the head of every local and state law enforcement agency shall provide the instruction described in subdivision 2 to every peace officer and part-time peace officer currently employed by the agency. This instruction must be provided at least once a year.

Subd. 4. Record keeping required. The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivisions 2 and 3.

Subd. 4. Record keeping required. The head of every local and state law enforcement agency shall maintain written records of the agency's compliance with the requirements of subdivisions 1a, 2 and 3.

Subd. 5. Licensing sanctions; injunctive relief. The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Note: underlined section effective 8/1/2020

History: 1991 c 141 s 2

626.5534 USE OF FORCE REPORTING.

Subdivision 1. Report required. A chief law enforcement officer must provide the information requested by the Federal Bureau of Investigation about each incident of law enforcement use of force resulting in serious bodily injury or death, as those terms are defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form for use by law enforcement agencies in making the report required under this section. The report must include for each incident all of the information requested by the Federal Bureau of Investigation.

Subd. 2. Use of information collected. A chief law enforcement officer must file the report under subdivision 1 once a month in the form required by the superintendent. The superintendent must summarize and analyze the information received and submit an annual written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety. The superintendent shall submit the information to the Federal Bureau of Investigation.

History: 2Sp2020 c 1 s 11

2. Vehicle Pursuits policy (626.8442) 6700.2700 - 6700.2704

626.8458 VEHICLE PURSUITS; POLICIES AND INSTRUCTION REQUIRED.

Subdivision 1. Purpose. The legislature finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. Law enforcement agencies shall make reasonable efforts to guide their officers in the safe and responsible performance of their emergency response duties. Although laws and rules provide the foundation for the conduct of law enforcement officers, continuous and effective training is essential to ensure proper law enforcement action during emergency vehicle operations, including police pursuits. This training must be designed to give officers both skills and decision-making ability so that emergency vehicle operations can be resolved safely and successfully.

Subd. 2. Statewide model policy.

(a) By July 1, 1999, the board shall adopt a new or revised model policy governing the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487. The board shall seek and consider comments of members of the public when adopting the policy. In order to assist peace officers in responding to the complex and unpredictable factors associated with police pursuits, the model policy shall, at a minimum, contain the following components:

(1) a statement describing the philosophy of the model policy. This philosophy must state that the safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue;

(2) the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit;

- (3) the procedures, tactics, and technologies used during pursuits;
- (4) the various responsibilities of the pursuing officers, the officer supervising the pursuit, the dispatcher, and air support;
- (5) the procedures governing interjurisdictional pursuits;
- (6) the procedures governing care of any persons injured in the course of the pursuit;
- (7) the contents of pursuit reports filed under section 626.5532; and
- (8) the procedures used to evaluate each pursuit.

(b) The board shall review and, as necessary, revise the model pursuit policy in collaboration with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association, a representative from the State Patrol, and other interested law enforcement industry groups.

Subd. 3. Agency policies required.

(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the conduct of peace officers employed by the agency

who are in pursuit of a vehicle being operated in violation of section 609.487. The policy must, at a minimum, comply with the requirements of any new or revised model pursuit policy adopted by the board under subdivision 2 and must take into account the comments of members of the public and any pursuit vehicle technology that is available to the agency.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model pursuit policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing pursuit policies under this subdivision.

Subd. 4. Preservice training in police pursuits required.

(a) By January 1, 2000, the board shall prepare learning objectives for instructing peace officers in emergency vehicle operations and in the conduct of police pursuits. The course shall consist of at least seven hours of classroom and skills-based training.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after January 1, 2000, unless the individual has received the training described in paragraph (a).

Subd. 5. In-service training in police pursuits required. The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities. The training shall comply with learning objectives developed and approved by the board and shall consist of at least eight hours of classroom and skills-based training every five years.

Subd. 6. Licensing sanctions; injunctive relief. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

History: 1999 c 216 art 5 s 7; 2010 c 215 art 11 s 18; 1Sp2011 c 1 art 2 s 3

3. Professional Conduct of Police Officers policy (626.8457)

626.8457 PROFESSIONAL CONDUCT OF PEACE OFFICERS.

Subdivision 1. Model policy to be developed. By March 1, 1996, the Peace Officer Standards and Training Board shall develop and distribute to all chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must address issues regarding professional conduct not addressed by the standards of conduct under Minnesota Rules, part 6700.1600. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by section 609.43, whether or not there has been a conviction for a violation of that section. The policy must also describe the procedures that a local law enforcement agency may follow in investigating and disciplining peace officers alleged to have behaved unprofessionally.

Subd. 2. Chief law enforcement officers; written policy required. By July 1, 1996, all chief law enforcement officers shall establish and implement a written policy defining unprofessional conduct and governing the investigation and disposition of cases involving alleged unprofessional conduct by peace officers. A chief law enforcement officer shall adopt a policy identical or substantially similar to the model policy developed by the board under subdivision 1.

Subd. 3. Report on alleged misconduct.

a. A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.

History: 1995 c 226 art 4 s 30

(b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit individual peace officer data classified as public and submitted using encrypted data that the board determines is necessary to:

- (1) evaluate the effectiveness of statutorily required training;
- (2) assist the Ensuring Police Excellence and Improving Community Relations Advisory Council in accomplishing the council's duties; and
- (3) allow for the board, the Ensuring Police Excellence and Improving Community Relations Advisory Council, and the board's complaint investigation committee to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.

(c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.

(d) Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements of this section.

(e) By February 1 of each year, the board shall prepare a report that contains summary data provided under paragraph (b). The board must post the report on its publicly accessible website and provide a copy to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy.

EFFECTIVE DATE. This section is effective August 1, 2020.

3A. Allegations of Misconduct policy (6700.2200) *required by rule, not statute*

6700.2200 DEVELOPMENT OF WRITTEN PROCEDURES. 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](#)

History: *8 SR 2145*; *17 SR 1279*

4. Missing and Endangered Persons policy (626.8454)

Also see: 299C.51-299C.5655, 390.25

626.8454 MANUAL AND POLICY FOR INVESTIGATING CASES INVOLVING CHILDREN WHO ARE MISSING AND ENDANGERED.

Subdivision 1. Manual. By July 1, 1994, the superintendent of the Bureau of Criminal Apprehension shall transmit to law enforcement agencies a training and procedures manual on child abduction investigations.

Subd. 2. Model investigation policy. By June 1, 1995, the Peace Officer Standards and Training Board shall develop a model investigation policy for cases involving children who are missing and endangered as defined in section 299C.52. The model policy shall describe the procedures for the handling of cases involving children who are missing and endangered. In developing the policy, the board shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association,

Minnesota Sheriff's Association, Minnesota Police and Peace Officers Association, Minnesota Association of Women Police, Minnesota County Attorneys Association, a nonprofit foundation formed to combat child abuse, and two representatives of victims advocacy groups selected by the commissioner of corrections. The manual on child abduction investigation shall serve as a basis for defining the specific actions to be taken during the early investigation.

Subd. 3. Local policy. By August 1, 1995, each chief of police and sheriff shall establish and implement a written policy governing the investigation of cases involving children who are missing and endangered as defined in section 299C.52. The policy shall be based on the model policy developed under subdivision 2. The policy shall include specific actions to be taken during the initial two-hour period.

Subd. 4. Available resources. If an agency, board, or local representative reviews or updates its policies for missing children or persons investigations, it may consider the following resources:

- (1) nonprofit search and rescue organizations that provide trained animal searches, specialized equipment, and man trackers;
- (2) assistance from other law enforcement agencies at the local, state, or federal level, or qualified missing persons organizations;
- (3) use of subpoenas or search warrants for electronic and wireless communication devices, computers, and websites; and
- (4) assistance and services provided by the Civil Air Patrol.

History: 1994 c 636 art 4 s 32; 2009 c 38 s 14

5. Domestic Abuse policy 629.342

629.342 LAW ENFORCEMENT POLICIES; DOMESTIC ABUSE ARRESTS.

Subdivision 1. Definition. For purposes of this section, "domestic abuse" has the meaning given in section 518B.01, subdivision 2.

Subd. 2. Policies required.

(a) Each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) The Bureau of Criminal Apprehension and the Board of Peace Officer Standards and Training, in consultation with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Minnesota Police and Peace Officers Association, and a domestic violence statewide coalition shall update the written policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

Subd. 3. Assistance to victim where no arrest. If a law enforcement officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an order for protection, the officer shall provide immediate assistance to the victim. Assistance includes:

- (1) assisting the victim in obtaining necessary medical treatment; and
- (2) providing the victim with the notice of rights under section 629.341, subdivision 3.

Subd. 4. Immunity. A peace officer acting in good faith and exercising due care in providing assistance to a victim pursuant to subdivision 3 is immune from civil liability that might result from the officer's action.

History: 1992 c 571 art 6 s 22; 1993 c 326 art 2 s 30; 2000 c 445 art 2 s 28; 2014 c 212 art 1 s 12; 2014 c 286 art 6 s 7

6. Predatory Offender Registration/Notification policy (1996 session law)

Sec. 7. COMMUNITY NOTIFICATION ABOUT SEX OFFENDERS; POLICY AND INSTRUCTION. Subdivision 1. MODEL POLICY.

(a) By August 1, 1996, the peace officer standards and training board shall develop a model policy for law enforcement agencies to follow when they disclose information on sex offenders to the public under Minnesota Statutes section 244.052, subdivision 3. The model policy shall be designed to further the objectives of providing adequate notice to the community concerning sex offenders who are or will be residing in the neighborhood and of helping community members develop constructive plans to prepare themselves and their children for residing near these sex offenders. In developing the policy, the board shall consult with BCA, the Minnesota chiefs of police association, the Minnesota sheriffs association, the Minnesota association of women police, the Minnesota sex crimes investigators association, the Minnesota police and peace officers association, the Minnesota Institute of community policing, the county attorneys association, the Minnesota corrections association, the Minnesota association of county probation officers, the commissioner of corrections, local corrections agencies, the state public defender, sex offender treatment professionals, victims groups, and interested members of the public.

- (b) The model policy shall at a minimum address the following matters:
1. recommended contents and form of community notification documents, including recommended ways of protecting the privacy of victims of the offender's crime;
 2. recommended scope of disclosure for offenders classified at each risk level, including
 - i. specific factors, if any, that would justify a law enforcement agency in engaging in broader disclosure than that recommended in the policy; and
 - ii. methods to ensure that the scope of disclosure is closely tailored to the risk level posed by the offender;
 3. recommended method or methods of distributing community notification documents;
 - (4) recommended methods of providing follow-up notifications to community residents at specified intervals and of disclosing information about offenders to law enforcement agencies in other jurisdictions when necessary to protect the public;
 - (5) recommended methods of educating community residents at public meetings on how they can use the information in the notification document in a reasonable manner to enhance their individual and collective safety;
 - (6) procedures for ensuring that community members are educated regarding the right of sex offenders not to be subjected to harassment or criminal acts because of the notification process;
 - (7) recommended ways of educating sex offenders before they are released from incarceration on the nature and scope of the notification process, the likely reaction of community residents to their presence in the community, and their right to be free from harassment or criminal acts committed by community residents because of the notification process; and
 - (8) other matters that the board deems necessary to ensure the effective and fair administration of the community notification law.

Subd. 2. LOCAL POLICY. By January 1, 1997, all chief law enforcement officers shall establish and implement a written policy governing the public disclosure of information on sex offenders under Minnesota Statutes, section 244.052, subdivision 3. A chief law enforcement officer shall adopt a policy that is identical or substantially similar to the model policy developed by the board under subdivision 1.

7. Criminal Conduct on School Bus policy (169.4581)

169.4581 CRIMINAL CONDUCT ON SCHOOL BUS. By January 1, 1995, each local law enforcement agency shall adopt a written policy regarding procedures for responding to criminal incidents on school buses. In adopting a policy, each law enforcement agency shall consult with local school officials, with representatives of private companies that contract with school districts to provide transportation, and with parents of students. The policy must recognize that responding to reports of criminal conduct on school buses is the responsibility of law enforcement officials.

History: 1994 c 647 art 12 s 26

8. Lighting Exemption of Law Enforcement Vehicles policy (169.541)

169.541 LIGHTING EXEMPTION FOR LAW ENFORCEMENT; STANDARDS. Subdivision 1. Exemption. Sections 84.87, 84.928, 86B.511, and 169.48 to 169.65, relating to lighting of vehicles and watercraft, do not apply to a licensed peace officer, as defined in section 626.84, subdivision 1, paragraph (c), while operating a motor vehicle or watercraft owned, leased, or otherwise the property of the state or a political subdivision, in the performance of the officer's law enforcement duties if the officer's conduct is reasonable and is consistent with the standards adopted under subdivision 2, and if the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of state laws, rules, or orders or local laws, ordinances, or regulations.

Subd. 2. POST Board standards. The Peace Officer Standards and Training Board shall adopt standards governing situations in which licensed peace officers as defined in section 626.84, subdivision 1, paragraph (c), may operate a vehicle or watercraft without lights as provided in subdivision 1. The board shall report to the legislature on the standards by January 1, 1991.

History: 1990 c 391 art 10 s 3; 1990 c 555 s 9

9. Avoiding Racial Profiling policy (626.8471)

626.8471 AVOIDING RACIAL PROFILING; POLICIES AND LEARNING OBJECTIVES REQUIRED.

Subdivision 1. Purpose. The legislature finds that the reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve. No stop initiated by a peace officer should be made without a legitimate reason; race, ethnicity, or national origin alone should never provide a sufficient reason. Law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all persons to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Subd. 2. Definition. "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

- (1) the behavior of that individual; or
- (2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law

enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. Statewide model policy.

(a) The Board of Peace Officer Standards and Training shall consult with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, the Racial Profiling Advisory Committee, and the Minnesota Police and Peace Officers Association in developing an antiracial profiling model policy governing the conduct of peace officers engaged in stops of citizens. This policy shall define racial profiling and identify conduct that violates the law. The policy must also include a duty to give the officer's name or badge number and identify the officer's department during routine traffic stops.

(b) The board shall adopt a model policy and distribute the model policy to all chief law enforcement officers by August 1, 2001.

Subd. 4. Agency policies required.

(a) By November 1, 2001, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written antiracial profiling policy governing the conduct of peace officers engaged in stops of citizens. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's antiracial profiling policy. The chief law enforcement officer also must ensure that each peace officer is aware of the policy's purpose and the conduct prohibited by it.

(b) The policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 3.

(c) Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with the board's model policy.

(d) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing antiracial profiling policies under this subdivision.

Subd. 5. Preservice training learning objectives; requirements.

(a) By August 1, 2001, the board shall prepare learning objectives for preservice training to instruct peace officers in avoiding racial profiling when making stops of citizens. These learning objectives shall be included in the required curriculum of professional peace officer education programs.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after June 1, 2002, unless:

(1) the individual has received the training described in paragraph (a); and

(2) the individual has completed a psychological evaluation demonstrating that the individual is not likely to engage in racial profiling.

Subd. 6. In-service training learning objectives. By August 1, 2001, the board shall prepare learning objectives for in-service training to instruct peace officers in avoiding racial profiling when making stops of citizens. The board shall evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. Chief law enforcement officers and supervisors; requirements. The executive director of the Board of Peace Officer Standards and Training shall prepare training materials to provide chief law enforcement officers and other peace officers with supervisory authority with information on how to detect and respond to racial profiling by peace officers under their command. The training materials must address both the agency's antiracial profiling policy and procedural components aimed at eliminating racial profiling in stops of citizens. The materials must include information on federal and state constitutional and statutory laws prohibiting discrimination by law enforcement. The procedural information must describe conduct that is unlawful or inappropriate and present guidelines for reinforcing techniques that are lawful and appropriate. The procedural information shall discuss appropriate search and seizure and interviewing techniques.

Subd. 8. POST board; compliance reviews authorized. The board has authority to inspect state and local agency policies to ensure compliance with subdivision 4. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process.

History: 1Sp2001 c 8 art 7 s 3

10. Forfeiture of Seized Property policy (609.531)

609.531 FORFEITURES. Subd. 8. Forfeiture policies; statewide model policy required.

(a) By December 1, 2010, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:

- (1) best practices in pursuing, seizing, and tracking forfeitures;
- (2) type and frequency of training for law enforcement on forfeiture laws; and
- (3) situations in which forfeitures should not be pursued.

(b) By December 1, 2010, the Minnesota County Attorneys Association, after consulting with the attorney general, the Peace Officer Standards and Training Board, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop a model policy that articulates best practices for forfeiture and is designed to encourage the uniform application of forfeiture laws statewide. At a minimum, the policy shall address the following:

- (1) statutory role of prosecuting authorities in forfeiture procedures;
- (2) best practices for timely and fair resolution of forfeiture cases;
- (3) type and frequency of training for prosecuting authorities on forfeiture laws; and
- (4) situations in which forfeitures should not be pursued.

(c) By December 1, 2010, the Minnesota County Attorneys Association and the Peace Officer Standards and Training Board shall forward an electronic copy of its respective model policy to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and civil law policy.

(d) By March 1, 2011, the chief law enforcement officer of every state and local law enforcement agency and every prosecution office in the state shall adopt and implement a written policy on forfeiture that is identical or substantially similar to the model policies developed under paragraphs (a) and (b). The written policy shall be made available to the public upon request.

History: [1984 c 625 s 1](#); [1985 c 160 s 2](#); [1Sp1985 c 16 art 2 s 15](#); [1986 c 351 s 17](#); [1986 c 444](#); [1986 c 446 s 4](#); [1987 c 267 s 2](#); [1988 c 665 s 5-10](#); [1988 c 712 s 8](#); [1989 c 95 s 1](#); [1989 c 290 art 3 s 29](#); [1989 c 305 s 4](#); [1990 c 494 s 2](#); [1991 c 199 art 1 s 85](#); [1991 c 323 s 1](#); [1991 c 347 art 3 s 3](#); [1993 c 221 s 6](#); [1993 c 326 art 1 s 5](#); [art 4 s 27,28](#); [1994 c 636 art 3 s 11](#); [1999 c 142 s 1](#); [1999 c 244 s 3](#); [2000 c 354 s 5](#); [2004 c 295 art 1 s 16](#); [2005 c 82 s 12](#); [2005 c 136 art 13 s 8](#); [art 17 s 37](#); [2008 c 287 art 1 s 112](#); [2008 c 363 art 6 s 10](#); [2010 c 383 s 4](#); [2010 c 391 s 7-11](#); [2012 c 128 s 16,17,26](#); [2013 c 135 art 3 s 22](#); [2014 c 201 s 1](#); [2015 c 21 art 1 s 102](#); [2015 c 65 art 6 s 16](#)

11. Sexual Assaults policy (626.8442)

626.8442 POLICIES ON SEXUAL ASSAULTS.

(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy addressing how the agency will respond to and investigate reports

of sexual assault. The policy must substantially incorporate the main items from the board's model policy on responding to reports of sexual assault, but also may expand on the board's policy. As an alternative, the policy may be identical to the board's policy.

(b) Each chief law enforcement officer must certify to the board that the policy described in paragraph (a) is in place and being enforced and forward a copy of the policy to the board.

History: 1Sp2019 c 5 art 4 s 20

12. Eyewitness Identification Procedures policy (626.8433)

626.8443 626.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.

Subdivision 1. Statewide model policy required.

By November 1, 2020, the board, in consultation with stakeholders, shall develop a model policy that articulates best practices in eyewitness identification and promotes uniform practices statewide. The board shall distribute this model policy to all chief law enforcement officers. At a minimum, the policy must require that:

(1) a person administering a live or photographic lineup be unaware of the suspect's identity, or if that is not practical, the administrator use a photographic lineup that prevents the administrator from seeing which member of the photographic lineup is being viewed by the eyewitness at a given time;

(2) before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;

(3) nonsuspect "fillers" used in the lineup be substantially similar to the eyewitness' description of the perpetrator; and

(4) immediately after an identification is made, the eyewitness provide a statement in the eyewitness' own words that articulates the level of the eyewitness' confidence in the identification.

Subd. 2. Agency policies required. By February 1, 2021, the chief law enforcement officers of every state and local law enforcement agency shall adopt and implement a written policy on eyewitness identification practices that is identical to or substantially similar to the model policy developed under subdivision 1.

Subd. 3. Admissibility of evidence not impacted.

Nothing in this section is intended to preclude the admissibility of any relevant evidence or to affect the standards governing the admissibility of evidence under the United States or Minnesota Constitution.

Signed by the governor May 16, 2020, 11:09 a.m.

13. Supervision of Part-time Peace Officers policy (6700.1110)

6700.1110 SUPERVISION OF PART-TIME PEACE OFFICER.

Subpart 1. Scope. This part applies to all agencies which appoint, employ, or otherwise use the services of a part-time peace officer.

Subp. 2. Agency using part-time peace officer.

An agency which appoints, employs, or otherwise uses the services of a part-time peace officer shall establish a written policy including at least:

A. the terms and conditions under which a part-time peace officer is considered to be on active duty status;

B. the means by which a part-time peace officer is made aware of the identity and location of the designated peace officer, and the means by which a part-time peace officer must notify the designated peace officer of the part-time peace officer's active duty status;

C. the means by which supervision of the part-time peace officer must be provided; and

D. the means by which a part-time peace officer shall notify the designated peace officer when the part-time peace officer is no longer on active duty status.

Subp. 3. Agency providing supervision for part-time peace officer.

An agency which designates a peace officer to supervise a part-time peace officer shall establish a written policy including at least:

- A. how the designated peace officer is to be notified of the designated peace officer's responsibility for assuming supervision of a part-time peace officer;
- B. the duties and responsibilities of the designated peace officer in exercising supervisory responsibility for a part-time peace officer;
- C. the means by which the part-time peace officer is to notify the designated peace officer that the part-time peace officer is on active duty status; and
- D. the means by which the designated peace officer is to be notified when the part-time peace officer is no longer on active duty status.

Subp. 4. Supervision of part-time peace officer by designated peace officer in different agency.

An agency which agrees to designate a peace officer for the supervision of a part-time peace officer who is not employed by the same agency as the designated peace officer shall establish at a minimum:

- A. all policies required under part [6700.1105](#), subpart 2;
- B. all policies required under part [6700.1110](#); and
- C. a written joint powers agreement which confers upon the designated peace officer full power and authority within the jurisdiction of the part-time peace officer to be supervised.

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

History: *18 SR 1961*

14. Automated License Plate Reader Policy (626.8472)

626.8472 AUTOMATED LICENSE PLATE READER POLICY. The chief law enforcement officer of every state and local law enforcement agency that maintains an automated license plate reader shall establish and enforce a written policy governing use of the reader. Use of an automated license plate reader without adoption of a written policy under this section is prohibited. At a minimum, the policies and procedures must incorporate the requirements of section 13.824, and the employee discipline standards for unauthorized access to data contained in section 13.09.

History: 2015 c 67 s 4

15. Portable Recording Systems Adoption (626.8473)

626.8473 PORTABLE RECORDING SYSTEMS ADOPTION; WRITTEN POLICY REQUIRED.

Subdivision 1. Definition. As used in this section, "portable recording system" has the meaning provided in section 13.825, subdivision 1. (*note: bodycams, or audio recorders*)

Subd. 2. Public comment. A local law enforcement agency must provide an opportunity for public comment before it purchases or implements a portable recording system. At a minimum, the agency must accept public comments submitted electronically or by mail, and the governing body with jurisdiction over the budget of the law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

Subd. 3. Written policies and procedures required.

(a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law;

(2) procedures for testing the portable recording system to ensure adequate functioning;

(3) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

(4) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

(5) circumstances under which a data subject must be given notice of a recording;

(6) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing; (

7) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

(8) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

History: 2016 c 171 s 6

16. Safety Policy in Schools (related to psychomotor training of students – 6700)

6700.0300 Professional Peace Officer Education.

Subp. 8. Safety policies required. Each certified school shall implement a formal written safety policy which incorporates specific rules, procedures, and protocols to ensure student and faculty safety as well as provide a safe, humane, and educationally sound learning environment. These policies must contain at least:

A. a process for students to identify any preexisting injuries or medical restrictions which may affect their ability to safely participate in the training;

B. a prohibition against unduly harsh training activities, or training activities which are designed to humiliate or inappropriately accentuate student shortcomings;

C. a process for written documentation of details associated with any student injury which occurs during any training course. Specific injury trends and any particularly high risk training practices or techniques shall be evaluated, amended, or eliminated if safe environments cannot be ensured;

D. guidelines to direct instructors to reduce instructional pace and intensity during heat waves, cold waves, or other adverse climatic or environmental conditions; and

E. a prohibition against depriving students of necessary food, water, or protective equipment when engaged in physical or psychomotor skills training.

Subp. 9. Policies provided. Students and faculty shall be provided with a copy of the written safety policy required in subpart 8. Instructors shall review this policy prior to any psychomotor skills training.

D. Other Relevant Statute Cites:

626.845 POWERS AND DUTIES Subd. 3. Peace officer data. The board, in consultation with the Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace Officers Association, shall create a central repository for peace officer data designated as public data under chapter 13. The database shall be designed to receive, in real time, the public data required to be submitted to the board by law enforcement agencies in section 626.8457, subdivision 3,

paragraph (b). To ensure the anonymity of indiv